Movement in Confinement: California Hunger Strikes and the Power of Protest

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Abstract: This paper considers the influence protest activity in prisons have on the agenda of state legislatures. It looks at this question through a comparison of two cases of protest activity inside American prisons in the past four years in Georgia and California. The paper proposes that in the unique institutional setting of prisons, there are three important variables for a protest to influence the state legislature: sustaining long-term protests, garnering media attention and developing allies on the outside. Drawing from newspaper coverage and analyses of legislative agendas in the two states, the paper finds support for the necessity of these variables for a protest to have influential success. This paper also pushes against the consensus in the literature on mass incarceration that the movement for prisoners’ rights is no longer active. This paper argues that despite the tremendous obstacles of organizing on the inside, prison protests can have and are having an effect on legislative agendas and decisions.

The United States has the highest documented incarceration rateand total documented prison population in the world. As of 2012, the total documented prison population reached about 2.3 million people. One in every 100 adults in America is either in jail or prison and 1 in every 31 adults in America is under correctional control (Pew, 2008). The United States’ prison system stands out due to its gaping racial disparities, its uniquely long sentences, its documented brutality and degrading abuses within prisons, its use of the death penalty and its punitive policies towards non-violent crimes (Gottschalk, 2006). Efforts to push back against this enormous system and its exceptionally draconian practices range from well established interest groups to the daily struggles of family members trying to spend an afternoon with their loved one in a detention center. Academics and politicians have recently turned to this phenomenal issue in American politics, publishing thousands of documents, employing numerous task forces and research teams, yet there is little to no attention paid to the voices of those inside prisons. This paper seeks to address the political role that the incarcerated have through protest activity. Specifically, does protest activity in prisons influence the agenda of state legislatures?

 There are a number of literatures that speak to this research question. The first is the literature specific to incarceration and prisoner protest. This literature is largely devoted to the Prisoner Rights Movement of the 1960s to 1980s. This movement has been well documented and has been considered over for several decades, fading out in the early 1980s. While there has been recent work documenting the effects the movement had, it is unequivocally deemed over in the literature (Jacobs 1980). Despite recent concerted protest activity inside prisons in the United States, as it stands in the literature, there is no current movement. This paper seeks to push back at this narrative and to explore the ways in which a social movement within prisons is fomenting or continues to exist in a series of protest activities. This paper will use the following definitions of a social movement that highlight the effort to change or challenge authorities or an established social structure. The first is Zald and McCarthy who define a social movement as “a set of opinions and beliefs in a population which represents preferences for changing some elements of the social structure” (Giugni et. al. 1999). Secondly, Tilly who defines a movement as “a sustained *interaction* between a specific set of authorities and various spokespersons for a given challenge to those authorities” (Giugni et. al. 1999).

While the literature specific to issues of incarceration has largely abandoned a focus or evaluation of protests within prisons with the accepted understanding that the movement has died and that there is little protest activity inside, there has been a considerable amount of literature focusing on the issue area and ways that incarceration affects communities, civic life and crime rates (Western 2006; Weaver & Lerman 2010; Tonry 2011). The work done by Vesla Weaver on the civic consequences of correctional control provides evidence that contact with the criminal justice system has deleterious effects on political participation. Her work is important for this study by showing the immense difficulties to protest on the inside and how unlikely of a site for political resistance it is. However, her work also is challenged by the findings that prisoners *do* participate in protests. While the amount of participation in terms of voting and other mainstream institutionalized channels is well documented, activity inside that is non-institutional has been less thoroughly examined, particularly in the last decade.

 Another set of literature that is relevant to this question is the work done on expectations for political responsiveness. According to classic interpretations of what motivates legislators and how they formulate policy agendas, there should be little expectation that prisoners would be a voice listened to or privileged in a politician’s calculus of agenda setting. Legislators are compelled to respond to their voters, to create winning coalitions, and ultimately are motivated by reelection (Mayhew 1974; Fenno 1978; Krehbiel 1998). Because almost all prisoners are disenfranchised and likely will be disenfranchised when and if they are released, they are not a plausible constituency. Their extreme marginalization further removes expectations that their voices would be considered or heard. For example, though children do not comprise a voting constituency, we still expect their needs to be relevant since they are a salient and highly valued demographic for voters. The same cannot be said for prisoners who are perhaps among the most marginalized and vilified members of society (Schneider & Ingram 1997). Scholar Kathlyn Gaubatz argues that in the United States criminals are an acceptable group to hate (Gottschalk 2006, 26). This paper seeks to develop a theory for why it may be possible for these expectations to be challenged.

Historical Timeline:

 This paper seeks to trace recent developments in prisoner protests to address whether or not there is still a prisoners’ rights movement and what effect it is having on legislative decisions at the state level. The prisoner rights movement, which is documented as ranging from roughly the 1950s to the early 1980s, was a broad movement to redefine the legal status of offenders in the United States through a range of activities from litigation to strikes and riots to legislation (Gottschalk 2006; Jacobs 1980). The outcomes of the movement have been widely debated ranging from declaring the movement a success in changing public opinion and the self-esteem of prisoners for the better (Jacobs 1980) to being criticized as having unintended consequences for the rise of mass incarceration (Schoenfeld 2010; Gottschalk 2006). In any iteration of the evaluation of the movement, one thing is agreed upon which is that the movement is over. This paper looks at two episodes of protests in prisons in the last two years as evidence that there is still a movement or the beginnings of another wave of a movement to secure rights for those locked in America’s prisons.

 The two cases that serve as the basis of this paper occur in Georgia in December 2010 and in California from July 2011 to today. The cases will be treated as two distinct efforts even though they are closely related in intention and mutual solidarity. The cases are treated distinctly to be able to leverage a comparative analysis and because they were not coordinated in any formal way.

Georgia

 On December 9, 2010 thousands of inmates in prisons across the state of Georgia refused to leave their cells and go to their work assignments (Turk 2011). The protest that lasted for six days in Georgia was an unprecedented feat of political action. The protest was the largest prison strike in United States history. Official reports of the number of participants are difficult to determine given the unwillingness of the Georgia Department of Corrections to acknowledge the protesters. But estimates are that anywhere from six to eleven prisons in Georgia participated (Benjamin 2010; Wheaton 2010). The strike was also unprecedented in its exceptionally broad biracial coalition. The strike unified all prisoners with participants identified from Bloods, Crips, the Aryan Brotherhood as well as Muslims and Mexicans (Wallace, 2011). The protest was also extraordinary for the simultaneity of the action. Using contraband cell phones, the strikers were able to organize across prisons in the state and uniformly all go on strike the very same morning. Finally, the strike was exceptional for its peaceful nature, despite charges of violent and harsh repercussions; the protest was entirely non-violent bucking the popular perceptions of prison protest.

 The six-day protest was conducted to push for the Georgia Department of Corrections to comply with a succinct list of demands. Primarily the work strike was carried out to demand that prisoners be paid for their labor. In Georgia, all prisoners work for free. The other demands were to have access to educational and skills training opportunities, access to decent healthcare and nutrition, to relieve overcrowding, to end cruel and unusual punishment, to have better access to families, and to have just parole for those inmates who are eligible (Benjamin 2010). The Georgia Department of Corrections (DOC) did not publically acknowledge the strikers or their demands and a DOC spokesperson on December 9th, the first day of strikes, claimed that the protests were a “rumor” and claimed the authorities had put a lockdown on the prisoners (rather than acknowledge they had self-imposed the lockdown) (Cook 2010; Spencer 2010). Prisoner lawyers and prisoners reported that the DOC responded by beating strikers, destroying the personal property of inmates and turning the heat and hot water off during the cold month of December when temperatures were around 30 degrees that week (Turk 2010; Cook 2010).

 The prisoners contacted Elaine Brown, a former Black Panther and the founder of the National Alliance for Radical Prison Reform after organizing the strike to be a public spokesperson for the strike. While Brown was not the organizer of the strike, which is widely credited as being a broad, leaderless strike, she was a key figure in the limited media attention the strike received. A number of outside groups rallied behind the protests such as the NAACP and the Concerned Coalition to Respect Prisoners’ Rights whose members in Detroit, Michigan protested in solidarity. The protest ended after six days on December 14, 2010 and the Georgia DOC’s response was focused on punishing the inmates and further oppressing their ability to speak rather than taking any of their demands seriously (Turk 2010). One protestor claimed that the strikers ended the lockdown so that they could pursue the paperwork for their prison condition lawsuits (Chen 2010).

California

 About six months after the protests in Georgia, prisoners in California began a series of hunger strikes aimed at protesting the use of maximum security segregated housing units (SHU). Starting at the Pelican Bay State Prison, prisoners began a hunger strike on July 1, 2011. This first wave of a hunger strike lasted for twenty-one days ending on July 22, 2011. Similar to the Georgia case, the strikers were members of a broad coalition of all races. The day before the strike began lawyers and advocates who had been in contact with the prisoners held a press conference at the Oakland State Building and the prisoners presented a petition signed by more than 2,800 supporters to the Pelican Bay warden, Greg Lewis, the California Department of Corrections and Rehabilitation (CDCR) and to Governor Jerry Brown.The demands included an end to long-term solitary confinement, collective punishment, and forced interrogation on gang affiliation (Prisoner Hunger Strike Solidarity 2012). The prisoners stated they were willing to give up their lives unless their demands were met (Prisoner Hunger Strike Solidarity 2012).

 Prisoners from Corcoran and Folsom joined the strike refusing meals in solidarity with the Pelican Bay strikers and by July 6 the strike had expanded to eleven prisons, one third of all prisons in California (Sewell 2011). By July 20, there was estimated a minimum of 6,600 prisoners participating in the hunger strike from more than 13 prisons across the state. In the third week of the strike, the CDCR issued a proposal to end the hunger strikes but the Pelican Bay prisoners rejected it because it promised no changes and denied that many of the prisoners were in medical crisis because of the hunger strike. On July 22 the prisoners at Pelican Bay ended their hunger strike, but prisoners in Corcoran and Tehachapi continued to strike. The Pelican Bay prisoners accepted the vague offer given to them by the CDCR but declared that if their demands were not met, after a two to three week break they would go back on another hunger strike.

 On September 26, 2011 prisoners at Pelican Bay’s Security Housing Unit (SHU) and Calipatria’s Administrative Segregation Unit (ASU) resumed their hunger strike. By late September lawyers and mediators of the strike confirmed that at least 6,000 prisoners throughout California were resuming the hunger strike that began in July. By the beginning of October nearly 12,000 prisoners were on hunger strike, including California prisoners who are housed in out of state prisons in Arizona, Mississippi and Oklahoma. This second wave of hunger strikes lasted for three weeks in the main SHU’s, ending October 13, but continued at other prisons. A month after the second wave of strikes in mid-November three prisoners who had been on strike committed suicide, two prisoners from Pelican Bay and one from Calipatria. On February 24, 2012 Christian Gomez died in the Corcoran hunger strike. Officials withheld medical information and only told the family that Gomez had died of “medical conditions” (Goodman 2012).

 The third wave of strikes lasted from July 8, 2013 until September 5, 2013. Much like the previous rounds of strikes, this one garnered participation from over 11 prisons (on July 8, there were 30,000 prisoners that refused meals), lasted for 60 days and bore extraordinarily high costs. Billy Michael Sell, a striker in the Corcoran SHU committed suicide on July 22, 2013. The head of CDCR, Jeffrey Beard, publically condemned the strikes declaring them a “gang power play” and no word was heard from Governor Jerry Brown despite pleas that he respond to the crisis.

*Theory:*

This section will outline a theory for the conditions in which a protest within prisons can have a legislative impact and why. The nature and scope of protests inside prisons is much less relevant to success in this particular setting compared to other public settings. Because of the secretive and hidden location of prisons in American society, the sheer size and seriousness of a protest (medical crises, authoritative retaliation, deaths) has much less bearing on its success compared to protests that occur in the public sphere.

This paper proposes that in carceral settings the movement for prisoners’ rights can have an impact on legislative outcomes when it is able to garner allies on the outside and receive media attention. In the context of institutional confinement, a protest must be sustained long enough to develop allies and advocates on the outside of prison. The protesters need to be able to have representatives on the outside voice their concerns in the legislative process such as at legislative hearings. Further, the movement and protest activities must get media attention because prisons are so thoroughly hidden from the American public. In any other setting the sheer scope of the protest would be much harder to ignore, but this is not the case with action inside of prisons. The theory of this paper is that the media are a vital causal mechanism for the protests to have any effect on legislators or the public. Because prisoners have no political stake or voice due to their disenfranchisement and extreme marginalization from the political process, their demands must be channeled through the solidarity of organizations that do have political access and through public opinion. The media is a key tool for garnering public attention and can function as a mechanism of changing public opinion and increasing the salience of the issue (McCombs & Shaw 1972; Iyengar & Kinder 1987).

The connection between the media and prisoner protests this paper proposes is supported from earlier literature on the prisoner rights movement era. The reforms made to southern plantation prisons was spotlighted by the civil rights workers who were imprisoned in the south as a result of their protest activities (Thompson 2010, 85). The media attention that followed some of these key figures seriously challenged the legitimacy of the prisoner lease system in the south and compelled the south to modernize its institutions (Thompson 2010). In the north, media attention was much different, far less condemning of prison conditions during this time and resulted in the affirmation of status quo policies. The Attica riot is the most notable example, where in 1971 every major television network was broadcasting live from Attica (Thompson 2010, 88). The events were filtered through state officials, whose account was parroted by the media interpreting the “trouble” as cause by the inmates themselves. When Governor Rockefeller deployed state troopers, the violent conclusion of the protest resulted in 39 dead and 100 severely wounded. The media account was that the inmates had brutally murdered the hostages; however, several days later, coroner reports determined this was an inaccurate interpretation of the events (Thompson 2010, 90). The media message was not corrected and the state version of events remains the common understanding of the event to this day. Attica is a powerful example of the authority the media has to communicate the truth of an event and how in the unique setting of prisons this truth can be dramatically distorted.

The media is an important element of protest activity for getting information to the public, politicians *and* other prisoners. This is evident in the California case and is also supported by historic examples from the prisoner rights movement such as a work strike in 1978 taking place at Ellis prison farm in East Texas. Prisoners cited the media as the method of spreading the strike to other prisons across the state (Chase 2009, 397).

Lastly, the literature supports this aspect of the proposed theory in connecting the media to crime policy more broadly. Moral panics concerning public safety that are created and communicated in the media have resulted in swift legislative responses. Just a couple examples are panics over school shootings resulting in tough juvenile laws and the crack panic resulting in tough drug laws (Chiricos 2002, 62). These examples suggest that previous research supports the media as a mechanism for legislative change in the area of crime policy. Notably, while the media is an important causal mechanism, it is far from a consistent ally in supporting the goals of prison reform.

Understanding how prisoner protests can have success holds a unique place in the literature on social movements. This paper is a response to prominent social movement scholar Doug McAdam’s call for different theories for different types of protests: “instead of assuming that one theoretical model fits all movements, we should be attentive to systematic differences in character and dynamics of different categories of movements and modify our theories accordingly” (McAdam & Boudet 2012, 97). The thresholds for success are much higher given the enormous institutional barriers faced by the incarcerated. Not only do prisoners have extremely limited options for asserting their rights and getting their voices heard because of institutional discipline and control, but they also face enormous obstacles to developing meaningful allies on the outside and garnering the attention of the public. Prisons comprise a huge blind spot in America because of strict rules on media access, such as the media “blackouts” during the California hunger strikes when media were granted no access or communication with the protesters (Prisoner Hunger Strike Solidarity 2012).

In order to have the best chance of getting attention and connections with those on the outside, prisoners must engage in sustained and long-term protests. However, because the repercussions are so grave, these necessary conditions are difficult to meet, much more so than in any other setting in American society. In few other settings would protesters be subjected to the brutal response prisoners receive (or if they were it would be played out much more publically). In Attica, many of the protesters were ultimately killed, and many others brutally beaten (see Thompson 2010 for detailed account). The prisoners in the Georgia case in this paper were beaten and subjected to harsh conditions of cold when the heat was turned off in response to their action. In fact, it is a historic and deeply institutionalized facet of prison control to issue repressive responses to rebellions of any sort from the most minor of prison rules violations (not returning a tray after a meal) to refusing to work. Ironically, the very conditions of extreme repression, solitude and isolation being contested by prisoners in the California case are a response to prison protests and action from the 1970s (for the connection between the construction of supermax prisons and prison protest see Kurshan 2013 and Reiter 2012). Protest and repression is nothing new, for example, in 1938 a Holmesburg prison hunger strike to protest deplorable conditions concluded when prison officials put the four alleged ringleaders in a small brick unit with radiators where they “cooked to death” (Thompson 2010, 80). Repression often begins before the action even takes place. When officials learned of a planned work strike in Ohio in 1997, they moved 87 prisoners to different facilities, put “leaders” in solitary, and tried to get prisoners to confess their plans on video recordings to be able to use against them in parole hearings (Burton-Rose 2003, 130).

While these barriers are central to this theory that modestly predicts how prison protests can have an impact on state legislatures, the argument is not fatalistic. If the intermediary conditions of developing allies and garnering media attention can be achieved, these protests can impact legislative proceedings.

*Evidence and Approach*

 In order to examine how a protest movement within prisons can effect legislative decisions, this paper will evaluate the response of legislatures to the protest movements. The operationalization of “legislative response” is a measure of the number and content of bills proposed in the state legislature and any hearings in the time period during and following the protest movements. For the Georgia case, I have gathered data about the legislative record from three legislative sessions in the Georgia Congress, the 2009-2010 general session, the 2011 special session, the 2011-2012 general session and the 2013-2013 general session. I used several different search terms to try to determine the number of bills proposed and hearings held related to the demands of the strikers. These included: “prison,” “prisoner right(s),” “prison condition(s),” “labor right(s)” and “prison reform.”

 In the California case, I have gathered similar data from the legislative record. California has had three legislative sessions in the time period during the hunger strikes up until now, the 2009-2010, 2011-2012 and 2013-2014 general sessions. For the California case I also slightly amended the search parameters to adjust for the different focus of the strikes. Rather than use the term “labor right(s)” I used “supermax,” “segregated housing unit,” and “solitary confinement” to search for any response relevant to the demands about changing the use of these institutions within prisons in California.

 In order to operationalize the part of the theory about media attention, I will be analyzing state-level media coverage of the protests in both states. For both states, I conducted searches in Lexis-Nexis and Newsbank for relevant articles related to the protest events. After gathering all relevant articles in the two states I conducted a content analysis and classified the articles into several categories.

In both of the cases the articles fell into three categories: general/neutral, supportive and negative. This categorization process helps to explore the content of the articles and whether or not this might matter for the media connection to legislative pressure. In the results section the articles are further analyzed for their specific content. With the analysis of the content and details of the protests themselves, the media data and the legislative data, this approach can explore the expectations of the theory of this paper.

As a way to leverage an argument about “what works” I will compare the two cases for their different tactics and different results. These two particular cases have many similarities, but their key differences will be helpful for identifying whether or not the theory about movements in the prison setting is supported by empirical cases.

*Results*

 An examination of the two protest movement cases, the legislative records and media coverage supports the theory of this paper. The following section will detail the findings of each case, suggesting that the California hunger strikes were more successful in affecting legislative decision making than the Georgia strike because of the greater amount of media attention they received, the greater number of outside allies they had and because the protests were sustained for a longer period of time.

The media coverage of the labor strikes in Georgia’s prisons was astonishingly silent and negative given the unprecedented size of the protests, their non-violent nature and their extraordinary biracial coalition. A search of Georgia newspapers from December 1, 2010 to present yielded just fifteen stories about the protests. I coded the articles as general coverage (the basic facts of the protests, how many prisons were participating, what the prisoners’ demands were and the length of the protest), negative coverage (little or no information about the prisoners’ demands, constructed around quotes by the corrections authorities declaring that the protests were a “rumor,” only mentioned the use of contraband cell phones to organize the protest) and positive articles (letters to the editor, op-ed, or a general article with a sympathetic tone). The following table shows the summarized findings of the content of the articles that were published from December 10, 2010 to present (all of the articles are from Dec. 10-22).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Atlanta Journal-Constitution | Augusta Chronicle | Other | Total |
| General | 2 | 2 | 4 | 8 |
| Negative | 3 | 1 | 1 | 5 |
| Positive | 1 | 0 | 1 | 2 |
| Total | 6 | 3 | 6 | 15 |

I also did a check of the New York Times to see if for any reason there was more national coverage than at the state level. There were three articles, two of which were focused on the use of contraband cell phones and one brief article about the protest ending. At both the state and national level there was very little coverage of the protest and there was a concentration of focus on the use of cell phones, in one article referring to them as “the most lethal weapon you can get inside a prison” (Severson & Brown 2011). In conclusion, the media coverage was limited and a large portion of the coverage received had a distracting and negative focus on the danger of cell phones in prisons rather than the strike itself. The theory would predict that the protests would have a limited effect on the legislature because of the weak causal link of media attention.

 The legislative findings from the Georgia case for the past three legislative sessions concluded that the protests had overall little positive effect on the legislative agenda or decision making during or after the labor strike in December 2010. The following is a breakdown of the legislative findings:

Number of Bills Related to Protests

|  |  |  |
| --- | --- | --- |
|  | Positive | Negative |
|  | Passed | Failed | Pending | Passed | Failed |
| 2009-2010 | 0 | 0 | 0 | 0 | 0 |
| 2011 | 0 | 0 | 0 | 0 | 0 |
| 2011-2012 | 0 | 0 | 2 | 2 | 0 |
| 2013-2014 | 0 | 0 | 1 | 0 | 0 |

The examination of 2009-2010 provides a contrasting baseline to see if the legislature was *already* sympathetic or putting prison conditions on their agenda. This would suggest that if any progress in this area showed up in the sessions following the strike it would be unclear if the protests were the driving force. Since there was no activity in this arena of policymaking, an increase after the protests might suggest that they were having an impact.

 However, for the most part the general session of 2011-2012 was equally devoid of legislative attention in improving prison conditions and labor rights of inmates.Interestingly, there was a bill related to the strikes that passed in this session, but it was a clear *negative* reaction to the protests. Senate Bill 214 passed in this legislative session making it illegal to provide or attempt to provide a prisoner with a cell phone or for prisoners to attempt to obtain a cell phone. The bill overwhelmingly passed and is an effort to further repress the ability of Georgian prisoners to organize and have connections to those on the outside.While the outcome of this bill passing seems to be a disconcerting finding for the potential of a prisoner protest to positively impact legislative proceedings, it does offer a lesson and support for the theory. The media attention of the Georgia protests was overwhelmingly focused on the use of contraband cell phones at the cost of focusing on the demands of the prisoners or the remarkable size and interracial makeup of the protest. The media distorted the strikes into a cause for alarm because of the “danger” that contraband cell phones can have in prisons. Thus, the legislature responding and taking up this particular point of attention suggests that the mechanism of the media to translate the inner workings of the prison protest to a legislative agenda does seem to be supported by the Georgia case.

 The rest of the legislative session was fairly silent on the issue, though there was one other bill that can be considered negative for prisoners’ rights and two bills that were positive. The two positive bills were a house bill to repeal the death penalty (failed), and a house bill to restore voting rights for certain felons (failed). Another bill adverse to the rights of convicted felons was a bill that passed requiring a felony offense to be demarcated on a person’s license. In the current 2013-2014 session there is again no proposals relating to prison conditions or prisoner labor rights, but again a proposal to repeal the death penalty. Overall, the Georgia case does not provide evidence of a successful protest movement. Despite the impressive and unprecedented organization feat of prisoners protesting across the state, the lack of media attention and outside allies seemed to make the cause fall silent on the legislators’ ears. The most direct legislative result to the protests was a negative reaction to the use of cell phones in prisons. The salience the media gave to this aspect of the protests suggests that the media mechanism is supported in the case. Therefore, the theory is supported by the empirical case and it is further highlighted that the *content*, not just the quantity of media attention is a critical variable for a protest movement to have a positive legislative effect.

 The California case has some key differences to the Georgia case. The primary difference is the duration of the two protests. Since the California case, through a series of waves of protests spans a longer time period, it was also able to get more media attention and allies on the outside. The media attention is still quite scant in California, but much more numerous than in the Georgia case. The following is the breakdown of the media coverage in the California newspapers from June 2011 to present (March 28, 2013) (63 of the 135 articles were printed between June-October 2011).

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Los Angeles Times | San Francisco Chronicle | San Jose Mercury | Other | Total |
| General | 3 | 5 | 6 | 32 | 46 |
| Negative | 0 | 2 | 3 | 11 | 16 |
| Positive | 1 | 8 | 7 | 57 | 73 |
| Total | 4 | 15 | 16 | 100 | 135 |

 The lack of coverage in the Los Angeles Times is surprising given that it is the highest circulating newspaper in the state; however, Pelican Bay and the solidarity actions related to the hunger strikes were all in northern California so it makes sense that the northern California newspapers would have more coverage. Overall, the media coverage was much more extensive than in the Georgia case and more positive.

 Following the expectations of the theory, because the protest movement had more media coverage, sustained over a longer period of time and outside allies it also seems to have made more of an impact on the legislature in California. Though still limited because of the expectations of the theory of prison protests, the protests have helped raise the saliency of prisoners’ rights and put the issue on the legislative agenda.

 The analysis of the three legislative sessions that have taken place before and after the beginning of the hunger strikes, general sessions 2009-2010 and 2011-2012, 2013-2014 suggests that the protests have caught the attention of the legislature. The following is a breakdown of the legislative findings:

Number of Bills Related to Protests

|  |  |  |  |
| --- | --- | --- | --- |
|  | Positive | Neutral | Negative |
|  | Passed | Failed | Pending | Passed | Failed | Passed | Failed |
| 2009-10 | 0 | 2 | 0 | 1 | 0 | 0 | 0 |
| 2011- 12 | 2 | 0 | 0 | 0 | 2 | 0 | 0 |
| 2013- 14 | 0 | 0 | 4 | 0 | 0 | 0 | 0 |

Similar to the Georgia analysis, the 2009-2010 legislative session provides a baseline comparison for examining the effect of the protests. The search of this session yielded just three bills that were remotely relevant to prisoners’ rights. Two were supportive of conditions for those inside (neither of which passed) and one was fairly neutral that did pass. The two positive bills that did not pass were for reporting about inmate education services (AB 1239) and granting early release to inmates based on age and debilitating illnesses (AB 1256). The neutral bill was to grant requirement waivers for those licensed to be mental health providers in prisons (AB 1113).

 Contrastingly, the 2011-2012 general session, while still sparse on the issue, did pay closer attention with several legislative activities directly responding to the hunger strike demands and attention. In total, the legislative session had four bills proposed that were relevant to prison conditions. Further, there was one legislative hearing during this time directly related to the protests. Of the four bills, two were directly related to prisoners’ rights and two were tangentially related and fairly neutral relative to the demands made by the strikers. The two neutral bills were for allowing Telemedicine health services in the prison (AB 386, died) and allowing the DOC to make public labor contracts with small businesses (AB 1507, cancelled). The two positive bills were an act opening up consideration of conditions of incarceration (unspecified beyond that and only made it to the introduction stage) and a bill permitting media access in prisons and forbidding retaliation against inmates for participating in a visit or contact with the news media (AB 1270, passed). The last two bills are significant responses to the demands of the strikers, the first an attempt to put on the agenda the issue of prison conditions and the second to enhance the vital tool of media contact for protesters. As detailed in the timeline, there was a “media blackout” during the hunger strikes where participant prisons denied any access to the prisons by news media.

 The 2013-2014 session also has four bills pending in early stages that are positive responses to the demands of the strikers: a bill limiting (though not ending) the use of solitary confinement for juveniles (SB 61), a bill requiring sufficient funding to make literacy programs available to 75% of inmates (AB 494), and a bill requiring goals for career technical education to be made available to inmates (AB 1019). Finally, a bill (AB 1652) has been filed by specifically in response to the hunger strikes stipulating that those in SHU’s are no longer ineligible to receive credit reductions from their sentences.

Finally, perhaps the most significant effect of the protests on the legislature have been a series of hearings initiated by State Assembly member Tom Ammiano in response to the prisoner hunger strikes. The Public Safety Committee of the California House of Representatives in 2011 held the first hearing on conditions in SHU’s in the states prisons. Allies on the outside rallied at the state capital in Sacramento and families of strikers testified on behalf of the prisoners. Eighteen months after the first hearing another one was held focusing on the new CDCR policies that came from the first hearing. Corrections officials have insisted on the necessity of restricted housing and their criterion for gang validation. The hearing served as a platform for a variety of actors to lodge complaints against CDCR’s resistance to change.

 Along with the attention the strikers received from the legislature, they also have maintained dialogue and negotiation channels with the CDCR. While the Pelican Bay strikers have rejected most of the proposals from the CDCR, they have continued to negotiate and pressure the CDCR to improve their proposals and meet their demands. Though their demands have yet to be met, it is a sign of success that they have managed to sit at the negotiating table with the CDCR. This continues to be a very unequal negotiating table and while it appears that most of the changes the CDCR has made have been minimal or even a “sham” (Heller 2014), a comparison to the Georgia case highlights the significance of earning even very limited negotiations.

*Conclusion*

 The two cases of protest actions in Georgia and California organized and executed by those inside prisons exemplify the unique features of a social movement that is based in an institution hidden from the American public. In this setting the obstacles to success are enormous. In both cases the retaliation from the prison authorities to attempts to organize only begin to highlight the difficulties of voicing concerns in an environment of control and repression. The ability to sustain a movement in this setting is difficult, but an important step in trying to garner media attention. Media attention is the key variable and causal link between protests on the inside and legislative action. The obstacles to media attention are vast. Since the late 1970s and early 1980s in response to the height of the prisoners’ rights movement, prison authorities have taken great steps to block the media from accessing interviews with inmates and to access prison institutions for investigation. Despite these great obstacles, in both cases the media did report on the protests. In Georgia the coverage was minimal and less extensive than in the California case (perhaps due in part to the shorter length of sustained protest). Further, the coverage in Georgia was largely focused on a minor aspect of contraband cell phones. This focus seemed to confirm the causal link between media attention and legislative attention, as the Georgia Congress passed a law against cell phones in prison in the legislative session that followed the protests. In California the media coverage was more extensive, coinciding with more outside allies and thus more able to translate the demands of the protesters to the California legislature. While California is not an overwhelming success story, the increased amount of media attention and longer sustained protests had a greater impact on the legislature than in the Georgia case.

 The main contributions this paper makes is first to demonstrate that there are signs of a social movement re-forming or persisting in prisons in America. The literature has declared the movement dead for over three decades, but this paper contributes to countering this assumption. Secondly, the two empirical cases of this paper support the theory that in the particular setting of prisons, media access and openness is a critical first step to having any success or impact. Unlike most other locations for protests, which are public, a conflict can be so large and egregious that it forces attention. However, in the prison setting, the scope and nature of the demonstration are not enough. In Georgia, the labor strike was the largest inside of prisons in the history of the United States involving thousands of participants, yet received a limited amount of media coverage. In California, a hunger striker died protesting and not a single mainstream media outlet ran the story. Therefore, advocates of reform should focus on increasing access to prisons as a key way to open up the possibility for the social movement that is occurring to flourish and have an impact on the legislature and legislative outcomes. Finally, the content of the media attention is important. The empirical evidence does not support in this setting the cliché “any press is good press.” The Georgia case suggests that skewed or negative media attention can result in unintended and contrary outcomes to the demands being made.

 There are a number of limitations to this study and its findings. The case studies here demonstrate how idiosyncratic particular locations of protest are and why generalizations are difficult to make based on evidence from just two states. This preliminary examination of the two studies did not take into account counter hypotheses and larger contextual settings for the legislative actions occurring in either state. For example, in California the state is facing Supreme Court orders to deal with overcrowding and other legal and economic crises. These along with a number of other factors could be affecting the legislative agenda as well making it difficult to isolate the effect the protest movements are having. In order to address this, the paper attempts to trace particular actions of the legislature, such as the hearing in California directly addressing the hunger strikes and the cell phone legislation in Georgia to suggest there are some immediate impacts the protests are having. A further limitation is that there is no directly relevant public opinion data about prisoners’ rights during these short time periods to further test this ancillary aspect of the media causal mechanism. Media attention helps to translate the demands inside to the agenda of the legislature through the understanding that it raises public attention and concern and forces legislators to respond to constituent demands. However, without any reliable data on public opinion it is difficult to assert that this is the driving causal link. Finally, the cases are very recent, making full assessments limited at this time. Legislative attention and responsiveness can be slow or may come only after a longer period of protest. Both of these possibilities mean that the case in California may change in the next year or so.

Further research is needed to more critically assess the longer-term outcomes of legislative responses to the protests. History suggests that even getting seemingly positive attention may not be a fruitful long-term solution to some of the demands of the protesters. For example, the prisoner rights movement in the south was a tool for conservatives to politically rationalize prison expansion (Chase 2009, 12). The Foucault commentary on prison reform serving the purpose “not to punish less, but to punish better” is a pertinent warning that must be considered in research on this topic moving forward (Chase 2009, 22).

Prisons are an exceptional location for a social movement. American prisons are uniquely harsh compared to other industrialized nations in stripping inmates of their democratic rights and opportunities to participate politically. Thus, it is an unlikely and difficult place to see a movement flourish and have success. However, the findings here suggest that prison protests can have and are having an effect on legislative agendas and decisions.

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