

Erasing Minds: Behavioral Modification, the Prison Rights Movement, and Psychological Experimentation in America's Prisons, 1962–1983

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This article explores the development of behavioral modification programs inside penitentiaries during the 1960s and 1970s, with a focus upon how such tactics were used to crush dissent and silence incarcerated people who challenged the prison regime. First, it explores how psychology became an influential force in the operation of many penitentiaries from the 1950s. Second, it considers the role that psychologists and psychiatrists played in developing brainwashing techniques to punish those prison activists who sought to expose the dehumanizing and brutal treatment of incarcerated people. Finally, it uses the example of the behavioral modification unit at Marion Federal Penitentiary to show how the federal government was complicit in the use of psychological torture to silence prisoners' complaints.

In 1962 the director of the Federal Bureau of Prisons, James V. Bennett, convened a seminar on *The Power to Change Behavior*, at which a group of psychiatrists and psychologists examined the potential application of their research on behavior modification to the prison environment.¹ The work of Edgar H. Schein, then an associate professor of psychology at the Massachusetts Institute of Technology, caught Bennett's attention. In a presentation named "Man against Man," Schein summarized a thirteen-point program of behavioral modification that drew upon Chinese Communist thought reform that had been used by Chinese authorities against American

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¹ Report to United Nations Economic and Social Council from Political Prisoners Coalition, 5 July 1972, Folder 8, Box 24, Jessica Mitford Papers, Harry Ransom Center, University of Texas at Austin, Texas (hereafter Mitford Papers). There does appear to be some question over when this meeting took place. All of the primary-source materials collected (including the source listed above) claim that the meeting occurred in 1962, but Alan Gómez states it was 1961. See Alan Eladio Gómez, "Resisting Living Death at Marion Federal Penitentiary, 1972," *Radical History Review*, Fall 2006, 62.

prisoners of war.² It included spying, segregation, sensory deprivation, destroying ties with the outside world by limiting mail and visits, and undermining sources of emotional support. He described the overall aim of this brainwashing as follows: “supports for old attitudes have to be undermined and destroyed if change is to take place, and supports for new attitudes have to be present if change is to be lasting.” In doing so, this would build up “a group conviction among prisoners that they have been abandoned by and totally isolated from their social order.” The purpose of this “coercive persuasion” was to destroy an incarcerated person’s sense of self—to create a blank slate for them to imprint a new set of values and thereby prevent antisocial behavior.³ Bennett was excited by Schein’s work, and appealed to him to “undertake a little experiment” with prison converts to the Nation of Islam inside federal penitentiaries: “What I am hoping is that the audience here will believe that we ... in Washington are anxious to ... understand these things. Do things on your own—undertake a little experiment with what you can do with some of the sociopathic individuals.”⁴

That Bennett would not only counsel experimentation on Muslims, but also provide resources to do so, is not surprising. In 1960, he explained to the House Appropriations Committee that federal penitentiaries had struggled to control “aggressive and race-conscious groups, including a considerable number of so-called Black Muslims.” This included Atlanta’s Federal Penitentiary, where “several gangs” of Muslims had caused “a lot of trouble.”⁵ “I have been in the business a long time,” he noted, “and I have never met a more aggressive hostile group.”⁶ The fact that Bennett latched onto the Nation of Islam as a threat to the orderly operation of the prison system reflects the NOI’s growing influence upon incarcerated African Americans. As the first black nationalist organization to actively recruit inside prisons from World War II onwards, the NOI spoke to African Americans’ experience of racism both inside and outside the prison system. As black militancy grew on the streets, so there was a corresponding growth of militancy inside correctional institutions. Simultaneously, changes in law enforcement practices were responsible for an increasing number of ghetto

² Edgar H. Schein, *Brainwashing*, Dec. 1960, at <https://dspace.mit.edu/bitstream/handle/1721.1/83028/14769178.pdf> (accessed 19 Oct. 2020).

³ “Federal Prisoners’ Coalition,” 25 Feb. 1973, Box 53, Folder 10, Philip G. Zimbardo Papers (SC0750), Department of Special Collections and University Archives, Stanford University Archives, Stanford, CA (hereafter Zimbardo Papers).

⁴ “Behavior Modification, Experimentation, and Control in Prison,” *Chicago Connections*, supplement 1, n.d., Box 53, Folder 68, Zimbardo Papers. Many of the “sociopathic individuals” identified by Bennett had actually been incarcerated for their involvement in political protest outside the prison walls or had become involved in protests while incarcerated.

⁵ “Muslim Negroes Suing the State,” *New York Times*, 19 March 1961, 1.

⁶ *Ibid.*

residents being trapped within a legal system that concentrated upon the apparent threat of black criminals more than any other group; this brought about a growing proportion of African Americans being incarcerated in the nation's penitentiaries. The confluence of these factors also brought about a rapid increase of Muslims inside the penal system during the late 1950s and early 1960s, especially in California and New York.⁷

Authorities viewed the Nation's message of racial pride, unity, and rejection of Christianity to be a deeply threatening mix of values.⁸ In 1961, government officials in New York, New Jersey, California, Washington, DC, and Illinois complained that the Nation had been a disruptive force in their correctional institutions.⁹ Authorities quickly concluded that African Americans' embrace of the Nation of Islam threatened to destabilize the entire penal system. It prompted increasingly extreme efforts to suppress the organization – especially through the use of solitary confinement – and to isolate Muslims' influence upon the general population.¹⁰ It was within this context of dissent and black militancy inside penitentiaries that Bennett made his plea to Schein for assistance.

The Nation of Islam stood as a harbinger for the penal system at both federal and state level; its growth inside some prisons represented the first phase in the politicization of incarcerated African Americans that would reach its heights by the late 1960s. From around 1965, racial protest within correctional institutions escalated beyond the Nation of Islam to include other black nationalist groups – the most influential of which was the Black Panther Party. Historian Eric Cummins describes this collective struggle against the carceral state as the “radical prison rights movement,” which was largely – but not entirely – composed of people of color, who cast the prison

⁷ E. U. Essien-Udom, *Black Nationalism: A Search for an Identity in America* (Chicago: The University of Chicago Press, 1962), 71, 192. Estimates for the NOI's membership in 1958 varied between 3,000 and 12,000; approximately 5% of the membership were incarcerated by 1960.

⁸ For other examples of government concern over the NOI's expansion inside prisons see, for example, “Muslims a Problem in Prison,” *Trenton Evening Times*, 1 Nov. 1962; “Muslims Studied in Jersey Prison,” *New York Times*, 8 Nov. 1962, 20.

⁹ “Muslim Negroes Suing the State.”

¹⁰ On the history of the NOI inside penitentiaries see Toussaint Losier, “For Strictly Religious Reasons”: *Cooper v Pate* and the Origins of the Prisoners' Rights Movement,” *Souls*, 15, 2 (2013), 19–38; Zoe Colley, “All America Is a Prison: The Nation of Islam and the Politicization of African American Prisoners, 1955–1965,” *Journal of American Studies*, 48, 2 (May 2014), 393–415; Colley, “The Making of Eldridge Cleaver: The Nation of Islam, Prison Life, and the Rise of a Black Power Icon,” *Journal of Civil and Human Rights*, 6, 1 (Spring 2020), 61–90; Garret Felber, *Those Who Know Don't Say: The Nation of Islam, the Black Freedom Movement, and the Carceral State* (Chapel Hill: University of North Carolina Press, 2020).

as an integral part of the broader inequality and racism within American society.¹¹ By the late 1960s, the prisoners' movement asserted that all incarcerated people – regardless of race – were victims of an oppressive and exploitative carceral regime. While there were never large numbers of whites who joined the movement, its cross-racial appeal is important in understanding why authorities felt so threatened by prisoners' protests. Native Americans, Chicanos, homosexuals, and members of the antiwar movement were absorbed into the prison struggle. During the 1960s and 1970s, these self-proclaimed political prisoners continued their battle inside the prison walls and politicized those around them through a combination of legal challenges, strikes, protest literature, and underground political education classes. So powerful was this collective challenge to the carceral state that prison authorities viewed activists' calls to "break down the walls" as a very real threat to their correctional institutions.

Prison authorities used various techniques to silence their critics, which included physical brutality, solitary confinement, and murder; however, it also involved more subtle repression that was even harder to expose to those outside the prison walls. Behavioral modification tactics were used by psychiatrists on a piecemeal basis against prisoners designated "intractables" – a term adopted by authorities to describe politically active men and women, as well as others who challenged prison authorities in some way. While this appears very different to the naked brutality and repression used elsewhere against incarcerated people, behavioral modification could be just as effective in terrorizing those men and women who sought to expose the dehumanizing and brutal nature of prison life.

The overall purpose of this article is to consider the adoption of behavioral modification programs inside penitentiaries during the 1960s and 1970s and especially as part of a campaign to suppress the radical prison rights movement. In particular, it focuses on Marion Federal Penitentiary, which became the site of a determined campaign to expose the federal government's use of behavioral modification to crush dissent. In doing so, I bring together three main objectives. The opening part of this article explores why psychologists' research became so popular amongst law enforcement and politicians in the 1950s and 1960s. This phenomenon was rooted in a wider belief that American society itself was "sick" and in need of psychological therapy. A band of psychologists and psychiatrists assumed responsibility for treating such societal challenges as racism, gender inequality, poverty, and crime. Ellen Herman has defined this as "the romance of American psychology," where faith in

¹¹ Eric Cummins, *The Rise and Fall of California's Radical Prison Rights Movement* (Stanford, CA: Stanford University Press, 1994).

the power of psychological intervention “seeped into virtually every facet of existence.” Crucially, the first part of this article will reflect upon the influence of behavioral scientists within correctional institutions and the reasons why behavioral science became a critical component of prison management in many institutions.¹² Bennett’s request for Professor Schein’s assistance relates to this growing sociopolitical culture that placed great faith in psychological experts’ ability to bring harmony to the nation’s penitentiaries, and specifically to federal institutions.¹³

Second, this article seeks to extend historical understanding of the nation’s move away from a focus upon the rehabilitation of offenders towards a far more punitive regime during the 1960s and 1970s. This was encapsulated in politicians’ call for “law and order” and public support for a “war on crime.” While there has been extensive research on the rise of law-and-order politics, the use of behavioral modification techniques as a form of *punishment* inside prisons remains a largely unexplored aspect of the move away from the rehabilitation of offenders. This was a transitional period, where calls for more punitive measures existed alongside the medicalization of crime and liberal support for prison reform. In essence, the argument that criminal behavior was a symptom of mental deficiency remained influential, but the “cure” changed from psychological therapy to the imposition of brutal forms of behavioral modification and experimentation.

Finally, this article considers the behavioral modification unit at Marion Penitentiary to illustrate how the federal government played a leading role in the development of such techniques.¹⁴ Marion was certainly not the only penitentiary to use behavioral modification techniques, but it was one of the earliest. The decision to focus upon Marion is therefore based upon three

¹² It is important to note that psychology as a distinct profession had not fully evolved by the 1960s. Many psychiatrists viewed psychology as an upstart that was meddling in matters that were not its concern. It was quite common inside penitentiaries for there to be both a psychiatrist and psychologists; the former was concerned with assessing a prisoner’s state of mind and diagnosing mental disorders, while the latter provided group and individual therapy sessions.

¹³ Ellen Herman’s *The Romance of American Psychology: Political Culture in the Age of Experts* (Stanford: University of California Press, 1995) is a crucial work of research that pieces together why psychologists assumed such influence in the 1950s and 1960s. However, the criminal-justice system is not one of the areas covered by Herman. While there are a number of relevant studies, the role of psychologists and psychiatrists specifically inside correctional institutions has not been explored in any great depth by historians.

¹⁴ Jessica Mitford, *Kind and Usual Punishment: The Prison Business* (New York: Vintage Books, 1974), 118, 125. Marion was not the first federal penitentiary to use forms of behavioral modification. In 1964, the federal government allocated \$1.8 million in funding to the Draper Correctional Facility in Alabama. In a report to the government, a Draper official described “the behavior-changing process, [which] involves the force of the warden’s personality and his use of both negative and positive reinforces.”

points of difference from other penitentiaries. In many instances, behavioral modification techniques elsewhere were used on a piecemeal basis, whereas Marion's program was carefully regimented, controlled, and based on research by behavioral scientists. The program set out a very detailed point-by-point strategy for using behavioral modification to deal with "disruptive" men. Second, Marion's status as a federal correctional institution shifts attention away from state institutions, which dominate the current literature on the radical prison rights movement. Marion provides the best evidence of the federal government's complicity in medical experimentation upon incarcerated people and the use of psychological violence to suppress political activity within the penal system. Finally, the Bureau of Prisons (BOP) designated Marion as *the* site to hold politically active men in order to isolate their influence upon other prisoners and implement behavioral modification "treatment" that was designed to crush their dissent. At least three hundred men were transferred to Marion from federal and state institutions with the clear purpose of silencing their complaints. Far from creating passive individuals, however, the transfer of so many prison activists to Marion helped to give rise to a determined movement against the prison's regime that had some significant successes.

This article therefore concludes that more attention should be given to behavioral scientists' role in the transition from liberal rehabilitation to neo-liberalism's emphasis upon punishment and control. This was a complex process, where the rhetoric of rehabilitation and psychological treatment acted as a cover for developing extreme punishments against those who refused to conform – and Marion is a critical example of this. Yet the wheels of change were already very much turning. By the time those held in Marion's Control Unit secured some legal victories during the 1970s, the nation's march towards mass incarceration and away from rehabilitation was rapidly gaining pace.

HISTORIOGRAPHY

As the first historian to address the radical prison rights movement, Eric Cummins focuses upon the relationship between the New Left and those imprisoned in California.¹⁵ In doing so, he demonstrates how political ideologies passed through the prison walls and how this, in turn, helped to create a powerful challenge to the very existence of the carceral state via the combined power of radicalized prisoners and the predominantly white New Left. Cummins's work continues to play a vital role in our understanding of the

¹⁵ Cummins, 128–50.

radical prison rights movement, but his insistence that the New Left should be blamed for the movement's demise distracts from the brutal repression exacted against politically active prisoners and the impact that it had upon the movement's ability to effect change. Dan Berger's 2014 *Captive Nation* has largely superseded Cummins as a more complete study of the radical prison rights movement in California, with a greater emphasis upon incarcerated peoples' own agency and capacity to challenge the dehumanizing experience of incarceration. In doing so, Berger also demonstrates the various repressive measures used to suppress political activity inside penitentiaries.¹⁶

Berger is part of a wider historiographical trend to challenge Cummins's earlier dominance within the literature on the radical prison rights movement. Such recent research shares three key themes: it emphasizes the impact of state repression upon prisoner organizing; the need to balance the California-centric focus of Cummins and Berger with research on other states; and the agency of incarcerated people to challenge the dehumanization of prisoners, racial brutality, and state repression.¹⁷ Daniel Chard's study of the movement in Maine is one example of this move away from a focus upon California. He counters Cummins's argument that New Left militants should bear the responsibility for the decline of the movement and argues that Cummins's work is "deeply flawed" in this respect. In contrast to Cummins, Chard emphasizes the role that state repression played in the declining efficacy of prison organizing in Maine during the latter part of the 1970s.¹⁸

Heather Ann Thompson's *Blood in the Water* is one of the most important pieces of recent work on prison organizing. Thompson's meticulous research explores the 1971 uprising of those incarcerated in New York's Attica Penitentiary.¹⁹ In the lead-up to the disturbance, men in Attica peacefully

¹⁶ Dan Berger, *Captive Nation: Black Prison Organizing* (Chapel Hill: University of North Carolina Press, 2014). Also see Berger, *The Struggle Within: Prisons, Political Prisoners and Mass Movements in the United States* (Oakland, CA: PM Press, 2014).

¹⁷ On California see Cummins; and Berger, *Captive Nation*. On Texas see Robert T. Chase, *We Are Not Slaves: State Violence, Coerced Labor, and Prisoners' Rights in Postwar America* (Chapel Hill: University of North Carolina Press, 2019). On New York see Heather Ann Thompson, *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy* (New York: Vintage Books, 2017). On Maine see Daniel S. Chard, "Rallying for Repression: Police Terror, 'Law and Order' Politics, and the Decline of Maine's Prisoners' Rights Movement," *The Sixties*, 5, 1 (2012), 47–73. On North Carolina see Donald F. Tibbs, *From Black Power to Prison Power: The Making of Jones v North Carolina Prisoners' Labor Union* (New York: Palgrave MacMillan, 2012). Also see Naomi Murawaka, *The First Civil Right: How Liberals Built Prison America* (Oxford: Oxford University Press, 2014); Elizabeth Hinton, *From the War on Poverty to the War on Crime in America* (Cambridge, MA: Harvard University Press, 2016); Robert Chase, *Caging Borders and Carceral States: Incarceration, Immigration Detentions, and Resistance* (Chapel Hill: University of North Carolina Press, 2019).

¹⁹ Thompson, *Blood in the Water*.

¹⁸ Chard, 48–49.

protested against racism and the poor conditions in which they lived, to no effect. Their subsequent uprising drew upon the politics of the radical prison rights movement. Governor Rockefeller's decision to put down the protest by allowing a motley crew of armed police, prison guards and others to storm the exercise yard created a bloodbath of both prisoners and hostages. Guards tortured those men who survived the gunfire for days afterward.²⁰ Thompson is clear that Attica did not destroy the radical prison rights movement entirely; indeed, events in Attica prompted protests in penitentiaries across the country. Nevertheless, it helped to usher in a far more punitive approach to prison administration. In New York – as in Maine – the use of state violence to eliminate prison organizing became enveloped within demands to bring “law and order” to the nation’s penitentiaries. Any public support that had existed for prison reform during the 1960s became vanishingly small as the 1970s progressed. The nation transitioned through a “punitive turn,” where any semblance of rehabilitation disappeared and in its place was a need to exact punishment and inflict suffering on those designated criminals. Thus, while incarcerated people continued to challenge their treatment after 1971, the political environment made it harder to garner outside support.²¹

One of the most important characteristics of the existing literature on the radical prison rights movement is its focus upon state penitentiaries; California, Texas, New York, North Carolina, and Maine are just some of the geographical boundaries that have encircled this research. In contrast to work on state penitentiaries, the presence of radical political protest within federal penitentiaries has not been given sufficient attention. Indeed, the history of the federal prison system as a whole has received comparatively little attention from historians. As Stephen C. Richards has observed, academic research on federal penitentiaries is “relatively limited in both depth and breadth.” Taken as a whole, the relevant academic literature has offered insights into the radical prison rights movement inside state penitentiaries, but the same cannot be said for federal correctional institutions.²²

²⁰ Heather Ann Thompson, “Lessons from Attica: From Prisoner Rebellion to Mass Incarceration and Back,” *Socialism and Democracy*, 28, 3 (2014), 153–71.

²¹ On Rockefeller's role in pursuing a law-and-order strategy and advancing the War on Drugs see Julilly-Kohler-Hausmann, “‘The Atilla the Hun Law’: New York's Rockefeller Drug Laws and the Making of a Punitive State,” *Journal of Social History*, 44, 1 (2010), 71–95.

²² In contrast to the paucity of academic research on Marion, those who experienced the horror of Marion have produced some of the most important literature. See Eddie Griffin, “Breaking Men's Minds: Behavior Control and Human Experimentation at the Federal Prison in Marion, Illinois,” *Journal of Prisoners on Prisons*, 4, 2 (1993), 1–8; and Raúl R. Salinas, *raúlrsalinas and the Jail Machine*, ed. Louis G. Mendoza (Austin: University of Texas Press, 2006).

While Marion Penitentiary stands as the most important federal institution that enforced a program of behavioral modification, this aspect of Marion's history has been minimized within many studies.²³ For example, an essay by David Ward on Alcatraz and Marion skips over the behavioral modification program in the 1960s and 1970s with a vague assertion that those who could not "adjust" to life in other prisons were transferred to Marion. Otherwise, the essay only addresses the penitentiary from 1983, giving the impression that nothing of any interest occurred in the prison before that point. Similarly, J. Michael Olivero and James B. Roberts incorrectly assert that the transfer of "disruptive" men from other penitentiaries to Marion did not start until 1973. What is missing from these studies is the earlier use of Marion as a site of psychological experimentation and the importance of the movement that emerged there during the 1970s.²⁴ Not only is this critical to understanding Marion's place within the federal prison system, but it also allows historians to situate Marion's behavioral modification program within a wider context of the nation's shift away from rehabilitation.

This article draws upon elements of two existing studies of behavioral modification inside penitentiaries. Lisa Guenther's research on solitary confinement within prisons finds the origins of behavioral modification to be rooted in efforts to win the Cold War through emulating Chinese brainwashing techniques.²⁵ Guenther provides a valuable account of the Cold War's influence upon the development of behavioral science and the use of solitary confinement as punishment, but it does not consider the role of Marion, nor is there any commentary upon how the use of behavior modification meshed with changing attitudes towards the best ways to control crime.²⁶

²³ Stephen C. Richards, "USP Marion: The First Federal Supermax," *Prison Journal*, 88, 1 (March 2008), 6–22.

²⁴ David A. Ward, "From Alcatraz to Marion: Confinement in Super Maximum Custody," in John W. Roberts, ed., *Escaping Prison Myths: Selected Topics in the History of Federal Corrections* (Washington, DC: America University Press, 1994), 81–93. "Marion Federal Penitentiary and the 22-Month Lockdown: The Crisis Continues," *Crime and Social Justice*, 27 (1987), 237.

²⁵ On the START program see Bureau of Prisons Operations Memorandum, 25 Oct. 1972, Carton 53, Folder 10, Zimbardo Papers. Robert B. Levison, "The Behavior Modification Programs in Federal Prisons: The Clockwork Orange Issues," *New England Journal on Prison Law*, 167 (1974), 167–79; Freedom of Expression Committee, Federal Prisoners' Committee, 25 Feb. 1973, Box 53, Folder 10, Phillip Shapiro Papers, Department of Special Collections and University Archives, Stanford University Archives, Stanford, CA (hereafter Shapiro Papers); "Out Your Mind," Chicago People's Law Office, n.d., Box 27, Folder 3, Mitford Papers.

²⁶ Lisa Guenther, *Solitary Confinement: Social Death and Its Afterlives* (Minneapolis: University of Minnesota, 2013).

In 2006, historian Alan Eladio Gómez explored the behavioral modification program in Marion in the *Radical History Review*. Gómez is an important starting point for understanding the process by which politically active men in Marion challenged the prison regime.²⁷ However, the research presented here moves beyond Gómez in two critical ways. First, this article is based upon an extensive collection of material not used by Gómez. Archival research for Gómez's article is restricted to the papers of Raúl Salinas, who was one of the prison activists transferred to Marion during the 1970s. In addition to Salinas's papers, this article makes use of three further important archival collections: the papers of Jessica Mitford, Philip G. Zimbardo, and Phillip Shapiro. These contain material on the psychological experimentation on prisoners, the role of psychological treatment as a form of punishment, and more specific material on Marion.²⁸

This article also steps away from Gómez in its emphasis upon the wider significance of the behavioral modification unit in Marion. It contextualizes the process by which psychology became such a powerful force within penological circles during the 1960s and 1970s. That period brought a convergence of rehabilitation by psychological therapy and punishment by psychological violence. The latter did not come to dominance immediately; there was a period when these tactics merged. During the 1970s, as the War on Crime expanded, those on the right exploited behavioral scientists' influence within many penitentiaries to advocate what they presented as psychological "treatment" that could also be used to inflict mental suffering. By the 1980s, this cover story had been abandoned and forms of behavioral modification became a standard part of operating in many penitentiaries.

THE REHABILITATION OF FELONS

The rehabilitative regime of the mid-twentieth century was embraced by authorities in many states, but California became the poster child for its

²⁷ Gómez, "Resisting Living Death," 58–86.

²⁸ See Raul Salinas Papers (MO774), Department of Special Collections and University Archives, Stanford University Archives, Stanford, CA. Shapiro was a prominent Bay Area psychiatrist and human rights activist, who campaigned on behalf of prisoners' rights. See Phillip Shapiro Papers (MO928), Department of Special Collections and University Archives, Stanford University Archives, Stanford, CA. Zimbardo was a psychologist who conducted extensive research on the prison environment and campaigned for reform. See Philip G. Zimbardo Papers (SC0750), Department of Special Collections and University Archives, Stanford University Archives, Stanford, CA. Mitford was an author and prison activist who conducted extensive research on prison activism for her book *Kind and Usual Punishment*. See Jessica Mitford Papers (MS-02864), Harry Ransom Center, University of Texas at Austin, TX.

program of rehabilitation and use of psychological treatment. The California Department of Corrections developed an intricate procedure of diagnosis, classification, and psychological therapy. Following sentencing, men and women would be subjected to a battery of psychological tests; the results of these assessments dictated the assignment of a prisoner to a particular correctional institution. During their incarceration, men and women were prescribed an individualized program of educational, psychological, and vocational therapy. Alongside this treatment model, California embraced the indeterminate sentence as a crucial tool in assessing the effectiveness of rehabilitation. In *The Crime of Punishment*, Karl Messenger celebrated California's approach to rehabilitation as a "systematic effort along scientific principles to ascertain . . . the assets and liabilities of the floundering individual." He noted the existence of psychotherapy groups, which he claimed were attended by almost all prisoners; he concluded with the observation that the superintendent is "customarily a psychiatrist."²⁹ During the course of the 1950s, states replicated California's approach to rehabilitating offenders, including the federal prison system under the tutelage of James V. Bennett.³⁰

Marie Gottschalk has cautioned historians to recognize that the battle over rehabilitation, and the subsequent rise of the carceral state during the 1960s and 1970s, are not without parallels. Indeed, the concept that a criminal could be reformed and redeemed through behavioral modification stretches back to the very first penitentiaries in the USA. Philadelphia's Walnut Street Jail was opened in 1773. In 1790, Quakers took control of the jail and it became the first state penitentiary. Its "treatment" of incarcerated people – guided by a monastic lifestyle – utilized solitary confinement and penitence. The Quakers placed their faith in the ability of solitary confinement to change attitudes and behavior, and thereby eliminate criminality. Around twenty-seven years later, when Auburn Prison opened in upstate New York, there was a general sense that Walnut Street had failed in its quest to rehabilitate. Auburn therefore modified the Quakers' approach; men were held in solitary confinement, but came out of their cells during the day to work in complete silence. During the nineteenth century, more prisons were opened in states, predominantly in the North, that followed the Auburn model. For example, Pennsylvania's Eastern Penitentiary was constructed in 1829 and designed "to perpetuate the best traditions of medieval castle architecture: this followed a hub-and-spoke plan, which kept inmates under constant

²⁹ Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America* (New York: Cambridge University Press, 2006), 108; Karl Messenger, *The Crime of Punishment* (New York: Viking Press, 1968), 231–32.

³⁰ Messenger, 235–36.

surveillance. Prisoners were not allowed to leave their cells.”³¹ Far from producing humble and redeemed citizens, solitary confinement drove many prison occupants to madness, and Charles Dickens criticized the system as “cruel and wrong.”³² In spite of the ongoing emphasis upon rehabilitation, the incarcerated survived in terrible conditions and under constant surveillance.

Throughout the nineteenth and early twentieth centuries, prison reformers continued to advocate for the rehabilitation of offenders. In 1870, the Prison Association of New York (later the American Prison Association) introduced a system of indeterminate sentencing. This rested upon the setting of minimum and maximum terms for each crime, but the final decision to release a prisoner depended upon the judgment of a parole board. Penologists argued that indeterminate sentencing enabled those deemed criminal to demonstrate that they had been rehabilitated and for the system to respond appropriately; in contrast, fixed sentences were viewed as unresponsive to an individual’s behavior and could result in their being incarcerated long after they had been successfully rehabilitated. Penologists welcomed what they perceived to be an enlightened measure that provided an individualized assessment of each prisoner. By the early twentieth century, indeterminate sentencing had been adopted in many states.

The indeterminate sentence continued to influence the rehabilitation of prisoners and became a central part of reforms that spread through the nation’s prisons following World War II; by then, the emphasis upon religious redemption that dominated early penitentiaries had faded from view. It was replaced with a focus upon rehabilitation through educational and psychological therapy, and psychiatric treatment. Psychiatry had played a role in treating criminal behavior from at least the early nineteenth century, but during the 1940s and 1950s it grew in importance as part of the medicalization of crime, which reshaped criminality as a symptom of mental deficiency.³³ This is reflected in Ramsey Clark’s observation that “most people who commit serious crimes have mental health problems.”³⁴ Thus, while forms of behavior modification had been used for centuries, the rehabilitative movement of the 1950s and 1960s can be distinguished by its powerful belief that criminality arose from mental disorder. This medicalization of criminal behavior brought with it a faith that prisoners could undergo medical “treatment” and be turned into upstanding members of the community. Donald Tulloch, a law enforcement figure, asserted, “When psychiatry entered the

³¹ Shelley Bookspan, *A Germ of Goodness: The California State Prison System, 1851–1944* (Lincoln: University of Nebraska Press, 1991), xi–xix.

³² Thomas Murton, *The Dilemma of Prison Reform* (New York: Praeger Publishers, 1976), 1–27. For a more recent study see Bookspan.

³³ Mitford, *Kind and Usual*, 104.

³⁴ Quoted in *ibid.*, 105.

picture, the public latched onto it as the cure for all problems involving abnormal behavior.”³⁵ This belief opened the doors for psychiatrists and psychologists to enter penitentiaries and oversee the process of rehabilitation and parole.

Of course, not all psychologists and psychiatrists accepted this interpretation of criminality. As a leading figure in the movement against behavioral science, Thomas Szasz observed,

The thesis that the criminal is a sick individual in need of treatment – which is promoted today as if it were a recent psychiatric discovery – is false. Indeed, it is hardly more than a refurbishing ... of the main ideas and techniques of the inquisitorial process ... [The prisoner] is first discredited as a self-responsible human being, and then subjected to humiliating punishment defined and disguised as treatment.³⁶

While Szasz was not alone in challenging the belief that criminals were “mad, not bad,” behavioral scientists secured a strong following amongst politicians, law enforcement figures, and penologists.

Of all the techniques used to “rehabilitate” those convicted of crimes, it was the indeterminate sentence that became most resented by incarcerated men and women. Rather than being an aid for evaluating the effectiveness of rehabilitative measures, many viewed indeterminate sentencing as a tool that could be used to punish those who refused to conform to prison rules. The psychiatrist Lee Coleman argued that the constant uncertainty for an incarcerated person regarding when (or whether) they would be released was psychologically harmful. By placing a prisoner’s future in the hands of the parole board, indeterminate confinement increased “the convict’s feeling of weakness, helplessness, rage, and despair.” This constituted “psychological brutality of exquisite proportions.” Coleman concluded that “were it our goal to systematically destroy human beings, we could have come up with no more clever a scheme than this nightmare of powerlessness.”³⁷ Central to the operation of indeterminate sentencing was the parole board, which held the power to decide when an incarcerated person had been successfully rehabilitated. In theory, this placed decisions on when to release a prisoner into the hands of experts and allowed decisions to be made along scientific principles. It became common practice for psychiatrists to play an important role on parole boards. As many incarcerated people feared, however, parole boards continued to equate rehabilitation with a submission to mainstream conceptions of racial behavior and social values. Those who challenged the penal

³⁵ Messenger, *The Crime of Punishment*, 151–52.

³⁶ Quoted in Mitford, *Kind and Usual*, 105.

³⁷ Lee Coleman, “Prisons: The Crime of Treatment,” *Psychiatric Opinion*, 11, 3 (June 1974), 5–16.

system had very little chance of securing parole so long as they refused to behave in an “acceptable” manner. One man held in California’s Folsom Penitentiary complained, “You are told upon arrival here that you *must adjust* ... [to] this unimaginable horror *before* you will be considered *socially responsible* enough to be placed back into *free* society.”³⁸ Of all the groups, African Americans were most likely to be denied parole if they were seen to challenge any part of the prison’s strict racial order.

By the mid-1960s, politicians across the political spectrum were challenging the effectiveness of rehabilitative measures, and especially psychological therapy. Liberals claimed that the nation needed to renew its commitment to prison reform and go much further in its use of psychological treatment. Opponents claimed that not only had rehabilitation failed to control crime, it had also sparked a growth of unrest and disorder on the nation’s streets and in prisons. Sensitive to accusations of being soft on crime, President Lyndon B. Johnson expressed his desire to strengthen law enforcement, and targeted disorder in black communities. The Law Enforcement Assistance Act of 1965 and the 1968 Omnibus Crime Control and Safe Streets Act were both influenced by the growing political climate that demanded more stringent measures to control the allegedly rising levels of (black) violent crime.³⁹

By the time Richard Nixon entered the White House, calls for “law and order” – a code word for attacking black militancy and black communities – reverberated throughout the nation. Living up to his promises during the presidential campaign, Nixon developed more severe and retributive law enforcement measures, which disproportionately affected people of color. As historian Elizabeth Hinton has shown, these developments resulted in growing budgets for law enforcement and an intensification of aggressive policing within ghetto communities. This “criminalization of urban space” resulted in a steady flow of African Americans into the prison system, and especially the youth.⁴⁰

As part of this shifting response to criminality, the right appropriated the concept of psychological “treatment” and adapted it to support its law-and-order agenda. While those on the right rejected the concept of rehabilitation as a whole, the *rhetoric* of treatment became a convenient cover. This enabled

³⁸ Letter from Thomas Clark, 6 July 1970, reprinted in Eve Pell, ed., *Maximum Security: Letters from Prison* (New York: E. P. Dutton, 1972), 35, Clark’s italics.

³⁹ On the role of liberals in the War on Crime and the subsequent mass incarceration of African Americans see Hinton, *From the War on Poverty*; Murawaka, *The First Civil Right*.

⁴⁰ This term comes from Heather Ann Thompson, “Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History,” *Journal of American History*, 97, 3 (Nov. 2012), 703–34, 706.

psychiatrists and psychologists to develop punitive responses to crime and disorder, while presenting them as medical treatment. Psychology continued to serve a function in “treating” criminals, but it was increasingly guided by a desire to punish rather than redeem.⁴¹

The torrent of urban conflict that enveloped the country’s black communities between 1964 and 1968 placed the question of race at the heart of law-and-order politics. Politicians made a direct link between the rise of the black power movement and these urban uprisings. They conflated the radical politics of black power with the outbursts of anger and frustration at the nation’s failure to address the poverty and alienation experienced by those in ghetto communities. As a consequence, the growing advocacy of law-and-order politics became embroiled within a debate over the relationship between crime and race.

The influence of the behavioral sciences ensured that psychiatrists and psychologists proffered their own explanations and solutions to such conflict. In *Violence and the Brain*, William Sweet, Frank Ervin, and Vernon Mark responded to the 1967 Detroit uprising by investigating the use of psychosurgery on those who had participated in the disturbance. They claimed that psychosurgery could greatly reduce violent behavior on the streets and behind prison walls.⁴²

In a 1968 article, “The Protest Psychosis: A Special Type of Reactive Psychosis,” authors Walter Bromberg and Frank Simon identified militant black protest as a symptom of mental illness, which left individuals vulnerable to being drawn into criminal activity. According to the authors, black nationalism was responsible for triggering a form of reactive psychosis, where themes of Islam and Africa were particularly evident. The authors highlighted anti-white attitudes and the “repudiation of white civilization” as symptomatic of what they defined as “protest psychosis.” The afflicted tended to “draw pictures or write material of an Islamic nature,” they claimed. “Islamic names are adopted ... Bizarre religious ideas are Moslem in character.”⁴³ In essence, Bromberg and Simon contended that involvement in black nationalism – and they specifically looked to the Nation of Islam – had become one of the leading causes of violent mental illness amongst African American men. Thus psychiatry worked to depoliticize black nationalist organizing and instead interpreted it as a symptom of mental illness.⁴⁴ This meshed nicely

⁴¹ “Prison Psychiatrists: The New Custodians,” *Health/PAC Bulletin*, May 1970, Box 28, Folder 1, Mitford Papers, 6–8.

⁴² Edward Option and Fay Stender, “A Clockwork Orange at UCLA?,” 14 Feb. 1973, Box 53, Folder 10, Zimbardo Papers.

⁴³ Walter Bromberg and Frank Simon, “The Protest Psychosis: A Special Type of Reactive Psychosis,” *Archives of General Psychiatry*, 19, 2 (1968), 155–60.

⁴⁴ “Behavior Modification, Experimentation, and Control in Prison,” 459.

with the belief that criminality was also a product of mental illness. A slew of studies during the 1960s offered warnings that African American activism could trigger delusions, grandiosity, and aggression.⁴⁵ According to Jonathan Metzl, these “Studies conflated black schizophrenia with Black Power in order to illustrate evolving understandings of the illness as hostile or violent, or used long-standing stereotypes about manic, crazy black men.” By articulating new forms of mental illness that intersected with the rise of the black power movement, psychiatrists “made sense of the crisis posed by angry, protesting black men.”⁴⁶ All of these developments played into the belief that the only answer to those black men who were behaving in an “antisocial” manner was incarceration and medical intervention.⁴⁷

PSYCHIC OPPRESSION

Schein’s concept of “coercive persuasion” through behavioral modification united an emphasis upon criminality as a form of mental dysfunction with a punitive approach to crime control. Jessica Mitford observed that the idea of criminals *talking* about changing their behavior was replaced by a declaration that they would be *forced* to change. A clear warning came from the National Prison Center: “Do not be deceived. The treatment model has not died.” It has adopted “immutable and unassailable power to *inflict* ... change ... ‘for the social good.’”⁴⁸ The center found that “physical oppression” had been replaced with “psychic oppression” inside many of the nation’s penitentiaries. Bernard L. Diamond, professor of psychiatry at the University of California, noted that in “good” prisons, like those in California, physical degradation had been replaced by psychological degradation. “I call these ‘pastel’ prisons,” he wrote. “They look good, shiny, sanitary. But inmates will tell you thousands of ways in which they are psychologically degraded.”⁴⁹

Only psychiatrists who were willing to be coopted by prison authorities were accepted into the position of prison psychiatrist. Dr. Powelson, a resident psychiatrist at California’s San Quentin Penitentiary, noted that only psychiatrists who took a retributive approach towards the treatment of incarcerated

⁴⁵ Jonathan Metzl, *The Protest Psychosis: How Schizophrenia Became a Black Disease* (Boston, MA: Beacon Press, 2011), 100–1. ⁴⁶ *Ibid.*, 108.

⁴⁷ Michael Staub, *Madness Is Civilization: When the Diagnosis Was Social, 1948–1980* (Chicago: The University of Chicago Press, 2011). Also see Herman, *The Romance of American Psychology*; Metzl.

⁴⁸ Coleman, “Prisons: The Crime of Treatment,” 10. Letter from the Federal Prisoners’ Coalition at Marion to the UN Economic and Social Council, 5 July 1972, Box 24, Folder 8, Mitford Papers, italics in original. ⁴⁹ Mitford, *Kind and Usual*, 108.

people remained in employment. “It is hardly surprising,” he wrote, “that psychiatry in the prison consists primarily in therapeutic practices which can have punitive or disciplinary implications: electric shock, insulin shock, fever treatment, hydrotherapy ... that is, everything except psychotherapy.”⁵⁰ In 1974, Edward Opton highlighted the collusion of psychiatrists with prison authorities to use psychiatric treatment as a form of punishment. He argued that “prison psychiatrists are, in general, first and foremost functionaries in the disciplinary power structure of the prison bureaucracy.”⁵¹ The courts remained disinterested in such abuses of power so long as they were couched in terms of medical treatment. Doctors, it was falsely reasoned, would only ever act in their patients’ interests. This enabled prison authorities to circumvent court rulings on cruel and unusual punishment and deny due process.

One of the foremost behavioral scientists, Professor James McConnell, drew on his experimentation with flatworms to set out ways to manipulate prisoners’ behavior. In an article “We Can Brainwash Criminals – Now,” McConnell defended treating men and women against their will:

No one owns his own personality. Your ego, or individuality, was forced on you by your genetic constitution and by the society into which you were born. You had no say about what kind of personality you acquired, and there’s no reason to believe you should have the right to refuse to acquire a new personality.

McConnell typified the belief that an individual forfeited their rights to refuse treatment as soon as they were convicted. He concluded, “the day has come when we can combine sensory deprivation with the use of drugs, hypnosis, and the astute manipulation of reward and punishment to gain almost absolute control over an individual’s behavior.”⁵²

The use of high-dose antipsychotics became a common technique for controlling those deemed “troublesome.” An article on the Manhattan House of Detention (or the Tombs) compared guards’ violence with psychiatrists’ use of medication – both of which were used to punish unruly prisoners:

The psychiatrist’s main function is to prescribe medication that will drug the inmate into submissiveness ... A sure way to quiet down a man who is “acting out” is to put him on 1100 milligrams of Thorazine a day. It turns him into a zombie. Or, in clinical

⁵⁰ Jessica Mitford interview with Harvey Powelson, 21 July 1971, Box 26, Folder 1, Mitford Papers; Mitford, *Kind and Usual*, 110–11.

⁵¹ Edward Opton Jr., “Psychiatric Violence against Prisoners: When Therapy Is Punishment,” *Mississippi Law Journal*, 45, 3 (1974), 605–44.

⁵² James V. McConnell, “Criminals Can Be Brainwashed – Now,” *Psychology Today*, 3, 11 (April 1970), 14, 16, 18, 74; McConnell, “A Psychologist Looks at Crime and Punishment,” quoted in “The Day Has Come,” *Inside Out*, Box 53, Folder 68, Shapiro Papers.

terms, it screens off the amount of input so the inmate can reorganize his psychic structure ... [M]ost of the men on the 10th floor [of the Tombs] are on daily doses of Thorazine from 200 to 1400 milligrams ... One measure of prison reform is that the psychiatrist has become the successor of the brutal guard. Both men work toward the same goal: to produce a model prisoner, quiet and passive ... Mistreatment of prisoners has not vanished from the Tombs; it has simply moved to the 10th floor.⁵³

Officials in the Tombs were not alone in using psychotropic medication as a central part of a prisoner's "treatment." A prison administrator observed, "To some extent where we formerly had isolation as a controlling technique, we now have drugs, so that drugs in a sense become a new kind of restraint."⁵⁴ One incarcerated man complained about "chemical colonialism," where Thorazine and other antipsychotics were administered to subdue those who challenged prison authorities, rather than sending them to solitary confinement.⁵⁵

In 1970, the *Medical World News* reported that the California Department of Corrections had sanctioned the use of a muscle relaxant, succinylcholine, as aversion therapy. A dose of between twenty and forty milligrams was enough to cause complete paralysis and respiratory arrest, which mimicked the sensation of drowning and left the patient in terror. At the same time, the psychiatrist would remind the patient that this treatment was the result of his "acting out."⁵⁶ The medical staff at Vacaville Penitentiary claimed that the men had greatly improved their behavior following the administration of the drug, although one psychiatrist admitted that this came from the abject terror that was inflicted, rather than being the product of successful medical intervention.⁵⁷

A PRISON WITHIN A PRISON

In 1963, the federal government opened Marion Penitentiary in rural southern Illinois as a replacement for Alcatraz, which closed the same year. It was constructed to take the most difficult and disruptive prisoners, who were kept under strict control across the nine units. A boost came to those who advocated behavioral modification inside penitentiaries in October 1967, when

⁵³ "Entombed," *New York Times* magazine, 17 Feb. 1974, 14, 21–22, 24; "Prolixin: Better Brutality through Chemistry," *Penal Digest International*, Jan. 1972, 38.

⁵⁴ National Prison Center presentation to National Lawyers Guild conference, Feb. 1973, Box 53, Folder 68, Shapiro papers.

⁵⁵ "Chemical Colonialism in America's Prisons," *Inside Out*, n.d., Box 53, Folder 68, Shapiro Papers.

⁵⁶ "Scaring the Devil Out," *Medical World News*, 9 Oct. 1970, 29.

⁵⁷ "Aversion Therapy," *Check Out Your Mind*, n.d., 30, Box 27, Folder 3, Mitford Papers; "Scaring the Devil Out," 29.

the Bureau of Prisons sanctioned experimentation on prisoners in cases where there would be an “advancement of knowledge” that matched “the mission and collateral objectives” of the bureau.⁵⁸ At a time when the ethics of medical experimentation were being questioned, incarcerated men and women became the focus of federally sanctioned experimentation.

While evidence on Marion in its early days is sparse, it became a site of experimentation upon men under the leadership of psychiatrist Martin Groder in 1968. His program of behavioral modification, which became known as the Asklepion Society, was established with the assistance of the Center for the Study of Crime, Delinquency, and Corrections at Southern Illinois University. The criteria for selection were broad: any man who had either failed or refused to conform to prison rules could be transferred to Marion.⁵⁹ Eddie Griffin, who served time in Marion, noted that some of these men had not given consent for their involvement in the projects and many others had been pressured to give their consent.⁶⁰ According to the Federal Prisoners’ Coalition, Schein’s program of behavioral modification was “camouflaged” behind Groder’s framework of psychotherapy.⁶¹ Later descriptions of the treatment program bear a close resemblance to the brainwashing techniques that were identified by Schein, although in 1973 he insisted that he had not been complicit in developing such a program.⁶²

Those men considered to be the most disruptive were assigned to I Unit, which was essentially a prison within a prison. This was the end of the line for those individuals who had been cast as utterly irredeemable. While technically a federal penitentiary, Marion also admitted men held in various state penitentiaries, where they had been classified as beyond the control of authorities.

Griffin identified five procedures that were employed against men held in Marion. First, all but one of Schein’s brainwashing techniques were used.

⁵⁸ Griffin, “Breaking Men’s Minds,” 8.

⁵⁹ Committee to End the Marion Lockdown; Fay Dowker and Jerome Ganlett, “From Alcatraz to Marion to Florence: Control Unit Prisons in US,” 1991, at www.freedomarchives.org/Documents/Finder/DOC3_scans/3.alcatraz.marion.florence.1992.html (accessed 13 Oct. 2020); letter from Political Prisoners’ Coalition, 5 July 1972, Box 24, Folder 8, Mitford Papers; Stephen C. Richards, “USP Marion: A Few Prisoners Summon the Courage to Speak,” *Laws*, 9 (2015), 91–106.

⁶⁰ Griffin, 15; “Behavior Modification,” June 1973, 4–6, Box 53, Folder 68, Zimbardo Papers.

⁶¹ Letter from Political Prisoners’ Coalition.

⁶² In a letter to the editor-in-chief at *Harper’s Magazine*, Schein complained about how his research had been portrayed. He claimed that he had simply described his findings in the 1962 meeting. He continued, “if my descriptive accounts ... have aided prison wardens in making such blackmail more potent I want to go on record as strongly deploring the use of such techniques for such purposes.” Letter from Edgar Schein to Robert Shnayerson, 8 Aug. 1973, Box 28, Folder 1, Mitford Papers.

Second, they used operant conditioning, as advocated by the well-known psychologist B. F. Skinner. The third technique involved sensory deprivation, and especially solitary confinement. Finally, authorities used high-dose psychotropic medications that inflicted terrible side effects and greatly subdued the men. Men who refused to take part in the program were placed in solitary confinement for 23.5 hours per day in a minute and bare cell with no form of mental stimulation. Beatings by guards were a regular occurrence.⁶³ Rumors of what happened “underground” at Marion circulated throughout prisons. As Griffin recalled, they “could not ... be sure what existed” in I Unit because nobody had ever returned.⁶⁴ Prison officials exploited such fear by threatening to send those who resisted to Marion.

Eddie Sanchez, who was transferred to Marion in 1971, observes that transfer to Marion served two purposes. First, it acted as a form of punishment, and second, it isolated politically active prisoners from the rest of the prison system.⁶⁵ Even one of the former wardens of Marion, Ralph Aron, testified in court that “the purpose of [Marion] ... is to control revolutionary attitudes in the prison system and in the society at large.”⁶⁶ Federal Judge James Foreman noted that the unit had “been used to silence prison critics ... It has been used to silence economic and philosophical dissidents.”⁶⁷ Congressman Ralph Metcalfe similarly described the “control unit treatment program [as] long-term punishment under the guise of what is, in fact, pseudo-scientific experimentation.”⁶⁸ Lanier Ramer, another prison activist transferred to Marion, complained of the “annihilation” of prisoners’ personalities via beatings, intimidation, sensory deprivation, and drugs. He noted, “Many of the prisoners here at Marion ... are not here for being ‘dangerously assaultive’ persons but only because they were too outspoken in telling the public, Congress and the courts” about the conditions inside the nation’s prisons.⁶⁹

Griffin was one of those militants imprisoned in the federal penitentiary at Terre Haute and transferred to Marion. Labeled “incurable,” his crime had been to refuse to work after suffering an injury in the prison machine shop. Upon arrival, Griffin was subjected to a program of brainwashing techniques, mental suffering, sensory deprivation, and aversion therapy. He noted that the architecture of the penitentiary had been designed to control and frustrate incarcerated men by forcing them to go through an iron door or mechanical grill every few feet to work their way through the unit’s sections and subsections. It created a feeling of being “buried alive.”⁷⁰

⁶³ Griffin, 3, 17.

⁶⁴ *Ibid.*, 2.

⁶⁵ Eddie Sanchez, “Mind Control Units,” n.d., Box 53, Folder 68, Shapiro Papers, 15.

⁶⁶ Griffin, 14.

⁶⁷ *Ibid.*, 18.

⁶⁸ Gómez, “Resisting Living Death,” 76.

⁶⁹ Letter from Lanier Ramer to Sandra, n.d., Box 24, Folder 8, Mitford Papers.

⁷⁰ Griffin, 3, 8–11.

During the early 1970s, Marion's population continued to grow as prisoners' protests escalated across the nation. During this time, men were transferred from both federal and state penitentiaries, including Attica, McNeil Island, Terre Haute, Soledad, and Atlanta. A significant number of transferees were members of black nationalist organizations, including the Republic of New Afrika, the Black Panther Party, and the Nation of Islam. Authorities transferred Sundiata Acoli, a member of the Black Liberation Army, after he was convicted in connection with the death of one state trooper and the wounding of a second. He described Marion as "horror on steroids." These transfers created a diverse group of militants – not just African Americans, but also Chicanos, Native Americans, Puerto Ricans, and whites. Despite their racial differences, the men were united in their belief that they were political prisoners – although authorities refused to accept this claim.⁷¹ Gómez notes that these men saw themselves as "like a liberating army ... the more [they] developed and joined hands across color lines, the more [they] became a threat."⁷² The interracial nature of the movement in Marion reflects a broader characteristic of the radical prison rights movement. While the movement was predominantly organized by people of color, by the late 1960s activists were calling for men and women of all races to unite against authorities and fight guards' brutal behavior.

By 1971, in excess of 150 "politically oriented troublemakers" had been transferred to Marion. That number doubled in April 1972, when a further 150 men were transferred following a determined work strike at the Kansas Federal Penitentiary in Leavenworth.⁷³ For three months, the Leavenworth transferees refused to participate in the behavior modification program. Authorities soon realized that isolating so many politically active men in one place had unintentionally created the potential for an extremely determined interracial movement; Marion was awash with effective organizers and avowed militants, who were prepared to use their extensive experience of organizing protests to challenge the regime at Marion by both direct and legal action.

THE POLITICAL PRISONERS LIBERATION FRONT

In early 1972, a branch of the Federal Prisoners' Coalition (FPC) was formed by men in Marion. This marked the movement's first attempt to create an organizational base for resisting the prison regime and to launch a legal campaign to have the behavioral modification program declared cruel and unusual

⁷¹ Gómez, "Resisting Living Death," 58–59.

⁷² *Ibid.*, 58.

⁷³ Tom Wicker, "Prisons: Can They Be Remade?," *New York Times*, 2 Jan. 1973, 35.

punishment.⁷⁴ On 5 July 1972, the FPC submitted a report to the United Nations Economic and Social Council. It described how men who refused to take part in the behavior modification program were injected with tranquilizing drugs and placed in solitary confinement in I Unit. Stripped naked and strapped to a steel bed, men were forced to eat and defecate where they lay.⁷⁵

Events unfolded quickly during July. Ten days after the report was issued, guards beat prisoner Jesse López. This became a transformative event for the men seeking to close I Unit. On 17 July, the FPC issued a manifesto entitled a “Call to Action.” It appealed to all prisoners to take part in a work strike to protest the beating of López and demand an end to dehumanizing forms of treatment. It set out nine core values shared by those who challenged the regime: unity, freedom, justice, equality, opportunity, knowledge, happiness, dignity, and peace. Its appeal for unity amongst the men was based on the claim that each man had a “social responsibility” to fight the prison regime that abused them at every step. “Experience has proved to us that ... united action has been, and can be, successful,” it claimed. We “should voice a unanimous protest against such brutal and arbitrary treatment.” The document concluded with an appeal to not forget “those prisoners who will be locked up as a result of their participation in this peaceful demonstration of protest.”⁷⁶ In an interview, Raúl Salinas explained that those who supported the FPC viewed themselves as “not just common criminals ... we had more respect for ourselves than just being criminals.”⁷⁷ The same day, a work strike commenced across the penitentiary, supported by around two hundred men. In response, all men were placed on lockdown and 150 men were transferred to solitary confinement. Raúl Salinas, a Chicano activist, kept a diary of events and described a host of tactics used to break down prisoner solidarity during this time. Food, medical care, showers, and air conditioning were all denied.⁷⁸ Men’s personal possessions were removed and destroyed, and men endured random acts of brutality by the guards.⁷⁹

By 1972, authorities were clearly concerned by the ongoing solidarity amongst the men and started a heightened campaign of intimidation and harassment. Crucially, they renamed I Unit the penitentiary’s Control Unit, although life for those held in the unit did not change. The intimidation, solitary confinement, and brutality continued just as before. Yet the new name marked confirmation that the unit’s purpose was to inflict punishment and

⁷⁴ Gómez, “Resisting Living Death,” 74–75.

⁷⁵ Freedom of Expression Committee, Federal Prisoners’ Coalition, 23 Feb. 1973, Box 53, Folder 10, Zimbaro Papers; Prisoners Rights Project, 4 April 1973, Box 53, Folder 10, Zimbaro Papers.

⁷⁶ Gómez, “Resisting Living Death,” 72–73; Salinas, *raúlsalinas and the Jail Machine*, 290–93.

⁷⁷ *Ibid.*, 296. ⁷⁸ *Ibid.*, 290–306. ⁷⁹ Sanchez, “Mind Control Units,” 15–16.

conduct extensive surveillance. Shortly after this change in name, authorities started constructing new isolation cells, known as box cars. This unit-within-a-unit prevented the transmission of any noise and allowed for complete isolation. It was an ominous sign that authorities planned to escalate the punishment of those who supported the strike.⁸⁰

In August, a group of men formed the Political Prisoners Liberation Front (PPLF), which essentially took over from the PLC. While the work strike continued to take place in Marion, the PPLF also fought to secure a legal ruling that would close the Control Unit. On 11 September 1972, a class action lawsuit was filed with the help of the People's Law Office. The PLO's assistance marked a real turning point for the campaign: thus far, the men had been completely isolated from those outside the prison walls who might help their campaign. The PLO provided those in the Control Unit with outside assistance, and critical legal advice. In *Adams v. Carlson*, prison officials were charged with inflicting cruel and unusual punishment, denial of access to courts, denial of any procedural standard for sending men to solitary confinement, and denial of their freedom of speech. The psychiatrist Bernard Rubin testified on behalf of the men that the dehumanizing treatment "is contrary to that that is professed to be the purpose of the program, that is, it seems to me that it shaped behavior towards violence by accentuating the frustration, rage, and helplessness."⁸¹ In response, guards heightened their campaign against the plaintiffs and subjected them to shakedowns, beatings, and destruction of legal papers on a regular basis. The men responded by filing an injunction to stop further attacks, to return their possessions, and pay \$50,000 each in damages. On 2 November 1972, six men testified to being beaten by guards and described the punishments that had been inflicted upon them. Prison authorities denied all charges and claimed that those held in the unit received top-class medical care and were never beaten or subjected to the use of tear gas. This was, of course, far from the truth. During late 1972, guards escalated their program of intimidation and violence against the men. Eddie Sanchez claimed he saw "over two dozen men driven insane ... Others have been driven to suicide or attempts at suicide."⁸²

Finally, in 1973, the PPLF had some success in the *Adams* lawsuit; the court ruled that indefinite isolation in solitary confinement constituted "punishment disproportionate to the various offenses" that had been committed. It therefore constituted cruel and unusual punishment. The remaining forty-nine men who were still held in the box cars were released.⁸³ While the

⁸⁰ "Freedom of Expression Committee," 10.

⁸¹ Gomez, "Resisting Living Death," 76–77.

⁸² Sanchez, 15.

⁸³ *Adams v. Carlson*, 368 F. Supp. 1050 (E.D. Ill. 1973), at <https://law.justia.com/cases/federal/district-courts/FSupp/368/1050/1802535> (accessed Dec. 28 2020).

court did not order the closing of the Control Unit, *Adams* became a groundbreaking decision for prisoners' rights. It marked the first time that a federal court had ruled that prisoners had suffered "cruel and unusual punishment . . . based upon the disproportionately of the punishment [they] received in prison." Michael Deutsch has characterized this as an "extraordinary opinion."⁸⁴

For those held in the Control Unit, however, their victory in *Adams* was not enough. In late 1972, a group of men – known as the Marion Brothers – filed a class action suit to close the unit entirely in *Bono v. Saxbe*. Outside supporters formed the National Committee to Support the Marion Brothers to organize protests and a letter-writing campaign in support of the men.⁸⁵

The combination of work strikes, legal challenges, and outside assistance demonstrates the growing power of the prisoners' political activity inside the Control Unit during the early 1970s. Not only does this show that the prison rights movement persisted during the post-Attica period, but it also speaks to the importance of Marion to the movement as a whole. Just as authorities in state penitentiaries faced determined challenges to their regimes, so the BOP also had to contend with a strong campaign in Marion to bring the federal government's human rights abuses to the notice of the media and public.⁸⁶

A critical victory for those campaigning against the use of behavioral modification came in February 1974, when the Law Enforcement Assistance Administration (LEAA) confirmed that it had funded at least four hundred behavior modification programs inside correctional facilities; it could not confirm the precise amount of funding as no records had been kept.⁸⁷ Under pressure from various protest groups, the LEAA announced a ban on federal funding for experimental use of behavioral modification, but did not close down existing programs. In 1975, the American Civil Liberties Union confirmed that eleven states were still operating behavioral modification units. Indeed, the LEAA's decision did not stop the construction of a new federal behavioral modification unit, known as the Federal Correctional Research Center, at Butner, North Carolina, in the fall of 1974. The link between Marion and Butner was reflected by the appointment of Marion's psychiatrist, Martin Groder, to run the new establishment.⁸⁸

⁸⁴ Gomez, 77–78.

⁸⁵ Marion Brothers News Report, May 1978, Box 6, Folder 2, Raúl Salinas Papers, Mo774, Department of Special Collections, Stanford University Libraries, Stanford, CA (hereafter Salinas Papers). ⁸⁶ *Ibid.*, Griffin, "Breaking Men's Minds," 18.

⁸⁷ Richard Aynes, "Behavior Modification: Winners in the Game of Life," *Cleveland State Law Review*, 422 (1975), 422–62.

⁸⁸ Lanier Ramer, "The Day Has Come," Federal Prisoners' Coalition, Marion Penitentiary, March 1973, Box 6, Folder 2, Salinas Papers; "Mind Destroying Facilities," *Rough Times*, Dec. 1972, Box 24, Folder 7, Mitford Papers, 19.

Despite the LEAA's ruling, the behavior modification program at Marion continued to operate through the 1970s. In 1978, the *St. Louis Argus* revealed the ongoing use of behavioral modification techniques at the penitentiary. Having been allowed access to the unit, reporter Scott Anderson found that all but one of the men spoken to could be described as "political prisoners."⁸⁹ Marion also continued to be the site of protest activity. In September 1980, a group of men staged a work strike in response to the warden's refusal to address their grievances, which included the provision for religious services in the Control Unit, an end to guard violence, and improved medical care. The strike finally came to an end in January 1981, but only because the warden closed the prison's factory entirely.⁹⁰

FROM CONTROL UNIT TO SUPERMAXES

The creation of the Control Unit in 1972 had been in response to prisoners' political activity. It marked another step in the state's use of behavioral modification as a punishment for political dissent. The use of box cars, where men were held twenty-three hours a day, was particularly resented; they inflicted the most extreme form of solitary confinement. Despite the repressive environment, men inside the unit continued to resist their treatment and focused their efforts upon securing a legal victory against the Control Unit. It was not until 1978 that the Federal District Court finally ruled in *Bono v. Saxbe*. The decision brought mixed results for the plaintiffs. While Judge Foreman banned the use of box cars as cruel and unusual punishment, he overturned the *Adams* ruling that had judged indefinite solitary confinement itself to constitute cruel and unusual punishment.

Bono v. Saxbe reflected the increasingly hostile political environment towards prison reform by the late 1970s. The rhetoric of treatment, which had been a cover for punishing dissent in the unit, had been left behind; the widespread acceptance of punitive measures against incarcerated people meant that such a cover story was no longer needed. This solidified the use of the Control Unit as a site of extreme punishment for those who refused or failed to conform to the prison regime. By the early 1980s, the unit was no longer dominated by prison activists; men were consigned to the Control Unit for an array of alleged offenses that were all perceived to be a challenge to the prison regime. Marion's importance within the Bureau of Prisons was reinforced in 1979, when the BOP designated it the only level 6 institution within the federal prison system. This growing importance of the

⁸⁹ Scott Anderson, "Inside Marion: Strong Voices Emerge," *St. Louis Argus*, 7 Sept. 1978.

⁹⁰ Dowker and Ganlett, "From Alcatraz to Marion to Florence."

Control Unit in Marion was symptomatic of a change that was underway nationally. While some small-scale rehabilitative programs continued to operate, the transition away from an emphasis upon rehabilitation to a desire to inflict punishment was effectively complete by the 1980s. It was no longer necessary to define Marion as a place for “treatment.”

The final phase of Marion’s transformation started in 1983, when violence erupted; over the course of six days, two officers were killed and a further two were badly injured. In response, the prison was placed on permanent lockdown. Men were held in their cells for at least twenty-three hours a day; the conditions were strikingly similar to the treatment of men in the box cars, but now it encompassed the entire institution. All aspects of prison life that had made the situation a little more bearable were stripped away. This included no time in the exercise yard, no television, few personal possessions, and only occasional visitors. Rather than having a mess hall, meals were slid through a hole in the cell door.⁹¹ The Marion lockdown created the first penitentiary with permanent solitary confinement – a “supermax,” as it became known.⁹²

Marion’s role as a supermax grew out of the longer history of experimentation and punitive solitary confinement that had been inflicted upon those in the Control Unit during the 1960s and 1970s. Many of the tactics that had been used to “break” men became the standard by which the entire penitentiary operated. It set an example of how to inflict maximum psychological distress, but this was no longer done under the guise of “treating” men; supermaxes revolved around the need for punishment and control.⁹³

The “Marionization” of the nation’s prison system – a process whereby the lockdown became a blueprint for the creation of more supermaxes – reflects Marion’s influence upon the growing power of the carceral state. Throughout the 1980s and 1990s, states funded the astronomical cost of adding supermax units to existing facilities and constructing new stand-alone prisons. Having been the poster child for rehabilitation in the 1950s, California turned to building supermaxes with great gusto. By 2015,

⁹¹ One of the best overviews of Marion during the lockdown is Stephen Richards, “USP Marion – The First Federal Supermax,” *Prison Journal*, 88, 1 (2008), 6–22. The Committee to End the Marion Lockdown (CEML) produced a narrative of Marion’s history after the work strike. See Nancy Kurshan, “Out of Control: A 15 Year Battle Against Control Unit Prisons,” The Freedom Archives, 2013.

⁹² Solitary confinement was the toughest feature of life in Marion during the lockdown. It also served as an example of administrative segregation. Most penitentiaries had disciplinary segregation, where prisoners who had violated prison rules were sent. This was usually after a hearing and conviction. In contrast, it was possible for a man or woman to be transferred to administrative segregation without even the pretense of due process.

⁹³ “Prison Torture,” *Stinger*, 24 Jan. 1972, Box 54, Folder 31, Zimbardo Papers.

California had more than ten times more prisoners incarcerated in supermax facilities than any other state.⁹⁴

CONCLUSION

The three interlocking developments explored in this article demonstrate the process by which psychiatric and psychological treatment became an important part of prison management in many institutions during the 1960s and 1970s. What happened at Marion under the pretence of rehabilitation constituted a shocking abuse of power and nothing less than torture. Its purpose was to produce compliant men who conformed to prison rules. This was only possible with the collusion of psychiatrists and psychologists; the cover of medical treatment enabled such repression to take place without judicial review or any other form of oversight.

The period between 1963 and 1980 was a transitional time in this respect, a time when law-and-order politics became ever more powerful, and which increasingly turned behavioral scientists into agents of prison authority. This process was complete during the 1980s, by which time the nation's move towards mass incarceration was well established.

Marion also shines a light upon the development of the radical prison rights movement and the state's role in brutally suppressing prisoners' political activity. Despite facing extreme punishment, activists created a powerful interracial movement, which spearheaded protests and legal challenges to Marion's Control Unit. This is a critical point in our understanding of the politicization of those held inside federal penitentiaries during the 1960s and 1970s. Thus far, historical research on the movement inside federal penitentiaries has been sparse. Marion makes it evident that the prisoners' rights movement was not just active at state level; it also existed inside several federal penitentiaries. All of this indicates that there is a gap in the existing literature that warrants further research by historians.

The decision to concentrate "political prisoners" within Marion backfired upon the authorities. Rather than being silenced by this punishment, the men launched a determined movement of direct action and legal challenges to expose the cruel punishment inflicted upon them. They were partially successful; they succeeded in drawing public attention to the presence of the unit and went some way to forcing the federal government to stop some of the more extreme aspects of the program. However, they could not stop the creation

⁹⁴ Keramet Reiter, "The Path to Pelican Bay: The Origins of the Supermax Prison in the Shadow of the Law, 1982–1989," in Chase, *Caging Borders and Carceral States*, 305; Richards, "USP Marion," 6–22.

of supermax penitentiaries, where even the facade of rehabilitation would be abandoned. Ultimately, Marion's lesson to historians is that incarcerated people suffered psychological torture and medical experimentation at the hands of federal authorities. Not only did such treatment violate their human rights, but it also helped give rise to the supermax facilities that continue to inflict psychological torture upon men and women to the present day.

AUTHOR BIOGRAPHY

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