Discussion & Teaching Guide for

23/7: Pelican Bay Prison and the Rise of Long-Term Solitary Confinement
(Yale University Press, 2016)
http://yalebooks.yale.edu/book/9780300211467/237

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Following is a resource guide designed to supplement the research, stories, and materials in my book 23/7 about the history and uses of long-term solitary confinement in the United States, and especially in California. The guide is designed for use with reading groups, or in classrooms. Schedule permitting, I am delighted to visit or Skype into any class or discussion group focusing on the book.

To date, royalties generated from book sales have funded two, special issue paperback print runs of the manuscript, provided for free to any U.S. prisoner who writes Yale University Press and requests the book. (Because most U.S. prisons do not permit hardcover books, this special issue paperback print run was necessary to guarantee prisoners access to the book.) Once the book is more widely available in paperback, a portion of the royalties will then be donated to prison education and advocacy programs.

23/7 is designed to be an accessible introduction to many of the most pressing issues facing the American criminal justice system in the twenty-first century from: problems with abuse and, in some cases even torture, of prisoners; problems with racism and organized violence; and problems with re-integration faced by the 99% of prisoners who eventually return home to our communities. The book is, therefore, suitable for community and book groups generally interested in public policy issues, as well as for undergraduate and graduate courses on criminal justice and criminology, law, socio-legal studies, and research methods and ethics. In the following pages, I provide chapter-by-chapter suggestions for discussion, further reading, and engagement.
Brief overview from the book jacket: Originally meant to be brief and exceptional, solitary confinement in U.S. prisons has become long-term and common. Prisoners in solitary spend twenty-three hours a day in featureless cells, with no visitors or human contact for years on end. They are held entirely at administrators’ discretion, with no judges or juries involved. In 23/7, legal scholar Keramet Reiter tells the history of an original “supermax,” California’s Pelican Bay State Prison, where extreme conditions sparked statewide hunger strikes in 2011 and 2013—the latter involving nearly 30,000 prisoners. Reiter describes how the Pelican Bay prison was created—with literally no legislative oversight—as a panicked response to the perceived rise of black radicalism in California prisons in the 1970s. Through stories of gang bosses, small-time parolees, and others, she portrays the arbitrary manner in which prisoners are chosen for solitary confinement, held for years, and routinely released directly onto the streets. Here we see the social costs and mental havoc of years in isolation. The product of fifteen years of research in and about prisons, this book is instant required reading on a topic that increasingly commands national attention.

Introduction: When Prison is Not Enough

The introduction describes the archetypal supermax prison, Pelican Bay State Prison in Crescent City, California, and introduces some of the key characters in the story of the supermax, including Hugo Pinell, George Jackson, Carl Larson, and Judge Thelton Henderson. The introduction also provides an overview of both the sources and the methods underlying the analysis in the book.

Discussion Questions:
1. Why is the book called 23/7?
2. The introduction briefly tells the story of Hugo Pinell. How does Pinell’s life introduce the themes of the book?
3. What is the meaning of the title of the introduction, “when prison is not enough,” and how does the author use the concept of “enough prison”?
4. After reading the introduction, do you think supermaxes (and long-term solitary confinement) make sense? Do you think these institutions are, or could be, good social policy?
5. What methods were used to gather the material on which this book is based? What are the strengths and weaknesses of these methods?
6. What role do visibility, invisibility, and transparency play in understanding the supermax?

Additional Resources & Suggested Activities:
1. The introduction references a classic book by political theorists Gustave Beaumont and Alexis de Tocqueville, which describes a visit to an early U.S. prison, or penitentiary. That book is available online here: https://archive.org/stream/onpenitentiarysy00beauuoft/onpenitentiarysy00beauuoft_djvu.txt. Search for the phrase “solitary confinement” and read a little about the conditions Beaumont and Tocqueville describe. How do you think they compare to conditions in modern supermaxes?
2. Skim over the text of the United Nations Convention Against Torture, Cruel, Inhuman, or Degrading Treatment: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx. Based on what you read, do you think the prison policies described in the introduction do or do not violate international legal standards? If you do think there might be a violation, do you think this violation is justified?
3. Listen to a brief radio programming commemorating the life of Hugo Pinell here: https://www.freedomarchives.org/audio_samples/Mp3_files/GJ.Attica/Hugo%20Pinell%20Final.mp3. What do you think of Pinell? Was he a political prisoner? Did he deserve to be incarcerated for so many years?

4. Identify a specific government-run institution in which you are interested (e.g., a state hospital, or a public university, a local jail, etc.). Look online to see what information you can find about that institution: what are its goals, how much does it cost to operate, who runs it, who is affected by it? Think about whether any information is missing and how you would find that information if you wanted it.

Chapter One: A Supermax Life

Chapter One describes a day in the life of one particular supermax prisoner, Todd Ashker, and also details Todd Ashker’s prison biography, or how he ended up: being accused of an in-prison murder, getting labeled as a gang member, and ultimately spending decades in the supermax at Pelican Bay.

Discussion Questions:
1. Why does the author choose Todd Ashker as the individual through which to introduce the idea of the supermax?
2. Do you think Todd Ashker was a member of the Aryan Brotherhood, or not?
3. How does the “gang validation” process work in California? Does the process make sense to you? Discuss whether you think the process works or how it might be improved.
4. On page 25, the author argues that prisoners develop repetitive routines in order to survive their time in solitary confinement. How might this help the prisoners? Do you think these routines represent resistance to oppression or internalization of oppression?
   • If you are familiar with Foucault and the idea of the “disciplinary subject,” mentioned in footnote 60, you might consider whether supermax prisoners are disciplinary subjects, or not.
5. What kind of data does the author argue is missing (or very difficult to obtain) about isolation and supermaxes? Why do you think this data is missing?

Additional Resources & Suggested Activities:
1. You can read three public profiles of Todd Ashker online: one in the Guardian (https://www.theguardian.com/world/2013/sep/27/california-prison-hunger-strike-todd-ashker); one in New York Magazine (http://nymag.com/news/features/solitary-secure-housing-units-2014-2/) and one in Counterpunch (https://www.counterpunch.org/2013/08/23/the-history-of-a-one-sided-dialogue-with-todd-ashker/). How has Ashker been portrayed in the media? Do you think the portrayal has been fair? After reading more about Todd Ashker, do you think he has changed? Do you think he should remain isolation?
2. Look online for data about solitary confinement, isolation, and supermaxes in the United States. Try looking at “restrictive housing” reports on the website of the Bureau of Justice Statistics, one of the federal agencies that collects data about U.S. prisons: https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5433. And try looking for data on “SHUs” in California on the website of the California Department of Corrections and Rehabilitation (e.g., http://www.cdc.ca.gov/stg/docs/Fact%20Sheet-SHU%20with%20photos.pdf). Does anything surprise you? Is anything missing that you would like to know more about?
Chapter Two: The Most Dangerous Prisoner

Chapter Two focuses on George Jackson, a prisoner who died at San Quentin State Prison in California in August of 1971, during a period of peak violence throughout the California prison system (and across the United States, for that matter). George Jackson was more than a prisoner, though. He was an author and an activist, and his life and death took on a power of their own, with prison officials and activists contesting to this day exactly who killed Jackson and whether or not he was a dangerous prisoner.

Discussion Questions:
1. Why is George Jackson, a prisoner who died 17 years before the Pelican Bay supermax opened, so important to the story of the supermax?
2. What do you think actually happened to George Jackson? Was he really trying to escape from San Quentin? Or was he set-up by prison officials or federal agents to look like he was escaping?
3. What experiences did Jackson have in prison that contributed to his politicization and radicalization? Do you think these experiences were fair or unfair? Why?
4. Do you think radical reform requires violence, or can it be accomplished through non-violence? Discuss why or why not.
5. What does the flag, flying always at half-staff on the San Quentin prison yard, symbolize for prison officials? What does it symbolize for the author?

Additional Resources & Suggested Activities:
1. Use Google or other search engines to look up and read about one of the alleged prison riots mentioned on pages 55-57 of Chapter Two (at Attica in New York, Angola in Louisiana, Iowa State Penitentiary, Norfolk State Prison in Massachusetts, the United States Penitentiary at Marion, Illinois, etc.). For the event you looked up, were the facts about what happened more or less clear than the facts about what happened to George Jackson? Did you find evidence of a backlash against prisoner participants?

Chapter Three: The Most Dangerous Policies

Chapter Three examines political changes in sentencing policies – specifically the shift to determinate, or fixed prison sentences – and legal changes expanding the scope of prisoners’ rights in both California and across the United States. The chapter argues that these legal and political changes, counter-intuitively, shifted power into the hands of prison administrators, expanding the scope of administrative discretion over prison conditions, especially.

Discussion Questions:
1. What are the “most dangerous policies”?
2. What are the pros and cons of indeterminate (or indefinite) versus determinate (or fixed) sentences for crimes? Which sentencing regime do you think makes more sense as a sentencing policy?
3. What do you think is the purpose of punishment: rehabilitation, retribution, deterrence, incapacitation, or some combination? Do you think rehabilitation can be a good thing, or is it necessarily oppressive, because it requires prisoners to conform to social norms?
4. Why were so many stakeholders disappointed with the 1970s reform efforts detailed in this chapter? Which people were disappointed with which reforms? Do you think other reforms might have been possible?
5. The author argues that, while liberals did not intend to advocate for more or harsher incarceration (even though this was the ultimate result of some of the policy changes implemented in the 1970s), prison administrators did intend to implement more and harsher incarceration. After reading this chapter, do you believe in the idea of the “unintended consequences” of good intentions, or not?
6. The author describes testifying before the California legislature and arguing for more transparency in prison policies and procedures. Do you agree with her about the importance of transparency? Do you think other reform arguments could or should have been made instead or in addition?

Additional Resources & Suggested Activities:
1. Read Robert Martinson’s essay on the Effectiveness of Correctional Treatment Report, which he published in Public Interest in 1974: http://www.pbpp.pa.gov/research_statistics/Documents/Martinson-What%20Works%201974.pdf. Do you think the analysis of this essay as an argument that “nothing works” is fair? Why or why not?
2. Read about the Stanford Prison Experiment here: http://www.prisonexp.org/the-story/. And/or watch this documentary about the Stanford Prison Experiment: https://www.youtube.com/watch?v=yUZpB57PhHs. (Also see the trailer for a more recently released re-make of the story here: http://www.prisonexp.org/.) Do you think the Stanford Prison Experiment could be conducted today at your institution or university? Do you think the Stanford Prison Experiment constituted safe and ethical research? Do you think it proved that prison cannot rehabilitate? Why or why not?
3. One of the most famous examples of a determinate sentencing law is California’s “Three Strikes and You’re Out Law.” Under this law, any person who committed three felonies was eligible for an automatic sentence of 25-years to life in prison. Many states, including California, have re-considered and modified these kinds of harsh laws over the last few years. Here is a brief summary of the “pros” and “cons” of such laws: https://occupytheory.org/three-strikes-law-pros-and-cons-list/. Do you think Three Strikes Laws should exist? Who should be eligible? How long should the sentences be?

Chapter Four: Constructing the Supermax, One Rule at a Time
Chapter Four describes the people and the processes underlying the design of the archetypal Pelican Bay Supermax: prison administrators – rather than legislators, judges, voters, or even architects – designed the institution. In fact, few lawmakers or public citizens knew anything about the design of Pelican Bay until years after it opened. The chapter describes how and why the institution remained so hidden.

Discussion Questions:
1. Who was Carl Larson, and why was he so important to the story of the Pelican Bay supermax? Do you think the author liked Carl Larson, and do you think Carl Larson is a likeable person who was trying to do the right thing? Why or why not?
2. Who is Rene Enriquez and why is he important to Carl Larson? Do you think he deserved to spend 10 years in the SHU at Pelican Bay? Do you think he was reformed by his time in the SHU? Why or why not?
3. The author conveys surprise at the lack of legislative and public oversight of the design of the Pelican Bay prison. Were you surprised? Who do you think should have the ultimate control over prison design: architects, prison officials, legislators, voters, or some combination?

4. When you think about criminal justice policy, do you think of policy being made at the federal level or at the local level? Did Chapter Four change the way you thought about federal versus local-level policymaking? Why or why not?

5. One controversial debate in prison policy in the last few decades in the United States has been over whether prisons should be privatized, or run by private corporations instead of by public governments. While there are no private supermax prisons, Chapter Four talks about many different sub-parts of the prison system that have been delegated to private corporations, who have profited off of their investment in prisons. Can you name some examples of this kind of partial privatization? What do you think about partial privatization of parts of the prison system: is it better, the same, or worse than privatization of an entire prison system? Why?

Additional Resources & Suggested Activities:

1. Chapter Four talks about architects who design high-security prison facilities in the United States. You can read about some of these firms here: http://www.hok.com/design/type/justice/iowa-state-penitentiary/ (HOK) and here: http://www.awarch.com/portfolio/justice/prisons/ (Arrington Watkins). Some architects have argued that their colleagues have a professional responsibility not to build “execution chambers” and “spaces for solitary confinement.” You can read about that position here: http://www.adpsr.org/home/about_us. Do you agree? Why or why not?

2. In Chapter Four, the author describes a number of oral history interviews she conducted with prison officials in California. Identify someone involved in designing or running a new institution (like a non-profit, a new student organization, a business, etc.), and spend an hour interviewing them about how they conceived of the institution and what steps they took to design, open, or run it. Write up your interview with attention to what you learned about the institution or organization through conducting an oral history.

Chapter Five: Skeleton Bay

Chapter Five introduces Judge Thelton Henderson and his role in overseeing years of litigation challenging the constitutionality of the extreme and harsh conditions of confinement in the Pelican Bay Security Housing Unit, in the case of Madrid v. Gomez. The chapter interrogates why no judge, not even the notoriously progressive Henderson, has ever found that long-term solitary confinement violates the Constitutional prohibition against cruel and unusual punishment.

Discussion Questions:

1. To what does the phrase “Skeleton Bay” refer? What nickname would you give to the Pelican Bay Security Housing Unit today?

2. What protection does the Eighth Amendment offer to prisoners? What are the limits of these protections?

3. Do you think Judge Henderson, in deciding the case of Madrid v. Gomez, made the right decision about the constitutionality of the conditions in the Pelican Bay Security Housing Unit? Why or why not?

4. Do you think the litigation in Madrid v. Gomez was successful in achieving reforms? Why or why not?
5. The author talks about her own, disillusioning experience representing a client on death row in Alabama as a law student. Do you think you could represent a client sentenced to death or one isolated in solitary confinement? Why or why not?

Additional Resources & Suggested Activities:
1. Watch this brief excerpt of *Sixty Minutes*, a follow-up to the episode mentioned in Chapter Five: [https://www.youtube.com/watch?v=fKmjAT2NE8g](https://www.youtube.com/watch?v=fKmjAT2NE8g). Does it change your perspective on the prisoners in isolation? Having read Chapter Five, do you think the arguments made about dangerous prisoners in this excerpt are accurate? Can you use the evidence in Chapter Five to critique this excerpt?
2. Judge Henderson retired in the Spring of 2017. Listen to this interview with him reflecting back on his career: [https://ww2.kqed.org/forum/2017/04/17/civil-rights-defender-judge-thelton-henderson-retires-after-more-than-30-years-on-the-bench/](https://ww2.kqed.org/forum/2017/04/17/civil-rights-defender-judge-thelton-henderson-retires-after-more-than-30-years-on-the-bench/). Would you call him an activist judge? Do you think his judicial decisions changed policy? Why or why not? If yes, is that a good thing, or did he overstep his judicial role?

**Chapter Six: Snitching or Dying**

Chapter Six evaluates two possible ways that prisoners can escape long-term solitary confinement: de-briefing (known colloquially as “snitching,” or “tattling,” on their gang affiliates) or dying. The chapter focuses on two prisoners: Rene Enriquez, an admitted Mexican Mafia leader who de-briefs in order to get out of the SHU and “Johnny,” an alleged Aryan Brotherhood member who refused to de-brief in order to get out the SHU.

Discussion Questions:
1. To what does the phrase “parole, snitch, or die” refer? How is it related to the institutional longevity and entrenchment of solitary confinement in U.S. prisons?
2. Why does the author choose Johnny and Rene to explore prisoners’ decisions to de-brief or not? What role does race play in these stories, in the gang validation process, and in the de-briefing process?
3. What do you think you would do, if you were in solitary confinement, and the only way for you to get out was to “de-brief”?
4. Do you think Rene Enriquez should be granted parole? What about Johnny? Why or why not?
5. Describe the relationship between solitary confinement and mental illness. Does one explain the other, i.e. does solitary confinement cause mental illness, or does mental illness cause people to be put in solitary confinement?

Additional Resources & Suggested Activities:
1. Read this *New Yorker* article about a prisoner who died while in solitary confinement in a prison especially for prisoners with mental illness: [http://www.newyorker.com/magazine/2016/05/02/the-torturing-of-mentally-ill-prisoners](http://www.newyorker.com/magazine/2016/05/02/the-torturing-of-mentally-ill-prisoners). Consider in particular Counselor Harriet Krzykowski; if you were in her shoes, would you have reported the abuse you witnessed in Florida prisons? What if you were a prisoner? What do you think should happen to prisoners who smear themselves in their own feces?
Chapter Seven: “You Can’t Even Imagine There’s People”

Chapter Seven explores the surprisingly common experience of “paroling,” or being released directly from solitary confinement back into the community. The chapter examines both individual experiences of this process, as well as what is and is not known about aggregate experiences of this process. The chapter argues that the very fact that thousands of people are released directly from long-term solitary confinement each year across the United States raises both policy questions about the purpose of long-term solitary confinement and practical questions about whether there is evidence that the people in solitary confinement really are the worst of the worst.

Discussion Questions:
1. The author admits she is skeptical of what she calls the trope of the “prison monster”. Are you? Why or why not?
2. Who are Ray and Ernie and what do you learn about them in this chapter? Did their stories make you think differently about what kinds of prisoners are in solitary confinement? If so, how? Do you think their stories are representative or not? Why?
3. Do you think solitary confinement reduces violence or exacerbates violence? Why? Has reading this book, and especially this chapter, changed your perspective on that, or not?
4. Do you think spending months, or years, in solitary confinement would change your personality or affect your mental health? If so, how?

Additional Resources & Suggested Activities:
1. Watch this documentary about the challenges of returning home from prison, set in California: [http://www.pbs.org/pov/thereturn/](http://www.pbs.org/pov/thereturn/). Consider how the process of returning home, but being released directly from solitary confinement, would be similar or different.
2. There have been very few experimental or quasi-experimental studies of the long-term health consequences of solitary confinement. One study, funded by the National Institute of Justice, found limited evidence of detrimental health consequences: [https://nij.gov/journals/278/Pages/reflections-on-colorado-administrative-segregation-study.aspx](https://nij.gov/journals/278/Pages/reflections-on-colorado-administrative-segregation-study.aspx). But many scholars from fields including psychology, psychiatry, and criminology criticized this study, for instance: [http://solitarywatch.com/2010/11/15/fatal-flaws-in-the-colorado-solitary-confinement-study/](http://solitarywatch.com/2010/11/15/fatal-flaws-in-the-colorado-solitary-confinement-study/). What kind of evidence would you want to prove that solitary confinement is bad for mental health? Describe what kind of study you would design to gather this evidence.

Chapter Eight: Another Way Out

Chapter Eight describes the hunger strikes, which took place between 2011 and 2013 in the Pelican Bay Security Housing Unit, to protest the harsh conditions of confinement there. Chapter Eight also describes the subsequent reforms to both conditions in solitary confinement and to procedures by which prisoners end up in solitary confinement, which swept across the United States in the 2010s. But the chapter suggests that the reforms may be short-lived absent more attention to transparency and more fundamental prison cultural changes about when prisoners are labeled as dangerous and who makes these determinations.

Discussion Questions:
1. Do you think hunger strikes are an appropriate way for prisoners to organize to assert their rights? Do you think the California hunger strikes were successful? Why or why not?
2. What challenges with solitary confinement reform does the author identify? Do you think these challenges could be overcome? If so, how?
3. Hugo Pinell, who was introduced in the first pages of the book, returns in this last chapter. Has your perspective on Pinell changed over the course of reading the book? If so, how? Does his story represent a different set of themes than it did in the introduction?
4. Do you think solitary confinement should be abolished? Why or why not?

Additional Resources & Suggested Activities:

Conclusion/Afterward

The Afterward ties up the loose end of Johnny’s story and what happened at his resentencing hearing (last discussed in Chapter Seven), suggesting that new pathways out of indefinite solitary confinement are slowly being built, both legally and politically.

Discussion Questions:
1. Do you think Johnny’s story is triumphant or tragic?
2. Think back to the introduction and the question of whether prison can ever be enough. Should there be limits to the harshness of the harshest punishments? If so, what should they be?

Additional Resources & Suggested Activities:
1. One recent alternative proposed to solitary confinement has been to let prisoners out of their cells, but to chain them to desks for hours at a time. For an article about this in the context of abolishing solitary confinement for juveniles in New York City’s Rikers Island jail see: [https://www.propublica.org/article/on-rikers-island-a-move-toward-reform-causes-trouble?utm_campaign=bt_twitter&utm_source=twitter&utm_medium=social](https://www.propublica.org/article/on-rikers-island-a-move-toward-reform-causes-trouble?utm_campaign=bt_twitter&utm_source=twitter&utm_medium=social). Do you think restraint desks are preferable to time alone in a cell? Do you think they represent progressive reform? How might the author of 23/7 analyze these reforms?