

At Least She Died Free: The Possible Fates of Aging American Women Prisoners

A PROJECT
SUBMITTED TO THE FACULTY OF THE GRADUATE SCHOOL
OF THE UNIVERSITY OF MINNESOTA

BY

Sara Olson

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF
MASTER OF LIBERAL STUDIES

May 2016

© Sara Jane Olson, 2016

To my family.

CONTENTS

Chapter

	Introduction.....	1
1 -	A Short History of Mass Incarceration.....	9
	a) Presidential eras, legislation, and constitutional decision.....	9
	b) Money and mass incarceration.....	17
2 -	Symbolic Interaction and Identity.....	22
	a) Instability of gender construction.....	30
	b) Gender fluidity.....	38
	c) Healthcare and other needs of older women prisoners.....	43
3 -	Desistance.....	45
	a) Mechanisms for success.....	45
	b) Aging out and development of a new self-narrative.....	51
4 -	Future Possibilities.....	56
	a) Human Rights.....	56
	b) Transforming the prison environment.....	60
	c) Compassionate and early release.....	63
	d) Grassroots organizing.....	66
5 -	Conclusion.....	69
	 Bibliography.....	 71

INTRODUCTION

Mad Dog was released from prison in California in 2013 after serving more than two decades inside. She committed crimes to supply her drug habit. I remember sitting on a cement picnic table beside her in 2002 not long after I began serving my time. A young counselor walked by us. Counselors keep track of our C-files that contain all information pertinent to our sentences and behavior in prison and accompany us to our annual reviews and parole board appearances. (Counselor is a loose professional term in that this person can flip between non-custodial and custodial roles on any day. If one of them, serving in the counselor role by day, requires extra money on his pay-slot, he simply dons the guard's uniform for the night shift.) Mad Dog remarked, "See that young counselor? My sentence is so long, the counselor isn't born yet who will take me to board." She was released in 2013 due to a 2011 United States Supreme Court decision that required the state to lower its prison population because extreme overcrowding led to unnecessary deaths as a result of overstressed healthcare and cruel and unusual living conditions. Mad Dog died in July, 2015 of cancer. Her many Facebook correspondents, a good many of them former prisoners themselves, all agreed, "At least she died free."

As the American baby boom generation (1946-1964) is aging, so too is the American prison population. Because mass incarceration has become criminal justice policy since the 1980s, large portions of distinct demographics, overwhelmingly the poor and people of color, have intersected with carceral settings and with harsh sentencing policies that keep people locked up for years. Incarceration has proven to be detrimental to young peoples' development as they have been unable to attain markers for maturity due to prison sentences and the years they lose inside juvenile facilities or prisons (Massoglia and Uggen 548). There has been a marked trend

since 2005, accelerated after 2010, to reduce the approximately 250,000 people annually under age eighteen who are prosecuted, sentenced, and imprisoned in the adult criminal justice system. Furthermore, these positive trends have favorable effects in ameliorating 1990s efforts to treat youth offenders as adults and to incarcerate them accordingly. Still, nearly 100,000 young people are assigned to adult jails and prisons each year (Daugherty 9). Compared to overall numbers of 2.3 million Americans in prison, the segment of older people behind bars is small. That segment, however, compared to historical numbers, has increased dramatically.

My paper is an exploration of the rising numbers of old people in contemporary American prisons, particularly aging women. By 2022, it is estimated that more than 30,000 older people, age fifty-five and above, will be incarcerated in California. Today, according to *California's Older Prisoners Crisis: Facts and Figures*, the average, annual, individual cost of incarcerating an older prisoner is as high as \$138,000 (2). By 2022, the cost will rise considerably. The ACLU report, *At America's Expense: the Mass Incarceration of the Elderly*, cites the number of prisoners age 55 and older will amount to 400,000 by 2030 in total at current rates. "In other words, from 1981 to 2030 the elderly prison population is expected to increase by 4,400 [percent]. This astronomical number does not even include prisoners ages 50-54" (ACLU 5). According to John J. Kerbs and Jennifer M. Jolley, Bureau of Justice Statistics data from 2010 note that federal and state prisons then held 246,600 prisoners over age 50 or 15.9 percent of the incarcerated population, up from the year 2000 numbers which were 103,132 or 8.6 percent of total population (Kerbs and Jolley 9-10).

The American prison population is overwhelmingly male. I focus on the place of aging women in prison. Between 1998 and 2009, the number of arrests for Americans age fifty and over rose from 4.2 percent to 8.4 percent of total arrests with the most significant increases found

for women ages 50-54. Total numbers of female arrests in that time frame grew from 38, 805 in 1998 to 99,500 in 2009. Arrest rates also grew for women in age groups 55-50 and 60-64. According to researchers Ronald H. Aday and Jennifer J. Krabill, arrest rates for women exceeding age 65 almost doubled. When compared with similar rates for older women and men in the 1990s, this phenomenon constitutes “a geriatric crime wave” (2-3).

Why are old people, particularly older women, incarcerated in increasing population numbers in the United States in the last ten to fifteen years? Before 1998, increases had been modest for both older men and women. Most women in prison in the United States are incarcerated for non-violent, drug-related crimes (Talvi 7-9; Aday and Krabill 4-5; Zaitow and Thomas vii-viii). Consequently, aging women prisoners represent a demographic that, generally speaking, represents little danger to the public. The sudden jump in arrests, charges, and convictions appears to be a result of arrest imperatives in policing policies, amounting to near mandates to increase arrests with no regard for age or gender. In fact, there has been a proliferation of laws that require arrest, thus reducing officer discretion. Illegal drugs are often the doorway to intersection with the criminal justice system. This is particularly true if people live in poverty-stricken neighborhoods marked by police saturation tactics. Imprisonment, often incremental over a span of years, can be the result.

Prisons suffer from the “stacking effect.” This effect is a main reason for the increased aging population. It is a result of larger numbers of prisoners who have longer sentences than in the past and, thus, remain in prison instead of paroling. Combined with the newly sentenced, prisoner populations just keep expanding. There is no replacement effect because no one leaves. “This stacking effect has led to a unique drain on the already limited resources within the U.S. correctional system, wherein prison administrators are simultaneously pressured to ‘develop and

modify programs and strategies focused on the special challenges of aging inmates' while delivering services to meet the needs of younger inmates" (Blowers, Jolley, and Kerbs 134).

Azrini Wahidin lists categories for older women offenders. They are:

- Older first-time offenders currently serving terms of imprisonment;
- Older offenders who have previous convictions but have not served prison sentences;
- Recidivist offenders who may have spent a significant amount of their lives in and out of prison;
- Prisoners filling out life sentences who have grown old in prison and
- Long-term prisoners. (Wahidin 86)

Such categories would appear to apply to all prisoners but they particularly describe older women in ways previously not imagined until their category entered the crosshairs of the rush to incarcerate. The country's retributive tastes extend to older women. For politicians, wholesale release of any group is politically risky when reelections depend upon not appearing soft on crime. Even the idea of releasing aged women to nursing home runs into the fear of possible predatory behavior directed at other nursing home denizens. In fact, retirement residences, nursing homes, or assisted living facilities can deny admission to those with criminal records. Policymakers reject correctional cost-saving analyses for early release. They explain governmental costs, principally those involving healthcare, will merely shift to other public agencies (Kerbs & Jolley 38-39). Generally, crime victims' organizations reject any early release for any reason, citing the current retributive nature of sentencing and the contemporary maxim, "life mean life" (Wahidin 86).

To understand the progression of mass incarceration in the United States over the last thirty-five years, a short overview is in order. While that history is undeniably complicated, there are signposts to follow through Presidential terms and landmark legislation; almost all of the latter---until recently---delineating progressively harsher and more retributive policies. The most notable question arising from the historical progression is why mass incarceration occurred. One

of the most acclaimed explanations for the rise is analyzed in Michelle Alexander's *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. Professor Alexander put race front and center, a necessity considering it is a major impetus for the creation of the system of mass incarceration. Ian Haney Lopez tells us, "...racialized mass incarceration shows that even today we are not so far from countenancing massive systems of racial brutality as we typically believe" (50). Marie Gottschalk stresses in *Caught: the Prison State and the Lockdown of American Politics*, that the drug war "disproportionately targeted African Americans despite surveys showing that they are no more likely to use or sell illegal drugs than whites" (127). Silja Talvi notes that Latinas and African Americans "represent more than 60 percent of women locked up in state and federal prisons," often for conspiracy charges that are drug-related and mostly for not snitching on significant others rather than actual drug dealing (7). Jill A. McCorkle focuses on women in an unnamed state prison in *Breaking Women: Gender, Race, and the New Politics of Imprisonment*. In that state, between 1980 and 1990, the state's prisoners incarcerated for drug crimes grew from 4 percent to 20 percent. By 2000, 87 percent of those serving time for drug conviction were African American, both male and female (74).

It is essential for anyone attempting to understand mass incarceration to recognize the connection between money and mass incarceration. Prison-related industries make money from incarceration, employing thousands while reaping enormous profits. Like many social agencies that were once within the purview of government, imprisonment in the United States has become ever more privatized in ancillary services and in running non-government facilities, especially those holding undocumented immigrants.

Following a historical narrative, I will delve into life in women's prisons through the perspective of Erving Goffman's symbolic interaction theory. Symbolic interaction is the

consummate lens through which one can demonstrate the uncertainty rife in daily prison interaction, highlighting assaults on self-concept, development of coping mechanisms, and loss of privacy in what Goffman terms total institutions.

I argue that loss of identity results in instability in gender construction. Women prisoners confront the dilemma of an almost-total same sex environment with often a great deal of acceptance of fluidity in gender categories and relationships. By acquainting my reader with generally-accepted structural constructions of gender through the works of Joan Acker, Dana Britton, and Rosabeth Kantor, I will move on to an examination of fluidity of gender, citing writings by Kate Bornstein, Mary Bosworth, Judith Halberstam, and Judith Butler.

The conditions in women's prisons can lower life expectancy, creating suffering and depression in aging and old prisoners. In addition, the backgrounds of most prisoners create a discrepancy between chronological age and physiological age. Given the aforementioned impacts on self-concept, inadequacies of accommodations for the aged in the physical environment, nutrition-deficient diets, and woefully poor healthcare access, alternatives to present circumstances must be explored.

Desistance---the movement away from anti-social and/or criminal behavior---is integral for reintegration into everyday society. Research conducted by Shadd Maruna, Michael Massoglia, Christopher Uggen, and Candace Kruttschnitt illuminate the subject. Sociologist John Irwin, a one-time prisoner who became an expert on and advocate for the incarcerated in California, wrote about prisoners serving life sentences who were often the best bet for desistance. Professor Irwin lived and worked through the transformation of American prisons from the rehabilitation model into the punitive, retributive one we see today.¹

¹ One caveat I must mention: I spent seven years in a women's prison. My discussion is informed by those years and the people I met inside. I was sent to prison at age 55.

I conclude with possible avenues for improving carceral conditions or potential for release of aging women prisoners; what those may be and whether or not such pathways are achievable. There have been steps toward reform in abolishing life without parole sentences for those who committed their crimes before they were adults. Perhaps there can be a link made between minor perpetrators and their culpability for their crimes and aging women and their probability for future commission of crimes. Apart from current legislative and legal possibilities, I investigate human rights considerations. I look at grassroots organizing across the United States, much of it informed by friends and families of prisoners but especially by former or in-custody prisoners themselves.

Whatever alternatives the United States moves towards in confronting the historically anomalous dimensions of its incarcerated population, an exploration for why this happened must be accompanied by a moral element. Too many Americans perceive mass incarceration through a Manichaeian viewpoint of good and evil with prisoners often regarded as unsalvageable beings. Until we can confront this simplistic trope, the possible fates of aging women prisoners are indeed truncated.

Chapter One

Like the now-old adage about the American prison population that still manages to shock those who do not already know, a new comparison has been recently released. The first is that the United States has 5 percent of the world's population but 25 percent of its prisoners, more than any other nation. In fact, the United States has "twice the percentage as in China and four times as much as Russia." (*Prison Policy Initiative*, 11/18/2015). On November 18, 2015, the Prison Policy Initiative released its worldwide figures on the state of incarceration for women. The United States contains only 5 percent of the world's population of women but nearly 30 percent of its women prisoners. Furthermore, when comparing American states as individual jurisdictions with other countries overall, the Prison Policy Initiative's report, *States of Women's Incarceration: The Global Context*, finds that "the 25 jurisdictions with the highest rates of incarcerating women are all American states." (Katjstura and Immarigeon) The United States incarcerates women much less often than men but with Portugal as the western democracy next highest in numbers of women it imprisons (United States: 127 in 100,000; Portugal: 16 in 100,000), American figures far exceed, all comparable countries.

From 1980 through 2012, the number of women in state and federal prisons jumped from approximately 25,000 to more than 200,000, one-and-one-half the rate at which incarceration for men increased during the same period. Increased incarceration has disproportionately affected women of color. African American women were incarcerated at three times the rate for white women (133 versus 47 per 100,000). Hispanic women entered prison at 1.6 times the rate for white women (Coutts and Greenberg 1).

Short history of 20th - 21st century American incarceration

Presidential eras, legislation, and constitutional decisions

The modern American prison system has become warehousing² for people no longer employable in an economy with no place for them. Unskilled and semi-skilled jobs are shipped overseas. Mass production has virtually disappeared. The welfare state has crumbled. The ghetto, its streets and its schools, has become a feeder mechanism for prisons and prisons bring the ghetto inside carceral walls in a frightening symbiotic relationship. Mass incarceration and imprisonment of the poor, especially poor people of color, were brought to the American people by Ronald Reagan's War on Drugs. That war remains concentrated at the street level where poor people live (Wacquant, *Deadly Symbiosis* 96-97, Perkinson 327).

Conservative politicians, beginning in the latter part of the 1960's in the Nixon administration, sought to discredit the Civil Rights Movement, the anti-Vietnam War movement, and dissent by criminalizing them and to weaken government welfare programs for the poor. Barry Goldwater introduced these themes in his 1964 Presidential campaign. They were embedded within the election victory of Republican Richard Nixon in 1968 whose administration pushed expanded police financing and programs under the rubric, "law and order." Republicans developed a strategy to lure southern Democrats to their party based on appeals to white racism.³ "Law and order" were part of a coded language for race-based policies aimed at exploiting white racial fear, a process cogently described by Lopez as "dog whistle politics" (24).

² Warehousing has become the descriptive term for American prison housing conditions due to the extreme numbers incarcerated. Large populations lead to overcrowding and bunkbeds-in-rows style accommodations, often with little or no consideration for humaneness of the conditions or humanity of the prisoners.

³ The Democratic Party nationally had tolerated the racism of southern whites in order to keep them in the electoral fold. The Lyndon B. Johnson administration enacted laws at the federal level to end discrimination in voting rights and to launch the War on Poverty due to the Civil Rights Movement demands, alienating southern whites and leaving them open to racist appeals.

Before Nixon, Lyndon B. Johnson's administration, today touted for liberal racial and anti-poverty policies passed under Johnson's watch, also implemented the Omnibus Crime Control and Safe Streets Act of 1968. John Simon, law professor and criminal justice issues expert, terms the act "the legislative enactment marking the birth of 'governing through crime' in America" (90). Devised by a coalition of southern Democrats and western Republicans, Simon notes that it repudiated "the Warren Court's major decisions on police interrogations" and "for the first time authorized wiretaps and other forms of electronic surveillance," the latter embraced enthusiastically by the Nixon administration (93).

Nixon officials introduced drug control as a crucial focus in their war on crime. They determined that criminals had been coddled by liberal judges and courts. They launched legal attacks on defendants' rights that had been put in place in the 1960s. Abetted by Congressional Democrats, many of these hard-won rights were abandoned through "no-knock entry" and "preventative detention"⁴ procedures adopted by Congress at Nixon's behest for the District of Columbia (Simon 100). Despite criminal crackdowns at the federal level, eleven states legalized personal use amounts of marijuana in the 1970s (*Drug Policy Alliance* "A Brief History").

After Nixon was forced to resign in 1974 due to his own problems with "law and order," Presidents Ford and Carter were less engaged in the war on crime. The 1980 election of Ronald Reagan, a hard-line Republican, brought the conservatives came back to power. They called attention to the need for wars on drugs and crime before the public was even aware they were issues. When this occurred, "less than 2 percent of Americans thought drugs were a major problem" (Lopez 52). Author Joel Dyer accounts for this by positing that, after Reagan's election in 1980, a "crime gap" was devised to facilitate a belief by the general public that crime rates

⁴ "No-knock means that government agents or police may enter a target without announcement. "Preventative detention" means that certain people or groups can be detained without cause or to prevent a future crime.

were on the rise while they were actually falling. He points to “law-enforcement agencies, politicians, and members of the prison-industrial complex” as the culprits who ramped up the anti-crime rhetoric in order to reap profits, power, and influence through exploiting crime (29). Reagan increased federal funding to fight drug crime. The Federal Bureau of Investigation, in Reagan’s first term in office, received \$181 million to combat drugs, up from \$38 million, and Drug Enforcement Administration monies rose from \$86 million to \$1 billion while funding for drug treatment under Reagan fell dramatically (Lopez 52). Meanwhile, mass media monopolization through deregulation under both Reagan and his successor, Bill Clinton, led to more violent content in entertainment offerings. Market-driven news, in which the slogan, “If it bleeds, it leads,” became the main motivator for headlines, bringing crime and crime-fighting into households on a daily basis. The public’s fear of crime and the “crime gap” were enhanced by constant exposure in the media to violence, real and fictional (Dyer 56).

Reagan ignored all crime other than street crime.⁵ His administration tied crime to welfare, denying the connection between socioeconomic causes and crime. Despite numerous studies linking lower crime rates to greater welfare assistance, Reagan rejected those contentions. Commenting recently on the intersection of neoliberalism and the War on Drugs begun by Reagan, Henry Giroux notes, “institutions that were once meant to limit human suffering and misfortune and to protect the public from the excesses of the market have been either weakened or abolished.” (Giroux, *Counterpunch*) Under Reagan, elites sought and succeeded in bringing about a political shift, elevating the importance of the security state over the welfare state with the express mission of controlling populations; particularly the poor and with a special emphasis on people of color.

⁵ At the beginning of the first Reagan administration, crime was at an historic low in the United States (Dyer 31-33).

The 1984 Sentencing Reform Act, initiated by Reagan's Attorney General Edwin Meese, abolished parole in the federal system. Joel Dyer writes that the act "allowed the [U.S.] Sentencing Commission to radically alter the established sentencing guidelines in favor of much harsher and longer sentences that the federal courts were then required to follow without exception." It introduced mandatory sentences which "had been abandoned nearly 100 years earlier because they were found to be ineffective, overly costly, and unjust and made prisons extremely dangerous places for both inmates and guards" (Dyer 154).

With the help of the mass media and its constantly-increasing focus on advertiser-attracting dollars for crime-as-entertainment, Reagan began the War on Drugs. He signed the 1986 Anti-Drug Abuse Act into law that contained draconian sentences for the crack form of cocaine, used primarily by blacks, while not doing the same for the powdered form favored by white users. The act kicked off widespread increases in mandatory minimum sentences.

Democrats eagerly joined in an artificially instigated campaign against crack cocaine. Politically, they couldn't afford to be seen lagging in the War on Drugs or to have the dreaded epithet, "soft on crime" affixed to their candidacies. Thus began a campaign against drugs that led to a phenomenal increase in spending for drug interdiction. From the 1980s until today, the War on Drugs has cost the American taxpayer up to \$1 trillion (*Drug Policy Alliance* "A Brief History"). Congress passed laws that ensured severe penalties for drug use. In 1988, the first Bush administration passed a second Anti-Drug Abuse Act that included more mandatory minimum sentences for many drug offenses, the death penalty for others, and post-prison re-entry prohibitions against former drug offenders that denied them college loans and access to public housing. (Alexander 52-53, Simon 57-58)

George H.W. Bush focused on crime issues since they were so successful for his predecessor and because he needed to garner electoral support from Reagan voters. Bush's campaign is remembered for the famous "Willie Horton incident," whose crime and race angles Bush's minions---particularly his eldest son, future President George W. Bush, and campaign operative, Lee Atwater---exploited for all they were worth.

Horton was an African American prisoner, originally convicted in Massachusetts for first degree murder. He received a weekend furlough while Dukakis, Bush's Democratic opponent, was governor. He fled the state and later raped a woman in Virginia in front of her fiancé whom he had already incapacitated. He was later caught and is imprisoned to this day. The Bush campaign produced a lurid ad that ran on television right before the 1988 election. It was decidedly racist and caused much outcry for its tone and blatant appeal to the old "protect white women from brutish black men" trope. It succeeded in negatively painting Dukakis as a feckless liberal in the soft-on-crime mold (Alexander 53, Wacquant 197, Simon 57). That George H.W. Bush had politically and financially supported a Houston, Texas halfway house program, New Directions, from which, in 1981, a parolee escaped, raped, and murdered a minister's wife, a crime for which he was later executed, never became public (Hatfield 83-83, footnote).

In 1992, he lost to Democrat Bill Clinton. Not to be outdone by right-leaning Republicans, Clinton vied with them for initiatives on harsh responses to crime throughout his two administrations. He gave lip service to culturally-liberal ideas but, in practice, he was a willing member of the bipartisan cabal of politicians bent on spending more billions on law enforcement, increased imprisonment, and restricting prisoners' rights while ensuring increased lifelong incarceration (Simon 102). It should be noted that more Americans were sentenced to prison under Bill Clinton than under any other President (Stein "The Clinton dynasty's...").

The Violent Crime Control and Law Enforcement Act of 1994 passed during the first Clinton administration. Among African American lawmakers in the Congressional Black Caucus (CBC) there were divisions regarding the punitive nature of the act. They fought to include the Racial Justice Act within it that “would have allowed statistical evidence of racial discrimination to be introduced in capital punishment cases” but Clinton out-maneuvered them by gaining the support of a large portion of black mayors and it was left out of the final package (Gottschalk 153). The \$30 billion crime bill, besides increasing the number of capital crimes by sixty, “mandated life sentences for some three-time offenders, and authorized more than \$16 billion for state prison grants and expansion of state and local police forces” (Alexander 55).

Under Clinton, two effective mechanisms for increasing the population of Americans in prison were enacted:

The Anti-Terrorism and Effective Death Penalty Act of 1996 (ADEPA) passed with strong bipartisan support in Congress after the bombing of a federal building in Oklahoma City. It severely restricts habeas corpus appeal rights of prisoners, allowing them only one year after sentencing to bring an appeal. This includes life sentences and death sentences. It undermines proof of actual innocence, even in death penalty cases.

The Prison Litigation Reform Act of 1996 (PRLA) was designed to block frivolous lawsuits brought by prisoners but instead, as a 2010 *New York Times* editorial concluded, “What the law has done instead is insulate prisons from a large number of very worthy lawsuits, and allow abusive and cruel mistreatment of inmates to go unpunished” (Ridgeway 2010).

Apart from criminal justice reform, Clinton had made a campaign pledge to reduce reliance on welfare payments, or government handouts as they known to Republicans. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 fulfilled his pledge to

“end welfare as we know it.” Peter Edelman, Clinton’s assistant secretary for planning and evaluation at the Department of Health and Human Services, resigned in “profound disagreement with the welfare bill” (Edelman 2). He quotes a study undertaken by the Urban Institute and given to Clinton prior to the act’s passage that showed “the bill would move 2.6 million people, including 1.1 children, into poverty” and “a total of 11 million families---10 percent of all American families---would lose income [\$1,300 per family] under the bill” (Edelman10). Alexander stresses that welfare benefits were set at a lifetime cap of five years. Furthermore, the law mandated “that states *permanently* bar individuals with felony drug convictions from receiving federally funded public assistance” (Alexander 152-53). Those changes continue to reverberate today. For women prisoners in Oklahoma, it is the state which, according to journalist Victoria Law, “has become the country’s capital of female incarceration” ...at... “double the national rate” of women incarcerated. Law cites unfilled “holes in the state’s social safety net that would have kept them from falling out of society and into prison” (Law “Why Are So Many Women...”).

While discussing welfare reform’s effects on African American women and its intersection with crime and incarceration, Beth Richie notes that these women have borne “the brunt of the neo-liberal cuts in social programs” while remaining “the most vulnerable to male violence” (113). Coercive instruments for adhering to bureaucratic welfare assistance policies are “family caps, coerced adoption, paternity notification, marriage provisions, abstinence programs, and the like” (113). These women become criminalized:

to the extent that women lose their rights to privacy and are forced to make information public that might put them at risk of abuse, they are vulnerable to moral judgments and criminal sanctions because their social position is understood as part of their moral failings, and then are ultimately left to fend for themselves once they experience male violence (113).

George W. Bush brought torture out in the open. The path had been prepared for public acceptance through growing dehumanization of prisoners under mass incarceration. The Bush administration's defense for its use of torture employed many of the same tactics---inordinate fear and generalized discrimination---applied to dehumanize America's prisoners. Torture policies in American prisons preceded torture elsewhere. Colin Dayan notes that seven Supreme Court cases between 1976 and 1994 that ruled on cruel and unusual conditions in U.S. prisons were cited to uphold enhanced interrogation techniques in the Bush administration's torture memos (95). Citizens had already become numb to dehumanization of U.S. prisoners, paving the way for similar treatment of prisoners under U.S. control anywhere.

President Obama outlawed torture. He replaced it with targeted drone attacks that have led to killing targets and anyone in their vicinity which, despite widespread protest, is acceptable to the American people.⁶ Still, under Obama, at least in his second term, there has been some progress in messaging decarceration. He has responded to the fact that masses of prisoners in American carceral facilities do not enhance the international image of the U.S. as a beacon of democracy. The cocaine sentencing disparity enacted under Reagan was dispensed with---not altogether but modified substantially--- although it still has not been made retroactive for the many confined under the old parameters.

There may be some substantial sentencing reform while Obama remains in office. Unfortunately, the bipartisanship now touted as something both Democratic and Republican officeholders can agree on is undermined by Republican advancement of reforms that let white collar criminals off the hook. That is exactly what is occurring now in the U.S. Congress.

⁶ Drones are armed pilotless aircraft, operated by American technicians in U.S.-based sites, in a CIA-engineered war in the Middle East. Obama's administration has used them to perpetrate surgical strikes against targets deemed terrorist by the government.

Money and Mass Incarceration

Billionaires Charles and David Koch have recognized how much mass incarceration costs society, in terms of money rather than human suffering, and particularly how much it costs *them*. They lost a legal fight in 1996 when a Texas grand jury fined their refinery operation in Corpus Christie, Texas for 97 environmental violations. A guilty plea to one count resulted in a \$10 million fine (Rosenfeld). The Kochs became particularly interested in reducing penalties for non-violent crime. They have reaped a public-relations bonanza while working for reform in their own corporate favor. The *New York Times* recently reported that a bill that will be a watershed sentencing reform law that is currently in the House of Representatives (2015), “would make it significantly harder to prosecute corporate polluters, producers of tainted food and other white-collar criminals.” (Apuzzo and Lipton *NYT*) Furthermore, the Kochs support Republican Party candidates whose political policies on judicial reform are completely opposite to Koch sentencing reform rhetoric and who have effectively put in place laws that are antithetical to the Kochs’ supposed reform stance. Needless to say, the hypocrisy of Charles and David Koch is studded with dollar signs (Rosenfeld).

Despite media recognition of mass incarceration as a problem, actual reform is minor overall. The Bureau of Justice Statistics reported a drop in the prison population for 2014 of one percent. That follows the 2013 drop in population of one percent and does not include the approximately 700,000 in the country’s jails. The year 2014 represents the fourth year in a row that the prison population has fallen (Kilgore 1). While Obama released over 6,000 prisoners in one fell swoop in the autumn of 2015, most American prisoners are held in state systems rather than in the federal system.

In California, which was ordered by the U.S. Supreme Court to decarcerate in 2010, there has been a big drop in the prison population. Unfortunately, although many have been released, this has been accompanied by large out-of-state transfers to other states' prisons and longer stays in county jails. Former governor, Arnold Schwarzenegger, signed an emergency proclamation in 2006 to ease overcrowding through out-of-state transfers. By 2011, at least 10,000 California prisoners were situated in private prisons outside the state. As of 2013, with over 9,000 prisoners still out of state, Governor Jerry Brown declared he would send an additional 4,000 prisoners to private prisons both in and out of state to ease overcrowding (Law, "California"). A friend of mine has been fighting the building of a large new county facility for women in Lancaster, California, part of Los Angeles County. Just recently, money was voted to fund the facility building with lease-revenue bonds, a costly method the state has used to bypass voter consent for prison construction since California voters started to reject referenda for new prison construction in the late 1980s. There was a plan in the works to build a large women's jail facility in San Francisco as well, but that has been defeated through local activism. Constructing more jails means the women's prison population is reduced while scores of women and men remain in custody.

There is a fascination in American society with the figure of the outlaw. Perhaps it stems from nineteenth-century tales of United States' western migration, settlement, and lawlessness, including often-isolated, living conditions, and the stories and novels, particularly in the twentieth century that emerged from them. Too, when movies became widespread entertainment from the 1920s forward, that fascination continued in Depression-era gangster films and 1940s-50s film noir. The outlaws were predominantly white and male outsiders. In

these scenarios, other than as faithful molls, women were marginalized. Until recently, in criminological research this has also proved true.

Although women's arrests and increasing incarceration rates have risen in the last three decades, their ratio of offense has remained stable compared to men's. Also true, according to the Uniform Crime Reports (UCR) produced by the Federal Bureau of Investigation (FBI), records show that men and women are arrested for similar crimes that are mostly petty and nonviolent. Where they differ is in comparable numerical rates of arrest and for rates involving violent crime. Men are arrested 2.5 times more often than women altogether and between 5 and 83 times more (83 percent for rape) for certain violent crimes. Women surpass male arrest rates only for prostitution and for running away from home (Britton, *Feminism* 60).

Women often come to crime from victimized backgrounds of intimate-partner physical and emotional abuse. What effect abuse and propensity to offend have on one another is unclear but one point is true, women in prison for murder primarily killed their abusers. In one study, the number of women incarcerated for murder of their abusers is 75 percent and the murders occur in male-initiated, violent encounters (Talvi 177).

UCR data is not collated for race and sex but general statistics in several studies confirm that African American males are arrested at the highest rates (Alexander, 6 & 180-82, Wacquant, 197). This is "a novel and recent phenomenon, with 1988 as the turning point: it is the year when then-vice president George Bush (the father) ran his infamous 'Willie Horton' advertisement during the presidential campaign" (Wacquant, 197, Perkinson 336). Black women are arrested more for violent crime than white women and, in the case of some offenses such as larceny-theft, their arrests parallel those of white men (Britton, *Feminism* 60).

In order to justify rising female incarceration rates, it is essential to instill fear in the public of increasingly violent offenders. Women of color bear the onus of such propaganda as a result of the racialization of crime in American society. They are overrepresented in criminal justice statistics when compared to their overall demographic numbers.

Women in contact with the criminal justice system as offenders gain no benefit from their gender. Because it appears that offending girls and women run counter to prevailing gender role expectations, juvenile girls are often given harsher sentences than boys who fulfill role expectations in a fundamentalist sense. That prejudice continues for women of color. They are often subject to harsher treatment in jails and longer sentences for crimes than are white women (Britton, *Feminism* 62). Suppositions concerning the relative worth of male and female workers in prisons further denigrate women prisoners, who are seen as outliers in regard to their traditional social roles even more so than male prisoners, who fulfill roles of male rebellion and outlaw status. Arrests for black and Latina women are much greater than for white women. Women of color have borne the brunt of the extravagant increase of women in American prisons.

Whether in county jails or actual state or federal prisons, women are likely to remain in custody for long periods of time for the near future given the current state of sentencing. Many states have introduced life-without-parole sentences or severely limited discretionary grounds for parole administered by parole boards. Half-time is no longer routinely earned as it once was. There are no sentence reductions for good behavior or program compliance, but for non-compliance, time may be added to sentences. Relegating people to life behind bars during the majority of their productive years directly serves mass incarceration population growth. In truth, older women commit more serious crimes than in the past (Aday and Krabill 6). That, however, is often the result of sentencing classifications and the addition of longer sentences for crimes

than before 1980. If a person is fifty-five or older when she receives a current punitive sentence, she will likely die in prison.

Chapter Two

Symbolic Interaction

As more Americans are drawn into the criminal justice system, it seems inevitable that older women would be targeted. Defining the older woman prisoner is fraught with problems, particularly due to the phenomenon known as *accelerated biological aging*. Prisoners, as a result of poverty, poor access to health services, low levels of education, and, for women, the added stressor of high levels of physical and mental abuse from domestic partners, are often ten years older than others in their chronological age group. Additional stressors in prison are separation from friends, communities, and loved ones; living in prison; and threat of victimization (Aday and Krabill 48-50; Wahidin 150; Kerbs & Jolley 6, 56). Management of older women prisoners does not take age into account. Generally, prison staff has no acquaintance with gerontological issues (Aday and Krabill 39; Strupp, et. al. 37).

Attention to issues affecting the aging population in prisons is in its initial stage, especially in regard to older women. Most prisoners are young, less than thirty. Alcoholism and drug addiction are both health issues which can ensnare people for life. These health issues are present in the extreme in the prison population. Substance abuse is common for older women (Kerbs & Jolley 55). Instances of stress brought about by myriad reasons can lead to reengagement with drugs, even after years of rehabilitation and avoidance strategies.

Irving Goffman's work reveals the mundane activity of daily life from the prisoner's standpoint. In so doing, he maps the "encompassing tendencies...symbolized by the barrier to social intercourse with the outside and to departure that is often built right into the physical plant...of prisons that insinuate themselves into the psyches of prisoners and of the relatively small group of people who staff them" (4). Unlike some other total institutions such as

monasteries or homes for the blind or the orphaned, prisons are unconcerned with the welfare of their charges. Prisons are staffed with those concerned with carrying out their bureaucratic and custodial duties. Two different societies develop: the keeper and the kept. They are separated by physical and social boundaries. Employing an encompassing theory of human nature, staff members stereotype all prisoners as the kept, engendering an unbridgeable social distance and abrogating all meaningful interaction.

Ronald H. Aday and Jennifer J. Krabill in *Women Aging in Prison: A Neglected*

Population, quote one older woman prisoner:

I'm often bothered by the way the officers talk to us and curse us out. It hurts my feelings. I cope by respecting the authority that they do have over me, no matter what age, by being obedient and staying near or on my bunk. Under the circumstances, I try to remain positive even though I do think at times, "do these people talk to their mothers this way?" (37).

Interpersonal and structural violence are endemic in women's prisons. Structural symbolic interaction theory emphasizes the limits that social structure places on possibilities for interaction; that is, which persons are brought together in what settings, and also on situational definitions that can be invoked in interaction. It is impossible to observe women in prison without considering the oppressive overlay of the institution. Because incarceration represents a distinct break with the everyday reality of most peoples' lives, once a prison sentence is completed, it is difficult to approach reconciliation with normalcy without accounting for the experience of the imposed sentence. This is particularly true if the sentence is years long.

Goffman, in his first essay, "Characteristics of Total Institutions" in *Asylums*, focuses on the structure of self in total institutions---mental institutions and prisons---that emphasize "involuntary membership" in their populations (xxi-xx). He explicates both staff and inmate

positions and their interactions. His main interest, however, is with the point of view of the prisoner.

Prisoners are inextricably constrained by the fact of imprisonment; not only by the physical structure of containment but by impositions from the free world's political and social systems that serve to refine the inside prison world. The accoutrements of incarceration---from the moment of arrest---symbolized by handcuffs that are often fastened in a too-tight and uncomfortable manner and, once in the city or county jail systems, additional leg and waist chains for trips to court---strip persons of dignity. They signify the end of freedom of choice. Ever-present overhead lighting, intrusive public announcement systems, and arbitrary searches of body and belongings that govern carceral life remove all sense of privacy.

Barney G. Glaser and Anselm L. Strauss define awareness context as “the total combination of what each interactant in a situation knows about the identity of the other and his own identity in the eyes of the other... [and] it surrounds and affects the interaction.” The phenomenon of awareness, they contend, is the crucial component of any study of interaction. Interaction may involve two or more persons and their signs and signals particular to a specific group or groups. Furthermore, any specific interactant may be representative of a system which manages all identities involved with specific requirements and investments in that system. Glaser and Strauss devised four categories for the contexts: open, closed, suspicion, and pretense. The open awareness context is one in which each person involved is aware of her own and any other's identity and also how the other views her identity. Generally, a prisoner presents an open awareness at entrance to an institution. She knows, even if it is the first time she is sent to prison, that she is minus all power until she learns the ropes. Guards treat her as “just another inmate,” which she is to them. Other prisoners wonder who she is or they may already know.

Because of the high recidivism rate in United States prisons today, a prisoner's identity is often already known due to a process termed *doing life on the installment plan*.⁷ Open awareness can also be an element in physical attacks although once a prisoner has become acculturated to the perception of what could be called total awareness in total institutions, one begins to sense a *vibe* in the atmosphere that something, usually something negative like a fight, is about to *jump off*. The category of awareness, suspicion, when one person suspects another's true identity or motive and vice versa can also be an element of awareness for a variety of reasons. A case may have particular renown and people may have already formed an opinion of an incoming prisoner. Sometimes simply the pervasive suspicion rife in a prison setting of all unknowns can be operative when a new prisoner enters. Pretense, when two or more persons are aware of true identities and motives but feign ignorance, is operative in prison. It is often important to a prisoner that people do not know what she is thinking. In my experience, people are very careful, especially once they have been imprisoned for some time, to mask their opinions so they cannot be accused of anything.

The process of dehumanization begins upon entering prison. It is a process of denial of the former self coupled with a reconstruction of a person into what will become the incarcerated self. What Goffman terms a person's *identity kit* is taken and replaced by that of the prison. One's name is exchanged for a number that must accompany all formal representations of communication. One's small properties, those not taken in jail, are either sent home, if the prisoner has personal funds upon arrival, or confiscated. These are replaced by the institution's goods. A strip search accompanied by a cavity search immediately reminds the inmate that there is no personal space. Strip searches are difficult for older women, especially since they are

⁷ This phrase refers to the prisoner who is returned to prison repeatedly due to failure to complete parole without violation or because of a re-arrest for new crime resulting in conviction.

usually accompanied by the command to squat and cough, theoretically to dislodge any contraband hidden in the vagina (Lutze 194-95).

A hallmark of the presenting environment is the oppressive closeness---of other people, of the internal physical landscape itself and, again, of the complete lack of privacy. Noise levels are unrelentingly loud except at lights out and even then, depending on the predilection of on-duty staff, can continue unabated. Tension is the overarching theme. Older women who enter prison with no carceral history are often intimidated and become objects of abuse. From the Legal Services for Prisoners with Children 2005 report, *Dignity Denied*, on aging women prisoners in a California prison, one prisoner said “ ‘If you just got here, you really don’t know anybody, and so what happens is you see a lot of older women with black eyes’ ” (Strupp et. al. 36).

Goffman describes the processes of mortification that greet a prisoner’s entrance to a total institution. The first impedes the prisoner’s “adult self-determination, autonomy, and freedom of action” (43). It leads to disruption in attainment of markers for adult status while producing “the terror of feeling radically demoted in the age-grading system” (51). As part of the normal life course, older women must also deal with the demotion in status that often simply accompanies growing old. Second, there are assaults upon the self, actions designed to degrade self-conception. The third concerns the symbolic interactionist framework in relation to the fate of the self and what one conceives as causes for stress. While mortification of the self is undeniably accompanied by psychological distress, the individual alone must determine what is, in fact, stressful or mortifying and that differs with each individual.

A prisoner experiences first curtailment of self. In total institutions, projection of different selves is disrupted by separation from the world wherein those selves develop and

flourish, often for years or for life. A prisoner suffers role dispossession. While some may be recoverable after release, others are irrecoverable.

For instance, at trial, prosecutors have become so adept at describing monsters to a jury in the past thirty years; the characterizations they present juries often have nothing to do with the defendant's real character (Zoukis 10; Perkinson 318, 342, Alexander 86). Women I knew in prison would say about their trials, "I looked around the courtroom. I thought, 'She can't be describing me!' But the prosecutor was. It was horrifying! I'd be scared of me too!" A prisoner becomes what others say she is, especially someone in authority. If a prisoner has a long sentence, she may become "untrained" in managing daily features of her life (Goffman 13). It may not be necessary for her to negotiate the life tasks that are a part of an ordinary life in the free world. Depending on sentence length and technological advances, she may never fully recover those skills when released.

Desegregation of life spheres allows authority, in the persons of staff, to comment on an inmate's conduct from one context to another. Desegregation is part of the process of "looping" which occurs when protecting one's self from assault in one sphere of activity collapses into another and is used against the prisoner (Goffman 35). Because a prisoner has no privacy, she may never have a secret in one sphere that may not be known or eventually revealed in another time or location.

Detailed lists of restrictions on all human activity are subject to time and arbitrary authoritarian constraints. Because a prisoner is legally property of the state, according to the thirteenth amendment to the Constitution, one can be punished for harming one's person which is state property (Zaitow 24). When I first got to prison and got sunburn, other prisoners warned me I could be "written up" for destroying/sunburning state property. At first, I thought they were

playing a game with me but they weren't. Everything is observed: visits, mail, incoming packages from state-approved vendors, everything. Any personal goods can be confiscated at any time by anyone in authority for no reason.

The privilege system is the antidote in prison to mortification. It must be noted that Goffman states that privileges are "merely the absence of deprivations one ordinarily expects not to have to sustain" (51). The privilege framework is comprised of three elements: house rules that control everyday conduct, including punishments for rule-breaking; small rewards such as visiting, inmate canteen, packages from outside vendors; and time out of cell or yard time.

Visiting is the way in which a prisoner is able to possess a meaningful sense of her former self. She sees the person she used to be reflected in the interaction with someone from the outside. However, age intervenes. One woman I knew lamented, "The people in my life who have really been supportive of me---might even have sent me a few dollars---passed away." Prisoners experience social death. They serve such long sentences that they are lost to their communities and the younger generation in the free world does not know them. While some people are fortunate to receive visits, many women, such as thirteen percent of those quoted in the *Dignity Denied* report, had had no visitors in the last five years.

Goffman discusses *playing it cool*, a tactic he maintains most inmates adopt in order to obtain the few privileges allowed in prison life while presenting different faces, as much as possible, to other inmates such as on the job or in living situations, and to staff. He states this is done to maximize potential for eventual release while devising a bearable life behind bars, an awareness context that appears closest to one of pretense since everyone is most likely accepting of it as a rational choice.

Prisoners are forced to mix with perhaps heretofore unaccustomed groups of people from different classes, races, ethnicities, LGBTQ populations and, of course, more and more aging women in the population, many of whom will die in prison. The normal frames in which relationships develop are exchanged for those fraught with anxiety and mistrust. Barbara Owen's *In the Mix* observes that women prisoners never ask a new arrival about her offense, a maxim that holds in any circumstance. A woman prisoner can know another for years and never be aware of the nature of her commitment---to ask is considered uncouth (94). Some offenses are taboo, such as hurting, molesting, or killing children. Such acts earn the appellation, *baby killer*, and can lead to constant harassment.

Warehousing in American incarceration facilities is especially apropos in describing dorm-style living arrangements often found in women's prisons that further emphasize loss of privacy (Wacquant 122-24; Perkinson 328). Goffman's two dominant themes of prisoner culture are particularly poignant in dorm housing settings: invention of a self-narrative that underscores the prisoner's low status as a result of her "fall," interlaced with self-pity and a sense of lost or wasted time due to imposed sentences (Heffernan 57-59; Talvi 165-71, 172-73). Because rehabilitation has been replaced by punitive goals in American incarceration, an inmate knows there is little in the way of positive results from her time in prison that will transfer to the outside world (Talvi 21; Gottschalk 39). Too, social, as well as physical barriers, separate the imprisoned from the outside world. A social impermeability translates into operative secrecy which is the hallmark of prison society for both prisoners and staff. Prisoners are kept inside and the public is kept out.

A prisoner will often say, "I thought the punishment was being *sent* to prison but the punishment is what happened when I *got* here." This loss of self results in unanchored

personalities. Even when anchors are reconstructed within total institutions such as a women's prison, lack of any personal control keeps one gripped by constant psychological tautness and on alert. This tension can lead to interpersonal violence, including for those who resolutely envision release and the maintenance of desistance in the outside world.

Women Prisoners and the Instability of Gender Construction

Kate Bornstein's study of gender begins with "three spheres of life experience that make life worth living" (Bornstein 37). They are identity, desire, and power. Identity that formally exists before entering prison is all but erased for the prisoner except in her own mind and, to some extent, in her department. Desire remains but it is dramatically impacted, depending on proclivities, by the same sex environment of prison and complete loss of privacy. On the other hand, alternatives to past practices either for companionship or sex can become foregrounded for the first time and, depending on age, inclination, adventurousness, and length of sentence, assume possibilities not previously indulged. Power is Bornstein's third sphere which she defines "as fair and easy access to the resources you need to make life worth living for you and your loved ones" (Bornstein 39). In that category, prisoners, especially women prisoners who uniformly related to their children, other relatives, and friends prior to incarceration, wind up losers.

Prisoners exchange their names for numbers. The numbers govern all formal communication within the prison and with anyone on the outside. If numbers do not accompany any communication, it is ignored and it is as though it never occurred. Property not relinquished in jail is either sent home if the prisoner has any personal money or immediately tossed aside. That property is replaced by goods owned by the institution and must be accounted for at all times. Although a woman receives a good introduction to it in jail, the process of carceral

dehumanization begins at the prison gates. In *Asylums*, Goffman supplies a description that is dated but still apt of prostitutes as they enter a prison.

First, there is the shower officer who forces them to undress, takes their own clothes away, sees to it that they take showers and get their prison clothes---one pair of black oxfords with cuban heels, two pairs of much-mended socks, three cotton dresses, two cotton slips, two pairs of panties, and a couple of bras. Practically all the bras are flat and useless (21).

Barbara Owen quotes a woman prisoner's intake experience nearly five decades later.

Being processed was like an assembly line. Each person had a job to do. You go in there, you weren't a person anymore, you weren't human anymore, they could care less. About forty-two of us came in together. They threw us all in the same room and we, four of us, shower together, it was awful. We were in orange jump suits, with no underwear. For some girls, it was that time of the month. One girl had to keep a pad on with a jump suit with no panties on. That's just the way it is. And they don't care. The phrase is always, "Welcome to the real world" (77).

For aging woman prisoners, staff attitudes of dismissiveness that sometimes border on actual dislike are difficult to tolerate. Aday and Krabill note the frustration of one older woman, a 63-year-old lifer:

They're instructed to treat us like they treat men, and we don't act like that. I've been here 13 years, and I've never seen anyone stabbed. They keep a tighter rein--a chokechain---on us with some the rules they have here.... The men's institutions don't have that. (37)

Aging women adapt to prison in different ways, especially if they enter at an older age for the first time. For me, I was determined to "make it work," whatever that meant. One older woman in her mid-60s, who'd been incarcerated for about ten years already, told me that when she first saw me, I looked as though I was in a state of complete shock. I was appalled. I thought, "Hide it better than that and do it now!" She also told me the philosophy of doing one's time at the rate of "one day at a time," the *Chicken Soup for the whatever...* model, was nonsense. "Sara," she said, "there'll be times when you'll pray you can just get through the next hour."

Aday and Krabill point out that different people, as in any endeavor, cope in varied manners with initial adaptation to prison life. One woman quoted, who had a 7-year sentence, stated:

I could never have a happy day in here, even if I stayed in prison until the day I die.... As it is here, this is a very lonely, depressing, and boring place to spend later life.... These people need to be reminded that we are humans, make mistakes, and have already been punished by the criminal justice system.... We should not have to be degraded every day we are here.... Until changes are made, and conditions improved, we cannot even try to make it through this nightmare. (25)

Yet, after a few months of exposure, one can plot a possible life course inside prison.

Two other women they cite offered:

Rehabilitation is a personal and relationship growth process. Each person must make that choice. Character quality is how to better yourself, to encourage others, a transformation process. For lifers, prison has become our home and we work at making it a better place, a community with trust (28).

I'm okay with the lady I am even though I'm 54 and in prison. Sometimes youngsters here call you old or use your age against you. But I'm blessed not to look my age. I always carry myself in the same way. I respect myself. I now have more experience and can share my life, love, and wisdom with the other women. I like to encourage them that they can make it, that they can smile one more smile and walk one more mile. (33)

American prisons reproduce white, male hegemony in individualistic, western, cultural, and economic senses that intersect with race, class, and gender (Britton "Feminism" 70-71). Dana Britton's research examines prison work environments through Joan Acker's concept of gendered organizational logic devised in 1990 and Acker's later approach to inequality and work using the term, inequality regimes. Their research helps demonstrate how the masculine nature governing criminal justice in general and prison culture in particular affects employees and prisoners.

Britton notes that Acker defines a gendered organization as one that embraces "the assumptions and practices that construct more contemporary work organizations" (Britton

“Gendered” 797 quoting from Acker 147). Acker contends that the manner in which this is done, for instance in job evaluations, assumes gender-neutral standards that are, in fact, managerial presuppositions of male and female worth (Britton 797). Generally, gender-neutral standards lean toward favoring male abilities and talents, particularly as women or people of color enter jobs heretofore reserved primarily for white men. Acker describes a process by which masculinity molds organizations with material and other benefits accruing to males, locating gender inequity at work in a structural rather than in an individual realm (Britton 798).

In 2006, Acker developed the concept of inequality regimes to address how to “conceptualize intersectionality, the mutual reproduction of class, gender, and racial relations of inequality, and how to identify barriers to creating equality in work organization” (Acker 441). Because one or more of these three categories can affect a large portion of the population, she prioritizes intersectionality and, thus, emphasizes how “the notion of race, gender, and class inequality as produced by loosely coupled processes,” can devise relationships that regularly shift (Britton and Logan 113). To validate this claim, the authors note that black men are preferred over women of any race in masculinized careers like blue-collar police and prison guard work. Where once black women were the predominant candidates for domestic worker positions, they are now considered obstinate and difficult. Today, less-defiant ethnicities are favored. In fact, in order to justify the large numbers of black women in prison even though the percentage of their demographic population number is small compared to whites, they are regularly presented in popular media as aggressive and willful (Britton “Feminism” 72).

Michelle Obama’s fist bump with her husband, when he first campaigned for the Presidency, was transformed by opponents from a mere gesture into a description of her entire personality, that of a stereotypical angry, black woman.

Acker, Britton and Logan cite Rosabeth Kanter's, *Men and Women of the Corporation*, as a landmark study positing that "gender inequalities lay in the structure of the organization itself" (Britton and Logan 109). Kanter explains that a woman who works in such settings may operate at the same hierarchical level of power as a man, but she has access to fewer resources and experiences less subordinate support because she is not privy to corporate male support networks. Kanter's conception of the work environment is gender neutral and concludes that any inequity women face is a result of their work positions. Undervaluing women's contributions is an expected result. Subordinates are resistant to women's leadership. Thus, workers themselves promote gender inequality by resistance to cooperation. They impede assistance from informal networks of organizational support which are predominantly male (Britton and Logan 118).

Before 1970, prison staffs were generally sex segregated (Britton "Perception" 98, "Feminism" 69). Slowly, women began to integrate staff in men's prisons. At first, male staff opposed women officers in men's prisons. Those women who performed competently were grudgingly viewed as masculine or possibly lesbian. This same prejudice applies to women inmates, especially to those who eschew traditional sex role stereotypes and express competence based on talent or effort rather than through sexual manipulation.

Officer training favors male standards. It is geared toward the worst case scenario, that is, a fight or some sort of melee that is resolved by brute strength and violence which immediately demotes expectations in female performance. Regardless of whether the potential for violence is exaggerated in both men's and women's prisons, the rhetorical picture of prison promotes the importance of training to men's institutions while virtually ignoring women's. In truth, correctional officers in an institution of either gender perform primarily custodial and bureaucratic duties because most prisoners are nonviolent offenders.

Interestingly, Britton finds that women guards prefer working in prisons to “free world” employment (Britton”Gendered” 804). They like the element of custodial control. It makes them feel safer. It is the sense of safety that permeates the entire work atmosphere in a women’s prison that causes officers to sometimes express disappointment at the normative docility of the environment. When Britton wrote her article, women’s prisons allowed female gendered artifacts, clothes, and privileges that have been banned in many state systems since 2000. This is done in an attempt to more masculinize women’s prisons in order to promote the idea that there are dangerous individuals inhabiting prisons who have earned their overlong or life sentences by gross anti-social behavior, violating essential female natures. Thus, they upset community norms that people have a right to expect when dealing with women.

Guards note that women prisoners are manipulative, complain all the time, and often argue about rules and regulations while refusing to accept them. Interactions with staff members create constant stress for the prisoner. I recently read a review of, “The Club,” a film about a group home where four Catholic priests and a nun who have a history of sexual abuse of former parishioners or students live. While this would appear to have nothing to do with the stress of aging women prisoners, there was a line in the review that allowed that the director “has an acute sense of how socially sanctioned authority feeds individual sadism” (A.O. Scott). The line is a perfect encapsulation of staff/prisoner relations. Not all staff members are mean all the time; some are and some are sometimes. The power that prison staff has, however, means that a prisoner must always be on guard when dealing with them and must learn to manipulate them. The best manipulators are those who can do so without appearing to. Other prisoners just flat out do it, damn the consequences, and often are respected by guards for that posture. Other people are just plain bad at it and talk far too much and for too long, hoping to tire out their opponents, a

tactic which rarely works. Other prisoners are simply victims; it is virtually written in big letters on them---“I’m a victim!” They are victimized constantly.

Jane Dorotik, a senior citizen and prisoner journalist, writes from a firsthand point of view. Her work has been published in various journals and books. From “Living on the Inside,” a compilation of two articles she wrote for the *National Women’s Studies Association Journal* from Johns Hopkins University and Jody Lawson’s and Ashley Lucas’s, *Razor Wire Women*, she comments on prison culture:

I think the most destructive part... is the internal culture. Nothing, nothing is given to kindness or consideration. It is a prison mentality, a way of thinking that is hard to understand or even describe unless you have experienced it firsthand. On a daily basis it is worse than restricted freedom, more damaging than being separated from family and loved ones, more penetrating and caustic than the humiliation and social disgrace of being a convicted felon. It is an attitude, a mindset, a culture of dominance that is so pervasive, and so totally devastating, that it is truly astonishing to observe. This culture is all encompassing, not specific to guards, or administrative staff; it seems to infect all who come in contact with it. It’s like a virus that spreads and becomes a way of thinking for all who are behind prison walls.... I recognize a degree of importance, a certain hierarchy, exists in every bureaucracy; however it so exaggerated and explicit in prison, so dramatically amplified that it is one of those hit-you-in-the-face, blow-your-hair-back kind of experiences. (2)

Women’s prisons, prior to 1990, were often built on a cottage plan. They were built to resemble small free world abodes, not dehumanizing institutions. Since 1990, they are constructed more like men’s prisons, on the panoptic plan that allows for a centralized guard station that enables easy surveillance of cell tiers or halls. The two largest women’s state prisons in California, built after 1990, were based on such a plan although one, Valley State Prison for Women, has since been converted to a men’s prison. However, other sites for imprisoning women have opened since Valley State closed to them. Shakopee women’s state prison in Minnesota is built on the old cottage plan. However they were constructed, they were not done so with an increasingly aged population in mind. Bunkbeds, difficult-to-open doors, long walks

to essential services such as meals and clinics, or even to visiting present challenges to those disabled or greatly impacted by age.

Barbara H. Zaitow in “Doing Gender” from a book she co-edited, *Women in Prison: Gender and Social Control*, states that women entering prison chafe at the institutional regulations that “diminish their maturity,” in an effort to infantilize them. She quotes a prisoner:

From the day we are “received,” we [have] been gradually adapting to the loss of our identity and respect. We become accustom to the chaos and lurking danger because we have to. We are forced to accept absurd rules and cope with insane reasoning. (25)

Zaitow explains that women have fewer opportunities for “leisure, work, and educational” possibilities “and closer surveillance than men” (25). She also notes that one study from the mid-1980s of women prisoners “found that long-term inmates were more likely...to engage in one of four responses to the pains of imprisonment: death, institutionalization, self-mutilation, and madness” (26).

Men go to prison in numbers far exceeding women at a ratio of a little more than ten to one. Crime is a male-dominated activity. Where once criminal inclinations in men and women were defined by sex role concepts, they are now understood to be a result of constantly negotiated and shifting responses to situated identity. Gender is an ongoing construction that we accomplish.

Although a gendered norm appears to predetermine practices, it is those very practices performed by people that engender the appearance of an archetype. Therein lays the possibility for shifts in practices that institute the archetype, “dependent upon repetitive performativity,” that negotiate change (Bosworth 139).

Sex category governs appearance and how people achieve that appearance to proclaim their gender identity. It is an active process expressed by actions that support the identity claim.

James Messerschmidt in his article, “Masculinities, Crime and Prison,” explains that men and crime intersect when the assumed masculinity of sex category is questioned, which puts gender identity on the line, and when resources to accomplish masculinity are deficient. “Under such conditions, performance as a member of one’s sex category is subjected to extra evaluation and crime is likely to result” (69).

Gender Fluidity

In American prisons, sexual contact is uniformly illegal between staff and prisoners. Sex between inmates, if they’re caught in the act, results in punishment. Same sex environments mean no sex allowed because it is outside the heterosexual norm. Even though relationships are fraught with anxiety, fear, and very real safety concerns, women prisoners turn to other inmates for emotional and friendship needs. “Gender norms permit women to have closer, more intimate friendships than men, without them being thought of as *lesbian*. ...In prison...some of these barriers become destabilized “(Bosworth 151). Although sexual relationships are officially disallowed because they negatively impact control by subverting adherence to the central command power structure, they are common.

Incarceration brings with it a deep sense of loss and grief in the prisoner. It is comparable to the way Butler describes the loss of someone meaningful to death; the manner in which grief reveals relational connections, “something that delineates the ties we have to others, that show those ties constitute a sense of self, compose who we are, and that when we lose them, we lose our composure in some fundamental sense; we do not know who we are or what to do” (Butler, *Beside Oneself* (241). That vulnerability presents openings for exploration of different ways of being in one’s body. In prison, the inmates are dehumanized as “ungrievable lives,” but

they are also introduced to possibilities that are “found where reproducibility of the conditions are not secure, the site where conditions are contingent, transformable” (Butler 248).

Mary Bosworth insists that women “draw upon their lived experiences outside prison walls, laying claim to their experiences and pre-incarceration identities,”...including “...race, gender, class, and sexuality...” and that these “...underpin and help structure their means of coping with confinement” (Bosworth137). Thus, importation of a fully formed identity combines with an oppressive environment which puts women in a position to tinker with transforming their gender roles in order to cope.

Judith Halberstam describes female masculinity as “most informative about gender relations and most generative of social change” (Halberstam 3). Female masculine expression is ubiquitous in prison although to state that it is a harbinger of any social change outside of prison would be a stretch. It is part and parcel of an environment of total confinement that blunts its aspect as a true choice. A woman I knew, Destinee, claimed that human beings reproduce what they know. More or less, Destinee thought, that pseudo-men and boys populating the prison reflected the binary-gendered world on the outside from whence they came. I agreed at first, but I came to believe this was not true of all of these women. Perhaps this was true for some women, but there were many who preferred to always evince a masculine presentation while not necessarily identifying as transgender, and prison gave them permission to present without fear of the male attacks that would surely occur on the streets. Although their expression was technically illegal, the prison culture accommodated them because, in the long run, they helped insure order as long as they were tolerated. Halberstam describes *tomboyism* in early adolescent girls as an association with “greater freedoms and mobilities engaged by boys...a sign of independence and self-motivation” (Halberstam 6). Of course, in the free world it is quashed

once a girl nears her majority age and she must conform to the gender binary. The physical presentation of little boys in prison accentuates a stereotype seen on the outside: low-slung jeans with boxer shorts showing, short hair or shaved heads, sleeveless undershirts worn with no bras and, if possible, hightop tennis shoes or prison-issued boots, usually accompanied by a gender-neutral name or *handle* such as Joker, Skittles, Boxer, Mad Dog, or Assassin. The little boys are neither male nor female. They *played* the male side of the female.

The prisoners who perform adult male roles affect similar dress. They work with what they have available. Their hair might be braided or even long and in a pony tail as well as short or shaved. They usually wear shirts over their undershirts and act more adult in a powerful sense than do the boys, actually wielding social power within the prisoner hierarchy. As with the boys, they usually have an *old lady*, someone who is more feminine. With the young couples, the woman is very girlish, and they may call each other husband and wife. Some actually have marriage ceremonies. In that sense, the free world is mirroring the carceral world. They couple up for emotional support, affection, and, in many cases, economic support. The adult couples are older, long-term, engage in less fighting, and maintain behavior that deflects correctional officer attention. The little boys and their femmes tend to fight more, usually due to jealousy. If a little boy has a long sentence, s(he) will present the role until, unavoidably, maturity sets in and a more adult role must be embraced. It is shocking to see a little boy in a muumuu, the garment that is worn when, for whatever reason, a prisoner is introduced or reintroduced onto the yard. Startlingly, one is reminded that the little boy is a female. Her resumption of her boy uniform, which her femme has usually preserved, almost comes as relief as though the natural order has been restored. I am sure, if they could, many prisoners would practice *tomboyism* in their outside

lives but often it is a role assumed only in prison, not for all tomboys but for many. I knew some women who were little boys on the outside and they paid dearly for it.

This dichotomy is part of the “gay/not gay on the streets” syndrome (Owen, 141). Women form couples for many reasons. Some do not involve sexual relations but, nevertheless, they are devoted to each other. Some women discover they are lesbians in prison. They never had a way to express it before incarceration. I had one roommate, Huera, who was in her mid-30s and who had a long sentence. She had married in her teens and bore several children. Her husband was physically abusive. She described fights in which they both engaged in combat. Upon entering prison, she said she felt like a kid walking into a candy store. It was the first time in her life she could practice lesbianism which she felt is her true identity. Unfortunately, her emotional growth had terminated in her mid-teens and she approached romantic and sexual relationships with the maturity of a deranged 15-year-old. She was able to repress her urge to act out, which I figure she did during the years of her marriage except when she and her husband fought, but in prison, she flagrantly indulged her feelings to her own detriment. She was always in trouble. Yet, other self-described lesbians on the streets refrain from liaisons in prison because, if caught having sex or arguing loudly, one can earn a write-up that costs additional time in prison. One such lesbian stated:

The relationships here are different from lesbian life on the streets. There is no gay life here---it is just fun and pleasure. It is playing. ...The women are used to taking care of their man; even under conditions of abuse. (Owen141)

Often, pseudo-families develop. Although they are not as prevalent as they were when Owen described them at CCWF in the mid-1990s, they still exist. They “allow incarcerated women to comply with and function within the cultural expectations of women who are not

incarcerated” (Harner 42). A *daddy* might refer to another prisoner as her kid but often that indicates a very loose *go-fer* arrangement with goods exchanged for errand running.

There are varied reactions to lesbian relationships just as there are in the world outside prison. Staff target women for same-sex relationships, using the threat of breaking up a couple through a cell/room move and/or coercing compliance to a rule in the same manner. People can lose prison jobs or any hard-won sinecure based on the personal attitude of any staffer toward same sex relationships or, as they call it, “homosecting.” Other prisoners are grateful for the emotional support they find through lesbian intimacy. However, a parole of one partner can break a heart, especially if the one left behind is a lifer. Some prisoners and staff abhor homosexuality. Realistically, a couple---especially one ensconced in the same room in dorm-like living conditions like the type I lived in with eight women---can be a problem if they fight. These fights often replicate heterosexual abuse on the streets.

For the older woman, encountering lesbianism up-close-and-personal can be a trial:

Well, I came in as an older woman and.... I just can't get used to the active relationships that constantly go on in prison. I've never seen anything like it! Homosexual relationships should not be tolerated. These relationships are very toxic and cause other inmates a lot of stress and emotional problems. I wish they would stop housing the lovers together, (Aday and Krabill 43)

Women develop non-sexual friendships which are not couple-oriented. They are sometimes difficult to maintain. Housing units are locked down unexpectedly due to fights or lack of staff which prevents a planned rendezvous, or people parole, or are moved to another part of the prison, or to another prison altogether. Anything can happen. There is a general sense of secrecy, a never-letting-others-know-too-much that pervades the carceral setting. Information is currency in prison.

Healthcare and Other Needs of Older Women Prisoners

There is no retirement age in prison. Everybody in prison has a job or is threatened with being assigned one, even if it is only “on the books;” that is, it does not really exist except on paper. Women in wheelchairs with one leg to their credit wield rakes or hoes to appear to be working. My friend, Ethel, told me this story. That day, as the yard captain was taking a stroll outside, she went up to him and said, “Captain, it’s my seventieth birthday today. When do I get to retire?” She said he replied. “Come back and see me when you’re a hundred.” Ethel never made it to one hundred.

Women in prison experience accelerated biological aging because, generally, they come from economically poor backgrounds, have had scarce access to health services before incarceration, low levels of education, high levels of physical and mental abuse, and have indulged drug and alcohol use. They are ten to fifteen years older than their biological age groups in non-imprisoned populations. Wahidin notes that in the United Kingdom, the terms, “old, older”, or “elder” are used interchangeably for aging prisoners over forty years of age” (“Doing Hard Time”). Anita Blowers maintains that physiological age outstrips chronological age in the prisoner by twelve years. She notes:

.... older inmates are even more likely to require access to a costly, complex, and specialized set of medical and mental health services due to the prevalence of chronic diseases, terminal illnesses, functional impairments, and serious psychiatric disorders among inmates age 50 or older. (Kerbs & Jolley 134-35)

Health needs and deteriorating mental health, often exhibited in age and confinement-related depressions, find total institutions ill-equipped with staff and material to confront a growing cohort of old women. Women prisoners of any age exhibit health stressors related to poverty and class inequality. Long sentences mean prisoners will decline over the years,

sometimes more quickly due to confinement consequences, lack of responsive medical services, and depression. Couple rising healthcare costs with already-strained state and federal prison budgets and a recipe for primary neglect emerges. Chronic disease associated with drug use is epidemic, including a very high incidence of Hepatitis C and human immunodeficiency virus [HIV]. Cardiovascular, hypertensive, respiratory problems and arthritis are common, including earlier onset than in the general, free world population.

Often staff ignores “chromos.” Chronos are forms or personal papers carried by a prisoner that outline her physical limitations pertaining to jobs and to other overall abilities. One woman in a California prison had a light duty chrono that disallowed lifting, bending, and repetitive movement. The prison assigned her to a job in the Central Kitchen cutting onions all day. In the same prison, older prisoners must wait in long outdoor lines for medication during all types of weather from 102-degree heat to winter cold and rain. The diet is mostly starch-based with “lots of Jell-o and corn syrup additions to things” (Strupp et. al. *Dignity Denied* 27). Any medical request must be accompanied by co-pays which bar the indigent.

I think one of JaneDorotik’s profiles of a prisoner sums up many of the themes of this chapter. She describes “Helen”:

Helen was 86 years-old when she died alone and unnoticed two years ago. Helen was convicted of conspiracy to commit murder ... actually what she did is transport money for her son without knowledge of what the money was intended for, but the prosecutor didn’t see it that way. No one died, no one was injured, in fact no crime actually occurred, it was all conspiracy theory.

But Helen was shipped off to prison with a life sentence. Helen’s kidneys were failing for the last several years of her life, and so she was taken out twice a week for dialysis treatment, hands and feet shackled, a guard on each side of her. So the cost of keeping Helen in prison was close to a million dollars a year because of the extra guards and frequent medical trips. When Helen had served her term, she went before the parole board hoping to be granted suitability and finally released. But the board found her to be a risk to public safety, because she “didn’t have firm enough employment plans;” that’s what they actually wrote in her hearing transcripts. At age 85 needing firm employment plans. (Dorotik 4)

Chapter Three: Desistance

Mechanisms for Success

There's nobody here with responsibility for older people in prison. I would just like to see a working party set up to look at women over fifty and disabilities as well.

There's so many things that we can do, but there is no expertise, or no age or disability policy here at all. What I'm advocating is the appointment of somebody who looks at the whole broad issue of disability and age. Because they are disabled or infirmed, doesn't mean to say that they're written off so that *they wander around here for years doing nothing*.

What are their needs? We have an officer for bullying, we have a racial discrimination officer, but there is nothing in here, or anywhere else that I've come across, that looks at the needs of women in their fifties. (*Petra Puddepha* from Wahidin 149)

Prisons are built with the needs of younger prisoners at the forefront. Thus, facilities and programming cater to the requirements of prisoners generally younger than forty years of age to either construct lives through programming or to avail themselves of rehabilitative initiatives in order to succeed upon release. Long-termers program⁸ by piling up job-training certificates, extracurricular training certificates, religious participation certificates, actual jobs within the prison that give them an employment record, and prisoner elective positions, all with the hope in mind that someday, if they're not LWOPed or serving life without parole, their endeavors will sway the parole board in their favor. Prisoners with shorter, fixed terms more often seek vocational training that might transfer to employment when released.

Wahidin comments on how "elders mediate self in a total institution.... Relevant here is the idea of life as a performance, associated with the work of Goffman [w]ho argues that performance constitutes everyday life." Wahidin argues that, for Goffman, displays of self are performed via agency (180).

⁸ To program is a verb that means to construct a schedule of activity that structures a prisoner's day; that is, to work, to attend school, to receive extracurricular training (drug or anti-violence counseling, for example) or to hold an elective office.

It is necessary to find ways of understanding power, agency and resistance in order to challenge the stereotypes, the discourses which attempt to construct elders on the inside as lacking, by virtue of their age, the ability to be active, rational agents with a life to lead once released. (Wahidin 180-81)

Blowers, Jolley, and Kerbs explicate the age-segregation debate pertaining to prison condition for older prisoners. A dilemma in current correctional systems, both federal and state, and looming ever-large as the aging population increases is how to simultaneously meet the needs of young and old cohorts, both of whom suffer the repercussions of impoverished backgrounds in most cases when they enter prison. Researchers tend to espouse two points of view in prescribing solutions for how to improve survivability and identity construction for elders in prison. One suggestion is that age groups remain integrated while another is that they become age-segregated. There are three main components to this academic debate, one that researchers hope to turn into overall policy in corrections. These three are: “access to and utilization of quality medical and mental health services, maintenance of social order in prisons, and creation of age-appropriate social environments” (134).

Accelerated biological aging in prisoners assumes that the currently accepted age cut off for the older prisoner of fifty years equates to the general health of a free person who is sixty-two years-old. Like many aging people, but even more so with prisoners, the elderly suffer from chronic diseases often associated with drug and alcohol use (Hepatitis B and C, HIV, and tuberculosis), have longer recovery times, sensory problems, and require disability aids. They also have hypertension, arthritis, stomach illness or ulcers, emphysema/asthma, and heart disease (Aday and Krabill 50). At least twenty percent suffer from mental health problems, not to mention dental and periodontal conditions. Dementia is also on the rise in American prisons. Cases outside prison, given the

survivability of the overall population into later decades, are expected to double in the next half century. The rate of new cases.... “within the U.S. correctional system is expected to be two to three times greater than the rate outside prison” (Blowers, et al.136). In the United States, approximately 4000 prisoners die annually, most from old age. Dying in prison is another major factor that should be addressed.

Pro-integration advocates think that mingling populations of all ages ensures better healthcare for the aging prisoner as well as equal access to other forms of programming and activities. They cite two important legislative remedies that protect prisoners from neglect and cruel and unusual treatment: the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (Blowers et al.139). These acts guarantee rights for prisoners. The Disability Act becomes increasingly crucial as prisoners age and require devices to help them get around, legally forcing prisons to respond and to accommodate the increasing needs of elderly prisoners. They prohibit discrimination. This perspective “rests on the notion of promoting equal access to programming” (Blowers et. al.140). It does not, however, guarantee quality and quantity of already-existing programming and activities to which aging inmates, who may be restrained due to age-related proscriptions, can maintain access.

On the other hand, advocates for age-segregated perspectives observe that such facilities and programs will better meet the specific needs of the aging due to their dedication to their actual conditions. Because current systems, generally, meet the needs of all inmates, the “fit” between older prisoners and their living conditions are lacking, especially in regard to their medical needs which can be serious. Central to the argument is a legal case, *Estelle vs. Gamble* of 1976, in which the final ruling termed prisons’

failure to provide care commensurate with community standards a violation of the eighth amendment. The cost of meeting the medical needs of aging prisoners is often twice, if not three times, the outlay for younger prisoners. It adds to custodial costs in that prison guards must accompany any prisoner, usually in pairs to prevent escape, to outside medical appointments which are common for older prisoners. If aging prisoners are ensconced in one area of a facility or in a specialized facility, medical care can potentially be concentrated and more cost-effective rather than spread out over several facilities, compounding costs. Healthcare for aging prisoners is projected to skyrocket in the next ten years. In California, senior prison healthcare is expected “to exceed [the state’s] total correctional budget. [Furthermore,] the anticipated housing costs for these older prisoners in 2025 will exceed \$4 billion---about equivalent to what California spent in 2002 to maintain its entire Department of Corrections and Rehabilitation” (Blowers et. al.142).

Those promoting age-segregated facilities note that services can be concentrated in areas where they are most immediately needed and used regularly. Some states already have specialized units such as Virginia and Ohio. When I was at CCWF, there were and still are housing units that accommodate a greater population of older women. Although they left much to be desired, they had some additional activities that catered to the desires of older women, and they were quieter. Any younger women who lived in them were required to help the older prisoners by pushing wheelchairs and carrying packages and whatnot. There were also attempts to educate staffs about gerontological issues.

Maintenance of the social order is a second concern for researchers. For those promoting integration, there is a body of literature that integration with the more well-behaved seniors has a calming effect on younger prisoners. Other researchers are finding

that, while that may have been efficacious in former times, social breakdown in respect for elders has corrupted this assumption and, often, older prisoners are disrespected and victimized by younger prisoners. Also, as prisoners age, they begin to have trouble following rules; they can't hear orders, they can't move quickly enough to satisfy guards, they can't remember multiple steps in negotiating regulations, and thus they become objects of scorn from younger women and staff. Mental health problems and cognitive impairments make it difficult for older prisoners to socialize appropriately which can lead to fights and inevitable punishment. Therefore, older prisoners become frightened and may lead lives steeped in fear of attack or other forms of victimization. Although there may be some truth to the calming influence of the elderly on youth, the potential dangers to elders outweigh the evidence in favor of this position. Apart from this, it is employees in a prison, the guards and non-custodial staff, whose responsibility it is to keep order, not sixty-five year-old women (Blowers et. al. 146-47).

A third consideration when dealing with older prisoners is for the creation of age-appropriate environments. This addresses specifically the fit between prison facilities and prisoners. Prisoners have virtually no control over their immediate environment no matter what their ages. The noise in buildings that seem designed to effectively conduct sound at the most echoing levels, overhead lighting that somehow appears to make it harder to see when it is turned on, erratic temperature control, and of course, general overcrowding due to quarters once built to house much lower populations that are always crammed with too many human bodies are conditions no prisoner can personally impact. Every endeavor in prison is pre-programmed to operate as inefficiently and with as much personal difficulty

as possible, or so it seems. Add to these age-related afflictions and life within prison razor wire fences becomes a daily obstacle course.

In fact, the requirements of prison life are such that the five basic activities of daily living (bathing, eating, toileting, dressing, and transferring) are complicated by the five following prison activities of daily living (dropping to the floor [or yard] for alarms, standing for head count, getting to the dining hall for meals, hearing orders from staff, and climbing on and off the top bunk when needed). (Blowers et. al.151)

For a significant number of older prisoners, interaction with younger people is positive. Not all aging inmates are incapacitated. They can and want to participate in employment, education, and available activities as much as possible. Being segregated by age could become depressing. Many people comfortably interact across age groups. Thus, integration advocates argue for non-separation. On the other hand, for many, the same is not true. Therefore, if it were possible to do both, create specialized units for those who need them while allowing for integration for those who don't, that would be a better solution. It must be recognized that specialty units for the aging would make life better for older women who can benefit most from concentration of services for the elderly and, perhaps, keep them engaged in their ongoing lives if they feel less threatened and nervous about accessing daily essentials than when competing with women less impaired by age.

Ohio has housed aging male prisoners in a specialized facility, Hocking Correctional Institution, for many years. As of 2013, the state opened another 450 beds at Franklin Medical Center for geriatric prisoners (Caniglia 1). It is important that such facilities exist for those who need them. At this point, because there is no cessation of incarcerating aging people in the U.S. prison systems, they must be prepared to confront the graying of American prisons with the consideration that one fit doesn't serve all. Blowers, Kerbs, and Jolley suggest that more sophisticated screening techniques at intake

and classification could create a “tiered approach” to housing that addresses the needs of individuals rather than corralling everyone together in one big pen (156).

Aging Out and Development of a New Self-Narrative

It is a truism of desistance studies that both men and women “age out” of the tendency to commit crime around the age of thirty years. Desistance “is hereby defined as a dynamic process whereby an offender slows and eventually ceases participation in criminal activity” (Kerbs & Jolley 157). Most people in a given population settle down as they mature and assume more responsibility for exigencies of life. Families, jobs, and expenses place more demands on time as the years pass. Massoglia and Uggen state: “A symbolic interactionist model suggests that conventional adult behavior gradually fosters desistance by increasing commitments and thereby discouraging behaviors that may jeopardize the role” (“Settling Down” 552).

Women, in their roles as mothers, and more often in contemporary America in the role of family breadwinner, put away the recklessness of youth. Generally, women desist in direct relation to whether or not they have children (Uggen and Kruttschnitt 346). Almost eighty percent of women prisoners are mothers and, until incarcerated, exercise primary care of their children (Talvi 11).

Uggen and Kruttschnitt offer two definitions of desistance: (1) behavioral [desistance] which is the transition from criminal to noncriminal conduct and (2) official or “desistance in the eyes of the law” (339). Behavioral desistance takes into account commitments ex-offenders make to children or to work, for example, and fear of new criminal sanctions. The still-incarcerated often make vows of desistance for future behavior upon release, but the prison setting renders any such commitment problematic due to the pervasive possibility of disciplinary sanctions or re-immersion in old habits after leaving prison. Gender as well as age affects

interaction with the criminal justice system, particularly with regard to responsibility of parenting for women. Uggen and Kruttschnitt find women are not affected as much as men by peer pressure to become involved in criminal activity. While peer group pressure in adolescent and later teenage stages may have some influence, it is romantic relations with partners that carry the most social force for girls and women (“Settling Down” 343).

Desistance is integral to success after release. It is also the likely behavior for older women who are released. In 2003, the California Legislative Analyst’s Office declared, “elder prisoners are costly to care for, yet research indicates that many of these older inmates represent a relatively low risk of reoffending and show high rates of parole success” (*Dignity Denied* 41). The Vera Institute of Justice noted that “a 1998 study found that only 3.2 percent of offenders 55 and older returned to prison within a year of release”...and “a 2004 analysis of people sentenced under federal sentencing guidelines found that within two years of release the recidivism rate among offenders older than 50 was only 9.5 percent...” (Chiu 4). Over and over, research has shown that older women prisoners exhibit a very low risk of re-offense.

There have been desistance studies undertaken as early as the 1820s. Quetelet, a French researcher, in 1831 concluded that “the likelihood of engaging in criminal acts peaks in the late teens through the mid-twenties and then declines thereafter” (Kerbs & Jolley 158). Age-based desistance is so consistent that R.J. Sampson and J.H. Laub declared in a 1993 work that two centuries of research support the contention. They identified, by following a cohort of male delinquents from younger years until age seventy, an average age for desistance at thirty-seven for last arrest. “They also discovered that the lowest average of desistance occurred for property crimes (age 26) followed by violent and sex crimes (age 31) and alcohol and drug crimes (age 37)” (Blowers et. al. 159).

As for elder arrest averages, the Federal Bureau of Investigation's Uniform Crime Report (UCR) demonstrated that arrest rates for people "aged 55 and older either declined or remained stable between 1980 and 2004 for most UCR categories" (Blowers et. al. 159). In 2004, older citizens accounted for no more than nine percent in all major categories of crime, for both men and women. Low figures pertain to commission of homicide rates as well. Within prison, because aging prisoners employ tension-diffusing coping strategies to negotiate the daily life course, rates of misconduct for anyone over 55 are also very low. Recidivism rates are equally low, with women having even lower recidivism rates than older men. Women tend to form more social bonds, perhaps in pursuit of reunification with family members, which may help them to focus on free world goals and to remain out of custody.

Shadd Maruna states that society creates a bogeyman to denote an "us/them" distinction as an explanation for social deviance. He writes that even if people occasionally transgress, they have no expectation that they will be treated like "some kind of common criminal" (Maruna 5). Irwin argues (1985) that the myth of the bogeyman has its most profound influence in societies passing through uncertain times (5). Maruna's central thesis for desistance is that deviants must make sense of their lives. They must construct a counternarrative to replace the one of failure that has led them to adopt criminal behavior and to explain why they are no longer deviant. By doing so, they "develop a coherent, prosocial identity for themselves" that forms a congruent path between their former and current, reformed identities (7-8). Thus, they are "making good." They are not only changed, they are "reconstituted" (10). Desisting ex-convicts will encounter the "brick wall," Maruna's term for the difficulties that can challenge determination to continue on the path of desistance. At this point, the counternarrative gives them a meaningful story of redemption that helps them accomplish what they "always meant to do." Maruna notes that

although the social stigma attached to female offenders is probably greater than that of males, society tends to embrace more hope for women (176). Women are often portrayed as preyed upon by harsh circumstances. The fact that women have children and grandchildren [for older women prisoners there can be both] provides a hope that the narrative script will result in reunion and reintegration with family.

The three fundamentals of the redemption script are:

1. An establishment of the core beliefs that characterize the person's 'true self';
2. An optimistic perception (some might say useful "illusion) of personal control over one's identity; and
3. The desire to be productive and give back something to society, particularly the next generation (88)

The ultimate goal is to discover the true self rather than to experience a cure or, perhaps, become resocialized in opposition to the person that one was before the scripting process began. The script becomes the true biography, accounting for the entire span of a life. Of course, the counternarrative must be balanced by sociogenic factors such as employment, interpersonal relationships, and perhaps volunteer activities. Reentry programs that are capable of producing real results would greatly enhance Maruna's program of individual reconception.

Over the life course, people build identities through sociologically-defined adult markers. Mass incarceration is an important factor in the "emerging adulthood" marker because more and more mid- and late-adolescents and young adults find their paths to maturity interrupted by intersection with the criminal justice system. Once released, people seek to change if there are genuine possibilities. Following change, fear of losing newfound gains often influences the ex-felon to not recidivate. Unfortunately, current social and bureaucratic stigmas attached to ex-felons deter change and lead to high rates of recidivism.

It is my experience that prison not only inadequately prepares prisoners for reentry, it actually hampers it in that there is no preparation. There is no attempt to issue an adequate identity card that is a necessity today, no real help with obtaining a place to stay if one does not already have one lined up, and no money offered----a mere \$200 is given at release from which one must pay for a bus or train ticket to get to a destination that is defined by the location of one's parole office where, at an appointed time, one must present oneself or suffer rearrest as penalty. There are no actual leads for employment. This lack of help is a recipe for reimprisonment. The first time I was paroled [Yes, I was paroled twice!], I had to go to a meeting, or be arrested, at which all attendees were told that eighty percent of us would be back in prison within the year. We were introduced to members of the parole Strike Squad whose job it was to catch us violating any parole restrictions by raiding our residences at any time of the day or night in order to make sure we were following the rules. We couldn't even leave the meeting room without getting either ten or twelve signatures on a piece of paper from staffed vendor tables set up around the room. The organizations were from evangelical congregations or, I remember, the University of Phoenix---a high-cost, private, online college. If we didn't get the signatures, we were told we'd be arrested. Talk about encouragement.

For the older woman leaving prison, especially if she has no outside network to help her, and/or she has served a long sentence, adaptation to the free world will not be easy.

I think older inmates have more concerns about what kind of jobs they are going to get. Because, you know, I can knock out 15 years, and will be almost 60 when I leave. I had a good job before I entered prison, with people working under me. And now, I have a criminal history. When I go back out, it will be completely different. I'll have to start over like a 16 year old, but I'll be about ready to retire. I'll eventually go on social security, but in the meantime, I'll need to work somewhere. (Aday and Krabill 188)

Chapter Four

Human Rights Issues

An essential element in projecting future possibilities for aging women in America's prisons is the dehumanization of their prisoners. Dehumanization is integral to the U.S. system of mass incarceration. The denigrating-but-ubiquitous term employed to describe the conditions in which prisoners under this system are kept is warehousing. Warehousing conjures up the idea of a place where things are stored. American prisoners are stored in warehouses. They are not people; they are things. Therefore, possibilities for depopulating prison warehouses of any group of prisoners depend, to some extent, on restoration of their humanity.

There are victims of torture in U.S. jails, prisons, and juvenile detention centers. Over 80,000 prisoners are suffering solitary confinement in American prisons, many for 20 years or more. The National Religious Campaign against Torture notes that "isolation fundamentally alters the brain, creates and exacerbates mental illness...and violates human dignity." In a 2011 report, the UN Special Rapporteur on Torture stated that "half of all prison suicides occur in conditions of solitary confinement" (<http://www.nrca.org>).

Police departments use torture to coerce confessions or to support them. Former Illinois governor, George Ryan, declared a moratorium on the state's use of the death penalty in 2000 that resulted in the exoneration of ten men, whose convictions had been obtained due to Chicago police torture, often involving electric shock to their bodies. Sentencing people to death continues in the U.S. Most western governments have outlawed the death penalty and many refuse to extradite people to the U.S. if they face the death penalty. If a prisoner is not sentenced to death, she will undoubtedly receive a life without the possibility of parole sentence, often called "the other death sentence."

Prisoner torture practiced at Abu Ghraib prison by U.S. military personnel and C.I.A. torture enabled by George W. Bush's War on Terror stem from practices in U.S. prisons. In 2005, Deborah Davies, of the BBC's Channel 4, examined videotapes of events in U.S. jails and prisons that serve to exonerate guards who engage in illegal procedures (Davies "Torture Inc"). The tapes reveal electrocutions of prisoners with cattle prods, burning with toxic chemicals, and attacks by dogs. Many American women and men are sexually assaulted, raped, and beaten while in custody by both guards and predatory inmates every day.

There is increasing use of restraint chairs, often on mentally ill prisoners, thousands of whom fill contemporary jails and prisons. When I was at the Sacramento County Jail in 2002, I witnessed constant use of a restraint chair on prisoners. They were left in the chair for up to twelve hours. As many as five or more male sheriff's deputies would violently manhandle a woman into the chair and leave her there for hours. When I would be brought back to my solitary unit under escort, I'd often see a woman under total restraint in a chair with a covering over her mouth. All she could move were her pupils. Increasingly, we see use of tasers by police and prison guards that have killed people when the current is applied. People are drenched in oleoresin capsicum pepper spray. In prison, we called it "orange crush." In 95-degree or higher heat in the California Central Valley prison where I was kept, guards would spray a prisoner and if she began to gag and spit out the spray that was directed right at her head, a spit hood would be slammed over her head to "protect" the assaulting guard. How some of these women didn't pass out or die, I'll never know. It was horrible to watch.

Once, a woman related to me, the guards on duty were in the "cop shop," the glassed-in, locked, protective, eight-sided cubicle in the middle of the dayroom in her unit. One of them inadvertently dropped the orange crush container on to the floor and it began to spray around the

cop shop. The guards screamed and cried from the overwhelming spray engulfing the small space. They unlocked the door of the cubicle and tumbled out. She said it was a riot, so to speak.

The issue of human rights is central to any discussion concerning all prisoners but particularly in the case of the swelling numbers of aging prisoners. American mass incarceration policies and an increasingly intrusive intelligence state surveilling all of the country's citizens have made a farce of the pretense that the United States is the world's human rights leader. Of special interest in the era of overextended sentencing, specifically when no rehabilitative result occurs beyond a certain number of years cut off from the outside world in institutions that don't prepare people for re-immersion in normal life, is whether or not people have a human right not to die in prison. Wahidin states that in Britain, "in order to comply with the Human Rights Convention [of the European Union], policy makers must address the needs of the aging prison population or be accused of injustice and for failing to provide an adequate duty of care" (98). He cites older women prisoners as an ideal pilot project for phasing out women's prisons altogether, at least for all old women other than in the very rare case.

Eva Steiner confronts the moral issue of continued imprisonment of old persons in her 2003 article for *Probation Journal*. She confirms that the prison population, between the early 1990s and 2003 in England and Wales, grew threefold and accommodated not only an increasingly aged population, but one with more life sentences served by old people. She asks, "Should there be a right for prisoners who are critically ill, or old and ailing, not to be kept or die in prison?" (267) British media raised the issue of a French law that was passed in 2002 regarding medical parole. It allows for early release by a judge for any prisoners suffering a terminal illness. It also covers those whose general state of health is incompatible with prison life. France's prison conditions were judged inhuman and degrading in both 1996 and 2002 by

an outside, European-wide agency as well as by medical personnel within the system of corrections. The new law imposes no condition involving a prisoner's commitment offense or time already served. There is no mention of risk to society (269). It does contain an implication that degraded or life-ending health entails no danger to society. Two safeguards include the right to return the released prisoner to prison if her health dramatically improves and the requirement that two independent experts judge her health prognosis before release of the prisoner (270). The final decision rests with a judge, not a politician. Judges in France are not elected by popular vote.

Steiner observes two reasons that such a law might not pass in England and Wales: the mainstream media could whip up propaganda against it and the lack of political will. Necessary funding to house elderly released prisoners after discharge also may be deficient. Arguments in favor of the law are that decisions about sentencing would be taken out of the hands of politicians who are vulnerable through elections to public opinion and put into the hands of the judiciary. The separation of powers and judicial review are preserved. Proceedings are conducted publicly in a courtroom. Medical parole allows for consideration at the time of sentencing for an assessment, particularly if the sentence is so harsh that it may have debilitating effects on defendants who are older. In concert with principles of "fairness and equality of treatment," this highlights concern for the impact of a sentence on different categories of offenders (273). It introduces the concept of respect for human rights at the state level, thus relieving sentence imposition from the taint of revenge or politically-driven motives.

England and Wales passed the Human Rights Act in 1998. It included an article that admonishes prison services to keep their activities and facilities in compliance with the European Convention on Human Rights. This raises reasonable arguments that maintaining imprisonment

for seriously or terminally ill prisoners is incompatible with basic human rights due to austere living conditions and negligible end-of-life care. It may also extend to disabled, mentally deteriorating, and elderly inmates.

In France, a well-known case that fell under its new law after 2002 was that of Maurice Papon who, at 92, was released after serving only three years of a ten-year sentence. He was sentenced in 1999 for deporting over 1500 Jews to German death camps while serving as a minister in the Vichy government during World War II. His attorneys made the successful argument that although he was not terminally ill, heart disease and old age coupled with harsh conditions in a French prison amounted to degrading and inhuman treatment (273). As a human rights example, the case is important. American citizens must ask themselves, how far and for how long do they pursue punishment? Is there a line beyond which retributive policies of punishment denigrate them as a people more than they express principles of righting wrongs and demonstrating respect for victims? Societies built on redressing old and current wrongs while ignoring that people desist, learn, and change with the passage of time are societies that visit prosecutorial judgment, vengeance, and retaliation upon their people and those outside their borders. It is precisely a case as morally difficult as Papon's that forces us to confront questions such as whether imprisoning aging, debilitated, and very old people creates the picture of our society we want to present to the world.

Transforming the Prison Environment

Given the intrinsic dehumanization involved in incarcerating millions of Americans, improving living and programming conditions in carceral facilities seems an insurmountable task. One has to look to European countries---though definitely not all European countries....i.e. France---for possible alternatives. Michael Moore's recent film documentary, *Where to Invade*

Next, goes into a maximum security Norwegian prison. There, guards are unarmed and trained in tension-reducing skills, befriending prisoners who all understand will one day be released and reintegrate into free society. Politicians give campaign speeches behind bars because these prisoners will vote first in elections. Compare this to complete ex-felon disenfranchisement in most of the former confederate states (and Iowa) where the ex-felon population is predominantly African American. Andres Breivik, the rightwing car bomber and shooter in a notorious 2011 case in Norway, received a 21-year sentence, the equivalent of a life sentence in that country. In the U.S, a life-without-the-possibility-of-parole is considered a humane alternative to the death penalty. Finland, like Norway in which seventy-seven people were killed, has a similarly integrative approach to incarceration. Finland's prisons used to be similar to those in the U.S. but the country made a decision forty years ago to change into an "open" system in order to improve prisoner rehabilitation and help people sustain social bonds with community.

A delegation of American criminal justice professionals went to Germany in 2015 to look at their prisons. German prisons are designed to promote "normalization, meaning that they try to create environments in prison that resemble as closely as possible the environment in a free society. Sentences are short so that people can return to their communities as soon as possible" (Travis 10). Jeremy Travis, president of John Jay College of Criminal Justice and a member of the delegation wrote for a follow up address, "One of the challenges in the new era is to elevate the principle of citizenship, breathe new life into our constitutional traditions, and recognize the humanity of those in prison" (10).

As or aging women in prison, the U.S. must meet the challenge of the growth of the geriatric population as an opportunity to put less-punitive policies into action. Desistance-through-maturation applies to all prisoners but, philosophically, older women are more easily

deemed unthreatening to public safety than men. While retrofitting old facilities for aging individuals' needs or building new ones is imperative as long as the population remains large, reducing the numbers of old prisoners is a more viable solution to overcrowding. Three mechanisms for easing the burden of over-incarceration of old women are: sentencing reform, compassionate release, and early release.

Currently, the United States Senate is contemplating the passage of the Sentencing Reform and Corrections Act of 2015. *The New York Times* refers to this bill as “the most significant federal criminal justice reform in a generation” (*The New York Times* 02/07/2015). It would contract the overall federal prison population, reduce mandatory minimums for many non-violent drug crimes, improve judicial discretion in assessing terms of punishment, and increase in-prison programs that lead to rehabilitation and early release. Two major roadblocks have prevented its passage. Senator Ted Cruz, who used to support the bill, has committed an about-face since his presidential campaign kicked into gear, resorting to frightening the public with tales of released felons run amok. Lobbyists for the fossil fuel industries have gathered the senators whose campaign coffers they fill to amend the bill. They have insisted on the insertion of a “mens rea” standard, a proposition that requires proof of intent to commit environmental pollution or manufacture defective consumer items before any prosecution can be brought. It protects rich businessmen from criminal prosecution and has nothing to do with current criminal sentencing reform.

After the U.S. Supreme Court ordered California to reduce overcrowding in its prisons, the state tried three approaches: the 2011 realignment strategy which diverted low-level offenders to county jails; a 2012 ballot initiative which overhauled criteria for Three Strikes sentencing, reducing its application in order to re-sentence over 2,100 prisoners that led to their

releases; and Proposition 47 which reclassified six felonies as misdemeanors and which resulted in many prisoner releases with the goal of reducing new admissions by up to 3,300 annually (*Strive High, A CIW Newsletter* 17). In regard to the realignment policy, money released by the California legislature to fund drug rehabilitation programs and other reentry programs in the counties or to enlarge and/or build new jails has, all-too-often, gone to the latter.

Compassionate and Early Release

Compassionate release refers to a policy that allows for a terminally ill or permanently debilitated prisoner to apply for release. Fifteen states and the District of Columbia have such policies in place (Chiu 6). Some states allow for application based on age and time served with a least amount of time that must have been served in order to qualify. While regulations vary by state, the gap between intent--- allowing aging and/or long-termers to go home; and impact----the actual numbers released---is great. As with all release policies in the U.S., political risk to elected officials attached to prison reform is the main deciding point.

My friend, Ethel, was a lifer. In 1999, she killed---outright murdered---her abusive husband who was a cop, and she was sent to prison. By 2012, she had incurable colon cancer. She applied for compassionate release. She was no longer in the main population but was residing in the Skilled Nursing Unit located in the Central Medical building. She was denied release because she wasn't yet ill enough to fend off accusations that she wasn't dangerous. In July, 2013, a Fresno, California judge ruled for her compassionate release although local prosecutors argued that she still presented a danger to the public. She was released to her sister's care in late July, 2013 and died a month later. She should have gone home in 2012.

Many national organizations now call for special attention to several early release mechanisms to blunt the impact of geriatric prisoner population growth and costs associated with

institutional eldercare. The Vera Institute of Justice recommends developing assessment tools to identify candidates for early and/or compassionate release. If states simply enacted policies for compassionate release already on the books, the effect in numbers of mere medically-based paroles---not all necessarily terminal---would be a large increase in releases.

Human Rights Watch questions geriatric imprisonment and its intersection with human rights issues in the U.S. Its report, *Old Behind Bars: The Aging Prison Population in the United States*, concludes that American carceral punishment is disproportionate to the offense and violates cruel and inhuman norms. The report also finds that retribution is an essential element in criminal sentencing in the U.S. and concludes that incapacitation means little to already-debilitated, aging prisoners, that the element of deterrence no longer applies for the elderly, and that institutional rehabilitation efforts are spotty to nonexistent.

Project for Older Prisoners (POPS) was created by Professor Jonathan Turley at Tulane Law School in 1989. It was created in response to the growing aging population “to aid elderly and infirm inmates who seek parole, pardon or commutation of sentence. To date, the program has helped close to 300 inmates gain release without a single act of recidivism” (POPS website).The project works with many state bureaucracies. It maintains a constant caseload, assigning law students to specific cases; the students act as prisoners’ attorneys, research, and investigate the appropriate path to gain satisfaction for the prisoner based on her particular case factors.

The U.S. Justice Department’s Office of Inspector General (OIG) also recommends more utilization of compassionate release guidelines. Furthermore, the OIG sees mandatory minimum sentencing reform as crucial to halt overall population increases (Levine 1). If such reform occurs, it must be retroactive, in my opinion, to affect those in prison who suffer from the over-

punitive restrictions of the race-to-incarcerate era. Because the OIG has no mechanisms to force the federal Bureau of Prisons to enact reforms, its recommendations are weakened by ineffectiveness (Levine 2).

An American Civil Liberties Union (ACLU) report calls for several sentencing reforms to stem the growth of prisoners progressing into old age: “repeal mandatory minimum laws; repeal habitual offender laws; and repeal truth-in-sentencing laws” (ACLU 54-55). The first law determines sentences based on prosecutors’ charges rather than judges’ discretion; the second is essentially the federal version of three strikes; and the third enforces an eighty-five percent time served compliance with the sentence imposed. The ACLU report recommends public parole hearings, re-enactment of federal parole which was banned in 1984, and reauthorization and expansion of the “Second Chance Act that includes a pilot program to allow parole for elderly prisoners” (53). Unfortunately, the pilot program contains restrictions on age (sixty-five) and on the nature of the original crime in that only nonviolent convictions are eligible. James Forman, Jr. explains how this one criterion for release programs overlooks thousands of prisoners:

...in 2006 there were 1.3 million prisoners in state prisons, 760,000 in local jails and 190,000 in federal prisons. Among state prisoners, 50 % were serving time for violent offenses, 21% for property offenses, 20% for drug offenses, and 8% for public order offenses. ...Federal prisons are the only type of facility in which drug offenders constitute a majority (52%) of prisoners. ...more prisoners are locked up for violent offenses than for any other type (9).

The ACLU report notes that “over the last forty years, states have overcriminalized by creating new crimes and overpunished by severely increasing the penalties for a wide variety of offenses (54). That is where many offenses labeled violent have come from, not from an increasingly violent population but from politicians who want to look “tough on crime” and prosecutors who overcharge in order to increase their “wins” by forcing pleas bargains.

Grassroots Organizing

Jane Dorotik has worked with California-based organizations, Justice Now and Californians United for a Responsible Budget (CURB), in order to develop policies for early release of aging women prisoners. Dorotik maintains that, generally, female lifers are “incarcerated for a single crime, committed many years ago, and they have no other criminal history” (Law 2-3). Most of them are discipline-free and have taken advantage of every educational and rehabilitative program available. Recidivism rates are tiny. Furthermore, public opinion overwhelmingly favors releasing aging prisoners. I would argue that those in favor of releasing aging women alone would be an even greater number in that people are less afraid of old women. I would argue that people often don’t even see old women. Dorotik authored an Alternative Custody Proposal for women aged fifty-five and older which was sent to state legislators. It allows for electronic monitoring and continuing supervision by the correctional department. It includes LWOP prisoners for eligibility. It has the support of many prison activist groups and concerned professionals.⁹

Justice Now and CURB worked to pass an alternative custody bill in 2015. However, it applies primarily to nonviolent crimes and prisoners participating have no age restrictions. Moreover, its participants are not living free-but-monitored as with Dorotik’s proposal. They reside in Department of Corrections facilities that operate like halfway houses that are staffed by

⁹ Professor Jonathan Simon, UC Berkeley School of Law, Professor Erwin Chemerinsky, UC Irvine school of Law, Dr. Jodie Lawson, UC San Marcos, CURB, Professor Susan V. Castagnetto, Claremont Colleges, Jimmie Thompson of the Fair chance Project, professor Christine Guzaitis, Scripps College, California Coalition for Women Prisoners, California Prison focus, Justice Now, and Families Against Three Strikes.

prison guards and are often located farther from prisoners' communities and families than were their former prisons.

For the second year in a row, CURB spearheaded a push for an Elder Health and Dignity Act for people, regardless of gender, who are aged fifty or older and who have served fifteen years of their current sentence. I spoke with a CURB organizer in her Sacramento, California office. She told me that the federal government has a current-but-temporary elderly parole program in place with the state. Eligibility requires that one be age sixty and have served twenty-five years or more. Less than thirty percent of prisoners participating have been found suitable. The CURB staffer suspects that those offered the parole suitability hearing under the federal program were unaware of the program and were surprised to be called to a hearing. Therefore, they came unprepared, had no parole plan, and presented a poor showing at the hearing. The 2016 Dignity Act called for more opportunity for a Parole Suitability Hearing, a requirement before one is granted a Parole Board hearing for actual parole. It applied to any crime conviction except those LWOPed or on death row. It was sponsored by Mark Leno, state senator from San Francisco, a co-sponsor of last year's failed bill. Unfortunately, Leno dropped the bill because of a media story about a 60-year-old convicted rapist who became eligible for the federal program. His case was egregious and sensational. He was given a three-year denial by the Board of Parole Hearings due to the nature of his crimes and the vociferous opposition of the district attorney's office in the county where his crimes occurred. One of his victims spoke against him at his parole hearing. A story of this nature is enough to derail a bill concerning further parole considerations for hundreds of prisoners in the entire state for 2016. The CURB staffer admitted that working toward such a bill is one of those multi-year crusades, employing a strategy that digs in for the long haul toward an eventual wearing-away of resistance.

Erosion of resistance to prison reform, to a great extent, relies on grassroots organizing. California is rife with citizen and former felon-staffed groups, many several decades old, which organize to educate the public and government functionaries, and that encourage released and in-custody prisoners themselves to develop alternatives to mass incarceration. California's Legal Service for Prisoners with Children released its report, *Dignity Denied*, about aging women at Central California Women's Facility in 2005. It has two sister organizations, California Coalition for Women Prisoners and All of Us or None, an ex-prisoner association.

Increasingly, prisoners who have spent years inside prisons are beginning to organize to get others like them out. Release Aging People in Prison (RAPP) in New York is one such campaign. It educates the public about prisons and works to establish a better-functioning parole process in the state.

The state of Connecticut has tackled the growth of its aging prison numbers by establishing a 90-bed nursing home outside prison walls for a program called 60 West. It serves incapacitated and terminally-ill prisoners who no longer have strong community and family ties because they've been in prison too long due to lengthy sentences (Law "If the Risk is Low..." 3).

Another group that focuses on aging prisoners is Pennsylvania's Decarcerate PA. It heads a campaign entitled The Coalition to Abolish Death by Incarceration which seeks legislative change to establish a parole policy involving a cap on maximum sentences and definite parole eligibility dates. In effect, Decarcerate PA seeks to end life-without-the-possibility-of-parole sentencing.

Conclusion

In August, 2015, Free Her, a conference of formerly incarcerated women, many of whom served very long sentences, was held at Harvard Law School in an attempt to build a national network of activists whose purpose is “to fund and support strategies to decrease the number of women behind bars and to end mass criminalization of Black and poor women” (Trounstein 1). As of 2013, according to the National Institute of Corrections, there were one million women mired in some form of correctional control (5). Women remain the fastest growing sector of American mass incarceration (2).

Changing the imprisonment fervor of the American social and political landscape requires a combination of forces working together. While there has been an awakening in the past few years about the costs of mass imprisonment, putting slogans into genuine action is the key. Many states have worked to roll back prison populations recently. That is important in that state prisons and local jails are the primary sites for housing prisoners. Reforms centered on these populations are critical. There is much brouhaha about ending the War on Drugs, deeming drug addiction a health problem, and ending mandatory minimum sentences for nonviolent, drug-related crimes.

However, the conundrum of the growing geriatric prison numbers centers on sentences that generally are not drug crimes. Those sentenced as drug dealers, if they are small time couriers and have nothing to offer a prosecutor as a bargaining chip, often receive long sentences. Those sentenced under the former 100-to-1 cocaine sentencing ratio also were hit with long terms and may still be in prison despite the 2010 Fair Sentencing Act reform of the ratio

because it is not retroactive. It is the violent crimes that are untouchable. They are where the aging population is centered. As Nancy A. Heitzeg writes,

“... much of the current ‘reform’ discussion further demonizes those convicted of violent crimes. Unless a broader cultural shift about the efficacy of prison for *anyone* ensues, the numbers cannot be substantially reduced” (Heitzeg 5).

Another problem for reduction is that prisons are now an industry. Too much money means any reform talk results in businesses finding a way to profit off reduction. That is exactly what is occurring with reentry services and health considerations within prisons through mental health wings, mother/infant/child centers in prisons, and geriatric facilities. Why let them out when there is profit to be made by keeping them inside while receiving care?

The United States has a problem with imprisonment. It locks up too many people and keeps them locked up for too long. It is rather odd in a country whose population largely claims adherence to the Christian religion. What is the central tenet of that belief? Ah, yes. Redemption. Guess not. Regardless, prisoners---women and men---still seek spiritual, social, and political redemption in the face of overwhelming odds, both within prison walls and outside them.

Works Cited

- Acker, Joan. "Inequality Regimes: Gender, Class, and Race in Organizations." *Gender & Society* 20. 4 (2006): Web 4 December 2012. <http://www.jstor.org/stable/27640904>.
- Aday, Ronald and H. and Jennifer J. Krabill (2011). *Women Aging in Prison: A Neglected Population in the Correctional System*. Boulder, CO: Lynne Rienner Press. Print.
- Alexander, Michelle (2010). *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York, N.Y.: The New Press. Print.
- American Civil Liberties Union (2012). *At America's Expense: The Mass Incarceration of the Elderly*. New York, New York. Print
- Apuzzo, Matt and Eric Lipton. "Rare White House Accord with Koch Brothers on Sentencing Frays." *The New York Times* 24 Nov 2015. Web 25 November 2015. <http://nyti.ms/1llwTAM>
- Blowers, Anita N., Jennifer M. Jolley, and John J. Kerbs (2014). "The Age Segregation Debate." *Senior Citizens Behind Bars: Challenges for the Criminal Justice System*. Eds. John J. Kerbs and Jennifer M. Jolley. Boulder: Lynne Rienner Publishers. 133-156. Print.
- Bornstein, Kate (2013). *My New Gender Workbook: A Step-By-Step Guide to Achieving World Peace Through Gender Anarchy and Sex Positivity*. New York: Routledge. Print.
- Bosworth, Mary (2003). "Gender, Race, and Sexuality in Prison." Eds. Barbara H. Zaitow and Jim Thomas. *Women in Prison: Gender and Social Control*. Boulder: Lynne Rienner Publishers. Print.
- Britton, Dana M (2000). "Feminism in Criminology: Engendering the Outlaw." *Annals of the American Academy of Political and Social Science, Feminist Views of the Social Sciences* 571: 57-76. Web 7 December 2012. <http://www.jstor.org/stable/1049134>.

- “Gendered Organization Logic: Policy and Practice in Men’s and Women’s Prisons” *Gender & Society* 11. 6 (1997): 796-818. Web 10 October 2012. [http://gas.sagepub.com/content/11/69716.html](http://gas.sagepub.com/content/11/6/69716.html).
- “Perceptions of the Work Environment Among Correctional Officers: Do Sex and Race Matter?” *Criminology* 35.1 (1997): 85-105. Web 28 November 2012. <http://heinonline.org>.
- Britton, Dana M., and Laura Logan. “Gendered Organization: Progress and Prospects.” *Sociology Compass* 2.1(2008):107-21. Web 29 November 2012. [Wiley Library Online](#).
- Butler, Judith. “Beside Oneself.” *Ways of Reading*. Eds. David Bartholomae and Anthony Petrosky (1999). New York: Bedford St. Martins: 240-58. Print.
- Butler, Judith 2004). *Undoing Gender*. New York: Routledge. Print.
- Caniglia, John. “The Graying of Ohio Prisons: Number of older inmates continues to Spike.” *The Plain Dealer*: 3 September 2013. Web 24 February 2016.
- Chiu, Tina. “It’s About Time: Aging Prisoners, Increasing Costs, and Geriatric Release.” *Vera Institute of Justice Center on Sentencing and Corrections*, 4 April 2012. Web 4 October 2012. <http://www.vera.org/download?File=29731>.
- Cook, Karen S., and Eric Rice (2006). “Social Exchange Theory.” *Handbook of Social Psychology*. Ed. John Delamater. Madison: Springer: 53-76. Print
- Corell, Shelley J., and Cecilia L. Ridgeway. “Expectation States Theory.” *Handbook of Social Psychology*. Ed. John Delamater (2006). Madison, WI: Springer: 29-51. Print
- Coutts, Sharonna and Zoe Greenberg. “Women Incarcerated.” *Prison Legal News*, 26. 6 June 2015. Print.
- Dayan, Colin (2011). *The Law is a White Dog: How Legal Rituals Make and Unmake Persons*. Princeton: Princeton University Press. Print.

- Dorotik, Jane. "More Legal Education." Strive High: A CIW Educational Newsletter: An Educational Newsletter from El Prado Adult School & College Programs. February 2016. Print.
- Drug Policy Alliance. "A Brief History of the Drug War." Web 18 November 2015. <http://www.drugpolicy.org/new-solutions-drug-policy/brief-history-drug-war>.
- "Wasted Tax Dollars." Web 24 October 2015. <http://www.drugpolicy.org/wasted-tax-dollars>.
- Davies, Deborah. "Torture Inc. America's Brutal Prisons." *Information Clearing House*, 28 March 2005. Web 10 October 2012. <http://www.informationclearinghouse.info/article8451.html>.
- Daugherty, Carmen. "State Trends: Legislative victories from 2011-2013 Removing Youth from the Adult Criminal Justice System." *Campaign for Youth Justice* 12 October 2013. Washington, D.C. Web 20 March 2016. <http://www.scribd.com/doc/174873850/State-Trends-Legislative-Victories-from-2011-2013-Removing-Youth-from-the-Adult-Criminal-Justice-System-October-2013>.
- Dyer, Joel (2000). *The Perpetual Prisoner Machine: How America Profits from Crime*. Boulder: Westview Press. Print.
- Fellner, Jamie. "Old Behind Bars: The Aging Prisoners Population in the United States." *Human Rights Watch*, 27 January 2012. Web 23 May 2012. http://nofsw.org/?page_id=525.
- Forman, Jr, James. "Racial Critiques of Mass Incarceration: Beyond the New Jim Crow." *Prison Legal News*, July 2012:1-15. Print
- Gecas, Victor. "Self-Efficacy and the Life Course." *Handbook of the Life Course*. Eds. Jeylan T. Mortimer & Michael Shanahan (2003). New York: Kluwer Academic/Plenum Press. 369-88.

- Giroux, Henry. "Culture of Cruelty: the Age of Neoliberal Authoritarianism." *Counterpunch*.
23 October 2015. Web 23 October 2015. <http://www.counterpunch.org>.
- Glaser, Barney G. and Anselm L. Strauss. "Awareness Context and Social Interaction."
American Sociological Association 9.5 (October 1964):669-79. Web 9 October 2012.
<http://www.jstor.org/stable/2091417>.
- Goffman, Erving (2009). *Asylums: Essays on the Social Situation of Mental Patients and Other
Inmates*. New Brunswick: Aldine Transaction, A Division of Transaction Publishers. Print.
- Harner, Holly M. "Relationships between Incarcerated Women: Moving Beyond Stereotypes."
Journal of Psychological Nursing and Mental Health Services. 42.1(2004): 38-42. Print.
- Hatfield, J.H (2010). *Fortunate Son: George W. Bush and the Making of an American President*.
Berkeley: Soft Skull Press. Print.
- Heffernan, Ester (2003). "Gendered Perceptions." *Women In Prison: Gender and Social Control*.
Eds. Barbara H. Zaitow and Jim Thomas. Boulder: Lynne Rienner Publishers: 39-64. Print.
- Heitzeg, Nancy. "The Daunting Task of Decarceration." *Truthout.org*. 8 Sept 2016.
Web 8 September 2015. <http://truth-out.org/opinion/item/32683-the-daunting-task-of-decarceration>.
- Herival, Tara and Paul Wright,Eds, (2007). *Prison Profiteers: Who Makes Money from Mass
Incarceration?* New York: The New Press. Print.
- "Holding Sentencing Reform Hostage." *New York Times*. 7 February 2016. Print
- Jackson, Pamela Brabay, and Sonia P. Lassiter (2001). "Self Esteem and Race." *Extending
Self-Esteem Theory and Research* Eds. Timothy Owens, Sheldon Stryker, and Norman
Goodman. Cambridge: Cambridge University Press. 233-544. Print.

- Kajstura, Aleks and Russ Immarigeon. "States of Women's Incarceration: The Global Context." *Prison Policy Initiative*, 18 November 2015. Web 18 November 15. [Http://www.prisonpolicy.org/global/women/](http://www.prisonpolicy.org/global/women/)
- Kerbs, John J. and Jennifer M. Jolley (2014). *Senior Citizens Behind Bars: Challenges for the Criminal Justice System*. Boulder: Lynne Rienner Publishers. Print.
- Kilgore, James. "The Politics of Mass Incarceration: Latest Stats Show Nano-Scale Reform Remains the Dominant Trend." *Counterpunch*. 22 September 2015. Web 24 September 2015. <http://www.ccounterpunch.org>.
- Law, Victoria. "California Ships Prisoners Out of State to 'Reduce' Its Prison Population." *Truthout.org*, 6 December 2013. Web 1 April 2016. <http://www.truth-out.org/news/item/20405-california-ships-prisoners-out-of-state-to-reduce-its-prison-population>.
- *Elderly & Elderly-Lifer Alternative Custody Program Pro Forma Proposal* from "If the Risk is Low, Let Them Go: Efforts to Resolve the Growing Numbers of Aging Behind Bars." *Truthout.org*, 19 January 2014. Web 20 January 2014. [http://truth-out.org/news/item/21120-if the risk is low-let-them-go-efforts-to-resolves-the-growing-numbers-of-aging-behind-bars](http://truth-out.org/news/item/21120-if-the-risk-is-low-let-them-go-efforts-to-resolves-the-growing-numbers-of-aging-behind-bars).
- "Why Are So Many Women Behind Bars in Oklahoma?" *The Nation*, 29 September 2015. Web 30 September 2015. <http://www.thenation.com/article/why-are-so-many-behind-bars-in-oklahoma/>
- Lawston, Jodie Michelle and Ashley E. Lucas (2011). *Prisoners, Activist, Scholars, and Artists*. Albany: State University of New York Press. Print

- Levine, Sam. "Federal Prisons are Failing Aging Inmates, Justice Department Says." *The Huffington Post*, 6 May 2015. Web 7 May 2015. [Http://www.huffingtonpost.com/2015/05/06/aging-inmates-federal-prisons_n_7225674.html](http://www.huffingtonpost.com/2015/05/06/aging-inmates-federal-prisons_n_7225674.html).
- Lopez, Ian Haney (2014). *Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism & Wrecked the Middle Class*. New York: Oxford University Press. Print.
- Lutze, Faith. "Ultramasculine Stereotypes and Violence in the Control of Women Inmates." *Women in Prison: Gender and Social Control*. Eds. Barbara H. Zaitow and Jim Thomas (2003). Boulder: Lynne Rienner Publishers: 183-203. Print.
- Maruna, Shadd (2001). *Making Good: How Ex-Convicts Reform and Rebuild Their Lives*. Washington,D.C.: American Psychological Association. Print.
- Massoglia, Michael and Christopher Uggen. "Settling Down and Aging Out: Toward an Interactionist Theory of Desistance and Transition to Adulthood." *American Journal of Sociology*, 116. 2 (September 2012): 543-583. Web 1 October 2012. <http://www.jstor.org/stable/10.1086/653835>.
- McCorkle, Jill A. (2013). *Breaking Women: Gender, Race, and the New Politics of Imprisonment*. New York: New York University Press, 2013. Print
- Messerschmidt, James W. "Masculinities, Crime, and Prison." *Prison Masculinities*. Eds. Don Sabo, Terry A. Kuypers & Willie London (2001). Philadelphia: Temple University Press: 67-72. Print.
- National Religious Campaign against Torture. Web 15 October 2015. <http://www.nrcat.org>.
- Owen, Barbara (1998). *In the Mix: Struggle and Survival in a Women's Prison*. Albany: State University of New York Press. Print.

Parenti, Christian (1999). *Lockdown America: Police and Prisons in the Age of Crisis*. New York: Verso. Print.

Project for Older Prisoners (POPS). Web 20 November 2015. <http://www.corrections.com/news/article/7449>.

Richie, Beth E (2012). *Arrested Justice: Black Women, Violence, and America's Prison Nation*. New York: New York University Press. Print

Ridgeway, James. "The Other Death Sentence: Aging and Dying in America's Prisons." *Mother Jones Magazine/New American Media*. 25 September 2012. Web 25 September 2012. <http://www.motherjones.com/print/197066>.

Ridgeway, James. "Two Clinton-Era laws that Allow Cruel and Unusual Punishment." *Mother Jones Magazine/New American Media*. 19 November 2010. Web 19 November 2010. <http://www.motherjones.com/mojo/2010/11/>.

Rosenfeld, Steven. "Exposing the Koch Brothers' Stunning Hypocrisy on Criminal Justice Reform," *Alternet*, 17 July 2015. Web 23 November 2015. <http://www.drugpolicy.org/new-solutions-drug-policy/brief-history-drug-war>.

Scott, A.O. "The Club" Sees the World Through the Eyes of Damaged Souls. Rev. of *The Club* dir. by Pablo Larrain. *New York Times* 4 February 2016. Web 5 February 2016. <http://www.nytimes.com/2016/02/05/movies/the-club-review-pablo-larrain.html>.

Simon, John (2007). *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*. New York: Oxford University Press. Print.

Stein, Jeff. "The Clinton dynasty's horrific policy: How 'tough on crime' politics built the world's largest prison system." *Justice Policy Institute*, 13 April 2015. Web 20 May 2015. <http://www.justicepolicy.org/news/8992>.

Steiner, Eva. "Early Release for Seriously Ill and elderly Prisoners: Should the French Practice be Followed?" *Probation Journal* 50.3 (September 1, 2003):267-276. Web 24 October 2011. www.sagepublications.com.

Strupp, Heidi. "California's Older Prisoner Crisis: Facts and Figures." San Francisco: *Legal Services for Prisoners with Children*. 2010. Web 11 September 2011. <http://www.prisonerswithchildren.org>.

Strupp, Heidi, Donna Wilmot, Louise C. Walter, A. Brie, and Karla Lindquist. *Dignity Denied: The Price of Imprisoning Older Women in California*. San Francisco: Legal Services for Prisoners with Children. 2005. Web 11 September 2011. www.prisonerswithchildren.org.

Talvi, Silja J.A. (2007), *Women Behind Bars: The Crisis of Women in the U.S. Prison System*. Emeryville, CA: Seal Press. Print.

Travis, Jeremy. "Reducing Mass Incarceration: Exploring the Values of Values." *2015 National Forum on Criminal Justice*, 3 August 2015, Atlanta, Georgia. Web 3 August 2015. http://www.jjay.cuny.edu/sites/default/files/President/NCJA_speech.pdf.

Trounstein, Jean. "Free her: Formerly Incarcerated Women Build a National Network." *Truthout.org*, 11 August 2015. Web 11 August 2015. <http://www.truth-out.org/news/item/32297-freeher-formerly-incarcerated-women-build-a-national-network>.

- Uggen, Christopher, and Candace Kruttschnitt. "Crime in the Breaking: Gender Differences in Desistance." *Law & Society Review* 32. 2 (1998): 339-366. Web 1 October 2012.
<http://heinonline.org>. <https://www.copyright.com/cccbasicSearch.do?&operation=go &searchType=0&lastSearch=simple&all=on&titleOrStdNo=0023-9216>.
- Wacquant, Loic. "Deadly Symbiosis." *Punishment & Society* 3.1(January 2001): 95-133. Web 31 March 2016. <http://pun.sagepub.com/content/3/1/95.short?rss=1&ssource=mfc>.
- (2009) *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham and London: Duke University Press. Print.
- Wahidin, Azrini. "Doing Hard Time: Issues and Challenges Facing Older Women in Prison." *Aging Prisoners: A Crisis in Need of Intervention*. Eds Tina Maschi, Mary Beth Morrissey, Russ Immarigeon, and Samantha L. Sutfin. New York: Fordham University Be the Evidence Project (8 February 2012): 86-102. Web 10 October 2012.
<https://sites.google.com/site/betheevidenceproject/white-paper-aging-prisoner-forum>.
- Wahidin, Azrini (2004). *Older Women in the Criminal Justice System: Running Out of Time*. London: Jessica Kingsley Publishers. Print.
- Where to Invade Next*. Dir. Michael Moore. Dog Eat Dog Films, IMG Films, 2016.
- Wiley, Mary Glenn. "Sex Category and Gender in Social Psychology." *Sociological Perspectives on Social Psychology*. Eds. Karen S. Cook, Gary Alan Fine, & James House. (1995) Boston: Allyn and Bacon: 362-86. Print.
- Zaitow, Barbara H. and Jim Thomas, Eds., (2003). *Women in Prison: Gender and Social Control*. Boulder: Lynne Rienner Publishers. Print.
- Zoukis, Christopher. "Prosecutorial Misconduct: Taking the Justice Out of Criminal Justice." *Prison Legal News* 25.11 (November 2014): 1- 22. Print.

