

Against a Better Prison:
Gender Responsiveness and
the Changing Terrain of Abolition

by

Lex Horan
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INTRODUCTION

“A more productive version of feminism would...seriously consider the proposition that the institution [of state punishment] as a whole—gendered as it is—calls for the kind of critique that might lead us to consider its abolition.”

-Angela Y. Davis, *Are Prisons Obsolete?*

This project is a critique of gender responsiveness, a criminological theory that argues that the real needs of women in prison are not being met because the philosophies behind contemporary prison practices are based on an assumed male prisoner. Gender responsiveness arrived in the hotly contested arena of California prison politics in 2005 and quickly morphed into a prison expansion plan to build 4,500 new women’s prison beds in “better,” “more effective” prisons. For California anti-prison activists, gender responsiveness presented an unsettling—if not unpredictable—shift. The proposal called for new prisons claiming to be community reentry facilities. Liberal legislators claimed to speak for people in women’s prisons when they advocated for this expansion.

While the fierce opposition to gender responsive expansion drew on lessons from prior anti-expansionist campaigns, this organizing also engineered new perspectives on the nature of the prison industrial complex (defined below) and the politics of its ongoing expansion. My project takes the knowledge mobilized and produced in this campaign as a starting point for a contextualization and critique of gender responsiveness. I am interested broadly in the conditions that enabled the emergence of gender responsiveness. Specifically, how did the arc of twenty-five years of California prison expansion—which might be very cautiously read as finally grinding to a slow halt since 2005—lead to the proposal of non-traditional, gender responsive prisons? How is gender responsiveness compatible with the political, economic, and ideological structures

of neoliberalism? What kinds of limited reforms to the prison system are politically viable, and what are the consequences of enacting reforms like these? Finally, what can movements for the abolition of the prison industrial complex take from this campaign in order to make more strategic strides toward the “political fantasy of radical freedom”¹ of ending the prison industrial complex?

From Prison Boom to “Prison Industrial Complex”

Angela Y. Davis writes that in the early days of her anti-prison activism in the late 1960s she was shocked when she learned the number of people then imprisoned in the United States: just short of 200,000. She notes, “Had anyone told me that in three decades ten times as many people would be locked away in cages², I would have been absolutely incredulous” (A. Davis 2003, 11). As of 2008, the Bureau of Justice reported that nearly 2.4 million people were caged in state and federal prisons and local jails (Bureau of Justice Statistics). In the same year the Bureau reported that the number of people under some form of “correctional supervision”—including people in prison or jail, or on probation or parole—had reached one in every thirty-one adults. These rates of containment are unparalleled not only in the history of the United States but also in global imprisonment trends: the U.S. locks away its own population at a higher rate than any other country in the world (Mauer 2003; “Prison Brief”)

Faced with this nearly incomprehensible expansion of the U.S. prison system, thinkers within and outside of the academy have struggled to develop explanatory models capable of integrating the burgeoning imprisonment apparatus into a coherent

¹ From Dylan Rodríguez’s “Inaugurating Multicultural White Supremacy.”

² The use of the word “cage” in this thesis builds on Ruth Wilson Gilmore’s assertion that “mainstream historians of prison use the word ‘cage’ to describe the particular quality of this institution of social control; in other words, ‘cage’ is a technical term” (Gilmore 2007, 261).

understanding of the national landscape. The most frequently articulated dissident perspective on the post-1970 prison boom has argued that U.S. criminal justice policy has been a massive failure, evidenced by the disproportionate incarceration of Black and Latino men, the destructive effects of the war on drugs, and the rampant criminalization of the poor (see Mauer 2006 [1999]; Reiman 2006 [1979]). However, this perspective has been criticized for failing to sufficiently account for the forces, interests, and historical roots that serve to contextualize the prison boom. It is from this insistence on context and power that the conceptual framework of the “prison industrial complex” has emerged. Although there is no single accepted definition of the prison industrial complex, I will briefly outline a few of the theorizations that have become foundational to this field of analysis.

Theorists of the prison industrial complex consciously build on the notion of a confluence of political and economic factors indexed in President Eisenhower’s 1961 conceptualization of a “military industrial complex.” Urban theorist Mike Davis is most frequently credited with having coined the phrase “prison industrial complex” in a 1995 article for *The Nation* about California’s prison system (M. Davis 1995).³ Davis’s “Hell Factories in the Field” describes a California prison system riddled with interests like the powerful prison guards’ union (the CCPOA), Central Valley towns hungry for prison jobs, elected officials tethered to “tough-on-crime” politics, and a state budget suffering under the pressure of an expanding punishment apparatus.

Eve Goldberg and Linda Evans offer a foundational articulation of one of the most commonly used definitions of the prison industrial complex: a convergence of

³ Although Mike Davis may have inaugurated the current (relatively) widespread usage of “prison industrial complex,” the 1976 manual *Instead of Prisons: A Handbook for Abolitionists*, published by the Prison Research Education Action Project, references the “prison/industrial complex” at least once (Knopp and Regier 2005 [1976], 181).

government/private interests and profit motives that is used for social control (Goldberg and Evans 2001). Goldberg and Evans link together the war on drugs, profits from subcontracting prison industries and private prison companies, racism, globalization, capital flight, and structural adjustment as forces that have come together to produce mass imprisonment in the United States.

Angela Davis has been a vocal critic of the U.S. prison system since the 1960s, and her theorizations of the prison industrial complex have been among the most influential of the past fifteen years. Davis argues that the role of imprisonment is to “magically” disappear social problems like racism, unemployment, deplorable public education, and poverty, and in the process absorb the material and social wealth necessary to achieve real solutions to those problems (A. Davis 1998). She calls attention to the ideological projects of the prison industrial complex, insisting that political and economic interests can only flourish given the fertile ground of the “common sense” notions that imprisonment is both part and parcel of democracy and necessary for individual and collective safety (A. Davis 2005, 69).

Other theorists have critiqued over-simplifications of the prison industrial complex that assume a straightforward prison-profit connection responsible for the prison boom. Ruth Wilson Gilmore’s assessment of California’s prison binge argues that prison expansion was used as a solution to the crisis produced by surpluses of land, state capacity, capital, and labor—essentially, that prison expansion is an attempt at geographic solutions to political economic crises of the state (Gilmore 2007). Dylan Rodríguez’s formulation of the “prison regime” positions imprisonment as *constitutive* of the U.S. state. Rodríguez calls for a rethinking of the myopic focus on the site of the

prison itself to the exclusion of a “meso” analysis that understands imprisonment and capture as organizing processes of the United States (Rodríguez 2006).

The framework of the prison industrial complex has been elaborated in the overlapping terrains of the academy and social movements. National abolitionist organization Critical Resistance, established in 1998, has offered a frequently-cited definition of the prison industrial complex as “the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social, and political problems” (Critical Resistance *Abolitionist Toolkit*, 59), or even more simply, as “the apparatus established to forward the idea that imprisonment and policing makes us safe” (introduction to Knopp and Regier iii).

Feminist, queer, and transgender perspectives on the prison industrial complex have pushed anti-prison scholarship and activism to (re)consider the way gender and sexuality inform experiences of imprisonment and policing. Feminist interventions have called attention to the fact that women are one of the fastest-growing demographics in the prison population (within the U.S. and transnationally) and that policing and imprisonment must be understood as primary vectors of (state) violence against women (Sudbury 2005; Davis and Shaylor 2001; Richie 1996). A 2001 joint statement from INCITE! Women of Color Against Violence and Critical Resistance calls for a more nuanced understanding of the intersections of gender, sexuality, and the prison industrial complex. The statement pushed anti-prison movements to engage more seriously with domestic and sexual violence. In this statement and elsewhere, feminists who have been critical of the mainstream anti-domestic violence movement’s approach of criminalizing abuse have insisted on framing interpersonal violence as deeply connected to state violence (INCITE-CR 2001; Bumiller 2008). Additionally, in recent years new attention

has been paid to the experiences of transgender and gender nonconforming people in the prison industrial complex, including their high rates of arrest and imprisonment and the specifics of the abuses they face in prison (Lee 2003).

These gender- and sexuality-focused assessments of the prison industrial complex form an essential basis for my exploration of gender responsiveness in California. However, although these texts are indispensable for my work, they are not immediately prepared to challenge the obstacles that gender responsiveness raises. Gender responsiveness begins with the assertion that women experience the various mechanisms of the criminal legal system and prison system differently than men. This critique is also central to feminist anti-prison analyses, although the two perspectives move in radically different directions from this shared point of departure. My project, then, is an effort to differentiate gender responsiveness from a feminist politic of abolition capable of resisting the co-optive, expansionist pull of incorporation into the prison industrial complex.

While the term “prison industrial complex” may come off as polemical language choice, I use it not because of its shock value but because I find it to be a highly generative analytical tool. In particular, I call attention (following Critical Resistance) to the most under-analyzed word in the triad: “complex.” My project investigates the various ways this “complex” is situated in the landscape of early-21st-century California. The prison industrial complex cannot be neatly located in the agricultural-carceral San Joaquin Valley town of Chowchilla, although this is where most imprisoned women in California are sent to be contained. It stretches across geographies from the LAPD-ridden precincts of Los Angeles County, where most of those sentenced to California women’s prisons come from, to the cool halls of the State Capitol in Sacramento, where

Silicon Valley politicians produce prison-expansionist legislation that uses language lifted from prison reform-oriented social movements. The prison industrial complex encompasses and is created by the Gender Responsive Strategies Commission, the National Institute of Corrections, the California Correctional Peace Officers Association, the debates on the editorial page of the San Francisco Chronicle and the Sacramento Bee, the private companies offered contracts to build gender responsive prison facilities, and the Fresno Mayor's Office, to name a few. To look closely at the prison industrial complex is to see the "solutions" that emerge when the state prison budget exceeds higher education spending, when the post-welfare state expands to create new spaces of containment for those left behind by social services cuts. In the words of Elliott Currie, "Short of major wars, mass incarceration has been the most thoroughly implemented government social program of our time" (quoted in A. Davis 1998).

The only published critique of gender responsiveness in California that I have found is an article by Cassandra Shaylor, co-founder of Justice Now and a leader in the campaign against gender responsiveness (Shaylor 2009). Because Shaylor's article offers a clear, persuasive analysis of the gender essentialist underpinnings of gender responsiveness, I have chosen to focus less on this essentialism than on other aspects of gender responsiveness. My work on gender responsiveness picks up after Shaylor's, and I have tried to build on the analysis she offers instead of rearticulating her well-argued points.

A Note on Conditions

As the rate of imprisonment has grown, there has been a proliferation of organizations that document and raise awareness about conditions inside U.S. prisons. This work has called attention to the realities of inadequate and abusive medical care; the

psychological impacts of solitary confinement; high rates of abuse (physical, verbal, and sexual) by prison staff; denial of prisoner access to basic needs like food, clothing, and hygiene products; shortages of meaningful or useful programming (including job training, support groups, education, and drug treatment); poor work conditions and extremely low-paying jobs; and general stresses associated with overcrowding. Because of the availability of these resources, and because my research is not an investigation of conditions in California women's prisons, I do not describe specific conditions issues in detail, although I do discuss them as they arise. Instead, I build on research that has shown that conditions in prison, including (and perhaps particularly) in California women's prisons, are almost always dangerous, humiliating, and neglectful—and often even life-threatening.⁴

My Arrival at the Project

Manuela Ivone Pereira Da Cunha writes, “the debate about prisons . . . has to consider not merely the boundary between the imprisoned and the free but also the one between those whose lives include the prisons in their horizon and those whose lives do not” (Da Cunha 2005, 163). For many people in the United States, prisons are daily, intimate realities. This immediacy is a constant for people who are locked up, those who labor in and around the prison system, people whose family and loved ones are imprisoned, and those whose homes share (mostly rural) geographies with prisons. For others, even if prisons themselves do not have a hold on their lives, the long reach of the prison industrial complex is always threatening a future behind bars. In other words, for

⁴ For more information on conditions, see Amnesty International 1999, Sylvia Rivera Law Project 2007, and Human Rights Watch 2003. For information specific to California women's prisons, see Justice Now 2009 and Legal Services for Prisoners with Children 2005.

members of certain groups—Black and Brown people, immigrants, transgender people, poor people, people with disabilities, sex workers—the possibility of imprisonment is likely to loom consistently on the horizon.

For others, of course, the prison is laboriously rendered invisible. In the world where I grew up, no one I knew had spent time in prison, worked in a prison, or survived police brutality. I never saw cops in my neighborhood, except for a neighbor who worked for the Saint Paul police—and everyone on my block said they felt safer knowing he lived around the corner. I was twenty the first time I entered a prison, in an unfamiliar climate thousands of miles away from my home, on a legal visit to meet with people I did not know. This is not to say that my world has not been fundamentally constituted by this system. However, for me, the workings of the prison industrial complex have provided an invisible backdrop to the worlds I inhabit. It has required the generosity of many teachers and mentors for me to even begin to understand how the prison industrial complex has shaped my life and the lives of everyone living in the United States.

I offer this background because I believe that those of us who are less vulnerable to the reach of the prison industrial complex and who advocate for its reform or abolition have a responsibility to be transparent about our stakes in and our commitments to this work. The prison industrial complex has not, for the most part, immediately threatened my own physical survival or that of the people closest to me. That having been said, I do not see my commitment to anti-prison work as “helping” people in prison or communities most targeted for imprisonment. I understand prison abolition as central to my own freedom, and my own liberation as deeply tied up in the struggle to take down its walls.

As a transgender person I am indebted to generations of gender outsiders who have fought for self-determination, and I know that those struggles have most often been against to police brutality and state violence. The capacity of gender nonconforming people to organize is a fraction of what it might be because so many of us are in prison. The projects of building trans political struggle, communities of support, and gender self-determination will always be deeply limited as long as the prison industrial complex maintains the ability to lock us up for gender transgressions and for our crimes of survival.

Trans and queer organizing is only one of many struggles that are disrupted by imprisonment. I would argue that those of us who call for the dismantling of systems of domination like white supremacy, heteropatriarchy, and capitalism must take very seriously the call for abolition of the prison industrial complex. As long as the state maintains the capacity to cage people at will, our political work will always be stunted before it can reach its full transformative potential. As COINTELPRO has shown us, police, prisons, and surveillance are central to the liquidation of social movements that pose serious threats to the status quo.

Lastly, my commitment to abolition of the prison industrial complex is deeply rooted in my belief that prisons and police don't make me or the people I love safer. I feel less safe because the communities I live in are not equipped to deal with serious harm, because we have learned to cede our own problem-solving and harm-addressing power to the state. The vision of abolishing the prison industrial complex has pushed me to think beyond the "commonsense" notions of safety I have internalized. The "political fantasy" of a world that does not equate mechanisms of safety with amplified state

violence has challenged the reaches of my creativity in ways I never expected, and it is this rigorous call to vision that has lent this project its ongoing urgency in my life.

I arrived specifically at this topic—an analysis, contextualization, and critique of “gender responsive” prisons—more or less directly because of an internship with Justice Now in the fall of 2008. Gender responsiveness was fresh in the organization’s institutional memory, and it sparked many conversations during my time there. More specifically, I chose to work on gender responsiveness because I believe there is something strategic about intervening in what gender responsiveness represents. A September 2008 report by the Justice Policy Institute describes the prison industrial complex as a “moving target” that is both vulnerable to political pressure and also highly capable of shifting and adapting to accommodate changing interests and fluctuating public opinion (Petteruti and Walsh 2008). Gender responsiveness is a clear example of this trend: it emerged onto the changing landscape of California prison policy and achieved popular support that could not be garnered for other prison expansion plans. Viable abolitionist movements must be equipped to articulate clear, insistent opposition to all expansions of the prison industrial complex, and gender responsiveness is no exception.

On Language

Because the workings of the prison system are often so thoroughly hidden from public view, the language used to describe that system is vested with an unusually high level of representative power. *Instead of Prisons* argues that “we need to consciously abandon the jargon that camouflages the reality of caging and develop honest language as we build our movement” (Knopp and Regier 2005 [1976], 10). There is no neutral

language for talking about practices and systems of imprisonment: therefore, I will explain some of the language choices I have made in this thesis.

My project focuses on people who are (or have been, or might be) held in a California women's prison. In most contexts these people are referred to as "female inmates," "female offenders," or "women prisoners." For the most part I will use the phrase "people in women's prisons," a phrasing I first heard at Justice Now. The purpose of this is two-fold. First, this avoids the use of words like "inmate" and "offender," ontological descriptors that erase the agency in the process by which people become imprisoned, and, more fundamentally, the humanity of people in prison. I occasionally use "prisoner," both because it has been (at times) reclaimed as a marker of political status and also because it emphasizes the action inherent in keeping someone imprisoned. Secondly, the phrase "people in women's prisons" does not assume that all of these people identify as a women. The sex-segregated prison system consistently erases the existence and inhibits the self-determination of transgender and gender nonconforming people, and I hope to avoid perpetuating this damage in my writing.

Of course, this gender neutral language runs the risk of ignoring the very real gendered components of criminalization and imprisonment. "People in women's prisons" are not just any "people": they are people who were assigned female at birth, most of whom have experienced the world as women, some as transgender or gender nonconforming people. None of these factors is incidental to their imprisonment or their experience of the prison system. Additionally, in some cases I will refer to these people as "women" for the sake of linguistic simplicity. These negotiations are frustrating, but they also reveal something about the collision between the multiple ways in which people experience and identify their genders and the unbending rigidity of the

sex-segregated prison system. If dominant U.S. culture is unforgiving toward gender nonconformity and transgression, there is arguably nowhere that this is more stringently enforced than within the prison system.

In some cases I use the phrase “criminal legal system” in place of “criminal justice system” to indicate that the relationship among police, courts, prisons, and “justice” is a contested one at best. Very occasionally I use “corrections” to describe branches of the prison system, although I avoid this terminology whenever possible because of its implication that there are people who need to be “corrected” by being caged. I often use “prison industrial complex,” as defined above.

In my usage, the labels “anti-expansionist,” “anti-prison,” and “abolitionist” have overlapping but distinct definitions, and their critiques expand outward in the order listed from narrower to broader critiques. I use “anti-expansionist” to refer to people, organizations, or efforts that define themselves by their opposition to building any new prisons (or, in some cases, to expanding the prison system in any way, including through new budget outlays, staff hires, etc.). “Anti-prison” refers to a rejection of the practice of imprisonment in any form, and anti-prison activism seeks to eliminate prisons, jails, and other containment facilities entirely. Abolition calls for the elimination of the entire prison industrial complex, which is not limited to the site of the prison itself but instead constitutes an entire mode of social organization and relation based on policing, imprisonment, and surveillance.

This project is both situated within and dedicated to movements for the abolition of the prison industrial complex. Contemporary abolitionist movements intentionally claim language that points to past movements for the abolition of slavery. Just as anti-slavery activists argued that slavery was an inhumane institution that could not be

reformed, abolitionists today argue that the prison industrial complex cannot be improved and must be dismantled. It is this latter meaning of the word “abolition” that I reference unless otherwise noted throughout this text. Abolition is simultaneously a long-term vision of a world without cages and also a framework for generating movement strategy that will not “extend the life or scope” of the prison industrial complex.⁵ Of course both of these aspects of abolition are at work in my thesis, but the nature of my project means that my focus tends to be on the latter: that is, abolition as process. Many of the authors and organizations cited in this introduction offer bold, clear articulations of long-term abolitionist vision, and I conceive of my project as one of many supplements to these works that speaks to the specific strategic processes of abolition.

Methodology

Much of the research for this project took the form of interviews. I conducted thirteen interviews during the summer of 2009. I selected those I interviewed through personal acquaintance, referrals, and research in the archives of the Oakland-based organization Justice Now.⁶ Everyone I interviewed was involved in some way with the 2006-2007 campaign against gender responsiveness in California and has some connection, past or present, to Justice Now. This can be attributed to two main factors. First, as I will discuss in my first chapter, Justice Now was one of the lead organizations

⁵ This phrasing comes from the mission statement of Critical Resistance.

⁶ Justice Now was established in 2000 and works “with people in women’s prison and local communities to build a safe, compassionate world without prisons. Our mission is to end violence against women and to stop imprisonment.” Justice Now’s work includes direct legal services and advocacy, policy and campaign work, and participatory human rights documentation.

in the campaign against gender responsiveness. Second, because I interned at Justice Now during the fall of 2008 I had many established connections there.

Five of my interviews were conducted with current or former staff members of Justice Now. Cynthia Chandler is the co-founder of Justice Now and is the current Director of the organization. Vanessa Huang worked as Justice Now's Campaign Director from summer 2006 through fall 2008, and in this capacity was the primary person doing fulltime organizing in the campaign against gender responsiveness. Vanessa has also worked with Transforming Justice and the Transgender, Gender Variant, and Intersex Justice Project. Ari Wohlfeiler acted as Justice Now's interim Campaign Director in the spring of 2006. He has also worked with the California Prison Moratorium Project and is currently the Development Director of Critical Resistance. Alexander Lee was a staff attorney at Justice Now before founding the Transgender, Gender Variant, and Intersex Justice Project (TGIJP) in 2004. He directed TGIJP until 2009. Robin Levi is the Human Rights Director at Justice Now.

The other eight interviews I conducted were with activists who participated in the campaign against gender responsiveness while they were imprisoned at the Central California Women's Facility in Chowchilla, CA. Marie Bandrup, Madalin Bloxson, Cookie Concepción, and Beverly Henry are members of Justice Now's board and wrote formal statements of opposition against the gender responsiveness bills in 2006. Hakim Anderson and Shawn Goode also wrote statements of opposition. These statements were used throughout the campaign as lobbying tools and for public education and outreach materials. Anderson's statement was eventually published as an op-ed in the Oakland Tribune on July 4, 2006. I draw from the text of these statements throughout

my thesis as I elaborate various critiques of gender responsiveness.⁷ My other two interviews were with Zundre Johnson and Georgia Horton, who collected signatures for the petition against gender responsiveness (discussed in more detail in Chapter 1). My interviews followed human subjects protocols and institutional review board guidelines. I have not changed the names of those I interviewed, as each person requested that I refer to them by their preferred name.

A note on the research method of the “prison interview:” because one key component of the campaign against gender responsiveness was the effort to coordinate organizing between people inside and outside of California women’s prisons, it was important to my research to conduct interviews with people currently in prison who participated and acted as leaders in the campaign. However, entering into these interviews I was aware of the exploitative and sensationalist history of much of this genre of research, due to the unsurpassable power differential that exists between the free-world (often academic) researcher and the imprisoned person being interviewed. I tried to construct my interview questions to avoid the voyeurism at work in many media representations of prisons. I focused instead on the political analysis that led each of the people I interviewed to reject and organize against gender responsiveness, as well as their experiences of the campaign and their reflections on the organizing they participated in. That said, I had no illusions about the possibilities for political collaboration on equal footing. I take seriously Dylan Rodríguez’s admonition that the only ethical political conversation between the free and the unfree in the context of the prison is one that seeks to undo its own conditions of possibility (Rodríguez 2007, 32).

⁷ Shachie Day and Misty Rojo also wrote statements of opposition, and although I did not interview them, I will cite their statements as well.

Chapter Overview

My first chapter offers a summary of the context and history of gender responsiveness in California. I begin with a brief sketch of recent California prison politics before moving into a narration of gender responsiveness in California between 2005 and 2007. In my second chapter I discuss gender responsiveness as a neoliberal project situated at the intersection of welfare cuts and prison expansion. I examine how gender responsiveness is positioned—both in theory and in California specifically—as a mode of service provision. In my third chapter I take up gender responsiveness as a reformist project, interrogating the notion that prisons can be “perfected” and situating gender responsiveness in the history of prison reform in order to call attention to the role that reformist work has had in expanding and consolidating the prison industrial complex. In my fourth chapter I describe the strategy lessons for abolitionist activism that emerged from the campaign against gender responsiveness.

CHAPTER 1 CALIFORNIA PRISON POLITICS AND GENDER RESPONSIVENESS

“Increasingly, [California’s] only and ubiquitous answer to any problem within the prison system—whether it be the need for more and better programming, disastrous medical and mental health care or the fact that there are too many people in prison—is bricks, mortar, and expansion. ...Our history teaches us better than anything else: if we build them, we will fill them.”

—joint letter of opposition to gender responsive legislation,
signed by 154 activists and academics

If the United States has earned the dubious distinction of imprisoning its population at a higher rate than any other country in the world, California holds the unenviable record of outpacing every other state in the prison nation with the scale of its prison system. In this chapter I will briefly sketch the terrain of the California prison system in order to provide context for the emergence of gender responsiveness in 2005. The bulk of my chapter will consist of a relatively linear account of the various gender responsive proposals and bills that arose in California between 2005 and 2007, interwoven with a narration of the resistance that grew in opposition to this legislation. The events described in this chapter will serve as a backdrop for the critique of gender responsive theory that will make up the rest of my thesis.

Home to thirty-three adult prisons, nine juvenile prisons, and a prison population hovering around 170,000, California incarcerates unlike almost any other part of the world. Like the rest of the U.S., California has seen a rapid expansion of its prison system since 1980. The state built twenty-two new prisons in the twenty-one years between 1984 and 2005 (“CDCR Locations Statewide”). Nevertheless, the new bricks and mortar of California’s prison infrastructure have not kept up with the exploding numbers of people sentenced to time in prison. Because of harsh sentencing crackdowns

like the Three Strikes Law⁸ and mandatory minimums⁹ more Californians are being sentenced to longer prison terms. The state has filled its prisons even faster than it has built them, leading to extremely overcrowded facilities. The state's prisons were constructed to hold about 90,000, though they were packed to nearly twice this capacity in 2006. The push and pull of harsher sentencing and escalated prison construction are locked unforgivingly together in a cycle that has drawn more and more Californians into the growing jurisdiction of the California Department of Corrections and Rehabilitation (CDCR).¹⁰

Once people enter the tangle of California's criminal legal proceedings and prison system, they are unlikely to fully free themselves from it again. The State's recidivism rate—that is, the percentage of people leaving prison who return to prison or jail within three years—is the highest in the nation, at 70% (Fischer 2005). California's prioritization of its prison system has been consistently evident in the state's budget. Increases in prison spending have regularly outpaced increases in spending for K-12 and higher education, and the CDCR's budget has been spared while other departments face major cuts (see California State Budget 2007-2008, Harris 2007). The result is a well-

⁸ The "Three Strikes" Law was passed by California voters as Proposition 184 in 1994. The law is intended to amplify punishments for "repeat offenders." Once a person has been convicted of a "serious" or "violent" crime, another felony conviction (or "second strike") will mean a mandatory "enhanced" (lengthened) prison sentence. The "third strike"—which must be a felony, but not necessarily a "violent" one—leads to a mandatory 25-to-life sentence (Zimring, Hawkins, et. al. 2001).

⁹ Mandatory minimums are sentencing policies that limit judicial discretion in decisions about sentencing, most frequently for drug charges. They mandate prison time (often a minimum sentence) for certain offenses (Mauer 2006 [1999]: 30).

¹⁰ In 2005 Governor Schwarzenegger changed the name of the California Department of Corrections (CDC) to the California Department of Corrections and Rehabilitation (CDCR). The politics behind this change are deeply related to the political climate that produced gender responsiveness. I will generally use "CDCR," although I sometimes use "CDC" to describe the Department pre-2005.

funded prison system whose growth has gone largely unchallenged, capable of locking away huge numbers of the state's population.

As in prison systems across the nation, not all Californians are equally vulnerable to being drawn into the state's massive prison apparatus. The population of California is 42.3% white, but white people make up only 27.6 % of the state's prison population.¹¹ This disparity can be accounted for by the highly disproportionate caging of the state's Black population: only 6.7% of Californians are Black, but Black people comprise a staggering 28.8% of those in California prisons. Latinos are somewhat overrepresented, making up 36.6% of the state's population and 37.8% of the prison population (U.S. Census Bureau California Quick Facts; "California Prisoners and Parolees 2006." See also "California's Changing Prison Population"). While these disparities are not surprising given the racial makeup of U.S. prisons more broadly, they are nevertheless haunting and must serve as the backdrop for my discussion of the California prison landscape. When I discuss "people in California prisons" in general terms, the people in question are for the most part, in Ruth Wilson Gilmore's words, "modestly-educated men and women who work in jobs making, moving, growing, and taking care of things" (Gilmore n.d.)—or more concisely, "deindustrialized cities' working or workless poor" (Gilmore 2007, 7), who are largely Black and Latino.

Within the California prison landscape, my project focuses specifically on the recent history and politics of California women's prisons. The vast majority of people in prison in California, and across the United States, are men. However, the past thirty years have shown a rapid increase in women's imprisonment: women are the fastest

¹¹ Prison population statistics are drawn, for the most part, from 2006 figures, since that year is the focus of much of my thesis. The California prison population peaked at 173,479 in October of 2006 and has been falling slowly but consistently since then.

growing demographic in U.S. prisons (Davis and Shaylor 2001; Sudbury 2005).

California now incarcerates more women than were imprisoned in the entire United States in 1980 (Davis and Shaylor 2001, 2). In California in 2006, about 6.8% (11,753) of imprisoned Californians were in women's prisons, while the remaining 93.3% (160,626) were in men's prisons. For decades the California Institute for Women—located just east of Los Angeles in Corona—was the state's only women's prison. However, the Central California Women's Facility (CCWF) was opened in the San Joaquin Valley town of Chowchilla in 1990, followed five years later by its twin, the Valley State Prison for Women (VSPW). The two prisons are architectural replicas of one another, separated by less than a mile of highway and farmlands. These have since become the world's two largest women's prisons, with nearly 4000 people currently locked away in each. Although in California prison populations of this size have been rapidly normalized, twenty years ago it would have likely been unimaginable to imprison 8,000 women within a two-mile radius.

Abolitionist geographer Ruth Wilson Gilmore explains the post-1980 California prison boom as a “fix” to the crises produced by surpluses of land, labor, finance capital, and state capacity. Although these crises might have been resolved in any number of different ways, the political economy of California led to the (non)solution of the prison boom. One key player in this trend has been the California Correctional Peace Officers Association (CCPOA), the union that represents the state's prison guards and one of the most powerful lobbying groups in the state. Constructing new prisons and upgrading the security level of existing prisons are the most effective ways for the CCPOA to expand its job base. Gilmore also cites California's “tax revolts” and the state's widening gap

between rich and poor as decisive in determining which state programs have gained and kept legitimacy.

If behind-the-scenes interests have in part propelled the expansion of the Department of Corrections in the past thirty years, Gilmore argues that the CDCR's and CCPOA's strategic deployment of the rhetoric of "crisis" has been central to manufacturing public and political support for this expansion. In 1982, the CDC forecasted a shortage of prison beds for the coming years, beginning a trend that continues today of calling for massive expansion to meet the Department's projected capacity shortages: "from 1984 [the CDCR] began to produce five-year master plans that combined technical number-crunching skills with a flair for emphasizing the drama inherent in the 'crisis'" (Gilmore 2007, 96). The "California prison crisis" that continues to make headline news is evidently nothing new.

The California Prison Crisis

Although imprisoned Californians and their loved ones have long decried the sprawling expansion and miserable conditions of the state's prison system, these facts have recently come into the public eye in a new way. In the past several years state politicians and the media have begun to use the language of the "prison crisis" as shorthand to index the rampant overcrowding, terrible healthcare, deadly conditions, and high recidivism rate that characterize the state prison system. On April 1, 2004, the CDCR itself acknowledged that it was presiding over a disastrous situation. The state prison system, which had been teetering on the brink of being absolutely packed to capacity, was unexpectedly faced with 1200 people who were newly sentenced to state

prisons from county jails—and literally nowhere to put them.¹² The label of “crisis” was not a media exaggeration. Prisoners across the state were sleeping in day rooms, gymnasiums, and even outdoors (Austin, “Packed prisons”). In response to the overcrowding, the CDCR privately declared a “state of emergency.”

Overcrowding was not the only aspect of the crisis, as the CDCR was continually dealing with legal repercussions for failing to provide adequate healthcare to people in prison. In a 2001 class-action lawsuit, *Plata v. Schwarzenegger*, prisoners sued the state over the dismal healthcare in California prisons. Judge Henderson, the judge presiding over the case, wrote in his decision: “By all accounts, the California prison medical care system is broken beyond repair. The harm already done in this case to California's prison inmate population could not be more grave, and the threat of future injury and death is virtually guaranteed in the absence of drastic action” (California Prison Health Care Services “About Us”). When the state failed to appropriately address the problems raised in *Plata*, the state's prison healthcare system was transferred in 2005 to the oversight of a Receiver, a federal court-appointed position that takes prison healthcare out of the jurisdiction of the California state government. It was in this context of crisis after decades of expansion that gender responsiveness emerged onto the California political scene.

¹² Given that the status quo for California prisons is to operate at nearly twice their intended capacity, as they have for years, it only demonstrates the severity of the crisis at hand that CDCR officials acknowledged that they had literally nowhere to put people.

“Evidence-Based Corrections:” The National Institute of Corrections

The framework of “gender responsiveness” was developed beginning in the late 1990s by criminologists working for the National Institute of Corrections (NIC).¹³ The most comprehensive text outlining “gender responsiveness” is the June 2003 NIC report *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders*, co-authored by criminologists Barbara Bloom and Barbara Owen and psychologist Stephanie Covington. Gender responsive legislation in California drew heavily from this work as well as other criminological theory from the National Institute of Corrections. In Barbara Bloom and Stephanie Covington’s definition, cited in almost all other work on the topic, “being gender responsive” is

[C]reating an environment through site selection, staff selection, program development, content, and material that reflects an understanding of the realities of women’s lives and addresses the issues of the participants. Gender responsive approaches are multidimensional and are based on theoretical perspectives that acknowledge women’s pathways into the criminal justice system.” (qtd. in Bloom, Owen, and Covington, 75)

Gender responsiveness is an example of “evidence-based corrections,” a trend in the world of corrections that calls for using research about “what works” to prevent recidivism. The framework asserts that “evidence-based principles provide a scientific basis for developing more effective services” (Clawson et. al. 2005). Embroiled in a mounting prison crisis, California policymakers were more than ready to adopt these “more effective,” “evidence-based” approaches to state prison policy.

¹³ The NIC is an agency under the Federal Bureau of Prisons that provides training, offers grant, publishes research, and “provide[s] leadership to influence correctional policies, practices, and operations nationwide” (National Institute of Corrections, *About Us*).

The Gender Responsive Strategies Commission

California's first public move towards implementing "gender responsive strategies" came in February 2005 with the formation of the Gender Responsive Strategies Commission. The Commission was established as an Advisory Committee under the purview of the CDCR assigned to "assess and make recommendations on proposed strategies, policies and plans specific to women offenders" ("Gender Responsive Program Accomplishments"). The Commission would eventually include legislative aides; CDCR personnel including wardens, program staff, and other bureaucrats; Barbara Bloom, Barbara Owen, and Stephanie Covington, architects of the theory of gender responsiveness; the vice-president and other members of the CCPOA, the influential California prison guards' union; leaders in the field of non-correctional reentry work; academics; former prisoners; religious leaders; activists engaged in prison reform (and some anti-prison) work; and several individuals identified only as "advocate" ("Gender Responsive Strategies Commission Attendees Distribution List").¹⁴

While the Commission was explicitly a project of the Department of Corrections, it included representatives of several California organizations whose mission and work represented a significant range of reformist and anti-prison politics, including Legal Services for Prisoners with Children, California Prison Focus, Human Rights Watch, and A New Way of Life Reentry Project. Many feminist advocates and organizations with long histories of work around the issues facing people in California women's prisons sat

¹⁴ The list I am working with of those who attended meetings of the Gender Responsive Strategies Commission is undated, so it is not clear whether all of these representatives were active in the Commission from the beginning. The Commission describes itself as "comprised of representatives of community, state, local, legislative, and labor organizations; ex-felons; staff representing the various disciplines within the Department and nationally recognized researchers in the field of female incarceration" (CDCR Gender Responsive Program Accomplishments").

on the Commission. Ari Wohlfeiler described the Commission as “lots of cops, and lots of us” (Wohlfeiler 2009).

For some organizations engaged in feminist anti-prison work, however, the possibility of a seat on the GRSC posed serious political, ethical, and strategic questions. Justice Now, an organization which would later become a leader in the campaign against gender responsiveness, did not sit on the Commission. As the only organization in the U.S. with people who are currently in prison on its Board, the staff of Justice Now worried about the implications of participating in a CDCR committee. Co-founder and acting director Cynthia Chandler discussed the complexities the organization faced in determining whether or not to engage with the Commission:

[Justice Now co-founder] Cassandra [Shaylor] and I were worried about what it would mean if Justice Now officially had a spot on the table of a committee that was part of the Department of Corrections, in light of the fact that one of our strengths was the leadership of people inside prison as imprisoned people, not staff, forming the organization. Would this put us in some sort of ethical conflict with our own board, being in cahoots with the jailers when our bosses are the people who are jailed? (Chandler 2009)

Eventually, after consulting with their board members and other people in prison who were involved with Justice Now’s work, Justice Now decided not to seek a seat on the Commission. Speaking about the strategy of this decision, Chandler explained that the thought process at the time was, “it sounds like we have enough allies at the table who will keep us informed of what’s going on and who can do damage control... And it would be nice to have one group who’s outside of that, so that if something starts going really wrong with it... we would be positioned outside of it so that we could actually object” (Chandler 2009). Predictably, the Commission would eventually take exactly the kind of turn that critics like Chandler had feared. Although Justice Now and other organizations not seated on the Commission did not gain an obvious strategic advantage

through their outsider status as the events of the next few years unfolded, neither were they evidently set back by their non-participation.

In the first few months that the Gender Responsive Strategies Commission was up and running, it began to implement minor changes to state correctional policies. Most notably the Commission enacted new regulations against “cross-gender pat searches”—clothed searches of female prisoners by male guards—arguing that since so many imprisoned women have histories of experiences of sexual violence they are likely to be traumatized by body searches from male staff.¹⁵ In July 2005 the GRSC contracted with Barbara Bloom and Barbara Owen to work with the CDCR on state prison policy (CDCR Gender Responsive Accomplishments).

In August of 2005, the Commission began research on California’s women’s prison population to determine “the number of female offenders eligible for Community Correctional Facility placement,” a move that paved the way for the 2006-2007 gender responsiveness bills. The number the Commission eventually proposed—4,500—was used in all gender responsive legislation until December 2006. As part of this research period, Commission members held a few focus groups inside California women’s prisons, led by major players from the Strategies Commission like Barbara Owen and Wendy Still.¹⁶

Shawn Goode participated in one of these eight-week sessions in the Central California Women’s Facility. In our interview, Goode emphasized that although those running the sessions claimed to be there to hear the perspectives of prisoners in order to

¹⁵ Interestingly the GRSC does not address this issue in terms of the high rates of *actual* staff sexual abuse and violence in women’s prisons, instead framing the policy shift in terms of the potential re-traumatization those who have survived sexual assault outside of the prison context.

¹⁶ Wendy Still was Associate Director for CDCR Female Offender Programs and Services at this time. She was instrumental in the formation of the Gender Responsive Strategies Commission and effectively headed the Commission.

shape policy decisions, this was rarely the reality. According to Goode, the Commission members claimed they were “trying to help women for betterment” through their framework of gender responsive reform, but prisoners’ resistance to the proposal of new facilities was entirely ignored. Prisoner participants in these focus groups pointed insistently to obvious and immediate solutions to their unmet needs in the large Chowchilla prisons (like improved gynecological care and access to basic supplies like sanitary napkins and underwear) as well as more systemic reforms to address overcrowding. Goode, for example, called on state policymakers to address education and “evaluate women when they're arrested...[to] figure out, what can you do right then instead of sending them to prisons?” However, hearing these kinds of critiques was evidently not the intention of the Commission members, who continued to push the plan for new gender responsive beds. Goode said, “our input should have had an impact and eliminated the extra housing facilit[ies]” (Goode 2009). Instead, these sessions became not only a screen to shield the Gender Responsive Strategies Commission from accusations that they were out of touch with prison conditions, but also a means to claim legitimacy and sensitivity to the “true needs” of people in women’s prisons. In reality, of course, these claims directly ignored the specific reforms women suggested and brushed off their rejection of the plan for new prison beds.

In January 2006, the Commission released the gender responsiveness plan that would eventually go before the legislature. Using language that was pulled directly from National Institute of Corrections publications on gender responsiveness and tailored to complement the popular rhetoric about the California prison crisis, the Commission proposed a “phased housing plan to shift 4,500 Level I and II¹⁷ Female offenders to

¹⁷ California prisoners are classified as Levels I-IV; levels I and II are “low-level” offenders.

community-based, smaller facilities” (“Gender Responsive Program Accomplishments”). On February 16, 2006, Assembly Member Sally Lieber¹⁸ introduced Assembly Bill (AB) 2066, the first of the gender responsiveness bills to come before the California legislature. AB 2066 built largely on the foundations laid by the Gender Responsive Strategies Commission.

The bill was amended at several points over the course the spring, but its main components remained fairly consistent. Perhaps most significantly, AB 2066 called for “the department [of Corrections] to develop a community-based female offender program comprised of a continuum of facilities for nonserious, nonviolent female inmates. The bill would require the department to secure 4,500 beds over 2 years in facilities that provide an array of services to promote successful reentry into society” (AB 2066). Taken directly from the recommendations of the Gender Responsive Strategies Commission, this was the first legislative proposal of the 4,500 new women’s beds. The rest of the bill was somewhat more nebulous, calling for a “Female Offender Reform Master Plan” (never explicitly defined), “policies and operational practices that are designed to ensure a safe and productive institutional environment for female offenders,” and “[b]uild[ing] and strengthen[ing] systems of family support and family involvement during the period of the female’s incarceration” (AB 2066). Drawing directly on theories of gender responsiveness, AB 2066 called for new specialized classification schemas, “a needs, case and risk management tool,” and “wrap-around”

¹⁸ Sally Lieber is a liberal Democrat from the mostly-white Silicon Valley city of Mountain View (home to the headquarters of Google, AOL, and Facebook). Lieber was elected to the State Assembly in 2002. During her six years in the Assembly she saw an unusually high number of her bills pass the legislature. She positioned herself as a champion of the underdog, and her legislative record includes a proposed anti-death penalty bill, an anti-spanking bill, and a successful hike in the state minimum wage (“The storied career of Sally Lieber”), as well as the gender responsive legislation I discuss here.

educational, health care, vocational, substance abuse and trauma treatment programs” specifically geared toward “female offenders” (AB 2066).

Amendments to the bill that were added after its initial proposal offered more concrete descriptions and timelines for the proposed gender responsive prisons. The capacity of each new facility was not to exceed 200 beds, and initially the Female Rehabilitative Community Correctional Centers (FRCCCs, or gender responsive prisons) were to be opened in the California counties that send the highest numbers of people to women’s prisons: Alameda, Fresno, Los Angeles, Sacramento, San Bernardino, and San Diego. The first 2500 beds were to be constructed and “secured” in the 2007-2008 fiscal year, and the remaining 2000 in 2008-2009. In June 2011, the CDCR would report to the legislature about the “effectiveness of community correctional centers in rehabilitating female offenders.”

Response and Resistance to AB 2066

In the mid-spring of 2006 California anti-prison organizations got wind of AB 2066. It was around this time that Justice Now began to emerge as a lead organization in the early stages of the campaign against gender responsive expansion. Because of their hybrid model of direct service, legal, advocacy, and campaign work, which put Justice Now in contact with a broad base of people in women’s prisons, the organization was well-positioned to work through critiques of the proposal with the people the bill claimed to serve. The bill represented a co-optation of the organization’s feminist and abolitionist politics, creating a particular political urgency that the organization’s leaders felt needed to be addressed. In the end, Justice Now was the organization that had both

the capacity and the commitment to put a significant amount of staff time into the campaign against gender responsiveness.

Although Justice Now centered gender responsiveness in their work in 2006-2007, the campaign was truly a coalitional one, and many organizations held a wide array of leadership positions. Critical Resistance was a fellow abolitionist voice with politics that deeply influenced the campaign against gender responsiveness. However, Critical Resistance did not have the base of contacts inside women's prisons that many of the other organizations did. Legal Services for Prisoners with Children, the California Coalition for Women Prisoners, and Free Battered Women all went on record, as feminist prison organizations with extensive histories of close work with people in women's prisons, in opposition to the bill. Many of the people in women's prisons who wrote statements and circulated petitions against gender responsiveness had connections to more than one of these groups. The Transgender, Gender Variant, and Intersex Justice Project (TGIJP) consistently offered analysis about gender responsiveness's lack of attention to transgender and gender nonconforming people and critiqued the simplistic, binary understanding of gender deployed in gender responsive theory. With the exception of TGIJP, all of these organizations were members of Californians United for a Responsible Budget (CURB), a statewide coalition with about forty member organizations that calls for reducing the number of people in California prisons and shifting budget priorities away from imprisonment. The CURB coalition includes anti-prison and prison reform groups like those listed above (and many others) as well as a smattering of other organizations, including labor, housing justice, youth, women's, and racial justice groups.

These organizations all harbored serious concerns about the move toward gender responsive expansion. Many were worried about building up the power of the CDCR—specifically the Gender Responsive Strategies Commission—to develop and implement vague “gender responsive” reforms. However, for most activists the 4500 women’s beds were the most worrisome component of the bill.¹⁹ While the bill used the relatively innocuous language of a “population shift” to account for the demographic changes that would occur in California women’s prisons, the logistics of transferring 4,500 people from the women’s megaprisons into the gender responsive mini-prisons were disconcerting, perhaps primarily because they were never clearly articulated. Most sources reported that the gender responsive plan proposed to empty one of the women’s prisons and convert it to a men’s prison (Austin, “Inmates would transfer locally”). However, this conversion was scheduled for 2020, while the transfer of 4,500 women to FRCCC’s was scheduled to be completed by 2009 (Braz 2006). This immediately raised red flags for California anti-prison activists, who were certain from decades of expansion that the CDCR would never leave a prison standing empty. Justice Now’s Cynthia Chandler stressed, “there’s never been the case of a prison functioning at lower than maximum or over-maximum capacity. That’s just never happened and won’t happen” (Chandler 2009). Activists were left wondering what would happen after the 4,500 people were moved to FRCCC’s. Would the large women’s prisons maintain their current population numbers, meaning that the California women’s prison population would grow by 4,500, or nearly 40%, within three years? If not, how would people be shifted among the women’s megaprison prisons in the coming years?

¹⁹ Those campaigning against gender responsive expansion had literally dozens of nuanced critiques of both the model of gender responsiveness and the specifics of the California plan. I will not outline all of them here because these kinds of critiques make up the next two chapters of this thesis.

For California organizations that had closely and critically followed recent decades of mass prison expansion, these were not questions that needed to be answered to evaluate the quality of the plan. Instead, it was exactly this ambiguity and lack of transparency that indicated the dangerous expansionist directions the gender responsiveness plan might rapidly go. In addition, organizers in the campaign refused to take the bait that gender responsive “reform” offered: instead of looking away from the proposed backdoor expansion of men’s prisons, the campaign insisted that this expansion was no more acceptable than an expansion of women’s prisons. This move was politically difficult and was not fully integrated throughout the campaign—it never became a main talking point—but it gestured towards an anti-expansionist politics that was broader than a strict concern for women.

Upon hearing of the bill, Justice Now set up meetings with its board members and other contacts inside the women’s prisons to gauge reactions to the proposal. According to Cynthia Chandler, the tone set by legislators and GRSC members who were most enthusiastic about AB 2066 was that “conditions [in women’s prisons] are terrible and people inside need us to do something now” (Chandler 2009). These leaders insisted that the bill was based on reforms that spoke to the most urgent needs of women in prison. However, this sudden interest in prison conditions, and the accompanying claim that women in prison were calling for new gender responsive facilities, seemed questionable to Justice Now, a body with a much longer history of personal and organizational connections with people in women’s prisons. Given these factors, Justice Now was in a strategic position to investigate the accuracy of these claims.

Justice Now's staff and interns began a series of interviews with a wide variety of their contacts inside women's prisons, including people the organization had worked with in both activist and direct services capacities. The staff of the organization was surprised at the intensity of the resounding rejection of the gender responsiveness plan. Chandler remembers that "we didn't encounter a single person who was in favor of the plan" (Chandler 2009). Although Lieber and the GRSC claimed to represent the desires of people in women's prisons, Marie Bandrup's sentiment was common among those Justice Now interviewed: "they sit in Sacramento and make all these laws, and not one of them comes in here and interviews us about our plight and what's going on in here" (Bandrup 2009). Misty Rojo's statement of opposition echoed this point: "Much of the reasoning used by academics and legislators to advocate for the additional 4,500 women's beds has referenced the 'needs' of women in prison to justify this expansion. But they have not stopped to ask what we need or want, even if they care" (Rojo 2009).

The people Justice Now met with rejected the premises of gender responsiveness for a number of reasons. Because of past patterns of privileges extended by the CDCR that were then retracted or limited to only a small group of people, most people were sure they would never be chosen to be moved to the gender responsive facilities closer to their communities. Moreover, many were convinced that this move would make conditions in the large women's prisons even worse, because people imprisoned there would be further vilified in comparison with the "non-violent, non-serious" offenders depicted as deserving of a less severe form of imprisonment. Lastly, having seen the abysmal state of healthcare and utter lack of oversight in the large prisons, prisoners were certain that small, privately run prisons scattered across the state would fall even

further outside the capacity for oversight. These interviews produced several formal statements of opposition to gender responsiveness.

Summer 2006: Schwarzenegger's Special Session

After its introduction in February, AB 2066 moved back and forth among Lieber, the Committee on Public Safety, and the Appropriations Committee, accumulating coauthors along the way. On May 31, the bill was read to the Assembly for the third time, at which point it passed and was sent to the Senate. The bill was in the Senate Committee on Public Safety when Governor Schwarzenegger stepped in to make his own intervention in the California prison crisis.

On June 26, 2006, Schwarzenegger called for a special summer session of the California Legislature to address prison overcrowding and recidivism rates. Tapping into the frantic energy behind the language of the “prison crisis,” Schwarzenegger’s press release called on legislators to act: “By building more prisons, managing the inmate population more effectively and implementing common-sense measures that target the most dangerous criminals, we can greatly improve our prison and rehabilitation system” (Office of the Governor 2006). The governor went on, “If we work together, I know we can do this and once again give California a model prison system.”

Schwarzenegger’s plan for the special session was broken into four parts. The governor proposed building two new prisons²⁰ and creating new “secure parole re-entry facilities” to hold prisoners about to be released and those returning to prison for minor

²⁰ Importantly, the governor proposed that these prisons be built with lease revenue bonds that do not need to be voted on by the public, therefore bypassing accountability to waning public support for prison expansion.

parole violations.²¹ He pulled in the recommendations of AB 2066 to call for moving 4500 people from large women’s prisons to gender responsive facilities. (For the purposes of the Special Session, AB 2066 was renamed ABX2-1.) Lastly, he encouraged “expediting state contracting,” essentially an attempt to speed up the process by which prisons are approved and constructed. The plan amounted to a \$6 billion expansion of the California prison system with a minimum of voter input.

Schwarzenegger’s motives behind the Special Session were the focus of much public debate. Gubernatorial elections were fast approaching in November, and Schwarzenegger and his Democratic opponent Phil Angelides were vying for tough-on-crime credibility, the appearance of creative “solutions” to the prison crisis, and the crucial support of the CCPOA. Since neither Angelides nor Schwarzenegger had yet received the CCPOA endorsement, both candidates were loudly posturing about the handling of the prison crisis in terms that aimed to please both voters and prison staff. In a dig at Schwarzenegger’s special session, Angelides resolved to “deal with these issues in his first days in office, not his final days” (Furillo, “State’s prison system”). The political maneuvering at play was not subtle, as evidenced by an editorial called “The pandering pair” from July 11, 2006, which began:

Just when you thought California’s 2-year [*sic*] prison construction boom was over, here comes another election season. Gubernatorial candidates Arnold Schwarzenegger and Phil Angelides are falling over each other to launch a new era of prison construction. This is bipartisan, equal opportunity pandering and fear mongering, with an obvious impetus. The prison guards union, the California Correctional Peace Officers Association (CCPOA), has \$10 million to spend to help or defeat a candidate for governor. (“The pandering pair”)

²¹ These facilities sound remarkably similar to the gender responsive facilities—Critical Resistance’s Ari Wohlfeiler called them “women’s beds for men” (Wohlfeiler 2009)

While it is somewhat simplistic to entirely distill the Special Session to Schwarzenegger's vying for the CCPOA's \$10 million, the editorial's tone of frustration and disgust reveals something about public attitudes toward the politics behind ongoing prison expansion.

As the campaign against gender responsiveness worked to develop its strategy to respond to Schwarzenegger's Special Session, one of the major questions became how to convey the immense opposition Schwarzenegger's plan faced from people in California women's prisons. The group of staff and interns at Justice Now working most closely on the campaign came up with the idea of a petition that would allow people in prison to register their opposition. The petition was quickly drafted, largely by campaign organizers outside of the prisons, and had four points: first, that the governor's plan "promote[d] the economically and socially undesirable expansion of the California Prison System;" second, that the undemocratic lease revenue bonds process was being used to avoid confronting California voters' disinterest in continued prison expansion; third, that AB 2066 "perpetuates the unjust imprisonment of women whom the Department of Corrections and Rehabilitation have deemed suitable for release;" and fourth, that decentralization and expansion would only worsen the abuse and neglect already occurring inside California prisons. The petition was distributed informally through Justice Now's contacts and their networks, and it circulated more rapidly than anyone had expected. In the three weeks during which it circulated, it collected more than 1,000 signatures.²²

²² It is worth emphasizing that this was a highly experimental tactic, and no one could anticipate exactly how it would work out. Signing, let alone actively circulating, such an overtly anti-CDCR petition carried very real risks for prisoners under the control of the CDCR, especially given the lack of external oversight in California prisons and the resulting opportunities for staff retaliation. Because of these risks, outside organizers were shocked by how quickly and widely the petition spread. Signed petitions poured in from the women's prisons, and a few even came

The campaign was then equipped with the resource of the petition—which Justice Now Campaign Director Vanessa Huang had laminated and turned into a single 25-foot scroll that could be unrolled to show to legislators—and organizers had to figure out how to use it most effectively. Ari Wohlfeiler, who was working with Justice Now at the time, said that the initial strategy behind the use of the scroll was to demonstrate to the most progressive legislators who supported the bill that the rhetoric behind gender responsiveness misrepresented the perspectives of people in prison. Wohlfeiler says,

I really do remember that that had a visual and visceral impact... to me what it seemed like was it really undermined, it showed how much the Gender Responsive Strategies Commission and the Barbaras [Barbara Bloom and Barbara Owen] had overplayed their representation of women prisoners... Their argument was so built on this “we are the authentic voice of women prisoners, and look there’s all these formerly incarcerated people on our commission.” ... It wasn’t like we had to prove that *more* women prisoners opposed it than supported it, it was just like to bust up that claim to complete representation. (Wohlfeiler 2009)

The power of the petition was in its visual impact and in the way it belied the most fundamental claims of gender responsiveness. For a few legislators, seeing this document was enough to sway their stance on the bill.

In the weeks just before the Special Session began, the opposition to gender responsive expansion saw a significant victory. Assembly Member Jackie Goldberg (D-Los Angeles) had joined Lieber earlier in the year as a co-author of AB 2066. However, in early August Goldberg took her name off the legislation and withdrew her support for the bill. Goldberg’s flipped position on the gender responsiveness bill was most likely a response to several different factors. The pressure from the campaign’s lobbying efforts, including the force of the petition from prisoners, was certainly part of the equation. It

back from jails and men’s prisons (no one was sure how the petitions ended up in the latter facilities).

also seems probable that political skirmishes between Lieber and Goldberg contributed to Goldberg shifting her stance.

No matter the reason behind Goldberg's change in position, campaign organizers swiftly took advantage of it. Almost immediately after Goldberg withdrew her support for the bill, Justice Now Campaign Director Vanessa Huang approached her to ask her if she would serve as a spokesperson for the campaign. Huang worked with Goldberg to draft an op-ed stating her reasons for removing her support for the bill. In the piece Goldberg stated that "this idea [of gender responsive facilities] has become part of a larger poorly constructed, short-sighted plan to build more prisons." She spoke of her years advocating for sentencing reform and real changes to the California prison system, and ended by calling the bill "a fraud reform" (CURB, "How 'Gender Responsive Prisons' Harm California's Women and Children"). Interestingly, no California newspapers would run Goldberg's op-ed piece. Nevertheless, being able to use Goldberg's name and example in lobbying and outreach materials was useful to the campaign.

The Special Session began August 7, 2006. Immediately Schwarzenegger's prison plan faced resistance from the CCPOA, who described the plan as "window dressing" that did not do enough to deal with overcrowding (Furillo, "Governor left in lurch"). The CCPOA was also concerned about the plan's proposed private prisons (like the FRCCCs), which would likely be staffed by non-CCPOA private employees. Simultaneously, Assembly Member Mark Leno (D-San Francisco), the head of the Public Safety Committee and vocal critic of many aspects of the California prison system, raised serious concerns about the proposal with a firm declaration that "I want to make use of

the bill hearings to ask a lot of questions that should have been asked over the past few years” (Furillo, “Governor’s prison plan criticized”).

Media coverage during the Special Session spanned a range of opinions about Schwarzenegger’s prison package. A few pieces criticized the governor’s whole plan. In a concise, biting article, the Sacramento Bee’s editorial board called the proposal “rotten sausage” that would do “nothing to deal with... an overcrowding ‘crisis’” (“Rotten sausage”). The piece asserted that the gender responsive facilities “would be a new, unworkable hybrid of state prison guards and private providers who bid for the contracts... These facilities are being set up to fail.” However, a much more common theme lauded the gender responsiveness plan as the only sensible aspect of an otherwise-foolish proposal. While a San Jose Mercury News editorial argued that Schwarzenegger’s plan was “too much, too quick, and on the wrong priorities,” it nevertheless recommended “passing the one good idea in the governor’s package”—the 4,500 gender responsive beds—as a “stop-gap... legislators could look at to free up at least some space” (“Flaws in governor’s prison plan”).

Three weeks after the opening of the Special Session, California Democrats came forward with their own prison plan to counter Schwarzenegger’s. On August 29, Democratic leaders proposed \$918 million in expansion funding to be allocated to the 4,500 gender responsiveness beds, 5,340 new beds in state prisons, and prisoner transfer to prisons in other states (Furillo, “Democrats offer own prison plan”). While the Democrats’ plan was significantly smaller than the governor’s proposed \$6 billion expansion, it was nevertheless an unapologetically expansionist measure that claimed to relieve overcrowding by adding new prison beds and implementing questionable

measures like out-of-state transfers, with no meaningful consideration of decarceration or sentencing reform.

The Special Session ended on September 1 with Schwarzenegger's prison plan stalled in the Assembly (after being approved by the Senate) (Garcia 2006).

Schwarzenegger was largely abandoned by Republicans in the legislature because of a number of recent political conflicts between the governor and his party, both related and unrelated to the prison plan. Although Democratic leaders said that up to 42 Democrats (in the 80-member Assembly) would have supported the bill, the proposal would have required a two-thirds vote to approve the construction bonds. Facing a near-certain defeat, Schwarzenegger and his staff gave up on the prison proposal before it could go to a vote in the Assembly (Furillo, "Governor left in lurch"). In the days after the legislative session ended, newspapers across the state ran articles portraying Schwarzenegger's failed prison plan as a vague, uncreative, and rushed attempt to solve the prison crisis. Some critiqued the proposed expansion of the state's prison system and called for more fundamental shifts like reforms in sentencing, although many others demonstrated frustration primarily with the complicated party politics and lobbying behind the proposal's defeat.

For the grassroots anti-prison organizations that had been mobilizing against AB 2066 and Schwarzenegger's plan, the stall in the Assembly offered a respite from the fast-paced lobbying and organizing that had characterized much of the summer of 2006. However, because the bill had not been defeated by a vote but had failed to go through in a rushed moment of complex political maneuvering, the sense of victory was a very temporary one—in some respects the bill's failure had been a fluke. Organizers were

acutely aware that the bill would be reintroduced, and found themselves in a position to reassess strategy after months of rushed responding to legislative moves.

AB 76

When the 2007-2008 legislative session began in December 2006, Assembly Member Sally Lieber immediately introduced AB 76, a reworked version of AB 2066. AB 76 was a scaled-back proposal of 2,900 new gender responsive beds, in contrast with the 4,500 that had been consistently proposed since the summer of 2005. Additionally, AB 76 contained a new section that would “Prohibit... CDCR from converting Valley State Prison for Women in Chowchilla, the Central California Women's Facility in Chowchilla, and the California Institution for Women in Corona into facilities that house male inmates without prior legislative approval” (AB 76). These changes spoke specifically to the concerns raised by members of the campaign against AB 2066. The decreased bed number likely reflects the lack of support for the governor’s expansion plan and an assessment of the political landscape that revealed a lack of voter interest in new prison beds. The bill’s explicit limitation on converting emptied women’s prisons into men’s prisons speaks directly to the campaign’s reading and rejection of gender responsiveness as a backdoor plan to increase the state’s capacity to imprison men. These shifts in the bill itself are traces of the political pressure—both grassroots and within Sacramento—that Lieber and other supporters of the gender responsiveness plan had faced throughout 2006.

As the campaign against gender responsiveness began to formulate its next steps for the 2007-2008 legislative session, a piece of information that had been discovered the year before became central. In the summer of 2006, staff members at Justice Now got

word from a member of an allied organization who held a seat on the Gender Responsive Strategies Commission that, at a recent meeting, the Commission had proposed offering “elective” sterilizations to women giving birth while imprisoned. Indeed, a section of the minutes from a GRSC meeting reads: “The committee discussed the cost effectiveness of elective sterilization, either post-partum or coinciding with cesarean section.” The minutes go on to explain that sterilization is considered an elective procedure and therefore has not historically been provided for California prisoners; however, an exception could be added to CDCR policy to ensure that sterilization could be covered.

The weighty significance of these few paragraphs from the Gender Responsive Strategies Commission is rooted in both eugenic history and contemporary prison horrors. The practice of involuntary sterilization of Black, Puerto Rican, Native, disabled, and poor women draws a long, violent trajectory through U.S. history (see Roberts 1997; Smith 2005). California has a particularly brutal tradition of forced sterilization. It is estimated that 20,000 sterilizations—one-third of the approximate 60,000 performed in the United States between 1909 and 1960—took place in California, many of them on women institutionalized in prisons, mental hospitals, and reformatories (Stern 2005, 83-84). California’s eugenic sterilization practices were used as a model for the 1933 Nazi Germany sterilization law (Kline 2001). In 2003 Governor Gray Davis issued a public apology to those who had been involuntarily sterilized (Feist 2003). However, the Gender Responsive Strategies Commission’s mention of sterilization indicates that institutionalized women in California continue to be at risk losing their reproductive capacities against their will.

While the minutes' language indicates that sterilization would be "elective," prison realities make this deeply questionable. International and domestic law dictates that sterilizations cannot be performed in any environment deemed "coercive," and prisons certainly constitute a coercive environment (Justice Now 2009). Even if women were to agree to be sterilized in prison, the possibility for obtaining meaningful informed consent is questionable. If sterilization were offered during labor, as suggested in this case, consent would be necessarily limited not only by the extraordinary circumstances of childbirth but by the added emotional burden faced by parents who know they will likely be forced to give up their children within a few days—and that the same would be true of any other children they might have while in prison.

Although the Commission would later backpedal to claim that the sterilization proposal was never a serious possibility, Justice Now has interviews on record with people in California women's prisons who had already been offered sterilizations during childbirth. The suggestion that sterilization might be added as an exception to the CDCR's policy against elective procedures is equally troubling. As Cynthia Chandler noted, prisoners are routinely denied basic treatments like prosthetics or dentures because they are considered "medically unnecessary." In this context, where necessary and voluntary medical procedures are regularly denied, by actively "offering" sterilization the CDCR tips its hand to reveal what is at best a lack of concern with the reproductive rights of prisoners. It is not a stretch to see this move to expand sterilization "options" to California prisoners (who are disproportionately Black, Brown, and poor) as part of an ongoing eugenic history of state intervention in the reproduction of women of color, poor women, and women with disabilities.

The information about sterilization did not relate directly to the proposed addition of 4,500—or, now, 2,900—gender responsive beds, but it still pointed to an important critique of the gender responsive legislation. Other than the relatively straightforward addition of new beds, most of the substance of AB 2066 and AB 76 referenced programming and policies that would further entrench the framework of “gender responsiveness” within the CDCR—and likely enhance the power of the Gender Responsive Strategies Commission in the process. The sterilization proposal became one of few concrete examples of the kind of recommendations that might continue to come out of the Commission. For those who were watching the Commission warily, it raised red flags about how the vague and even apparently innocuous aspects of Lieber’s gender responsiveness bills could be extremely harmful for people in women’s prisons. If the CDCR’s working definition of gender responsiveness included “reforms” like expanding the practice of sterilization for women in prison, the risks of passing legislation to encode gender responsiveness in CDCR policy seemed to extend well beyond the possibility of new prison beds.

With the new knowledge that the Gender Responsive Strategies Commission might be recommending sterilizations, organizers working against the gender responsiveness bills needed to decide if and how to integrate messaging about sterilization into the lobbying campaign. For Justice Now as a feminist and abolitionist organization, it was politically important to bring the sterilization issue into the campaign, especially as a way to link movements working for reproductive justice²³ and

²³ Reproductive justice is a framework grounded in women of color feminisms that calls for “complete physical, mental, spiritual, political, social, and economic well-being of women and girls, based on the full achievement and protection of women’s human rights.” Reproductive justice places equal emphasis on “(1) the right to have a child; (2) the right not to have a child; and (3) the right to parent the children we have, as well as to control our birthing options, such

prison abolition. Vanessa Huang, then Campaign Director at Justice Now, articulated the challenges of this project: “We decided to incorporate the sterilization into our messaging and to be very explicit...[But] in a place like Sacramento to use messaging that incorporates language of eugenics and sterilization, it's all true, but [the response was] you're crazy. So that was interesting, because they already were like, you're crazy” (Huang 2009). Several people I interviewed emphasized the misogyny present in the dismissive treatment the question of sterilization received from actors in Sacramento, who tried to minimize the concerns about sterilization or claim that the meeting minutes had been inaccurate. After the campaign’s persistent presence in the Capitol over the past year, legislators had begun to lose patience, and the addition of sterilization to the campaign’s talking points only escalated this process.

The strong reaction by many in Sacramento against the allegations of eugenicist practices also created a strain within the CURB coalition. Many members of CURB were lobbying organizations that required healthy relationships with legislators to do their work. Because of backlash against Justice Now’s focus on sterilization, other CURB members feared for their own organizational credibility with the legislators they worked with. Different actors at Justice Now interpreted this moment of tension between their organization and the larger coalition differently. Vanessa Huang articulated it as a question of integrating organizational and coalitional messaging: “it is a responsibility to talk about and account for how [organization and coalition messaging] will relate to each other, and how they will impact each other, and how your actions will impact people you're in relationship with” (Huang 2009). Because Justice Now and CURB have different long-term stakes in lobbying work, short-term tactics needed to be negotiated

as midwifery. We also fight for the necessary enabling conditions to realize these rights” (Ross n.d.)

more carefully than they were. Cynthia Chandler's emphasis was on both the difficulty and the usefulness of this tension:

It was a really frustrating moment...But it was also a really important moment for us to think about strategic coalition building, I mean those folks [CURB] were important to us in a lot of ways but not so helpful in this big battle...Versus these reproductive rights and reproductive justice groups who were incredibly important in this moment and who totally understood it, and that was the only issue that would bring them in.

As Chandler indicates above, while the sterilization issue was in some senses a liability in terms of lobbying relationships, it also became a way for organizers from small organizations like Justice Now to engage the support of large California-based and national reproductive justice organizations with more legislative pull. Vanessa Huang noted that

In the period of time we had between that fluke, [AB 2066] not going through, and the introduction of [AB 76] which happened on the very first day of the 2007-2008 legislative session, we had time to be more intentional and clear about campaign targets. ...If the primary targets are Lieber and her close-in buddies who won't budge, who are they gonna listen to? And our assessment at the time...was, oh, they will listen to the reproductive justice lobby, as white female legislators who have fucked it up...There's something about reproductive justice that might speak to them. (Huang 2009)

Through this strategy, the official opposition filed against AB 76 grew from a handful of California organizations listed on the original version of the bill (including several anti-prison groups, SEIU Local 1000²⁴, and the Friends Committee on Legislation) to a much longer list of organizations (including national reproductive justice and feminist groups like the Committee on Women, Population and the Environment and the National Latina Institute for Reproductive Health, and INCITE! Women of Color Against Violence).

²⁴ SEIU's opposition was based on labor concerns over staffing of the private gender responsive facilities.

During the 2007-2008 legislative session the campaign also revisited the petition tactic. The original petition had used language that was primarily derived from the CURB coalition. This time, in an effort to more accurately represent the specific points of opposition that prisoners had developed, Justice Now interns and Campaign Director Vanessa Huang reworked the petition's language using the statements of opposition and material from Justice Now's interviews from the spring and summer of 2006. The new petition rejected *any* expansion of the California prison system—for men or women—and directly refuted proponents' of gender responsiveness claims that they represented the needs of people in women's prisons. The first point read: "We believe real change can only occur before a number is attached to an individual's name. Continuing to use state funds for prison expansion will only drain more resources from the services we truly need that address the root causes leading to people's imprisonment." This systemic critique of the practice of imprisonment itself disregarded the limited parameters of the debate laid out by gender responsiveness. The petition asserted that "building mini prisons for women does not respond to our needs or the need of our children, families, or communities" and that further decentralization of the prison system would make human rights abuses in women's prisons more prevalent. Lastly, the petition stated firmly that "prisons are destructive, abusive and inhumane," refusing the characterization of FRCCC's as somehow "better" than large state prisons. The reworked petition was re-circulated in the women's prisons, eventually garnering about 3,200 signatures.²⁵

Although the petition had new signatures and new language, the scroll tactic had lost some of its shock value in Sacramento. Vanessa Huang reflected that at this point it became important to formally register the signatures on the petition as opposition to the

²⁵ This is about a quarter of the population of California women's prisons—an impressive statistic for a petition that was circulated informally and with the limitations discussed above.

bill.²⁶ This process took a significant amount of maneuvering because no one in Sacramento knew quite what to do with the names of 3,200 prisoners who wished to formally register their opposition to a piece of legislation—initially there was a great deal of resistance to the attempt. However, eventually the petition was accepted, and the official opposition listed at the bottom of the later versions of the bill includes not only a wide variety of state and national organizations but also “3,329 private individuals,” a number that includes people in prison who signed the petition.

In spite of the broad-based momentum that was building in the campaign against gender responsiveness, Assembly Member Lieber was able to use her political clout in Sacramento to interfere with the campaign’s efforts to lobby against the bill. In preparation for the 2007-2008 legislative session, Justice Now Campaign Director Vanessa Huang had lined up several people to give testimonies at the committee hearings for AB 76, including members of the Fresno-based anti-expansion organization California Prison Moratorium Project, Los Angeles-based A New Way of Life Reentry Project for people paroling from California women’s prisons, and San Francisco’s Transgender, Gender Variant, and Intersex Justice Project. However, Lieber made it almost impossible for these people to attend the legislative hearings. Huang explains:

I had all these people ready and mobilized to come testify, formally register in the space of opposition testifying time, people that policy-makers are uncomfortable with being in the room... real people, from L.A., and people who've been locked up, trannies²⁷... [Lieber] would schedule it and then she would cancel it; she would schedule it, and cancel it, and schedule it... this happened at least 3 or 4 times, and people had [to] travel [from all over the state]. And she knew she was fucking

²⁶ When a bill is read in Committee or before the Assembly or Senate, the list of registered support and opposition must be read as well. The names of organizations are read out loud, as is the total number of individuals who formally register opposition (but the names of individuals are not included).

²⁷ transgender people

with us....But since she has a powerful position, she knows she can play this game. (Huang 2009)

Committee on Public Safety hearings were scheduled and canceled for February 27th and March 13th; the hearing finally took place on April 10th, although only some of those who had originally planned to testify were able to attend. Huang noted that at the time of the hearing “we had close to a vote”—that is, nearly enough Assembly Members had unofficially agreed to vote against AB 76 to defeat the bill.

The Committee on Public Safety voted on AB 76 on April 17, and the Committee defeated the bill. However, Lieber’s senior standing and political clout again came into play as her bill was granted a “reconsideration:” the bill was given time to be amended before it would face another vote. Facing waning support within the legislature and persistent resistance from a growing coalition of grassroots and lobbying organizations, Lieber needed to find a way to save her bill, and eliminating the new women’s beds, which had been at the center of the campaign’s critique, seemed a straightforward way to do this. Whereas the version of the bill before the Committee on April 10 was structured around the proposed 2,900 women’s beds, the beds were entirely removed from the version of the bill that went to the next Committee vote on May 1. The change in the bill’s language is striking: the first sentence of the bill summary changed from “Authorizes the California Department of Corrections and Rehabilitation (CDCR) to contract for up to 2,900 community correctional center beds for non-serious and non-violent female offenders, with no more than 200 beds in each facility” to “Requires the California Department of Corrections and Rehabilitation (CDCR) to undertake various tasks related to female offenders.” What remained in the bill, after the removal of the 2,900 beds, was a much less concrete plan for implementing gender responsive correctional policy, consisting mainly of the vague language of programming

like “wraparound services,” “risk management tools,” and a “gender-responsive staffing pattern.”

The removal of the 2900 beds from AB 76 presented both a victory and a crisis for the campaign against gender responsiveness. The campaign had positioned itself as an anti-expansion project, and therefore removal of an explicit expansion plan from the bill was a success. However, without the beds component of the bill, the coalition—held together by anti-expansionist politics—was left on much shakier ground. For abolitionist organizations, the bill was still worrisome. Its language paved the way for future construction of gender responsive prison facilities, and it invested new, ambiguous decision-making power in the Gender Responsive Strategies Commission, which had proven itself to be an untrustworthy entity at best. However, for other organizations, like members of the CURB coalition whose work was more focused on lobbying, the amended bill was an acceptable compromise. AB 76 would not immediately expand the prison system, and lobbying organizations could maintain relationships with legislators instead of continuing to push in an area in which many lawmakers had become impatient. Bluntly, politicians in the Capitol were annoyed by the campaign against AB 76, and the removal of the beds from the bill offered everyone an opportunity to save face—although for some the compromise was not an acceptable one.

After the 2,900 beds were removed from AB 76, the momentum behind the campaign fell off, for both strategic and practical reasons. Although many organizations that had been at the core of the campaign remained opposed to the gender responsive programming proposed in the bill, without the larger coalitional power of the national organizations and the California lobbying groups, the escalated legislative battle was not sustainable. AB 76 passed the Assembly Committee on Public Safety on May 1, moved

through Appropriations and on to the Senate in early June, passed the Senate without major incident, and was approved by the governor to be entered into state statutes on October 14.

After a flurry of attention in 2006 and 2007, gender responsive prisons have largely left the public eye in California. Criminologist Barbara Bloom reportedly declared gender responsiveness “dead in California” at a March 2009 conference at UCLA (Chandler 2009). The ever-widening gaps in the budget have produced a situation in which, for the first time in decades, the State cannot find funds to build new prisons. The public will for prison construction is at a relative low. However, none of these factors is decisive enough to warrant an easy dismissal of the threat of gender responsiveness. The state’s budget crisis will eventually pass. Public sentiment around prison construction and sentencing policy is notoriously susceptible to sensationalist campaigns about threats to public safety. Moreover, gender responsiveness caught on because it spoke in a language of reform that many Californians were ready to hear, which could easily be rekindled, either for another round of gender responsive legislation or another proposal using a similar vernacular. Given these factors, I maintain that a thorough critique of gender responsiveness, and the kinds of policy shifts it represents, remains a necessary project, and it is that work that will make up the remaining chapters of this thesis.

CHAPTER 2

FROM SOCIAL SAFETY NET TO CRIMINAL DRAGNET:²⁸ NEOLIBERALISM AND PRISONS AS SERVICES

“The interests of health and human services systems overlap significantly with those of the criminal justice system.”

—Barbara Bloom, Barbara Owen, and Stephanie Covington,
Gender-Responsive Strategies

“Prison has become the institution *par excellence* in the aftermath of the disestablishment of the welfare state.”

—Angela Davis, *Abolition Democracy*

“People out there are having it hard, and you wanna build another prison?”

—Shawn Goode

In this chapter I will situate gender responsiveness in the context of neoliberal political and economic restructuring in the United States. In a neoliberal moment when social services have lost legitimacy and been dismantled and privatized, gender responsive prison expansion is positioned as service provision that fills the gaps left by the shrinking welfare state. I open by describing a proposed gender responsive facility in Fresno, California, a clear and devastating example of the operation of the prisons-as-services framework that will ground the remainder of the chapter’s analysis. I then briefly outline the post-1970 “neoliberal turn” in the United States, focusing especially on two areas: the dismantling and privatization of welfare and social services through the deployment of a racialized narrative of personal responsibility and self-sufficiency, and the relationship between neoliberalism and the post-1980 prison boom.

²⁸ The title of this chapter is taken from “Race, Urban Inequality, and the Los Angeles Rebellion,” by Melvin L. Oliver, James H. Johnson, and David M. Grant, who say “the social safety net has been replaced with a criminal dragnet.” This passage is also quoted in Gilmore’s *Golden Gulag*.

Next, I will analyze gender responsiveness theories, focusing on *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders* by Bloom, Owen, and Covington. My work will explore how the language of “services” and “needs” is mobilized within a framework of “corrections” to legitimate the status quo of both the massive U.S. prison system and the weakened state of public welfare services. I argue that the report’s use of reentry paradigms shirks a more systemic critique of the lack of social services that might help keep people from ever entering the criminal legal system in the first place, and instead proposes new services²⁹ that would be out of reach of people who have not been imprisoned.

Finally, I take up California’s 2006-2007 gender responsive bills specifically. I begin with the neoliberal language of self-sufficiency in AB 76, which shifts the terms of the debate from the structural to the individual. I discuss gender responsiveness’s framing of “correctional” intervention as a service to families, situating imprisonment in a history of state and private interference in Black families. I conclude by returning to the Fresno case to point out both the difficulty and the possibilities of organizing against gender responsiveness’s positioning of prisons as service providers.

The Fresno Hacienda

In late 2007 the Central Valley city of Fresno was engaged in an ongoing struggle with homelessness, with city and county elected officials scrambling for solutions while local homeless people faced escalating police harassment (“Homelessness Policy in

²⁹ In the case of gender responsiveness, as with any reforms within the prison system, it is impossible to predict what services might actually become available if gender responsive reforms were implemented, especially because most gender responsive proposals are extremely vague. In particular, it is unclear whether or not people in prison would actually see any positive changes. However, for this part of my analysis I will discuss gender responsiveness as if it would actually implement the services it claims to offer for people inside of or getting out of prisons.

Fresno”). Around the same time, Fresno FIRST, a local women’s drug rehabilitation program, lost the space where it had been housed, leaving the forty women and nine children who had been in the program without a place to go. In January of 2008, Fresno city officials offered up a new “solution” to these two problems: converting the Fresno Hacienda, a local landmark that was then in use as a care facility for senior citizens, into a multi-use facility that would include an FRCCC.³⁰ One part of the Hacienda would become a locked gender responsive prison facility with 96 women’s beds. The rest of the building would house Fresno FIRST programming for people on parole or drug treatment furlough from California women’s prisons. These sections of the Hacienda would be separate from the FRCCC, and would be semi-locked: people in the programs would need CDCR permission to leave the premises, and all entrances and exits would be monitored (Yovino 2008).

When Fresno residents got wind of the proposed prison siting, there was significant public outcry. At a January 31, 2008 community meeting with the city government—just days after most neighborhood residents found out about the FRCCC—Fresno Mayor Gene Autry defended the prospect, insisting, “It’s not a prison. It’s a women’s facility” (Rhodes “Video”). An account from the Fresno Community Alliance newsletter paraphrased the rest of the mayor’s argument: “the community needed a facility that would take care of the homeless and women who had drug and alcohol problems” (Rhodes, “Hacienda State Prison?”). In response, Fresno activist Carissa Phelps insisted, “It is going to be a state correctional center, and it is being called

³⁰ The lore behind the Hacienda only adds to the strangeness of the story. The Hacienda was originally opened in the 1950s as a high-end resort/hotel that served as a stop-over point for people traveling between Los Angeles and San Francisco. The hotel was known for its “Mermaid Lounge,” an area at the hotel bar with a large window that looked into a pool where women, dressed as mermaids, would synchronize-swim for the guests’ entertainment (“The Fresno Hacienda,” Chandler 2009).

a group home. ... Once one correctional center becomes a group home, are we really setting up something good for our city?” (Rhodes “Video”) She went on, “we have prostitution, we have drugs, we have homelessness, we have these issues... do we really need to have 400 more people come into the neighborhood that need county social services that we can’t get? That need healthcare clinics that we can’t get? That need jobs that we can’t get?” A few months later in a blog post Phelps got to the heart of the matter: “A prison, no matter how dressed up, is not good for the community” (Phelps 2008).

In spite of several months of resistance to the FRCCC, the Hacienda was reopened for use as a hybrid treatment, reentry, and gender responsive prison facility. All of the programs in the Hacienda contract with the CDCR. However, no prisoners have yet been sent to the locked (FRCCC) component of the facility (Bates 2010).

Fresno FIRST exemplifies many of the ambiguities of the gender responsive model. One of the most significant concerns of many activists in the campaign against gender responsiveness was that FRCCC’s were essentially state correctional institutions—prisons—dressed up as community facilities, and Phelps’s insistence that the Fresno FRCCC was in fact a prison resonated with this position. FRCCC’s are locked facilities—that is, people cannot come and go of their own volition, which is arguably the defining characteristic of a prison. Moreover, FRCCC’s are private institutions contracted through the CDCR, not independent or “community” treatment facilities. Because there is no clear distinction that differentiates FRCCC’s like the Hacienda from other CDCR-run prisons, it is particularly troubling that prisoners’ transfer to gender responsive facilities has so often been framed in terms of “release.”

The Hacienda exemplifies “corrections” co-optation of community demands for services. As Phelps reminded city officials (quoted above), Fresno residents had unmet needs for healthcare, jobs, and other county services. However, because there was money in the state budget for a gender responsive prison, these resources would only become accessible to people who had already cycled through the state’s women’s prison system and were able to land in the Fresno facility at the end of their imprisonment. Money from the state prison budget stepped in to (claim to) fill the gaping lack of funding for service provision, and although city officials could claim they were creating a treatment facility, in reality Fresno residents would not see real expansion in available services. Instead, corrections poses as social services, and the CDCR further entrenches itself in the California landscape by deploying language that speaks to the real needs left unmet by cuts to services.

For those Californians surviving at the intersection of state abandonment and detention, there is something both urgent and tragic about the CDCR’s co-optation of the language of services to justify its own expansion. A flyer from the Fresno campaign against the Hacienda prison proposal lists budget cuts like “75,000 families forced off cash assistance,” “\$1.1 billion decrease in K thru 12 Education,” and “Borrowing \$7.5 billion to build even more prisons.” The flip side reads, in bold type, “There are big difference[s] between Hacienda State Prison, a group home or a homeless shelter.” As Cookie Concepción noted in our interview, gender responsive facilities would be built in areas where other resources are sorely lacking: “not places like Beverly Hills, places like my neighborhood [in Los Angeles]”—or, in this case, Fresno. Concepción went on, “So if I want treatment I have to become incarcerated” (Concepción 2009). That is, instead of building up service provision in the areas that send the largest numbers of people to

prison, gender responsiveness would simply bring the prisons closer to home by calling them treatment centers.

In a state that has seen year after year of cuts to every part of the budget except prisons and police, through gender responsiveness the CDCR not only manages to expropriate funding that could be used for non-punitive state programs but also allows the state to claim that it is providing services while in fact continuing to expand its punishment apparatus. Justice Now's Cynthia Chandler called the Fresno struggle "horribly sad-making... really heart-wrenching." She pointed out, "You're setting up a group of people who really want a treatment center in their community, and instead they're going to get a prison, which will house even more mothers and sisters and daughters from that place" (Chandler 2009). As I show in the remainder of this chapter, this muddled prisons/services terrain is fundamental to gender responsiveness and its emergence in the context of the neoliberal moment.

The Neoliberal Turn and the Prison Boom

Many thinkers have pointed to a complex intersection of factors that gave rise to the prison boom of the 1980s and 1990s. Their analyses call attention to state and market restructuring in the face of political and economic crisis and imprisonment as a state response to threats raised by social movements of the 1960s. The prison system as we know it today has been created alongside (and many would argue, as a part of) U.S. economic and political shifts towards neoliberalism that began in the early 1970s.

The "neoliberal turn" can be traced to political and economic crises of the late 1960s and early 1970s. Christian Parenti argues that the expansion of police forces and prisons must also be situated as a response to the domestic economic and social crises

that faced the United States beginning in the late 1960s. Parenti's sketch of the United States in the early 1970s emphasizes that labor had made unprecedented gains in bargaining power that threatened the owning class, and the revolutionary upheavals of the 1960s were significant cause for alarm for the political establishment (Parenti 1999). To manage the dual threats of the economic crisis of "stagflation" and the menace of political power of labor and Black liberation struggles, Nixon began to slowly turn the country on a trajectory that Ronald Regan would pick up in the 1980s. Locked together at the core of this shift were enormous cuts to social spending and unprecedented new investments in police and prisons. Neoliberalism was the political-economic order inaugurated through these changing state and private priorities.

In *A Brief History of Neoliberalism*, David Harvey defines neoliberal ideology as the belief that "human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade" (Harvey 2005, 2). Although neoliberal rhetoric calls for "freedom" from state intervention, the neoliberal state takes an active role in creating new markets, sustaining apparatuses like the military, police, and prisons to protect capital, and managing frequent economic crises. Harvey characterizes "the neoliberal turn" in terms of a massive state-facilitated upward redistribution of capital: "Redistributive effects and increasing social inequality have in fact been such a persistent feature of neoliberalization as to be regarded as structural to the whole project" (16).

While the neoliberal state is clearly an active one, it is also characterized by a staunch disavowal of "big government," synonymous with any state programs oriented towards public wellbeing. Ruth Wilson Gilmore calls this "the antistate state," a

formation that rejects—both in rhetoric and policy—state programs and activities that work to ensure public wellbeing, especially for vulnerable members of society (Gilmore 2007, 245). A major aspect of neoliberalism has been the defunding, dismantling, and privatization of those welfare- or service-oriented branches of the state that make up the social safety net. Gilmore calls this a series of abandonments of “the weakest members of society” (for example, children) as the state has disavowed its “responsibility for the alleviation of adversity and inequality” (Gilmore 2007, 52).

Social spending cuts were central to the economic logic of “Reaganomics.” Specifically, Parenti notes, “In 1982 alone Reagan cut the real value of welfare by 24 percent, slashed the budget for child nutrition by 34 percent, reduced funding for school milk programs by 78 percent, urban development action grants by 35 percent, and educational block grants by 38 percent” (Parenti 1999, 40-41). Abandonments like these have been widely justified with rhetoric of “personal responsibility,” a central tenet of the neoliberal project. Harvey argues that a “‘personal responsibility system’ . . . is substituted for social protections (pensions, health care, protections against injury) that were formerly an obligation of employers and the state” (Harvey 2005, 168). Welfare and “personal responsibility” become incompatible with one another, since relying on the state is positioned as a fundamental failure to care for oneself. No apologies are necessary for cuts to state services because these cuts reduce dependency and produce self-sufficient citizens who can take responsibility for themselves.

Expectations of “personal responsibility” do not extend equally to all citizens, of course, and some types of “dependency” are policed much more stringently than others. Reagan’s cuts to welfare and social services were deeply linked to racialized constructions of criminality and drug use. The racist mythical figure of the Black “welfare queen”

(further discussed later in this chapter) performed the symbolic work of discrediting welfare and worked alongside a pathologizing frenzy about the “crack epidemic” in Black communities. These interlocking discourses of racial panic enabled both state intervention in and abandonment of Black communities under the auspices of the “war on drugs.” The relation between the “welfare queen” and the “crack epidemic” reveal the extent to which conceptions of welfare and criminality have been deeply connected with one another. These discourses mobilize race and gender archetypes to produce consent for the changing programs of the neoliberal state.

As these examples of the “antistate state” demonstrate, abandonments do not mean that the neoliberal state is on the whole less involved in people’s lives than earlier state formations, but that the mode of involvement has shifted significantly. The U.S. state is not actually “shrinking.” Dean Spade emphasizes that the abandonments Gilmore describes are one side of the coin, while the other is a “national lockdown that’s focused on people of color, poor people, gender outsiders, women, people with disabilities, etc.” (Spade 2008). In their article “Remaking Big Government: Immigration and Crime Control in the United States,” Rebecca Bohrman and Naomi Murakawa argue that “big government is still alive, ‘reinvented’ in the form of expensive and interventionist immigration and crime control” (Bohrman and Murakawa 2005, 109). They point to the “unifying logic behind both social welfare *divestment* and border patrol and penal system *investment*” (115, emphasis in original). By drawing attention to the shifting priorities and projects of federal and state governments these authors reveal the ways the state has changed without actually shrinking. Most importantly, their emphasis on the “unifying logic” of the shifting state is a reminder that state projects of lockdown and abandonment are inseparable from one another.

Gilmore's argument asserts that once state welfare services began to be defunded and privatized the state was left with "surplus capacity" in the form of the bureaucracies, institutions, and organizational forms that had made up the skeleton of the Keynesian state. She explains that "the state did not just disappear" (Gilmore 2007, 84) once redistributive state programs lost political legitimacy, but instead that a rapidly-expanding prison industrial complex took up the idled tools of the welfare state and re-mobilized them for a revamped kind of punitive state power. Importantly, although Gilmore points to the way prisons emerged as a "solution" to surplus bureaucracy, she offers a warning against easy causal explanations: "Make no mistake: prison building was and is not the inevitable outcome of these surpluses" (88). As these changes in welfare and punishment took effect, people in the United States experienced them in extremely disparate ways: communities abandoned by neoliberal restructuring are also those that have been most rapidly swept up in the burgeoning prison industrial complex.

One of the major abandonments of neoliberalism has been a large-scale relocation of production to areas in the global South where labor can be bought cheaply, in the process deindustrializing most parts of the United States. The resulting "surplus" populations within the U.S.—that is, those people who lost their livelihoods as capital picked up and moved elsewhere—have been transferred, by and large, into the expansive prison industrial complex (Parenti 1999; Gilmore 2007; Rodríguez 2006). Parenti argues that while the first round of "criminal justice militarization" under Nixon largely served to manage and undermine the political threats of emergent social movements, under Reagan "it [was] about managing and containing the new surplus populations created by neoliberal economic policies, even when these populations are not in rebellion" (Parenti 1999, 45). In the context of California, Gilmore calls this "relative surplus population"

(Gilmore 2007, 70): the mass of unemployed people, disproportionate numbers of whom are Black men, who have been first abandoned and then contained. Whether these people are political threats, simply surplus bodies, or something in between, they are systematically funneled into one of California's largest state programs: imprisonment.

Of course, the military-Keynesian welfare state should not be romanticized.

Bohrman and Murakawa are clear that women of color have borne the brunt of the failings of both welfare and carceral state models:

The remaking of big government is not a shift from beneficent welfare state to nefarious police state; then and now, women of color were subject to exclusions and regulations, with minimal influence in formulating the policies affecting them so profoundly. From our perspective, the police state is far worse than the welfare state, however lacking. The welfare state needs to be made more robust, more inclusive, and more of an actual safety net, not replaced with the disciplinary state. (Bohrman and Murakawa 2005, 121-122)

Bohrman and Murakawa refuse to idealize the New Deal welfare state, which distributed and withheld benefits according to racialized divisions of labor and consolidated white privilege through Social Security and the G.I. Bill (Katznelson 2005). However, they do not hesitate to condemn the harms associated with the police state, which are significantly worse than the insufficiencies of the welfare state. The carceral state has maintained the abandonments and maldistributions of the welfare state, while scaling up its punishment capacity (frequently exercised upon those experiencing the most severe insufficiencies of the welfare system).

Gender-Responsive Strategies: Reframing “Corrections” in the Neoliberal State

If the rise of neoliberalism and the prison industrial complex are fundamentally related, certain aspects of their intersection emerge especially clearly in the case of gender responsiveness. Advocates of gender responsiveness, from criminologists in national

corrections think tanks to California policymakers and corrections officials, consistently invoke the language of “needs” and “services” to advocate for gender responsive expansion. To a certain extent this language is deployed to cast gender responsive facilities as non-punitive institutions—that is, as something other than prisons. In addition, though, I would argue that this framing is part of a much more complex historical trajectory. As state priorities—nationally and in California especially—have shifted from public service provision to imprisonment, gender responsiveness represents a neat bridge between the two arenas that legitimates both expansion of the prison system and the ongoing disinvestment in real social services.³¹ Gender responsiveness offers a CDCR turned pseudo-service provider, with mental health services, drug treatment, and job training, all of which are becoming harder and harder to find in the “free world.” The rhetoric of gender responsiveness taps into the urgent needs of Californians on the margins who have been left high and dry by cuts to welfare, education, and jobs. To access these services they would *have to* be drawn into a California women’s correctional facility.

The theoretical framework of gender responsiveness uses the language of “needs” to argue for reforms to the criminal legal system. The Foreword to *Gender-Responsive Strategies* states:

The purpose of this document is... to identify critical differences [between women and men] and to define their implications for improving correctional management and *services* for women offenders...It is our hope that this document will shed light on *women offenders’ real needs*

³¹ I recognize that “real social services” is a questionable formulation. Feminist and anti-racist critiques of “services” have pointed out the ways that services can consolidate uneven state support for privileged groups and also serve to regulate those they claim to serve (see Katznelson 2005; Fraser 1987; Gordon 1990; Bumiller 2008). While I cannot take up these important critiques in depth, I use a fairly uncritical framework of services only in comparison to gender responsiveness’s positioning of prisons as services. I address this question further in my Conclusion.

and that those *real needs* will be better understood from the perspectives of women's criminal pathways and the *realities of their lives*. (Bloom, Owen, and Covington 2003, iv, my emphasis)

This passage encapsulates several of the key moves that characterize the discourse of gender responsiveness. The emphasis is on “real needs” that can be met through improved correctional services. Here “women offenders” are understood to have a coherent set of needs that are fundamentally different from men's. The larger leap made in this passage (and gender responsiveness more generally) is in the implication that the “real needs” of women can—and should—be met in and through the prison system. The assertion that prisons can provide services to meet women's needs is accompanied by a slippage in which imprisonment itself is positioned as a service. This slippage is only possible because of the extent to which both mass imprisonment and absent state social services have been naturalized under neoliberal restructuring. In Chapter 3, I will critique gender responsiveness's reformist conception of “improving” prisons in order to better meet women's needs. In this chapter, however, I focus on the services that gender responsiveness promises to offer during, and especially after, imprisonment.

Gender responsiveness is largely a set of reentry strategies—that is, it speaks to the need for specific resources for reintegrating people back into their communities upon their release from prison. The particular reentry technique proposed by gender responsiveness is the provision of “wraparound services,” an individualized set of resources determined by a “holistic and culturally sensitive plan for each woman that draws on a coordinated range of services within her community” (Bloom, Owen, and Covington 2003, 82). Gender responsiveness suggests that each woman needs a specialized plan that will help her get housing, treatment, public assistance, health care, and other services. Because social service agencies are disconnected from one another, it

is difficult for people leaving women's prisons to access the support systems they need. For Bloom, Owen, and Covington, a key component of "wraparound services" is ensuring that social services agencies are in communication with each other so that women do not fall through the cracks, making for a smoother transition from prison to the free world.

This emphasis on reentry is, initially, very appealing. Reentry services for people leaving prison are sorely lacking, and the bureaucratic maze of agencies that Bloom, Owen, and Covington describe is accurate. However, there are significant problems with focusing exclusively on reentry absent a more systemic critique. Because gender responsiveness is rooted in the world of "corrections," it concerns itself only with people who are already under the "supervision" of Departments of Corrections. If gender responsive reforms were implemented, these new areas of service provision would be available only to those who first became involved in the criminal legal system. The corrections system would serve as a kind of gate-keeper in the gender responsiveness plan. Essentially, arrest and imprisonment would stand between people in the free world and the bundle of services gender responsiveness offers. Instead of addressing the lack of housing, health care, drug treatment, and other social services produced by thirty years of neoliberal restructuring—a lack that leads many people to criminalized activity and subsequent imprisonment—gender responsiveness suggests offering these services only to people who have *already* been drawn into the prison system.

This is not to say that there is no need for carefully tailored reentry services specifically aimed at providing resources to people who are released from prison. However, there is an important distinction to be made between services that address basic needs that are common to most people and reentry systems designed to address

the particularities of the transition from imprisonment to the outside.³² While it is true that people leaving prison are more likely to need support in accessing housing or work than others (because they have been uprooted from communities, homes, and jobs for months, years, or decades, and also because they are barred from many jobs and public benefits), these are basic needs that non-imprisoned people also need increased access to. Additionally, though, people leaving prison are likely to need a unique set of reentry services that address the trauma of imprisonment itself. The harms of imprisonment, which include the violence and neglect people experience in prison as well as the deep ruptures in relationships created by removing people from their families and communities, must be dealt with as distinct from basic needs like food, housing, and healthcare. Expanding the availability of services to address these basic needs would benefit people leaving prison as well as those who have never been arrested.

“Wraparound services” are recommended as a reentry strategy for people released from prison, but the role that more widely available, robust social services could play in keeping people *out* of prison in the first place is absent from gender responsive theories. This is because gender responsiveness takes for granted the trajectories that many people follow before their imprisonment. Key to gender responsiveness is the concept of “pathways” into the criminal justice system—that is, the commonalities in the life histories of those people who end up in women’s prisons. The use of the language of “pathways” makes prison seem like the inevitable result of the forces that systemically disempower those most likely to end up in a women’s prison (poor and working-class women, most of whom are Black and Latina). This framing virtually guarantees an indefinite influx of women into prison. The “pathways” that gender responsiveness

³² Thanks to Stacie Szmonko for helping me work through and articulate this distinction.

focuses on include histories of sexual violence and domestic abuse, poverty, relationships with men who draw them into criminalized economies, and lack of available housing and healthcare. *Gender-Responsive Strategies* reminds readers that most of those in women's prisons are women of color. However, because gender responsive theory refuses to engage in a larger critique of welfare provision, the criminal legal system, or structural racism, it ends up simply reasserting the linkages between poverty, race, and imprisonment. Where the authors might have interrupted this cycle they instead project that poverty, racism, sexism, and failing social services will always exist and always feed into each other. They place the prison as the unavoidable end point of a singular path, and their interventions seek to "improve" this end result (punishment or "corrections") instead of rerouting the "pathways" themselves.

Under the umbrella of "wraparound services," the framework of gender responsiveness positions prisons, parole, probation, and policing alongside housing, drug treatment, welfare, and other service agencies, a move that recasts punishment as a social service. *Gender-Responsive Strategies* advocates for a "sustained continuity of treatment, recovery, and support services, beginning at the start of incarceration and continuing through transition to the community" (89). This language sets up incarceration as a "treatment, recovery and support service," completely erasing punishment and containment, the guiding principles of contemporary imprisonment practices (A. Davis 2003). Here gender responsiveness not only links services to punishment, but claims that *punishment itself is a service*. The specter of the "female offender" conjured by this language is a woman who is so helpless and unruly that her primary need is to be incapacitated by the state until she can eventually be "rehabilitated" through "wraparound services."

This framing of the “female offender” draws on constructions of gender, race, and dependency that have constituted the discourse of welfare in the United States since the 19th century. In “The Lady and the Tramp: Gender, Race, and the Origins of the American Welfare State,” Gwendolyn Mink argues that discourses of citizenship and welfare have long acted side by side by asserting that men are (at least potential) citizen-subjects who “provide... rather than need” (100) while women are non-citizens who have needs instead of rights. This gendering of welfare condemns even when it provides: it casts welfare recipients as “women in need” whose personal failings drive them to dependence. The fact that men also have needs is consistently elided. This plays out clearly in the case of gender responsiveness, where “female offenders” are depicted as in need of a helping hand—in the form of “wraparound services”—to guide them from arrest through release. While male prisoners do not fit the ideal of competent citizen-providers (instead, they are as dangerous criminals contaminated with pathological masculinities), they are nevertheless still excluded by models of welfare that see “needs” as strictly gendered, never universal. Gender responsiveness’s argument for limited state services for women (which are explicitly gendered so as to exclude men) reconsolidates gender ideologies of “need” and “dependency.” All women are susceptible to “needing” to rely on men and/or the state; men are either ideal rights-bearing citizen-providers or criminals, and in neither case do they need or deserve services.

Gender responsiveness links the need for state services to criminality by implicitly asserting that the only women who need services like welfare or housing assistance are those who are already caught up in the criminal legal system. This move recreates a narrative in which using state services is indicative of a fundamental personal deficiency, linked both to failed (female) citizenship and criminality. Women who are not

“criminals” do not need services; needing services is a semi-criminal act. Liberal and neoliberal ideologies of personal responsibility pathologize “dependence,” and gender responsiveness adds an aspect of criminality to this construct of deficiency. Gender responsive services are the means by which “women offenders” can move from criminality to law-abiding independence. As Judith Goode argues in “From New Deal to Bad Deal: Racial and Political Implications of U.S. Welfare Reform,” neoliberal ideology asserts that dependence on the state is fundamentally problematic; therefore “individuals damaged by state dependency needed to be cured through programs restoring self-respect and self-esteem, transforming them into autonomous individuals” (74). Gender responsiveness does just this: it purports to move women along a trajectory from captivity to rehabilitation to self-sufficiency, while in fact extending the reach of the prison industrial complex into previously service-oriented sectors.

Gender responsiveness relies on recycled narratives of gender, dependence, self-sufficiency, and criminality to narrow the possibilities for meaningful state provision of services. Gender responsive rhetoric does not call for a welfare state in which state services are readily available to all to meet basic needs. Instead, it participates in longstanding discourses that portray welfare programs as the realm of weak and failing (non-)citizens. Social services are for women who cannot support themselves and for unsuccessful liberal citizens (as epitomized by the criminal). As a set of policy recommendations, gender responsiveness perpetuates a political trajectory that invests funding and resources in “corrections” and punishment at the expense of the deteriorating social safety net. The ideological work of gender responsiveness is just as significant. Gender responsiveness fails to intervene in the anti-welfare discourses that have vilified service recipients, and instead recreates the assumptions that services should

be distributed based on a gatekeeper model that both genders and pathologizes welfare. In this case, women's prisons act as gatekeepers that determine who can access services like drug treatment and mental health care.

Sidestepping a larger examination of the state of social services in the U.S. is part of gender responsiveness's avoidance of a structural critique of the root causes of imprisonment. The framework of "pathways" offers the beginnings of an analysis of the circumstances that lead to criminalized activity, bordering on a look at systemic forces. *Gender Responsive Strategies* notes that "the lack of adequate economic and social supports for women and children in society [is] a key factor in rising crime rates. For some women, the poverty of their lives on the street and the lack of educational opportunity and economic advantages make crime a reasonable choice, with subsequent imprisonment a predictable outcome" (Bloom, Owen, and Covington 2003, 49). In short, "women's most common pathways to crime involve survival efforts that result from abuse, poverty, and substance abuse" (8). The report even links unmet needs for "housing, physical and psychological safety, education, job training and opportunities, community-based substance abuse treatment, economic support, positive role models, and a community response to violence against women" with eventual incarceration (83). However, the policy recommendations of the report do not articulate the importance of a reinvigorated social safety net that might intervene in cycles of imprisonment, but instead call for the expansion of corrections programming into the realm of social services.

The issue is not that gender responsiveness does not go far enough in its policy recommendations. It is that gender responsiveness's intervention into cycles of imprisonment is too late. In gender responsive theory, "pathways" to crime are a given

that cannot be disrupted, and the high rate of women's imprisonment is a fact to be taken at face value. Although gender responsiveness can make passing reference to the root causes of imprisonment ("pathways"), it cannot integrate the full implications of these root causes. The emphasis on "wraparound services," to be distributed during and after imprisonment, is the most radical position that gender responsiveness could take without seriously calling into question the neoliberal dismantling of social services (that at least in part enables the "pathway" of poverty) or the practice of mass imprisonment (that makes prison the end result of cycles of poverty). In short, gender responsiveness does not seek to disrupt the abandonments and containments of mass segments of the population that have been central to neoliberalism and its accompanying expansion of the prison system.

The California Case: The Prison Crisis and Gender Responsive "Solutions"

AB 76 draws on the same rhetoric of service provision that saturates gender responsive theory. Situating the bill in an analysis of neoliberalism offers insight into its discussion of "self-sufficiency" and service-provision.

"Self-sufficiency" and "independence" are recurring themes in AB 76. The "Background" section of the bill explains that one function of the Gender Responsive Strategies Commission was to "find ways to provide the tools female inmates need for *independence* and *self-sufficiency*" (AB 76, 6, my emphasis). The California NAACP's endorsement of the legislation emphasized that "[t]his bill places these women in a fast-track position to *do for self* and get away from 'influences' of the 'hard-core' criminal element as they become *productive, hard working, contributing* citizens" (AB 76, 8, my emphasis). An endorsement from a state agency called the Little Hoover Commission

lauded the move away from “large, remote prisons that undermine the chances that [female offenders] will become *self-sufficient* and law-abiding when released” (AB 76, 8-9, my emphasis).

This emphasis on the autonomous individual is classic liberal (and neoliberal) rhetoric. David Harvey asserts that under neoliberal restructuring “the social safety net is reduced to a bare minimum in favour of a system that emphasizes personal responsibility. Personal failure is generally attributed to personal failings, and the victim is all too often blamed” (Harvey 2005, 76). This language is also reminiscent of the welfare “reform” debates of the 1980s and 1990s. Judith Goode notes that congressional debates that led to dismantling “welfare as we know it” in favor of “workfare” tended to be based on the assumption that poverty is a problem to be solved through behavioral changes among the poor (Goode 2002). This shifts attention from historical and political economic forces that create poverty to an undue focus on the individual. Similarly, gender responsive reform offers a limited recognition of systemic forces, but its recommendations always collapse into a rhetoric of personal responsibility, avoiding a structural critique of who goes to prison and why.

AB 76 depicts people in women’s prisons as fundamentally deficient in the neoliberal values of “self-sufficiency” and “independence,” and then positions gender responsiveness as a service that might recuperate “female offenders” into ideal neoliberal citizenship. The fact of prisons as institutions of punishment and repression is entirely invisible here. The California Department of Corrections is framed as a service provider that can transform women from dependents to “productive, hard working, contributing citizens.” Women *need* gender-responsiveness. The NAACP deploys a tone of racial uplift for the “two-thirds of these women” in California prisons who are “of color and

are poor and also have children” and need to learn to “do for self.” This stance shifts culpability away from systemic forces that lead to overrepresentation of Black and Brown women in the prison system (like skewed policing patterns, harsh sentencing laws, and lack of competent public representation, for example), placing blame instead on individuals who need to become “productive” and “hard-working.” By endorsing gender responsiveness using this language, the NAACP essentially advocates increased CDCR intervention in the lives of the women it imprisons (who, as they point out, are by and large women of color).

Gender Responsiveness as a Service to Families

AB 76 claims that the reforms it suggests will be beneficial for the families of people in prison. The bill begins by outlining the ways that imprisonment harms family structures and relationships. It cites a National Council on Crime and Delinquency report that 19,000 children have a mother in a California prison, and many of those children may end up in foster care (AB 76, 8). The bill also quotes a California Policy Research Center statement that “prisons often make it very difficult for mothers and children to maintain meaningful connections during the mother’s period of incarceration” (8). After acknowledging these harms, however, AB 76 again positions imprisonment as a service, this time for fixing dysfunctional families. The bill implies that the families of people in women’s prisons are essentially in need of repair, an argument that distracts attention from the active role that state intervention via imprisonment plays in disrupting families. The California Commission on the Status of Women, a vocal supporter of gender responsive legislation, insisted that “community facilities located near inmates’ families would promote healthy connections between

incarcerated women and their children by building and strengthening systems of family support and family involvement during the period of incarceration” (8). This move makes it seem as if imprisonment—specialized gender responsive imprisonment—is a solution to (as opposed to a cause of) strained or broken family relationships, and that families would be healthier with one of their members in a gender responsive prison than at home.

Of course, pathologization of and intervention in certain families is not a new phenomenon, nor is it unique to the history of imprisonment. Prisons are situated squarely in a historical trajectory of disrupted family Black structures.³³ State and private interests in the U.S. have had stakes in regulating Black family relationships since slavery. Enslaved people had no rights to marry one another; families were separated from each other at the will of the slaveholder; Black women’s reproductive self-determination was vastly abridged because of high rates of sexual abuse by white men and economic investment in using enslaved women as “breeders” for new generations of slaves (A. Davis 1981; Roberts 1997; Collins 2000).

White scholars who have taken up the question of the impact of slavery on the Black family have participated in the continued pathologization of Black family structures. The most infamous example of this trend is Daniel Patrick Moynihan’s 1965 Department of Labor report, “The Negro Family: The Case for National Action.” The Moynihan Report characterized the Black family as a “tangle of pathology:” slavery had

³³ While, of course, there are many non-Black people in California prisons, the majority of the California prison population is Black or Latino, so it continues to be these families of color that are disproportionately pulled apart by incarceration. There are unique histories of state intervention in family structures among many different racialized and marginalized groups in the United States, and the modes of intervention have differed significantly, for example, for Chinese Americans, Black Americans, Puerto Ricans, and Mexican Americans—I use critiques of intervention in the Black family as one of many potential points of entry into this discussion.

so upset Black family structures that matriarchies had replaced more traditional patriarchal formations, and these matriarchal arrangements were impeding Black progress (Moynihan 1965). This racist, sexist narrative vilifying Black motherhood has reappeared time and again in discourses of welfare reform. The caricature of the Black “welfare queen” carries easily-accessed political weight because of the assumption that it is the prerogative of white civil society to examine the Black family and regulate how many children Black women have, as well as how they parent those children. Black feminists have long critiqued the child welfare system for disproportionately policing Black families and removing Black children from their families at alarmingly high rates.

Many of these threads carry through into the case of gender responsive programming. Gender responsiveness offers to teach women to be better mothers and to help reunite families. As in the examples above, the assumption here is that (Black and Brown) families cannot function on their own and need extensive, radical interventions—in this case, uprooting parents from their children, partners, and/or communities to put them in prison—to be whole. There is something assumed to be fundamentally deficient about the parenting abilities of people in women’s prisons: criminals are bad mothers and bad mothers are criminals. Moreover, it is the role of the Department of Corrections to address this deficiency, and this intervention is framed as a *service* to people in prisons and their families. What this framing ignores is that prisons actively take people away from their families, and it is not possible to create a “better” prison that could improve family relationships more than a practice of non-intervention could.

Conclusion

The case of the Fresno Hacienda, which I outlined at the beginning of this chapter, demonstrates both the most difficult aspects of campaigning against gender responsive expansion and the complexities of the political-economic moment that produces blurred lines between imprisonment and service provision. Local residents who did not want to see a new prison built in their community were portrayed as opposing a reentry and drug treatment facility for women with children. Although all of the Hacienda programming was contracted through the CDCR, it would be staffed in part by CDCR guards, and most of the facility would be locked or semi-locked, it was difficult to call the Hacienda *only* a prison. Because of the services the Hacienda promised, its mixed FRCCC/drug furlough/reentry components, and the partnership between the private company Mental Health Systems, Inc. and the CDCR, the facility did not sound anything like the image that the word “prison” tends to conjure. These complexities made it hard for the FRCCC’s opponents to gain traction in their arguments. This speaks to one of the most difficult aspects of gender responsiveness more generally. In spite of the fact that gender responsive facilities are locked and guarded, language like “reentry,” “release,” and “services” makes them too slippery to easily pin down as “prisons” in sound-bite politics and campaigns, even though it is almost inarguable that this is exactly what they are.

Establishing that gender responsive prisons are actually prisons is a crucial first intervention into a discourse that frames them as services for women. Perhaps more important, however, is pointing out the danger of the notion that imprisonment itself could be a “service” that could meet “women offenders’ real needs.” Imprisonment, no matter how it is dressed up or spun, is not a service to people who are incarcerated,

though it is an earmark of a particular political moment in a neoliberal context that this framing can be taken seriously. Gender responsiveness requires that imprisonment be an unquestioned fixture on the social landscape and that the (relatively) non-punitive service provision of the welfare state have been rendered largely illegitimate, both by popular demonization and sheer elimination of state services.

Gender responsiveness is ideologically tethered to New Deal welfare discourses, neoliberal framings of personal responsibility, and the post-1980 frenzy of criminalization and lockdown. The basic needs that social services sought to meet (albeit in flawed and limited ways) did not simply disappear with welfare cuts, and gender responsiveness is an example of the post-welfare state's attempts to manage these needs through one of the most stable state capacities currently available: imprisonment. Gender responsiveness will only lose its appeal, then, when cuts to services and prison expansion are challenged insistently and *in tandem* with one another, calling for a reversal of neoliberal practices of abandonment and containment. As I will argue in my next chapter, reformist efforts like gender responsiveness cannot orchestrate a shift this momentous: it can only be achieved by rethinking the premises of imprisonment itself.

CHAPTER 3

THE “GRAVEYARD OF GOOD INTENTIONS:” THE REFORMISM OF GENDER RESPONSIVENESS

“If the approach...continues in the direction of ‘improving conditions’ and ‘funding more and better programs’—we shall have learned nothing from history and placed ourselves on a clear course to repeat it, at even greater human cost.”

—Emanuel Margolis, “No More Prison Reform,”
quoted in *Instead of Prisons*

“Reforms are necessary on the way to abolition, but as anti-prison activists we need to move away from reform as an endpoint, and we need to consider carefully the impact of short-term goals on the longer-term vision of a world without prisons.”

—Cassandra Shaylor and Cynthia Chandler,
“Reform and Abolition: Points of Tension and Connection”

Although gender responsiveness has positioned itself as a significant shift in California prison practices, in this chapter I argue that it is a superficial reform that continues the trends of prison expansion and abandonment that have characterized the past thirty years of California policy. Many of the pitfalls of the framework of gender responsiveness can be attributed to its fundamentally reformist nature. Gender responsiveness is firmly situated in a history of prison reforms that have led to prison expansion. The women’s prison system itself is arguably a product of reformist activism. Gender responsiveness is deeply linked to these reformist histories and has many of the same expansionist repercussions as earlier reforms.

The limited scope of gender responsive reform participates in the ongoing abandonment of the most vulnerable populations in the prison system. I argue that this abandonment extends from the contraction of the welfare state through the lack of interest of reformist activists in questioning the premises of imprisonment itself.

Through its willingness to leave behind certain prisoners in its agenda of reform, gender

responsiveness agrees to the ongoing fracture of those communities targeted by the prison industrial complex and condones the treatment that most prisoners experience in the California prison system. However, reformist politics—like those that inform gender responsiveness—have been insistently challenged by more structural critiques, and should not be taken at face value as positive steps in the amelioration of an unjust social order.

Defining “Reformist”

This chapter is largely a critique of reformist prison work. However, I do not use the term “reformist” to encompass any and all changes made to the prison system out of concern for prisoner wellbeing or human rights. I am specifically referencing those discourses that speak in the register of “improving” prisons by making changes to their administration, staffing, infrastructure, programming, etc. While any specific reform can have multiple effects depending on context—and might be either abolitionist or reformist depending on its framing—my focus is on reformist *perspectives and frameworks* that do not call into question the foundations of the prison system itself. I contrast this reformist framework with abolitionist work that seeks to build towards the eventual dismantling of all practices of imprisonment, policing, and surveillance. I will address the question of specific reforms and their integration into abolitionist praxis in Chapter 4.

Although I focus my critique on reformist work, I do not intend to depict reformism as the unique or most harmful force behind the U.S. prison boom. Prison expansion in the United States has been driven by a wide variety of nation-wide, regional, and local forces and processes, including a conservative and neo-conservative harnessing of post-1960s white backlash into a racialized “tough on crime” agenda.

However, I find specific importance in looking more closely at reformist work that conceives of itself in opposition to these tough on crime discourses. In some cases the intentions and politics behind these two trends differ significantly, and may even be in direct conflict with each other; nevertheless, in many cases they have produced similar effects. I am interested in tracing these “unintended consequences” of reformist work. I use this phrase reticently because, although many negative consequences of reformist work are in fact unintended, many of them are also predictable given the history of prison reform. Unintended does not mean unpreventable. Not all prison-related activism must necessarily produce “unintended consequences” of the scale or harm that I will outline in this chapter, but avoiding these pitfalls is only possible through a serious engagement with the historical and ongoing repercussions of reformist work.

Premises of Reform

Reformist activism builds on a few basic premises that determine the types of changes that are included on reformist agendas. Of course, there is no single reformist perspective on the prison system that can be assessed as a coherent whole: reformist organizations and campaigns vary widely in the extent of their critiques of the prison system and in the changes they call for. However, for the sake of this project, I am defining “reformist” work according to the interpretations of the prison system that inform it. There are a few key premises that I will focus on in my discussion of gender responsiveness, and which I propose are inherent in all reformist perspectives: namely, that the harms of imprisonment are indicators of flaws (or brokenness) in the prison system, and that prisons can be “improved” in order to function more effectively or more justly.

A reformist perspective conceptualizes prisons as perfectible and often pursues changes that aim to make prisons “better.” This language is ubiquitous in theories of gender responsiveness. In the preface to the report *Gender-Responsive Strategies*, authors Bloom, Owen, and Covington summarize their findings:

“Policies, programs, and procedures that reflect these empirical, gender-based differences can accomplish the following:

- Make the *management* of women offenders *more effective*.
- Enable correctional facilities to be *more suitably* staffed and funded.
- *Decrease* staff turnover and sexual misconduct.
- *Improve* program and service delivery.
- *Decrease* the likelihood of litigation against the criminal justice system.
- *Increase* the *gender-appropriateness* of services and programs.”

(Bloom, Owen, and Covington 2003, vi, emphasis added)

The preface concludes, “*Managing* women offenders *more effectively* in correctional settings and providing *more effective* programs and services will benefit the women, increase community safety, and help build a *more effective criminal justice system*” (viii, emphasis added). This is quintessential reformist language. Its repeated deployment of words like “effective,” “improve,” and “manage” speaks to its underlying conception of the prison system as an imperfect but redeemable set of institutions. Moreover, there is a clear investment in maintaining the institutional stability of both individual prisons and the prison system more broadly. While the report gestures briefly to the reality of sexual abuse (“misconduct”), it seems that the authors are more concerned with minimizing staff turnover, securing “suitable” funding for prisons, and decreasing litigation than they are with addressing deplorable conditions facing prisoners. This position belies the investment that gender responsiveness, and many other reformist programs, has in bolstering the prison system against external threats.

The effort to “improve” prisons stems from a slippage whereby the harms associated with imprisonment are attributed to the “failures” or ineffectiveness of the

prison system. Staff abuse, insufficient health care, corruption, lack of oversight, and high recidivism rates are all understood to be symptoms of a system that is working incorrectly. Gender responsiveness theories are situated firmly within these assumptions, asserting that the criminal legal system is failing women. *Gender-Responsive Strategies* is filled with such examples. Because most prison classification schemas and “risk assessments” were originally designed for men, women are often “overclassified”—that is, placed in higher security facilities than “their actual level of violence or escape potential” should call for (Bloom, Owen, and Covington 2003, 19). Prison staff are inadequately trained to address “female offender issues” (16). Women’s prisons have fewer programming opportunities than men’s prisons. “Staff sexual misconduct” is a serious issue in women’s prisons (25). Since most women in prison are mothers, imprisonment poses a strain on family relationships and increases the pressure during reentry when women are released from prison.

People who have experience with women’s prisons, either from having been imprisoned or from contact with those who have, will likely have a hard time arguing with these points because they describe real and urgent realities. Indeed, gender responsiveness represents an absorption of the demands of feminist prison activism in order for those demands to be managed *within* the prison system (that is, without a rethinking or substantive critique of imprisonment). A point by point refutation of the claims of gender responsiveness is unhelpful because, in many cases, they ring true. Instead I propose delving into the assumptions about the prison system’s “failures” that are at work.

The discourse of a “failing” prison system is nowhere more present than in California in the midst of its “prison crisis.” Progressives and prison reformers

consistently use the state's 70% recidivism rate and thirty-three prisons filled to bursting to argue that California prisons must be doing something wrong. However, to describe the prison system as "failing" (or to articulate a parallel call for more "effective" or "evidence-based" prison policy) is to assume a set of foundational intentions of the prison system that are far from given. For recidivism and skyrocketing rates of imprisonment to be read as indicators of failure, one must assume that the primary goal of the prison system is to *diminish* and *prevent* future imprisonment (and perhaps even by extension to eliminate itself altogether).

Critiques of the notion of the "failing" prison system have been articulated by many different actors. Critical Resistance argues that "The PIC [prison industrial complex] ... isn't a broken system. It works extremely well to do what is designed to do (kill and disappear those people who pose the biggest challenges to those with the most power: poor people, people of color, queer and gender queer people, young people, etc.). This system doesn't need fixing. It needs to be eliminated" (Critical Resistance, "PIC Talking Points").

While nearly all reformist examinations of the prison system point to the disproportionate incarceration of Black people, other people of color, and poor people, this phenomenon is often framed as an unintended consequence of the U.S.'s massive war on drugs, or at best as an inevitable outcome of a racialized distribution of poverty. However, in "The Challenge of Prison Abolition: A Conversation," Angela Davis and Dylan Rodríguez situate the prison industrial complex's targeting of poor Black people at the very center of that system's working, not as an aberration or an unfortunate demographic error but as integral to the U.S. social and racial order. Davis takes her own experiences as a political prisoner as a point of departure: "If prison was the state-

sanctioned destination for activists such as myself, it was also used as a surrogate solution to social problems associated with poverty and racism” (Davis and Rodríguez 200, 212). Rodríguez, speaking to Davis, goes even further, asserting that “[t]he logic of the prison-industrial complex is closer to what you, George Jackson, and others were forecasting back then as mass containment, the effective elimination of large numbers of (poor, black) people from the realm of civil society” (213). This vantage point, produced by radical thinkers situated in the U.S. state constituted by the post-1970 prison boom, makes a clear argument about the foundations of the U.S. prison industrial complex.

Davis has focused much of her scholarship on the continuities between the prison and Black chattel slavery. The 13th Amendment abolished slavery “except as a punishment for crime” (A. Davis 2003, 28). Davis connects the racialized brutality of the convict lease system, implemented in the aftermath of the Civil War, to the contemporary prison system, arguing that both have functioned to incapacitate vast numbers of Black men, harnessing their captive labor for interests of profit and racial control (A. Davis 2002).

In *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime*, Dylan Rodríguez delves further into these foundations of the U.S. “prison regime.” His attention to the political and racial functioning of the state’s expanding capacity for containment calls precise attention to the work mass imprisonment is intended to do: respond to “a budding white-supremacist desire for surveilling, policing, caging, and (preemptively) exterminating those who embodied that gathering storm of dissidence” of the 1960s (Rodríguez 2006, 22). Rodríguez links the contemporary prison regime with the history of slavery in the United States. Instead of emphasizing the labor exploitation of the imprisoned (a parallel that is often made but quickly collapses in on itself because

so many prisoners do not work) he links the particular practices of brutality of the Middle Passage and chattel slavery with the workings of the prison system, both institutions that worked to consolidate white freedom and bodily integrity through the systematic negation of Black life. In Rodríguez's words, the U.S. prison regime is central to a "white-supremacist continuum of freedom and unfreedom, one that is fundamentally structured by an institutional hierarchy of capture and punishment that reserves and ranks its technologies of violence for deployment on a landscape directly defined by the institutional genealogies of U.S. chattel slavery, an essentially antiblack technology" (30).

These theorists understand today's apparatuses of policing and imprisonment as rooted in the specificities of U.S. anti-Black racism and enslavement. Crucially, this should not be taken to mean that Black people are the *only* group targeted by the prison industrial complex: Latino, Native, and some Asian groups are also policed and locked away at rates that consistently outpace those of white people. However, these authors seek to intervene in multicultural narratives that have sacrificed the analytical power of historically-rooted racial particularity. Joy James, uneasy with "amorphous groupings" like "people of color (POC)," reminds her readers of the distinct positioning of "black bodies for whom white supremacist cultures and state policing practices in the United States have preserved an exceptional place: that of targets for excessive force and the penal site" (James 2007, 6). Indeed, this understanding of the prison industrial complex as a *technique* and a *technology* developed through and for anti-Black racism also marks the shortcomings of reformist angles. If imprisonment is a fundamentally anti-Black technology, the notion that it might mete out race-blind justice or be otherwise "improved" begins to seem less and less realizable.

These perspectives from Critical Resistance, Davis, Rodríguez, and James shift the terms of the discourse of prison reform. If the problem is no longer understood to be that the prison system is broken, but that it is working with a brutal efficiency to accomplish its intended tasks of containment and control, the solution can no longer be to “fix” or “improve” that system (or make it more “effective” or “responsive”). It is from this rearticulation of the functions of the prison industrial complex that the firmest refusals of a reformist project like gender responsiveness can emerge. It is not simply that gender responsiveness falls short of calling for significant change. Instead, a focus on new programming or smaller women’s facilities represents a fundamental misconstrual of the crucial role prisons play in managing surplus populations who have been rendered racially expendable. Prisons are not harmful or violent because staff is improperly trained, because classification tools cannot account for gender differences, or because women cannot access meaningful job training. Their harm is inherent in the practice of “disappearing” millions from their families and communities when they are uprooted and relocated into the nation’s prison system.

Social movements against the prison industrial complex have offered some of the clearest rejections of reformist politics. The 1976 manual *Instead of Prisons* consistently takes an anti-reformist stance that calls for stringent interrogation of imprisonment, arguing that “[t]he prison cannot be reformed...Nothing can improve it. It will never be anything but a graveyard of good intentions” (Knopp and Regier 2005 [1976], 14). Thirty years later Critical Resistance’s *Abolitionist Toolkit* echoes many of the assessments of *Instead of Prisons*, focusing on the reality that “more and more people are caged every single year. Native people, people of color, and the poor face the highest risk of being locked up. Fiddling with how prisons are run isn’t going to change this basic fact: they’re

based on racism and repression” (Critical Resistance n.d., 2). Critical Resistance goes on to describe the distinction between abolitionist and reformist positions: “Abolitionist analysis leads to the conclusion that the PIC is fundamentally unjust and must be brought to an end. Reformist analysis typically leads to the conclusion that the PIC can be made just if certain changes are made” (48). In the remainder of this chapter I will elaborate on the ways in which reformist work that maintains an investment in the “graveyard of good intentions” perpetuates cycles of prison expansion and abandonment. I focus my attention on how these parallel harms are reproduced and exemplified in the discourse of gender responsiveness.

Reform as Expansion

One of the major trends in the history of prison reform in the United States is that reforms often lead (directly or indirectly) to expansions of the prison system. Many argue that the scale of the U.S. prison system is in fact a product of its history of reform. Gender responsiveness is yet another example of an expansionist reform because it claims to address the harms and needs that prisoners face by adding bed capacity, programming, staff, and facilities to the California prison system.

In *Discipline and Punish: The Birth of the Prison*, Foucault asserts that “prison ‘reform’ is virtually contemporary with the prison itself: it constitutes, as it were, its programme” (Foucault 1995 [1977], 234). *Discipline and Punish* delineates the shift from corporal punishment to the penitentiary as the predominant punishment for crime, the reform that inaugurated the modern U.S. prison system. Angela Davis similarly traces the evolution of the U.S. prison system, initially instituted in the early 19th century under Quaker models of individual reform and penitence, through its development, which has

been largely shaped by reformist measures that have been instituted over time (A. Davis 2003). Many changes to prison practice that have led to expansion, including the creation of women's prisons (discussed below) and the use of imprisonment as a punishment, can be linked to specific reformist efforts.

One well-documented trend in U.S. prison history is the impulse to build new prisons to “replace” the old. In the most notorious example of this in California's history, Folsom State Prison was built in 1880 with the intention of replacing San Quentin Prison, which was slated to close because of its crumbling infrastructure. Today both prisons are still open and operational, together caging a total of nearly 10,000 prisoners. In other cases, reformers have called for small, “state of the art” prison facilities to replace old, crumbling megaprisons. In her 1971 investigation of the U.S. prison system *Kind and Usual Punishment: The Prison Business*, Jessica Mitford speaks at length of this practice, which became especially popular during the 1970s era of prison reform in response to prison rebellions across the country:

These old bastilles should be replaced, say the prison men; some of them are more than a hundred years old, they are too big, unwieldy, unsanitary, overcrowded. The humanitarian reformer will agree, for he has seen the evidence on his television screen and in magazine picture spreads: the tiny, dark cells, rusty iron bars, overflowing toilets, dank concrete, over all an aura of decay. ... As long as we must have prisons, let them at least be decent and fit for human habitation.

Significantly, the occupants of these disgraceful dungeons have in no instance joined the chorus of demands for newer and better-built prisons. Search the manifestoes of convict leaders from the Tombs to San Quentin and you will find no such proposal. On the contrary, prisoner and ex-convict groups throughout the country are urging opposition to new prison building, which they see as leading to a vast expansion of the existing prison empire. (Mitford 1971, 183).

The authors of the *Instead of Prisons* echo this sentiment, reminding readers that “we have never heard [prisoners] ask for smaller, shiny new prisons” (Knopp and Regier 2005 [1976], 67).

Gender responsiveness and other moves toward “community corrections” are contemporary examples of the periodic interest in “state of the art” prison facilities. They are symptomatic of a vacillation between punishment philosophies. While the prison boom of the 1980s and 1990s was characterized by the rapid construction of prisons bigger and harsher than the world had ever seen, gender responsiveness represents a return to the “softer” correctional philosophies of rehabilitation and small institutions that gained some currency in the 1970s. Importantly, although these philosophies may position themselves in opposition to one another and gain political traction at different times, both perspectives have led to expansion of the prison system.

Like imprisonment practices more generally, women’s prisons were created and have expanded through reformist efforts. In *Their Sisters’ Keepers: Women’s Prison Reform in America, 1830-1930*, Estelle Freedman presents a history of early women’s prison reformers, exploring the gender ideologies that informed their campaigns, the criminological notions that determined the reforms they promoted, and the effects of their activism. In the early years of the penitentiary (from the beginning of the 19th century in the U.S.) debates over carceral institutions and practices assumed a white male prisoner. As Angela Davis argues in *Are Prisons Obsolete?*, prisons were only used to contain those citizens with meaningful access to the public sphere. Black men and women were thoroughly policed, regulated, and punished within the institution of chattel slavery, and white women were disciplined (often violently) in the home by the men in their lives (A. Davis 2003). It was not until emancipation and the Industrial Revolution

that prisons became sites of punishment for Black men and women and white (working-class) women, whose social positioning was being transformed by these forces.

Women's prison reform movements had their beginnings before the Civil War, but they picked up significant speed in the 1870's as the numbers of women in prison increased. The early penitentiaries were built to hold men, and the few women sentenced to incarceration were generally contained in separate wings within the prisons (although often sex segregation was not actually implemented, contributing to high rates of rape) (Freedman 1981, 15). These conditions were not only abusive but also severely violated gender ideals of white womanhood, and both of these factors were worrisome to reformers. Freedman notes that from 1870-1900 the agenda of most women's prison reformers prioritized "the separation of women prisoners from men; the provision of differential, feminine care; and control over women's prisons by female staff and management" (46). Women prison reformers of this era based their work on "the principle of innate sexual difference" (47), insisting that "women would remain incurably criminal unless they received a new form of treatment within the correctional system" (53). In other words, unless women were moved out of men's prisons and into separate facilities that could adequately attend to the specificities of women's crimes, their transgressions (understood as failures of femininity and propriety) would be repeated. These arguments gained traction in the late 19th century. The first separate facility for women was established at New York's Sing Sing Prison in 1839, but only after the Civil War did the numbers begin to grow quickly: four women's prisons opened across the United States between 1873 and 1893, and fourteen more were established between 1902 and 1921 (Freedman 1981, 144).

Although reformers never intended to create a parallel women's prison system that mirrored many of the realities of men's prisons, the women's prison system was rapidly incorporated into larger punishment trends. Freedman outlines how, as reformers gained more powerful positions running women's prisons (as wardens, for example), their ability and willingness to formulate critiques of the prison system was subsumed by the need to defend and maintain their institutions. Freedman asserts:

Despite the founders' self-conscious differentiation of women's prisons from other nineteenth-century institutions, the feminine experiments eventually resembled traditional prisons in many respects....In each of these experiments the underlying function of prisons and asylums—the control of inmates—repeatedly asserted itself. The women's institutions ... ultimately shared the disciplinary values of the prison system. (90)

While earlier reformers had positioned their interests as aligned with the plight of women prisoners through a lens of sisterhood, with the formation of women's prisons (run by middle-class reformers, and imprisoning working-class women) this solidarity became compromised. Unlike other contemporary institutions led by women, including colleges and political organizations, women's prisons had a much harder time sustaining their ideals: "power triumphed over sisterhood not because these were single-sex institutions, *but because they were prisons*" (105, my emphasis). By the end of the Progressive Era, women's prisons had been fully integrated into the U.S. prison landscape.

There are clear parallels between the creation of women's prisons and the call for gender responsiveness.³⁴ Freedman explains that although most women who were imprisoned remained in men's institutions in the early years of the women's prison movement, the new women's facilities were positioned as the cutting edge of correctional practices. This holds true for gender responsiveness as well. Although the

³⁴ Cynthia Chandler initially pointed out these parallels to me and encouraged me to work through them.

large women's prisons would still hold the majority of female prisoners in California, gender responsive prisons were positioned as the more appropriate alternative to these larger megaprisons, whose failures were attributed to their insensitivity to gender differences. Like gender responsiveness, the first women's prisons avoided calling themselves prisons in an effort to solidify the distinction from existing men's prisons. Women's prisons were almost exclusively called "reformatories," "state farms," and "industrial schools" (Freedman 1981, 136). Freedman asserts that the most popular architectural model for the women's prison, called the "cottage system," was "an attempt to mask the fact that this was a prison" (131). Disguising imprisonment in this way enabled women's prisons to be created with a minimum of resistance, because "cottages" were much more palatable and consistent with contemporary notions of white femininity than "prisons." In California the gender responsiveness bills also displayed a strident resistance to calling the proposed facilities "prisons," instead describing the locked facilities as "female rehabilitative community correctional centers" and "reentry centers."

Perhaps the most significant similarity between the reform movement to create women's prisons and the move toward gender responsiveness is in both of these movements' reformist attitude towards imprisonment itself. Both of these models locate the harms of imprisonment in the ways that certain women experience incarceration, and in the process implicitly condone the conditions other prisoners face. Freedman notes that 19th and early 20th century prison reformers "did not reject the institution that controlled criminals. Instead, they wanted to improve penal treatment of women... Arguments about individual liberty were unlikely to develop in this setting, while arguments about sexual differences flourished in support of their cause" (2). This is

precisely the dynamic at work in gender responsiveness. Absent a critique of imprisonment more broadly, gender responsiveness must focus on how certain prisoners—in the California case, 4,500 “nonviolent female offenders”—are fundamentally different from the other 166,000 people in prison in the state. This forces a reiteration of gender differences in place of the larger systemic critiques that might otherwise come into play.

Drawing comparisons between the emergence of the first women’s prisons and gender responsiveness in California is more than an interesting exercise in historical parallels. Looking to the Progressive Era emergence of the women’s prison system offers a clear historical example of the expansionist tendencies of reform work. The women’s prison system of today is directly traceable to the reform movements of the 19th and early 20th centuries. There is no way to know how women’s experiences of imprisonment would be different today if Progressive Era reformers had not insisted on separate facilities and instead allowed women to remain in predominantly male prisons and jails. However, the early women’s prison reform movement had unanticipated effects that created the ideological precedent and basic infrastructure of today’s women’s prison system. In the century since the height of these reform movements, the women’s prison system has expanded enormously, and while the conditions women face in prison are certainly different than they were at the turn of the 20th century, it is difficult to argue that they are significantly *better*.

The long-term effects of advocating for new gender responsive programming and facilities similarly cannot be accurately predicted. However, the reform movements that created the first women’s prisons are a resource for a critical analysis of gender responsiveness. The creation of separate women’s prisons resolved the historical

moment's crisis of gender roles and prison conditions without fundamentally questioning or transforming either. Gender responsiveness serves some of the same stabilizing functions by managing the urgent issues of women's suffering and mistreatment within the prison system. Both reform efforts locate the solutions to these brutalities within the prison system itself, which is what simultaneously constitutes them as reformist and prevents them from offering real transformative change.

Reform as Abandonment

In my last chapter I discussed Ruth Wilson Gilmore's use of the framework of abandonment to describe the California prison boom and its context of political-economic shifts and surpluses. Gilmore argues that California's post-1970 changes in taxation, loss of living-wage jobs, and disinvestment in education, job creation, and social services are all facets of an "abandonment of the weakest members of society [that] bespoke a fundamental change in the state's future responsibility for the alleviation of adversity and inequality" (52). The neoliberal turn left large numbers of Californians jobless, in poverty, and/or in prison—in essence, the state left them behind. On the surface, gender responsiveness appears to seek an amelioration of this orchestrated state abandonment. Gender responsiveness frames itself as a service to women who have been left behind. However, I argue that gender responsiveness does not intervene in but instead perpetuates a lineage of state projects of abandonment.

As is true of most reformist projects, gender responsiveness does not question the practice of imprisonment itself. Since the foundation of the prison goes unquestioned, it follows necessarily that some people need to be in prison from a reformist perspective. Reformist work may argue that certain people are undeservingly

imprisoned, or that fewer people should be in prison, but there is always a line separating the deserving from the undeserving prisoners. One of the most frequent articulations of this phenomenon is the distinction between “violent” and “nonviolent” “offenders.” Many reformist arguments advocate for reduced, eliminated, or alternative sentences for “nonviolent offenders,” yet in the process they implicitly condone the incarceration of “violent offenders.”³⁵ Those whose containment is left unquestioned are essentially left behind by reformist discourse in a continuation of the abandonment that they have already experienced at the hands of the dismantled welfare state. If imprisonment is understood as part of the dual processes of state abandonment and containment, reformist work all too often perpetuates these processes by abandoning “undeserving” prisoners to continued containment. Since people in prison have already largely been systematically abandoned, in reformist work putatively liberal or progressive reformers recreate the processes of abandonment begun by the contracting welfare state.

In California, gender responsiveness re-enacted abandonment on two levels. First, the proposal to transfer 4,500 people from the main women’s prisons to Female Rehabilitative Community Correctional Centers made use of the violent/nonviolent offender dichotomy. The gender responsiveness bills argued that “nonviolent female offenders” were more deserving of the “wraparound services” and proximity to their families and communities that FRCCC’s claimed to offer than the other 8,000 people in California women’s prisons.³⁶ These 8,000 people are abandoned to the terrible

³⁵ In addition, the violent/nonviolent distinction draws rigid distinctions where the realities are always much more complex. For example, many people in women’s prisons are there because of “violent offenses” like sitting in the car while a partner commits a violent offense, or killing a batterer.

³⁶ While the proposals for FRCCC’s described small facilities with increased family visiting hours, better programming, and “wraparound services,” critics of gender responsiveness raised many concerns about how the facilities themselves would be run. A decentralized, privatized system of

conditions of the women’s megaprisons, which are implicitly condoned because it is only “nonviolent offenders” who deserve something better.

Many people familiar with the California women’s prison system have serious concerns for those who would be left behind if 4,500 “nonviolent female offenders” were transferred into separate facilities. Hakim Anderson, who is serving a 7-years-to-life sentence at the Central California Women’s Facility, wrote a statement of opposition that asserted:

What I find particularly troubling about this pending legislation is that it’s blatantly discriminatory. By determining that people convicted of non-violent offenses are more safe to live in our communities than the rest of people in prison, CDCR discriminates and justifies the expansion of the super-max, high security facilities, abuse by guards and supports the ‘no parole’ policy the state has used to keep most lifers in prison forever, when in actuality, it’s been proven time and time again that prisons do not make our communities safer. (Anderson statement)

Many of those I interviewed anticipated that conditions in the large women’s prisons would worsen if new gender responsive facilities were opened. The conditions in the large women’s prisons are already dismal—medical care is horrendous, staff abuse is rampant, and the prisons are crowded to almost double their intended capacity—but it is possible that they would deteriorate even further with the gender responsiveness plan. If all prisoners who are classified as Level I and II were moved, only those classified as Level III and IV would remain in the large women’s prisons. This could easily become a legitimization for abusive treatment and harsh conditions: if prisoners in general are

mini-prisons predicts a nightmare of oversight (already sorely lacking in California prisons). There was some evidence that it would become more difficult for visitors to see their family members. I had anecdotal discussions with several people about women who chose to return to the Chowchilla megaprisons after experiencing terrible health care and terrible management at Live Oak, the gender responsive facility that is currently in operation (Levi 2009; Bandrup 2009; Horton 2009). However, for the sake of this section, I am discussing the ideals of gender responsive facilities as “better” and more humane than the megaprisons, which was how they were portrayed, even though this was not necessarily how they would have been experienced.

popularly conceptualized as deserving of the awful conditions they experience, this phenomenon is only amplified when the prisoners in question are believed to be the “worst of the worst”—in this case, “violent offenders.” The minimal mainstream attention paid to conditions in the large women’s prisons would diminish even further in yet another reiteration of abandonment. Cookie Concepción, speaking of the lack of concern with the conditions that would persist in the large women’s prisons like CCWF, noted, “the attitude is, fuck how we live here” (Concepción 2009).

Theories of gender responsiveness contain and rely on critiques of the status quo of women’s prisons, asserting that the basic needs of people in women’s prisons are not being met because of a lack of staff training and programming, because of inadequate focus on gender, and because of the distance that separates most people in prison from the communities they come from. However, the underside of the California gender responsiveness bills’ condemnation of these realities is the continued abandonment of *most* people in women’s prisons to remain in these unacceptable conditions.

As gender responsiveness abandons most of those in the women’s prison system, it also systematically abandons *all* people in men’s prisons as hopeless, violent, and deserving of the harsh conditions of their captivity. By asserting that the primary harm of imprisonment is based in an inattention to gender—that prisons aren’t meeting *women’s* needs because they’re designed to meet *men’s* needs—gender responsiveness projects an image of a men’s prison system as actually serving those it contains. This forecloses the opportunity for a systemic critique of imprisonment by insisting that the harm the prison system causes is experienced primarily by women. While there are particularities that distinguish the types of abuses and harms that people in women’s prisons generally face from those that people in men’s prisons experience, gender responsiveness seeks to

emphasize *only* the conditions in women's prisons to the exclusion of a critique of the *practice* of imprisonment.

This move is not arbitrary—on the contrary, it mobilizes regressive and essentialist gender ideologies in order to promote an expansionist “reform” plan. The narratives of victimization and the language of pathways used in gender responsive theory rely on entrenched conceptualizations of women as victims who are drawn—against their will, through difficult circumstances, and with minimal agency—into criminality. Gender responsiveness advocates on behalf of a “female offender” who is not *inherently* criminal or violent but who falls into criminalized behavior because of her history of abuse, or the criminal men in her life, or her lack of education and skills. The harm of this gendered construction works in multiple directions. Women are recast as helpless victims of their circumstances; people in women's prisons who do not fit into these gendered constructions and histories are erased; and male prisoners are positioned as the *real* dangers to society, the violent offenders whose criminality is less conditional and more essential to their ontologies.

Part of the easy appeal of gender responsiveness can be located in this deployment of gendered (and racial) archetypes. The tone of the debate around imprisonment, in California and nationally, has been set by a tough on crime agenda that cashes in on the scapegoating of “the criminal” (primarily indexing a young Black man portrayed as intrinsically violent and dangerous) for endless political gain. Gender responsiveness juxtaposes a “nonviolent female offender” against the specter of this male “criminal” to make the proposal more appealing. At times this contrast is made explicit, as in the multiple cases when gender responsive theory asserts that “Most women offenders are nonviolent and their crimes are typically less threatening to

community safety than those of male offenders” (Bloom, Owen, and Covington 2003, 8). However, more often the move is more subtle, positioning “nonviolent female offenders” against an unmarked backdrop of violent male criminality.

Many actors in the campaign against gender responsiveness took this aspect of the proposal very seriously and found it to be deeply worrisome. Cookie Concepción, who is imprisoned at the Central California Women’s Facility, made this point in his official statement of opposition: “the Governor and the CDCR focused this plan on females because it will be easier to sell to the public” (Concepción statement). He also emphasized this in our interview: “Why can't my brothers be helped? They've been victims of abuse that led to their addiction. The...reasons they use drugs are the same reasons we use drugs” (Concepción 2009). Here Concepción refuses the opposition proposed by gender responsiveness that splits the interests of people in women’s prisons from the interests of people in men’s prisons. Concepción insists that related systemic forces and “pathways” have affected people in women’s and men’s prisons, and that politics—not essential differences—are at the heart of gender responsiveness’s stark differentiation between the situations facing these two groups. Justice Now’s Cynthia Chandler made a similar point, noting that in the discourse around gender responsiveness:

There was a lot of bolstering of the idea of people in men’s prisons being violent, aggressive, unrehabilitatable lost causes, and justifying the idea of a brutal large prison system—you know, larger, with multi-thousand people in them—facilities for those kinds of men. So ...the rigid gender binary was worrisome to us, [and] it was worrisome to us how people in men’s prisons were being vilified further, which also contributes to the fragmentation of communities of color just as much as the imprisonment of women does. (Chandler 2009)

If gender responsiveness claims to intervene in the way imprisonment practices harm women, here Chandler calls for a wider understanding of how *communities*, including

people of all genders, their families, and those they care about, are harmed by the dislocations and ruptures created by imprisonment.

The refusal to abandon those contained in the men's prison system for (promised, if questionable) short-term improvements for those in women's prisons is a political stance that can be explored through its parallels with historical Black feminist interventions in mainstream, mostly-white women's movements. Mainstream first- and second-wave feminist movements, led largely by middle- and upper-class white women, have been thoroughly critiqued for their willingness to ignore the issues that were most pressing for Black women. White feminism has consistently failed to see that the fate of Black women is inevitably tied up with—although not identical to—the situation of Black men, and a feminist platform that distances itself from an anti-racist agenda will always leave Black women behind (see Crenshaw 1991; Hill Collins 2000).

In the foundational 1977 statement from the Black feminist Combahee River Collective, the authors counter calls for lesbian separatism by arguing that this “stance...is not a viable political strategy or analysis for us. It leaves out too much and far too many people, particularly Black men, women, and children” (Combahee 1981). The statements goes on, “we do not have the misguided notion that it is their maleness, per se—i.e., their biological maleness—that makes [men] what they are. As Black women we find any type of biological determinism a particularly dangerous and reactionary basis upon which to build a politic.” While there are many aspects of lesbian separatism and gender responsive prison policy that make them incomparable positions, some of the premises of gender responsiveness overlap significantly with those of lesbian separatism. Both positions assert that women must try to disentangle themselves and their life-interests from the experiences of the men in their communities. The Combahee

statement declares that “we struggle together with Black men against racism” because this anti-racist struggle is necessary for the survival of Black people of all genders. Similarly, resistance to gender responsiveness has insisted that it is not in the best interest of *anyone* in communities targeted by imprisonment and policing to perpetuate or expand those systems, because the prison industrial complex is a serious threat to the survival and autonomy of those communities as a whole.

Gender responsiveness portrays the injustices of the prison system as primarily rooted in a failure to adequately manage gender differences. However, this ignores the historical roots of the U.S. prison system, which are in slavery and anti-Black racism (as discussed above) and the criminalization of poverty (see Reiman 2006 [1979]). Offering reformed conditions and gender responsive facilities to women as solutions to the harms of the prison system ignores the fact that imprisonment has been used consistently as a method of intervention and disruption of Black, Latino, indigenous, and poor communities. Whether or not gender responsiveness would immediately improve conditions for people in California women’s prisons, these people would continue to experience the harms of California’s prison binge in its ongoing destruction of their communities. Any “reform” to the prison system that fails to question the imprisonment of men—that leaves men behind—cannot be a liberatory shift for those women from communities targeted by the prison system.

Abolitionist critiques of reformist positions like this one call for political demands that do not try to build their legitimacy on the abandonment of those most vulnerable to demonization within racialized law-and-order discourses. Critical Resistance’s *Abolitionist Toolkit* states simply: “We need to be able to decide and create safety for ourselves, without leaving anyone behind” (40). If the U.S. prison-policing

apparatus is traced through its history as a mechanism for the management of political crises and threats, and as a site for the containment of Black and Brown people and “surplus” poor and working-class populations, it becomes clear that reformist recommendations that do not question these functions themselves will only reinforce these groups’ ongoing vulnerability to state captivity. The people “left behind” by reformist discourse tend to be a remarkably static group that few social movements have been willing to include within the borders of their political advocacy and who the general public has consistently written out of their definitions of humanity. Gender responsiveness, like so many reformist impulses, claims to represent a cutting edge innovation in prison policy but in fact replicates the ongoing abandonment of those beyond the edges of its programmatic reach.

Conclusion

To read gender responsiveness as a meaningful and positive shift in prison policy is to agree to premises of U.S. imprisonment practices that are far from given and, as I have argued, highly objectionable. Reformist impulses to tinker with the surface-level workings of the prison system are insufficient, but more importantly, they can also be very harmful. Challenges to imprisonment that work to disrupt underlying processes of containment and abandonment are difficult to craft. However, reforms that do not take aim at these deeper forces are likely to contribute to the ongoing unprecedented prison expansion that the U.S. has witnessed in the past thirty years. As I discuss in my next chapter, many actors in the campaign against gender responsiveness approached the work from a staunch commitment to challenging the foundations of imprisonment, and the campaign generated useful strategic insights for anti-prison work.

CHAPTER 4

LOOKING FORWARD: STRATEGIES FROM THE CAMPAIGN AGAINST GENDER RESPONSIVENESS

It's like... playing chess with these guys [the CDCR]. You've gotta think of what their moves are gonna be, and then you already need to come up with your counter-moves before they even start.

—Alexander Lee

Sites of struggle are always learning.

—Vanessa Huang

In the summer of 2007, a new private prison opened in Eloy, Arizona.

Unfortunately, the opening of a new prison—even one run by the Corrections Corporation of America, as this one was—is barely newsworthy material. Even the fact that the Saguaro Correctional Facility is filled with 1900 prisoners from Hawai'i is less than shocking: because the Hawai'i prison system has run out of space, it has become common practice to ship people to the mainland to serve their sentences.³⁷ What marked this facility as unique was its claim to be a “culturally sensitive” prison. Photos of Saguaro's opening—reportedly replete with a “blessing ceremony” and Hawaiian shirts—show prison staff draping barbed wire fences with foliage and the warden squinting into the Arizona sun with a lei around his neck (Bui; Hawaii News Now). Reports about the prison stated that prisoners would enjoy “a Hawaiian diet” of rice and pork and “cultural programs that [would] allow inmates to stay spiritually connected to their heritage” (Bui). Another article explains that since the “the campus-style facility” would imprison only people from Hawaii the facility would “observe island holidays [and] accommodate natives' polytheistic religious beliefs” (Star-Bulletin).

³⁷ It is not clear whether these prisoners are primarily Native Hawaiian or not. 39% of people from Hawai'i sentenced to prison (in state or out of state) are Native Hawaiian, although Native Hawaiians make up only 22% of the state's population.

A few years later, in January 2010, the BBC reported on a new prison in the works near Florence, Italy. The thirty-bed prison was described as “a dedicated space providing the psychological support transgender prisoners need” (BBC). The proposed transgender facility was lauded by Italian gay rights groups who emphasized that the new trans prison would mark significant improvements in the safety of transgender prisoners, who are currently most often housed in women’s prisons.

As these examples demonstrate, the correctional philosophies that undergird gender responsiveness continue to have significant purchase in the U.S. and elsewhere in the world. These two specialty prisons are only examples of a larger trend. A 2008 Justice Policy Institute report cautions against the development of specialized or “boutique” prisons that “funnel certain groups of people into the criminal justice system under the guise of meeting a specialized need or of providing humane treatment to specific populations” (Petteruti and Walsh 2008, 33). The report hypothesizes that these types of prisons may have become more popular because of shifting public opinions that are beginning to question high rates of imprisonment. California’s battle over gender responsiveness is cited as the first of several examples of “boutique” prison expansion. Like gender responsiveness, other specialty prisons are positioned as reforms to address existing insufficiencies and abuses in the prison system (in the examples given here, lack of “cultural awareness” of the needs of Hawaiian prisoners or violence faced by transgender prisoners). Importantly, these are almost exclusively plans for new prison construction or expansion.

Lessons from the California campaign against gender responsiveness are particularly valuable given the ongoing (and perhaps rising) interest in the “specialty prison.” The knowledge produced in this campaign speaks more directly to this

phenomenon than many other anti-prison campaigns are able to. In addition, the campaign against gender responsiveness has insight to offer to abolitionist organizing beyond the relatively narrow realm of specialty prison expansion, and in this chapter I draw together some of these lessons. I rely heavily on interviews and other materials from the campaign to synthesize and examine the practical and theoretical resources for future activism generated in the context of resistance to gender responsiveness. I begin by laying out abolitionist frameworks for analyzing reforms to the prison system. The remainder of the chapter will focus on several specific strategies related to the campaign against gender responsiveness.

Non-Reformist Reforms

The vision of prison industrial complex abolition is explicitly a long-range transformational goal. The work of crafting abolitionist strategy is largely about discerning which reforms can and must be made in the short- and medium-term to begin to dismantle the prison industrial complex without strengthening or legitimizing that system. Imprisonment, policing, and surveillance cannot be eliminated in one fell swoop, and their abolition must be a highly intentional process.

As I discussed in Chapter 3, the framework of abolition works from the belief that many reforms to the prison system have resulted in its expansion and its further legitimization in the public imagination. It is not always immediately clear which reforms help move towards abolition and which may cause harm by expanding or legitimizing imprisonment. To work through this question on a case by case basis, abolitionist movements have developed the framework of “non-reformist” or “abolitionist” reforms. For example, the 1976 abolitionist text *Instead of Prisons: A Handbook for Abolitionists* states

that “there are ‘surface reforms’ which legitimize or strengthen the prison system, and there are ‘abolishing-type reforms’ which gradually diminish its power and function” (Knopp and Regier 2005 [1976], 7). The *Handbook* is clear about the need for short-term or immediate reforms that can form a foundation for the eventual abolition of imprisonment, noting that “some reformist options can be utilized as interim abolition strategies *as long as we consistently move toward our long range goals*” (101, emphasis in original). This is a clear articulation of a guiding abolitionist strategy: apparent short-term gains cannot be prioritized over long-term vision and political commitments.

Critical Resistance’s *Abolitionist Toolkit* speaks to many of the same questions raised in *Instead of Prisons*. The *Toolkit* defines a non-reformist reform as a “strategic approach that pursues ‘reforms’ that either directly undermine the PIC, or provide support and assistance to those directly targeted by the PIC without strengthening the PIC itself” (Critical Resistance n.d., 104). The *Toolkit* addresses the long-term perspective that is necessary to evaluate the steps in the process to prison industrial complex abolition:

Abolitionist steps are about gaining ground in the constant effort to radically transform society. They are about chipping away at oppressive institutions rather than helping them live longer. They are about pushing critical consciousness, gaining more resources, building larger coalitions, and developing more skills for future campaigns. They are about making the ultimate goal of abolition more possible. (Critical Resistance n.d., 48)

Critical Resistance emphasizes that there is a wide diversity of goals and results associated with abolitionist reforms, but that all of these must lay the groundwork for stronger anti-prison organizing in the future.

There are no cut-and-dry criteria for evaluating whether a reform will contribute to the eventual abolition of the prison industrial complex, and as I have discussed throughout this thesis, it is often hard to predict the impact and end results of any given

policy recommendation, campaign, or suggested reform. However, abolitionist strategies refuse to cede the ground of these questions by assuming that the results of the work we do are out of our hands. Instead, the texts and testimonies I use in this chapter suggest that it is critical for abolitionists to commit to the work of analyzing how reforms may play out in the immediate and more distant future in an effort to avoid the kinds of expansionist co-optation that have characterized the history of the prison. *Instead of Prisons* and the *Abolitionist Toolkit* both offer guiding questions and ideas for evaluating the potential impact of a given reform, which I will use throughout this chapter alongside the perspectives articulated in my interviews. Very generally, abolitionist reforms display concern with *both* the conditions facing those most forcefully impacted by prisons, policing, and surveillance *and* with disrupting the foundations of the prison industrial complex in order to eventually abolish it. The urgency of the former is to be taken very seriously, but not at the expense of a commitment to the latter set of structural goals.

As I discussed in my third chapter, gender responsiveness is a clear example of a reformist framework that “extends the life and scope” of the prison industrial complex on many fronts. However, critiquing a reform like gender responsiveness is a very limited political position. Abolitionist strategy needs to be able to mobilize more analytical tools than simply decrying harmful reforms. A common criticism leveled against abolitionists is that they are inflexible political purists with impossible standards for political work. In this chapter I will challenge this misconception by discussing the types of activism and the specific non-reformist reforms that have emerged as strategic possibilities from the campaign against gender responsiveness.

What Do We Want?: Framing Demands

For those of us living in the post-prison-boom United States, for whom the expansive prison industrial complex has become a common-sense backdrop that frames daily life, it is easy for the goals of abolition to sound extreme, impossible, dangerous, or impractically idealistic. However, most abolitionists see it as critical to consistently voice abolitionist politics so that this framework can begin to enter mainstream discourse on the U.S. punishment system. One strategy for making abolitionist perspectives more accessible is to frame structural critiques side by side with more immediate (non-reformist) reforms.

Ari Wohlfeiler explained this strategy in the context of a rally that took place in after the gender responsiveness fight, outside of the two women's prisons in Chowchilla. The tactic of rallying outside the Chowchilla prisons was initially used by the California Coalition for Women Prisoners so that the people inside the prisons might hear the protesters on the outside. Wohlfeiler spoke to the demands that the organizers of the October 2007 protest had outlined:

They had this list of demands, and to me it sort of represented the resolution of the expansion/conditions debate³⁸, because they were just next to each other... Don't build prisons, and send people home when they're dying. Don't build prisons, and let people assign their own genders. Don't build prisons, and do pap smears. Don't build prisons, and give old people bottom bunks. (Wohlfeiler 2009)

Here organizers placed short-term improvements to prison conditions (like improved gynecological health care) beside mid-range decarceration strategies (like expanding compassionate release for terminally ill prisoners) and contextualized both under the

³⁸ Wohlfeiler is speaking to the perceived tension between those activists who advocate primarily for reforms to prison conditions and those who focus on anti-expansion work. He characterized this rally specifically, and this way of framing demands more generally, as a way for activists to begin to move away from a dichotomy in which "you're either for [reforming] conditions or you're [against] expansion, and you either are a sellout or you're heartless." (Wohlfeiler 2009)

rubric of an abolitionist priority (stop expanding the prison system). This framing refuses the divisive notion that immediate improvements in the lives of prisoners and eventual abolition of the prison system are necessarily at odds with one another, and instead chooses to make carefully crafted demands that call for *specific* reforms that may pave the way for long-term systemic change.

Wohlfeiler spoke not only to the importance of framing demands carefully, but also to the strategy behind generating a long list of demands:

My organizing philosophy, especially when we don't have our hands on the levers making these decisions, [is] the more the fucking merrier. Let's put out like 100 demands. And let's say, there's so much shit you can do, you have no excuse for not doing one of these things today, you know? There's no way that you can tell me that we can't approve one compassionate release, or cancel one prison, or change parole policies around this one type of policy, or, or, or. ...Pick your battle, join in where you want to... I think it also helps people see what's most important to them as a piece of what's important to us. ... Everybody likes to join a coalition when their demand is on the list, and nobody wants to go to a meeting that's not for their issue, you know? (Wohlfeiler 2009)

Instead of operating from a fear that asking too much will prevent progress, this reframing insists that revealing every opportunity for strategic reform—including changes at every level and of every size—allows for more involvement by more parties, and more space for change to happen. CDCR actors and policymakers cannot claim that all of the reforms in question are impossible, because there are so many. Just as crucially, if and when smaller reforms to prison and sentencing policy are implemented, no one can claim that all the demands have been met: there will always be more demands on hand, and the more minor reforms have been situated in the context of more explicitly anti-expansionist recommendations.

The angle of offering many potential reforms for legislators and decision-makers to act on was present throughout the campaign against gender responsiveness, especially

through the work of the CURB coalition. One of CURB's critical contributions to the fight against gender responsiveness was the highly practical document "50 Ways to Reduce the Number of People in Prison in California." This list of recommendations uses exactly the approach that Wohlfeiler advocates above. The document is broken into four sections, delineating reforms in areas of sentencing, parole, reentry, and capacity. In some cases the suggestions overlap: for example, #4 is "Repeal the Three Strikes Law," #5 is "Amend the Three Strikes law so that the third strike must also be classified as a 'serious or violent felony,'" and #6 is "Amend the Three Strikes law so that burglary does not constitute a strike" (CURB, "50 Ways"). This framing opens up several different points of entry for meaningful reform. Ideally the Three Strikes law would be repealed, but if this step were deemed politically infeasible, the coalition offers two more minor reforms to the law that would still build toward a goal of decarceration.

CURB's list of recommendations reflects other helpful strategies for framing demands. #7 on the list is "Eliminate the disparity in sentencing between crack and powder cocaine by reducing sentence lengths for crack cocaine to the sentence lengths for powder cocaine" (CURB, "50 Ways"). The language of this recommendation is very precise. It names explicitly both the law that should be reformed and how it should change. This careful wording speaks to an awareness by the document's authors of the potential for co-optation and misappropriation of vague demands. Because the phrasing makes clear that crack sentences should be reduced (instead of powder cocaine sentences becoming more severe), this recommendation stands on its own as a move that would cut the number of people in prison. This type of careful framing is evident throughout the list.

Lastly, the diversity of CURB's list means that many differently-positioned actors and organizations could take up at least some of the recommendations offered. The document is broken into sections so that people working at any point along the trajectory from sentencing to release will have a point of entry. The reforms outlined range from relatively small ones (like #43: "Provide people coming home from prison with public transit vouchers") to much larger transformations (#15: "Discharge women who fall under the definition of 'battered women,'" #47: "Enact a moratorium on new prison construction," #49 and #50: to close one men's and one women's prison in the next five years). While these demands are never explicitly abolitionist in nature, they are clearly informed by a politics of decarceration that sees a need for a wide range of reforms that would contribute to a significant decrease in imprisonment in California.

Justice Now has also worked to frame recommendations in order to maintain abolitionist integrity in the face of co-optation. A main goal of Justice Now's Human Rights program is to shed light on human rights abuses within California women's prisons. Perhaps even more importantly, however, is Justice Now's emphasis on strategic policy recommendations. Whereas the work of revealing horrendous prison conditions, especially in women's prisons, arguably enabled the emergence of the gender responsive "solution," Justice Now's human rights reports seek to articulate a fierce criticism of inhumane conditions in a broader context of decarceration and gender justice. Although Justice Now has prioritized finding better ways to make policy recommendations, it has been a tricky process. Robin Levi, Human Rights Director at Justice Now, spoke at length about the challenges of writing policy recommendations that will not be easily twisted to enable expansion of the CDCR. One practice that guides this human rights work is to keep Justice Now's political analysis *in* the recommendations themselves, "to

put our own argument already in there,” (Levi 2009) so that the descriptions of conditions cannot be removed from a larger critique of imprisonment (as it is this decontextualization that allows for expansionist reforms). Levi described, “It’s made us much more conscious about how our language is being used. . . . You’ve gotta really spell it out for people, apparently” (Levi 2009). Here she emphasizes the same kind of precision that figured in the CURB recommendations: vague suggestions are much more easily absorbed into the inertia of reform and expansion than highly specific ones.

The recommendations that Justice Now issues in their 2009 human rights report *They Treat You Like an Animal: Pregnancy, Delivery, and Postpartum Abuses Inside California Women’s Prisons* reflect some of the key lessons from the fight against gender responsiveness. *They Treat You Like an Animal* lays out the extensive human rights abuses that face people who are pregnant while in California women’s prisons as well as recommendations to address and minimize these abuses. Much of this report was researched and written during the period when Justice Now was engaged in organizing against gender responsive legislation. The concerns about this expansion show through clearly in the Report, which both argues directly against gender responsiveness and also frames its demands to avoid the kind of co-optation exemplified in gender responsiveness. The recommendations run from relatively small, specific reforms (like adding community gardens in women’s prisons to increase prisoners’ access to healthy, fresh food) to more systemic shifts—for example, the Report endorses CURB’s fifty reforms to reduce the prison population.

An important move made in *They Treat You Like an Animal* is an effort to point consistently to imprisonment itself as the root of human rights abuses, hopefully limiting the extent to which the critiques of poor conditions could be taken as endorsements of

building new, “better” prisons. For example, one of the report’s recommendations states:

Reject proposals for the continued construction of prisons under the control of the CDCR, even if the new prisons are framed as “gender responsive” facilities, reentry facilities, facilities purportedly designed to meet the needs of pregnant women and their children, or community correctional centers. Such proposals will deflect the resources needed in communities to help people stay out of prison in the first instance, and will only perpetuate the institutional abuses documented in this report. (Justice Now 2009, 8).

Though the report’s recommendations are couched in anti-expansionist critiques, it also calls strategically for smaller reforms that will make improvements in the daily lives of people inside. For example, one recommendation is for the “eliminat[ion of] co-pays for all doctor visits” (6).³⁹ This is a clear and specific recommendation that might increase the availability of health services to people in prison without adding infrastructure or staff. Additionally, while the report indicates that this is especially important for prenatal and post-partum treatment, it calls for the elimination of co-pays for *all* prison medical care, thus refusing to position one group of people in prison—in this case, those who are pregnant—as more deserving of having their basic needs met than others.

In spite of the lessons that Justice Now’s human rights work has taken from the battle against gender responsiveness, recommendations for reforms are often far from immediately self-evident. Levi said that the question of whether or not to recommend the creation of “prison nurseries” in women’s prisons⁴⁰ engages with some of the most consistently recurring questions about the tension between short-term reforms and

³⁹ In California prisoners are required to submit a \$5 co-pay before receiving non-emergency medical treatment. Of course, the question of what constitutes emergency treatment is highly contested, and in many cases pregnant women have been required to submit co-pays for prenatal care.

⁴⁰ These nurseries would be special prison facilities where babies under two years of age would remain housed with their imprisoned mothers.

abolition. While almost all of Justice Now's contacts in California women's prisons opposed the addition of 4,500 new "gender responsive" beds, the opposition to a smaller outlay for prison nurseries was much less vociferous. Many of the people who Justice Now had worked with to develop an analysis around gender responsiveness were at least cautiously in favor of creating opportunities for women to be with their babies after they gave birth in prison. The question was additionally complex because the prison nurseries would be very small facilities that would not add significant capacity or funding to the CDCR. Ultimately, the Report does not explicitly condemn prison nurseries. However, it emphasizes the failings of existing programs like this, questions the advisability of keeping newborn babies in prison environments with abysmal healthcare, and calls the "growing trend towards expanding CDCR-controlled programs for mothers and their young children...highly problematic" (68).

Levi noted that one way to address these difficult questions, at least in part, is by reasserting that legal and legislative remedies have consistently failed to reform conditions in California women's prisons: "in the context of recommendations we always say, we just have no faith that the prison system is able to provide decent care in these ways. ...It's not shown itself able to do that" (Levi 2009). By calling on a history of decades of "reform" that have failed to change the conditions facing people in women's prisons, the terrain of the discussion can shift away from minor adjustments to conditions and toward a larger critique of the institution of imprisonment itself.

Reforming Conditions, Resisting Expansion

Abolitionist perspectives are fundamentally opposed to reforms that contribute new funds or capacity to prison systems. Often changes that are recommended to

“improve” prison conditions involve major new outlays that siphon more and more money into Departments of Corrections, which have proven time and again that they have no intention to provide meaningful services to the people they imprison. At the same time, however, many abolitionists make a distinction between expansionist reforms and those small reforms in prison conditions that make a comparatively meaningful difference in the lives of prisoners. Reforms that enhance the chances of physical, emotional, and spiritual survival for people in prison should be taken very seriously. Recommending these types of reforms was not the focus of the campaign against gender responsiveness. However, being prepared to call for non-expansionist changes that prisoners see as most helpful is both a means to create immediate shifts in conditions and a way to offer an alternative to expansionist reforms like gender responsive mini-prisons.

Alexander Lee discussed the recurring theme of the need to make very specific demands for changes in conditions in terms of the Transgender, Gender Variant, and Intersex Justice Project’s efforts to resist co-optation of their work:

For us co-optation really meant using the problems that trans people face in prison as excuses for building prisons or hiring more staff or ...expanding the CDCR’s budget. So we would just try to avoid that as much as possible by, whenever we talked to them about the problems, we would say, “And this can be solved very easily by...” And then we’d actually tell them specifically. (Lee 2009)

Lee noted that these recommendations might include small reforms like adding shower curtains in men’s prisons. If adding shower curtains makes transgender prisoners safer, the very small outlay needed for the CDCR to implement this reform will be far overshadowed by the difference it makes. Additionally, it is unlikely that advocates who have never been imprisoned would have thought of a reform like this on their own, and

so it speaks to a certain level of collaboration between non-imprisoned advocates and currently or formerly imprisoned activists.

Another example Lee offered of changing policy without expanding capacity was to create temporary, voluntary housing space within the prison for prisoners in crisis. Although the recommendation grew out of brainstorming from transgender prisoners, it became clear that it could benefit all prisoners and should not be limited to gender nonconforming people. The recommendation involved

moving people inside a prison so that there would be one area specifically for people in crisis. So it wasn't even trans specific. The arguments, the ideas about what to do, regarding the structures of prisons and the systems in prison, that came from prisoners themselves, it was never like, this should be only for trans people. Some people would have that idea, but then their peers would be like, "Nah, it wouldn't work because of this and that." So it ended up being just [for] vulnerable prisoners.... The idea was that people could go in and out of this crisis area on their own, like if they were having problems with a boyfriend who was getting abusive or some other person in their housing who was giving them problems, they would move to this place and then the idea was there would be counselors there, there would be people there to help them figure out if they needed to change their permanent housing, things like that. And then they could go back when they felt like the danger was over. ...It was basically a non-punitive, temporary, voluntary segregation. (Lee 2009)

This recommendation contrasts starkly with the framework of gender responsiveness, which uses gender as a category to differentially distribute services and resources.

Although the TGI Justice Project focuses their work on transgender prisoners, this kind of recommendation does not pit the interests of trans and non-trans prisoners against each other. Instead, it works at the area of an intersecting experience shared by most prisoners—crisis—to advocate for one specific change. Because the crisis space would be “non-punitive, temporary, [and] voluntary,” it would not increase the power of prison officials to arbitrarily (or punitively) disrupt people’s lives by changing their housing.

This recommendation is a fairly simple one that has been thought through carefully to

minimize the negative repercussions it might have and to potentially increase the safety of transgender—and many other—prisoners.

Of course, the strategy of working for small reforms within the prisons themselves is difficult to navigate. As I discussed in my third chapter, abolitionist perspectives see a focus on “improving” prisons as fundamentally flawed, and so small reforms like those I discuss in this section are somewhat counterintuitive. There is no easy standard by which to measure when outlays become large enough to border on expanding the prison system. It is hard to be clear at the outset about which small reforms are distractions and which might be amplified into major shifts in the daily realities of people in prison. However, these complexities remain important to grapple with. Non-imprisoned abolitionists must carefully maintain lines of accountability to those immediately engaged in daily struggle to survive the conditions inside U.S. prisons, and strategic reforms to these conditions that do not compromise larger goals are one way to build this kind of accountability. Additionally, changes in conditions that make life in prison any more livable increase the capacity for struggle of activists inside, which is critical for the development of an abolitionist movement led by those most affected by the prison industrial complex. It is important to keep in mind, though, that the resources that do the most to sustain people through imprisonment generally do not come down from the CDCR or prison administration, but through peer support on the inside. As Georgia Horton emphasized, “We're really keeping each other here. The CDC doesn't have anything to offer. We're taking these women under our wings” (Horton 2009).

Repurposing/Reclaiming Sites

The example of the Fresno Hacienda detailed in my second chapter offers one very specific admonition for anti-prison activists: the ease with which a private correctional facility was established in Fresno was due in large part to the immediate availability of the vacant space of the Hacienda. Similarly, the only gender responsive facility currently in operation in California, the Leo Chesney Community Correctional Facility in Live Oak, opened at the site of a men's prison that had been closed. Cynthia Chandler addressed this as a key, if under-analyzed, area for mobilization:

[P]art of what has to be addressed ...and which doesn't get addressed very often is the repurposing of prison sites. So if Live Oak, after it had been closed, had actually been repurposed and done something with it that was clearly not a prison and part of the prison system, maybe it wouldn't have been so readily able to be recaptured as a prison again. So it's like, the idea of repurposing a prison site and making them into spaces that can be more constructively used for communities. (Chandler 2009)

Here Chandler is implicitly asserting that the prison system does not expand naturally or because it must, but because opportunities are left open for it to do so. Chandler offers an example of a particular kind of forward-thinking abolitionist analysis that looks to eliminating weak points—paths of least resistance—where prisons might expand quickly, out of the public eye, or with an expedited process (in this case, without requiring the bricks and mortar of a new prison).

Although repurposing former prison sites was by no means at the center of the campaign against gender responsiveness, Chandler was not the only actor in the campaign to mention the importance of this strategy. The CURB coalition's *Special Report on Reducing the Number of People in California Women's Prisons: How 'Gender Responsive Prisons' Harm Women, Children, and Families* insists:

To ensure decarceration, any legislation must include a requirement that a women's state prison shall be closed within one year of implementation of the discharge program, that the institution not be reused as a prison, jail, or detention facility for people of any gender, and that the repurposing of the prison site be informed by a study evaluating community need for the community where the prison is sited. (CURB *Special Report*, 11-12)

CURB situates their opposition to new women's beds alongside a refusal to convert emptied women's prisons into men's prisons. Further, the coalition insists that repurposing of prisons must occur immediately, based on the needs of the community in which the prison is sited. The authors of the report are wary of how prisons may be reopened down the line if they are not quickly put to new uses.

Reentry

As I discussed in my second chapter, gender responsiveness uses the language of reentry services to mask an expansion of the California women's prison system and to distract from the lack of real reentry resources for Californians leaving prison.

Throughout the campaign against gender responsiveness activists inside and outside of women's prisons drew attention to the need for expanded reentry programs that would fall outside the scope of the CDCR. In her statement against gender responsive expansion, Shawn Goode made this point adamantly:

And why have locks and chains and the Department of Corrections be involved in the reintegration? From past policy and work habit, I know CDCR drops the ball. If you have these transitional homes, the state should cut themselves off—the minute the state gets involved, it's all about the money. The only part they should play in it is getting the ladies there. Then the individual groups take it from there. (Goode 2009)

Goode's comment cuts through the CDCR's language of reentry and insists on transitional programming that is out of the hands of the Department of Corrections as an imperative for real reform. Similarly, Shachie Day argued, "Why not build more sober

living homes, rather than small prisons, in the community?...There needs to be more job opportunities in place for people, and housing to help get their lives started. Sure, these services would take money. But they're a lot cheaper than the economic and social costs of prison expansion" (Day statement).

An examination of the language of gender responsiveness shows that expanding reentry services would not only be a good in and of itself. It would also close off the space for the CDCR to position itself as a provider of reentry services and instead site the resource provision in community reentry organizations. A New Way of Life Reentry Project was highlighted time and again during the campaign as an example of a non-CDCR entity that offered one model of successful reentry programming. A New Way of Life runs four sober living homes in Los Angeles (where most of those leaving California women's prisons will parole to) for women leaving prison and their children. Founded in 1988, "A New Way Of Life organizes former prisoners and their loved ones to remove barriers to reentry, increase resources for prevention and reentry services, and reduce the reliance on incarceration. We envision a society that treats all people with dignity and respect and in which communities unite to support their members to excel" (A New Way of Life, "About Us").

Whereas California's gender responsive legislation made women's mini-prisons seem like the only solution to a statewide lack of services for women inside and coming out of prison, A New Way of Life serves as an important reminder that community-based reentry already exists and must be expanded. As Justice Now's Robin Levi noted, "there is a real alternative, and it's not a perfect alternative but it's an alternative that's not under the CDCR" (Levi 2009). Supporting community reentry where it already exists, and working to expand non-CDCR reentry programming in counties with high

rates of parole from women's prisons, is a critical priority to prevent further CDCR co-optation of the needs of people leaving women's prisons.

Lessons from Transforming Justice

Italy's proposed transgender prison was a materialization of a concern that some activists I interviewed expressed: that in the coming years correctional policy might begin to move towards this kind of expansive specialization to manage criticism of the treatment trans people face in prison. Speaking about California in particular, Alexander Lee contended that "because ...the prison system is so overcrowded in this state ...it's not so difficult an argument to make, that given that trans or LGBT people need to be protected it's easiest to just put a separate wing, stick it onto a prison ... Or build a new prison or a new jail" (Lee 2009). Given this very real possibility, some transgender and anti-prison activists have begun to preemptively mobilize against this expansion.

Lessons from the California fight against gender responsiveness have informed this work. Transforming Justice offers the clearest example of this strategy-sharing. Transforming Justice was a two-day conference in October of 2007, "the first-ever national gathering of LGBTIQQ former prisoners, activists, attorneys, and community members to build a national movement towards ending the criminalization and imprisonment of transgender communities" (Transforming Justice Conference Report and Summary). Several members of the Transforming Justice coalition were also active in organizing against gender responsiveness in California, and some lessons from the campaign have played out in the strategies of Transforming Justice.

Vanessa Huang, the Campaign Director at Justice Now at the time of the gender responsiveness legislation and one of the lead organizers of the campaign, has been

active in the Transforming Justice coalition. In our interview, Huang discussed a few ways that the example of gender responsiveness has impacted the strategies of the Transforming Justice coalition. Since gender responsiveness in California was able to move forward due in part to the support of large national organizations like the NAACP, ACLU, and NOW, Transforming Justice has prioritized establishing relationships with organizations that might be similarly mobilized for expansionist reforms in the future.

Huang discussed preempting the co-optation of large liberal and mainstream non-profits:

With gender responsiveness, and the movement of organizations and people working with people in women's prisons...we see how the liberal feminist white groups that get contracted and pulled along to legitimize the policy. ... So part of [Transforming Justice's] strategy was, how do we also anticipate that happening with mainstream LGBT organizations? ... We identified people at distinct and specific organizations like NCLR [National Center for Lesbian Rights], like Human Rights Watch, like AFSC [American Friends Service Committee], places that you could see it happening because that's what happened here [with gender responsiveness].... But we were able to build more of a consensus anticipated ahead of crisis-time, you know? With organizations that might later be tapped for, hey, help us build these queer and trans prisons. (Huang 2009)

This move by the Transforming Justice coalition links in closely with Alexander Lee's observation that the issues facing trans people are currently so far beyond the understanding of Departments of Corrections that they are, as yet, somewhat outside the easy reach of expansionist co-optation. Strategic relationship-building with large LGBT groups "ahead of crisis-time" might keep these groups from lending their support to the expansion of prisons to "serve the needs" of LGBT people.

Organizing across Walls

One of the unique aspects of the campaign against gender responsiveness was the extent to which its organizers grappled with how to center the expertise and

perspectives of people in California women's prisons in a campaign, a task which is, logistically and politically, both difficult and highly necessary. People in prison are explicitly deprived of political representation because they have virtually no access to elected officials and are denied the right to vote. In this context there is a fine line to walk to avoid facile understandings about "speaking for" groups lacking political power, as distinct from working towards alliances that make use of the electoral and lobbying rights that advocates in the "free world" have access to. The campaign against gender responsiveness navigated these questions intentionally, if not perfectly.

Ideally, attempts at collaboration between imprisoned and non-imprisoned activists would build on Joy James's reflection that "those policed in virulent, violent fashions may have different cognitive skills that produce different, deeper meanings" (8). In the case of campaigns like the one I discuss, this would mean not appealing to an "authentic" prisoner voice but instead centering the particular types of knowledge that daily contact with the prison industrial complex produces. (Of course, non-imprisoned people have widely divergent experiences of policing and intimacy with the prison system depending on social location, and so the imprisoned/non-imprisoned divide is not the only distinction at work here.) People in women's prisons reacted to gender responsiveness based on years of witnessing the (un)shifting nature of the California prison system. Having seen how various efforts at new programming and alternative facilities had come and gone without significantly changing their daily experiences of imprisonment, the activists Justice Now interviewed for the campaign were clear that the promises of gender responsiveness would not be realized. Their particular readings of how conditions in the large women's prisons would deteriorate could not have come from people working at a distance from the realities inside.

The petition tactic induced powerful reactions from some legislators. It was also the most straightforward way to make use of the extensive network of contacts inside the women's prisons that campaign organizations had access to. However, the petition was also a one-time mobilization that did not have infrastructure in place to sustain the energy it generated among the 3,200 people who signed it. According to Vanessa Huang, because much of Justice Now's work is done by interns who come and go in short periods of time, there were very few non-imprisoned individuals who had ongoing contact with the large numbers of people in prison who signed the petition. Organizing between people inside and outside of prisons requires even higher levels of trust than other varieties of organizing because of the huge differentials of vulnerability and power, and so the need for long-term commitment from free-world organizers is particularly important. Additionally, more infrastructure would be necessary if petition signatures were to be catalyzed into ongoing engagement. Huang spoke to the potential usefulness of a formal membership model for organizations like Justice Now with large contact networks inside prisons, so that the numbers of people reached for one-time mobilizations might be translated into a membership base ready for future organizing and mobilization. Although a member organization with a base inside of prisons and allies (and even staff) on the outside would present logistical and political-ethical challenges, the campaign against gender responsiveness offers interesting first gestures to how it might work.

Challenging Neoliberal Priorities: Organizing Around Services

As I discussed in Chapter 2, theories of gender responsiveness are shaped by the ideologies and restructurings of neoliberalism, specifically, the widespread dismantling

and privatization of the services that make up the social safety net, the unrelenting expansion of the prison system, and the pervasive rhetoric of personal responsibility. As I have discussed, under the political-economic framework of neoliberalism, (absence of) social services and (rising) state punishment and containment are linked to one another. I have followed critiques of neoliberalism that assert that neoliberal restructuring is deeply damaging in this respect, as it delegitimizes and removes social infrastructure that protects people from poverty, hunger, and illness while sweeping up those same people, those struggling at the bottom, in an unprecedented system of state punishment. While this dual reality of abandonment and containment is a lethal one, it also reveals important points of intervention for multi-issue activism.

Just as the neoliberal turn has kept service provision and imprisonment in tight relation to each other, the political framework of abolition insists on examining how these areas co-create one another. Abolition is not only a call for eliminating the institution of the prison but also a much broader vision of a social order where the basic needs of all people are insured. *Instead of Prisons* articulates this political position in broad strokes by asserting that “abolitionists advocate maximum amounts of caring for *all* people (including the victims of crime) and minimum intervention in the lives of *all* people, including lawbreakers” (Knopp and Regier 2005 [1976], 7). This perspective points to a vision that stands in clear opposition to social and state formations encouraged under neoliberalism. Instead of a state whose primary role is to intervene in the lives of criminalized people and communities, this phrasing argues for an emphasis

on meeting people's needs (through "maximum amounts of caring") and maximizing self-determination (through "minimum intervention in the lives of *all* people").⁴¹

The case of gender responsiveness in California contains many examples that speak concretely to these larger questions. In the campaign against gender responsiveness activists not only disavowed the proposed 4,500 new women's beds but called consistently for increased public reentry services, non-punitive drug treatment facilities, and access to education, job training, and employment. Abolitionist work (as well as a great deal of reform-oriented activism) insists that a conversation about imprisonment cannot stand alone, because prioritizing investments in punishment and containment by definition means deprioritizing social services and other public benefits.

The campaign against gender responsiveness worked to shift emphasis in the debate to include the reality of the absent social safety net. Long-time activist Beverly Henry drew together service provision and imprisonment in her statement of opposition to gender responsiveness, asking, "Why not build those facilities and use them for drug rehabilitation or work-furlough programs that people can attend as an alternative to incarceration? These programs are sorely needed and incredibly scarce, particularly in Southern California where so many female prisoners come from" (Henry 2009). A June 2006 San Francisco Chronicle op-ed by Ari Wohlfeiler and Cassandra Shaylor similarly brings improved social services into the debate over gender responsiveness:

What about shifting money out of the corrections department and into social-services agencies? We should send the 4,500 prisoners home to

⁴¹ While all abolitionist frameworks contain a critique of the current abandonment/containment functions of the U.S. state, it is important to keep in mind that not all abolitionists call for remaking the state in a new way. Some abolitionists are anarchists, while others come from political traditions that center the call for a redistributive state. I will not engage here specifically with this diversity of abolitionist thinking; instead I look primarily at the analysis, held in common, that the state's practices of imprisonment, abandonment, and upward distribution of wealth are harmful and untenable.

their communities with the resources earmarked for construction and operation of new prisons. That way, former prisoners can reunite with their families and seek education, job training, housing, employment and drug treatment as necessary. (Shaylor and Wohlfeiler 2006)

Beyond arguing for reallocating funds away from the CDCR, the op-ed piece also emphasizes the danger in positioning “services” within corrections, arguing that “making prison the place where the state provides education, drug treatment and employment assistance to the poor is no way to make Californians safer” (Shaylor and Wohlfeiler 2006).

Examples abound of ways that the campaign against gender responsiveness, and abolitionist work more generally, advocates a shift away from investing in prisons in favor of invigorating social service provision (delinked from corrections). This kind of work is crucial in keeping a more holistic perspective on the way the state of California is spending money, (not) serving its residents, and addressing the social and economic issues that lead to criminalized activities and imprisonment. However, while these arguments may have helped defeat gender responsive prison expansion, they likely will not result directly in improved social services for all Californians. This goal, which is both distinct from and deeply connected to anti-expansionist work, requires a different kind of activism. Many of those I interviewed insisted that it is critical to conceive of budget activism and other work around social services as central to abolition (even if it does not *directly* engage with or speak to prison policy).

Alexander Lee discussed pushing for social service and non-CDCR budget allocations as an important part of anti-expansionist and abolitionist work. For example, to keep transgender people out of prison, he argued that it is urgent to “[get] money back into the AIDS budget,” and “restor[e] our social service safety nets” more generally. This kind of social service-oriented budget work is the topic of Lee’s essay

“Prickly Coalitions,” in which he emphasizes the need for abolitionist movements to look beyond head-on engagements with the prison system itself. Lee asserts:

[I]f prison abolition requires creating a world where prisons are no longer needed, then the real work of abolition must be done away from prisons—in shelters, health clinics, schools, and in battles over government budget allocations. Prisons and the human rights violations that occur within them are merely distractions from the real problems sustaining their existence. (Lee 2008, 111)

Here Lee is calling on anti-prison activists to be vigilant about the interconnectedness that ties together prisons, other state institutions (like schools and shelters), and the systems of oppression that unequally distribute resources and punishment across communities in the U.S. Through Lee’s analysis we see that budget work, education reform, health care justice, and anti-poverty work are not only necessary in general: they are central to the abolitionist project specifically, and must be prioritized as such. Lee insists, “because services that provide housing, healthcare, and other essentials are the basis from which a world without prisons will be made possible, this is where the prison abolition movement must go next” (Lee 2008, 112).

Lee encourages those interventions that take place *earlier* in cycles of surveillance, policing, and court proceedings, because looking at the prison itself is insufficient if the systems that come before incarceration are left intact. This sentiment—in some ways an upended version of the “pathways” model—was echoed among others I interviewed. When asked about the proposed gender responsive facilities, Zundre Johnson insisted on reframing the question to look elsewhere: “What good will it do if they don't get to the core of the problem?... They gotta nip this in the community” (Johnson 2009). Shawn Goode echoed this sentiment. Proposing new gender responsive facilities, Goode argued, was a distraction from the real resources women need: “If you’re trying to help, look at education. Help her help herself. It starts at the schools” (Johnson 2009). This

kind of systemic analysis requires an engagement with multiple governmental departments, which makes organizing more complicated but also forces a holistic examination of the trajectories that bring people to prison.

Lee not only suggests that political battles over budgets and social services are critical to keeping people out of prison, but that those of us who ground ourselves primarily in abolitionist work must be prepared to articulate our vision in ways that are accessible to organizers in other areas:

As we go forward in this direction, we should expect to be forced to discard language that limits this movement to prisons and the prison industrial complex, in favor of descriptors that foster ‘prickly coalitions’ with others who don’t see themselves as anti-prison, but who do believe in the sacred nature of human dignity, however imperfectly expressed in practice. This new language and these new alliances will and should transcend party lines and the same old tired political rhetoric. Thus, we may have to stop calling ourselves ‘prison abolitionists’ in favor of new alliances that reflect the truly wide-ranging scope of our aspirations. (Lee 2008, 112)

Importantly, Lee is not arguing for a watered-down abolitionist politic tailored to be more palatable to those who do not think of themselves as anti-prison. Instead, he is warning against inflexible usages of language and framings that close off the possibilities for coalitions that will accomplish the real goals of abolition. To mount a challenge to the prison industrial complex—which is truly a *complex* that sprawls across multiple issues and areas of organizing—abolitionists must not fixate on the site of the prison to the exclusion of other points of intervention into oppression and state abandonment.

The proposed expansion of gender responsive prisons in California is a clear indicator of how important it is for movements for abolition to prioritize strengthening the infrastructure of the social safety net. As I discussed in Chapter 2, cuts to social services expand the prison system both because they cause more people to rely on criminalized activities for survival and also because, as in the case of gender

responsiveness, they leave open a space where corrections can step in and position itself as a service provider in order to ensure its expansion. Although centering organizing around social service provision may pose challenges of self-conception and political framing for abolitionists, the strategic importance of prioritizing this work cannot be overemphasized. Abolitionist projects must take seriously the way that oppressed communities have faced *both* abandonment and containment under the political economic program of neoliberalism, because a unique focus on imprisonment falls short of the systemic understanding necessary for the scale of social transformation that is suggested by abolitionist vision.

Conclusion

Although not all participants in the campaign against gender responsiveness approached the issue from the vantage point of abolition, there was enough abolitionist presence and leadership in the campaign to guide it along avenues consistent with abolitionist principles. Organizers confronted and dealt with some of the most challenging questions that abolitionist politics raise. What constitutes a non-reformist reform? How can we advocate for immediate relief from the most urgent abuses and conditions issues inside prisons without legitimating, extending, or expanding the prison system in the process? How do we mount meaningful challenges to prison expansion of *any* kind—including “boutique” or specialty prisons? What strategies might help foreclose future co-optation? How can abolitionist organizing better look beyond the site of the prison into organizing around issues like social service provision? The campaign against gender responsiveness produced situated contributions to these discussions. Given the examples offered at the opening of this chapter, it seems likely that boutique

prisons proposals will continue to crop up on the prison landscape. The particularities of this campaign may be useful resources for anti-expansionist work coming to terms with the “moving target” of the prison industrial complex.

CONCLUSION

Gender responsiveness represents a trajectory of prison expansion that is significant enough to deserve close critique. As I have argued, a useful evaluation of gender responsiveness must situate it in its political and economic context. This includes reading gender responsiveness in relation to other ongoing modes of prison expansion without over- or underestimating its scale. For example, in recent years private prisons have registered relatively high levels of outcry in comparison with public concerns about state and federal prisons. Although private prisons are troubling for many specific reasons, they nevertheless currently represent only a small fraction of prisons, and myopically zeroing in on them at the expense of a more systemic look at imprisonment threatens to harmfully skew any understanding of the state of imprisonment in the U.S. The same is true for gender responsiveness. My argument is not that gender responsive prisons are uniquely problematic in a way that other prisons are not, but that they are harmful precisely because they *are* like other prisons.

I have chosen to look closely at gender responsiveness because it reveals something about a *direction* of prison expansion that is gaining traction. Its deployment of language of service provision and prison reform speaks to sectors of the public who have tired of relentless maximum-security prison expansion. Importantly, though, this does not mean that “tough-on-crime” rhetoric and expansion of harsh megaprison have lost their footing. California’s 2006 gender responsive legislation was situated as part of Schwarzenegger’s massive prison expansion plan and immediately preceded the passage of AB 900, which provided for the construction of 53,000 new prison and jail beds. Backlash to gender responsiveness came not only from the campaign on the left that I have highlighted but also from tough-on-crime proponents on the right (and in the

center) who decried gender responsive mini-prisons as threats to public safety that would “release” dangerous criminals. Gender responsiveness does not represent a defeat of the harsh criminological philosophies of the 1980s and 90s: it is an addendum to these types of policies that appeals to different interests and political perspectives. In effect, gender responsiveness works to draw liberals and moderates back into the fold of endorsing various prison expansion policies by offering a palatable criminological alternative to megaprison construction and harsh tough-on-crime narratives. As Misty Rojo noted in her statement of opposition to gender responsive expansion, “the Governor’s proposals are not truly aimed at helping us, but are merely a ploy to make prison expansion agreeable when only 3% of Californians view prison construction as a priority, according to this year’s poll by the Public Policy Institute of California” (Rojo 2006).

To be clear, I am not saying that gender responsiveness is in fact a “gentler” alternative to high-security megaprisons, but that it is being spun as such to galvanize support from a particular block of voters and politicians. Gender responsiveness is not a move away from tough-on-crime criminology, but instead offers a rehabilitation-oriented path to prison expansion that reinforces and parallels—instead of challenging—the criminological status quo of the past three decades.

All of this having been said, gender responsiveness nevertheless exemplifies broader trends that threaten to build in popularity in the coming years, and which must be challenged. Hegemonic structures stabilize their foundations against external threats like social movements by expanding to absorb the margins. In the case of gender responsiveness, interested actors within the prison system co-opted the anti-prison arguments and language of feminists who sought to challenge that system, incorporating these messages into the discourse of the prison system itself. Boutique prisons seize the

demands of highly marginalized groups who (rightly) assert that their needs are not being met within the prison system in order to advocate for new prisons. I have argued that new, specialized prisons are false solutions to the types of violence, neglect, and abandonment that people in women's prisons face.

This project has implicated both the dismantling of the welfare state and the expansion of the prison system in the systemic abandonment and containment of those groups most impacted by imprisonment. I have offered several relatively specific strategies of non-reformist reform used in the campaign against gender responsiveness, but none of these on their own is sufficient to challenge the hold the prison has come to have over the political, economic, social, cultural, and ideological landscape of the United States. Given the contested ground of needs and services, where at least part of the debate over gender responsiveness takes place, a broader challenge to these sorts of specialty prisons would work toward a fundamental reframing of “needs”—and by extension the services necessary to meet them. As Nancy Fraser argues, the welfare state used gendered formulations of “needs” to regulate women and families (Fraser 1987). Fraser insists that the process of defining needs is not self-evident but in fact a highly political operation that legitimates particular avenues of interaction between women and the state. She argues that feminists must take seriously the politics of the welfare state and resist both the dismantling and privatization of welfare as well as the ongoing mechanisms by which the welfare state removes the power of needs definition from women accessing social services. Fraser calls for “struggles to empower women to interpret their own needs and to challenge the anti-participatory, monological practices of the welfare system” (118).

Gender responsiveness is evidence that in the post-welfare state era the stakes of needs definition have risen even higher than Fraser projected. The fact that imprisonment can be framed as a service that responds to the most basic needs of women demonstrates how much more urgent the struggles Fraser endorses have become. As I argued in my second chapter, citing Bohrman and Murakawa, the post-welfare carceral state amplifies the harms that poor women experienced under the welfare state. While my work has focused primarily on why gender responsive prisons cannot meet needs, another crucial point of entry that I have not taken up fully is the need to reclaim and redefine the ground of needs themselves. A common critique that people in California women's prisons leveled against the Gender Responsive Strategies Commission was that Commission members never asked what they needed. As Hakim Anderson pointedly asked, "How is building new prisons meeting my needs?" (Anderson 2009). In my interviews some needs emerged clearly: the need for meaningful education, consensual and reliable health care, free access to family and loved ones. There are undoubtedly many, many more. As my third chapter argues, reforms to the prison system cannot ensure that these needs will be met inside prison walls because of the nature of the practice of imprisonment itself, which operates by denial of basic freedoms and removal of people from their communities and loved ones. Imprisonment cannot meet needs; however, the structures and institutions that could are yet to be sufficiently conceptualized and implemented. The first step in this process is reclaiming the ground of "needs" so that this politically charged category cannot be co-opted into expansionist projects. A bold articulation of needs might insist that imprisonment not only fails to meet needs, but is necessarily a *denial* of basic needs for freedom, intimacy,

and self-determination. As Critical Resistance asserts, “the ‘need’ to lock people up is a false need. No one needs to be locked up” (Critical Resistance *Abolitionist Toolkit*, 28).

At its best, the campaign against gender responsiveness called for a fundamental reordering of public priorities to shift California’s resources away from punishment and towards social services and other public goods. I have followed this example in my work, using gender responsiveness as a point of entry to explore the kinds of transformations that abolitionist politics call for, refracted through the specificities of one piece of legislation.

Although I have spoken in a limited way to the tension between reformism and abolition, I do not claim to offer decisive responses to all of the difficult questions this tension produces. If the emergence of gender responsiveness was partially enabled by decades of feminist activism in response to abusive and neglectful women’s prison conditions, the framework of “non-reformist reforms” does not automatically generate examples of other strategic responses to ongoing harms inside prisons in the short-term. Certainly the history of the link between reformist work and expansion should serve as a warning for activists, but at the same time, the conditions facing people in prison *now* cannot be relegated to the back burner. I do not say this to reproduce the sweeping criticism that is often leveled at abolitionist or anti-expansionist work that it does not do enough to alleviate current suffering because of its focus on the long-term. Reformist activism and litigation that focuses on short-term improvements to conditions has not necessarily been more successful in providing immediate relief. However, responding strategically to current realities inside prisons continues to be a trying practice for anti-expansionist organizing. While my project has spoken to some possibilities for this

effort, I offer only one of many conversations needed about incorporating conditions-related work into broader anti-prison organizing.

For many people critical of U.S. imprisonment practices, opposition to gender responsiveness is not a commonsense stance to take. Its appeal stems from the ways it would apparently ameliorate some of the harms people experience in California's large women's prisons. If gender responsiveness is understood as a stepping stone to improved prison conditions, abolitionist and anti-expansionist opposition to gender responsiveness can be easily interpreted as absolutist or uncompromising. However, as I have shown, gender responsiveness is not a helpful short-term reform, and it (re)produces more harm than good. Inspired by the campaign against gender responsiveness, I have insisted on a politics that does not tether itself exclusively to what seems immediately politically feasible. Although there was almost no chance that the Governor would release 4,500 women instead of moving them to gender responsive prison facilities, the campaign consistently made this demand to open the parameters of the public debate.

In my mind, this kind of unabashed experimentation is not a political liability but a refreshing response to the imprisonment binge, a crisis that no political movement has yet managed to successfully resolve. Since frequent articulation of reformist recommendations helped produce expansionist moves like gender responsiveness, abolitionist perspectives are now trying to articulate something else—if for no other reason than to see what will be produced in the process. Critical Resistance organizer Rachel Herzing writes that “prison industrial complex abolition is dreaming wildly and having that be okay. It’s genuinely asking for what we want, rather than what we think we can win. Why should I not want to be completely liberated and have my people

around me and feel healthy and be able to engage with people, to be able to hold people accountable?” (Samuels and Stein 2008, 11). I have taken this recommendation seriously while also outlining concrete short- and medium-term implications of abolitionist politics in order to ground the “wild dreaming” of abolition in a specific case study within the world’s largest prison system. Far from being an inflexible political framework, abolition is both expansive enough to loosely hold a dynamic long-term vision of a radically reformulated social order while also offering careful lenses for strategic maneuvering in the interim. Gender responsiveness must be rejected not only for its many flaws but for the failure of vision it represents. Resistance to gender responsiveness offers one practical avenue into a politics that insists that people’s real needs can be met and that no one needs to be left behind.

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