

# OPENING STATEMENT

OF THOSE WHO ARE SUPPOSED TO REMAIN SILENT

SPRING 2024 / ISSUE 20

Happy Spring! May it be a revolutionary one.

This issue of *The Opening Statement* features three main articles. The first is an essay by Charles Garrison, who is currently locked up in Colorado. Charles describes how in spite of the fact that in 2018 Colorado amended its constitution to eliminate the exception clause that had permitted slavery as a punishment for crime, the state continues to force prisoners to work and punish those who resist. As a result, you might see some parallels between the reality on the ground that he describes in Colorado and what you're dealing with in Michigan, even though Michigan's constitution still contains an exception clause like the one Colorado got rid of (Article 1, Section 9: "Neither slavery, nor involuntary servitude *unless for the punishment of crime*, shall ever be tolerated in this state"). If you'd like to reflect on Charles' analysis for the case of Michigan, we'd love to read it and publish it on our website. And feel free to write to Charles as well.

The second article is by Monsour Owolabi, who is currently held captive in Texas. In "Drawing Connections from the Palestinian Liberation Struggle to Amerikkkan Prisons," Monsour explores the parallels between the forms of racist and colonial violence, domination, and disposability that characterize everyday life in both Palestine and in U.S. prisons. We hope you find his analysis illuminating and solidarity inspiring.

Last but not least, we include a long article by Silja J. A. Talvi that was published in *Truthout* back in February. In this investigative piece, Talvi writes that prison lockdowns are becoming more frequent and more brutal across the United States. Whereas in the past, lockdowns were supposedly used only for major disruptions, this investigation shows that these days—and especially since 2016—they are issued for almost any reason at all. Based on painstaking research, Talvi calculates that around 22 percent of the total state and federal prisoner population—that is, over 250,000 people—is on lockdown on any given day. Does this resonate with your experience? Let us know what you think.

And now for the news roundup. First off, we're delighted to share some good news. Shortly after printing and mailing the Winter 2024

issue of TOS, Indigenous forest defender and Stop Cop City defendant Víctor Puertas was freed! Víctor was arrested at a music festival along with other members of the movement to prevent the construction of a massive police training facility known as Cop City in Atlanta. He was held captive in DeKalb County jail without bail for three months, then transferred to an ICE facility, where he was held for another eight months and threatened with deportation. As of February 25, 2024, he has finally been released! We featured Víctor's statement and poetry in our last issue.

An article in *The Appeal* dated March 21 reports on two lawsuits that were recently filed in state court here in Michigan. The suits allege that two Michigan counties banned in-person jail visits as part of a "kickback scheme" to profit from videochat fees. You might recognize some of the names involved: "The lawsuits say St. Clair County and Genesee County conspired with the prison telecommunications firms Securus and Global Tel\*Link (GTL), respectively, by giving the companies lucrative contracts that exploit incarcerated people and their loved ones. The companies then allegedly split the profits with the counties." St. Clair County, which contracts with Securus, banned in-person visits in 2017. Call revenue jumped from 4 percent of total jail revenue before that year to 14 percent since then. The suit against Genesee County and GTL is similar, alleging that the county banned in-person visits in 2014, signed a deal with Securus, and four years later switched to GTL when that company offered them a more profitable "kickback" arrangement. While we hope that the two lawsuits are successful in restoring in-person visits at these jails, we also know that these kinds of kickback relationships will be difficult if not impossible to eliminate until we end capitalism and incarceration altogether. We plan to include further info on this issue and more generally on the issue of surveillance in the next issue of TOS.

An investigation from October 2023 by the Prison Policy Institute indicates that the parole board in Michigan is releasing 33% fewer people and holding 22% fewer hearings per year since the pandemic started (the report compares data from 2019 and 2022). These declining trends seem pretty consistent across the country—for example, the re-

port states that only one state parole board (South Dakota) released more people in 2022 than 2019.

Students, staff, and faculty at the University of Michigan have been protesting against the university's complicity with Israel's ongoing genocide in Gaza. Activists and organizers have carried out a series of escalating protests, including disruptive marches, temporary street blockades, and a sit-in in the administration building, at which 42 people were arrested and ticketed. Among other things, the campaign has called for the university to divest its endowment from corporations that profit from Israel's genocidal destruction of Gaza and more generally its colonial occupation of Palestine. Currently, the university's \$18 billion endowment is invested in numerous corporations like defense contractors and security companies, so when the US government gives Israel billions of dollars in military aid, and Israel uses that aid money to purchase armaments and technology from US companies, the university takes a cut of the profits. Most of that money is reinvested in the endowment, but a small portion of it is used to fund university operations.

Palestine solidarity activists researched and wrote about the companies the endowment is invested in—this information is very hard to find because the university doesn't want people to know. Along with giant defense contractors like Boeing and Lockheed Martin, the university has also invested in an Israeli company called Attenti, which sells ankle monitors and other surveillance tech and has contracted with the MDOC, among other prison systems. Scenarios like these make it easy to see how capitalism and racism link very distant institutions, including the MDOC, the University of Michigan, defense and tech corporations, and the Israeli military that is carrying on its genocidal war.

Israel's genocidal operation in Gaza is ongoing. At the time of writing, according to Al Jazeera, more than 33,000 people have been killed by Israel, including more than 13,800 children. Nearly 76,000 people have been injured by Israeli attacks, including approximately 1,000 children who have lost one or both of their legs. At least 17,000 Palestinian children are currently unaccompanied or separated from their parents. The true numbers are undoubtedly much higher. Israel's food blockade is intentionally starving the entire population of Gaza, and the World Health Organization has confirmed that as of March 25 at least 27 children have died from malnutrition. About 1.9 million people, or 80 percent of the population, have been internally displaced within Gaza. All or nearly all of Gaza's hospitals, schools, universities, mosques, libraries, water treatment facilities, and other necessary infrastructures have been damaged or destroyed, as have about 62 percent of the housing units in Gaza. According to a new analysis by the research group Forensic Architecture, the Israeli military has also destroyed about 40 percent of the land in Gaza that was previously used for food production.

In our last issue, we promised that in addition to covering the on-

going genocide in Palestine we would include some updates about the situation in Sudan and the Congo here. We'd like to give brief summaries of these struggles for dignity and life and highlight the connections between them, not only in terms of the forms of mass displacement, capitalist resource extraction, and colonial war they involve, but also in terms of the forms of resistance they have inspired.

In Sudan, over 7.5 million people have been displaced due to ongoing armed conflicts between the Sudanese Armed Forces and the paramilitary Rapid Support Forces (RSF) since the popular uprising in 2019. This conflict follows two previous civil wars (1955–1972 and 1983–2005) and a brutal military dictatorship that can all trace their roots back to the ethnic divisions created and violently upheld by the British colonial administration between 1899 and 1956. 25 million Sudanese are currently suffering from hunger or malnutrition, and diseases like cholera have begun to rapidly spread across the country. Two members of the Sudanese diaspora in Canada wrote in *Briarpatch Magazine* that “the people have continued to demand a civilian government, but are up against the power struggle between the Sudanese Army and the RSF, which turned into a full-blown war between the two powers in mid-April 2023.”

One bright light that has emerged, however, are local neighborhood committees or mutual aid networks: “As the catastrophic war unfolds and global powers prey on Sudan's resources, neighborhood committees are still the only bodies looking out for Sudanese civilians, who are now facing an unprecedented level of violence. While we haven't yet achieved a government without military rule, the movement for a civilian-led government remains strong and the neighborhood committees are resilient.”

These neighborhood committees, which began in 2013 as small-scale civil disobedience affinity groups during the protests against then-dictator Omar al-Bashir, work together to share food resources, medical care, transportation, and waste removal, because both the state and the paramilitary have failed to meet people's needs. Feminist and women's groups have continuously protested for gender parity and also continued to organize sit-ins and demonstrations during the months of Ramadan. Neighborhood committees also found ways around Sudan's digital blackouts and government surveillance, and were able to use private networks to share information internationally and rely on the Sudanese diaspora to disseminate it. This is one of many examples in history (that the state doesn't want us to learn about) of a time when decentralized groups, people power, and new forms of relating to each other enabled communities to survive when the state, and paramilitary groups, failed.

The Democratic Republic of the Congo (DRC) supplies more than 70% of the world's cobalt, an essential mineral for batteries used in cars, smartphones, and computers (including the JPay tablets and video kiosks that you all have no choice but to use). Cobalt mining in the Congo has exploded with the rise and demand for cell phone and

computer batteries, particularly in the Global North, which has in turn created the conditions for militant groups and security forces to clash over territory and natural resources, while extrajudicial killings and political violence escalates. The violence has displaced 6.9 million people. Moreover, the DRC is at the epicenter of the United Nations' sexual abuse scandal. It has the highest percentage of victims of sexual violence at the hands of UN troops. In February, angry protesters burnt the flags of the US and Belgium, DRC's former colonial power, and protested outside of several Western embassies.

On March 11, the FBI raided the federal correctional institution (FCI) in Dublin, CA, which has been the target of 63 lawsuits regarding systemic sexual abuse. The prison, writes Victoria Law in *Truthout*, has long been called "the rape club." In 2022, FCI Dublin made headlines when "six employees, including the warden and chaplain, were arrested for sexually abusing women in custody." Two more guards were arrested soon after that and seven in total have pleaded guilty. These arrests, however, did not seem to change much at the prison. In August 2023, survivors at FCI Dublin filed a class-action lawsuit against the Federal Bureau of Prisons for allowing these conditions to continue. Finally, in early March, lawsuits were filed on behalf of 12 survivors at the prison, naming 23 Dublin employees and detailing "repeated forcible rapes, coerced sexual activity, inappropriate sexual touching, sexual harassment, voyeurism and retaliation against those who spoke about—or were simply perceived to be speaking about—the abuses." The FBI raid occurred four days later. Victoria Law quotes Susan Beaty, one of the lawyers working on the case: "It's not just about Dublin or one facility. . . . It's about an entire system that has allowed Dublin to maintain this culture of abuse and retaliation."

On a similar note, in an extensive new report published in *Gothamist*, Jessy Edwards and Samantha Max describe the "breathtaking scope" of sexual abuse by guards at the Rikers Island jail complex on the basis of their analysis of more than 700 civil lawsuits filed by prisoners. The lawsuits were filed in the last year or so under the Adult Survivors Act, a New York state law that made it possible for survivors of sexual assault to file claims outside of the statute of limitations. The authors write: "Accounts spanning from 1976 to as recently as last year

describe a system where jail employees groped detainees, forcibly kissed them, ordered them to perform oral sex and engaged in violent rape. The lawsuits allege that jail officials knew—or should have known—about the ongoing attacks and allowed jail employees to continue to prey on incarcerated people." These stories re-affirm our position that prisons and jails do nothing to address sexual violence—in fact, they produce it. We extend our solidarity to the survivors at FCI Dublin and Rikers, and to all survivors of sexual violence across the MDOC.

As always, please write with any information you wish to share about suspended programming, parole board delays, new policies, staff shortages, difficulty in accessing programs, commissary inflation, etc. We've seen some news reports about an incident requiring emergency response that took place at Marquette Branch Prison in early March. Reporting from WLUC in Marquette claims that MBP is now "under normal operations." We think people on the outside would be interested to know more about what happened there, so if you have any information you'd like to share with us we'd be very grateful. We've also heard that local jails such as Monroe County Jail have been confiscating print books and magazines, and forcing prisoners to pay for tablets and exploitative licensing fees for books and music. Has anything like this been happening to you? Have print books become less available or more restricted? What about the library? We've also heard reports that administrators at Oaks CF are limiting soap and toilet paper for prisoners—has this been happening to you where you're at? Additionally, if you are an artist or illustrator and would like to see your work in our next issue, please send us a copy! We'd love to publish illustrations from folks inside the MDOC.

As this issue was going to press, the Bureau of Prisons Director Collette S. Peters announced on April 15, 2024 that FCI Dublin will be shut down, as FCI Dublin was "not meeting expected standards and the best course of action is to close the facility" and that the people held captive will be transferred to other facilities. Though we celebrate the closure of any prisons, we note that no employees at this "rape club" lost their jobs. WE wish for freedom and healing for all the people held captive at FCI Dublin.

Respect and solidarity,

# MARKS

# SLAVERY, INVOLUNTARY SERVITUDE, AND “FORCED PRISON LABOR AND PUNISHMENT”

BY CHARLES GARRISON

In the November 6, 2018, general election, HCR 18-1002 2018 Reg. Session—Amendment “A” passed by a majority of Colorado voters. It proved, without question, that the will of Colorado voters was to remove the slavery/involuntary servitude “forced labor in prison and punishment” in all circumstances, including for possible punishment for crimes, exception clause (see Article II, section 26, of the Colorado Constitution). In other words, the “slavery . . .” exception clause can no longer be used for possible punishment in Colorado. The voters spoke. It is no longer in the state constitution. This is the law.

Well, not so fast. The Colorado Department of Corrections (CDOC) still violates blatantly, directly, and illegally the Colorado Constitution and laws by exploiting and torturing imprisoned people with this terrible, disgusting practice—all with complete knowledge of doing so. They cannot compel, coerce, punish, force, threaten, use so-called Restricted Privileges, use any negative consequences, or any other means (you get the idea) to “make/require” inmates in any situation to “work, be assigned, or program compliance, etc.” But that is exactly what CDOC does and much more. And as such, CDOC cannot limit or remove/deny privileges, reward or give any kind of preferential treatments/privileges or incentives, etc., to those who do “work . . .,” etc., versus those who legally *chose* not to must be treated equally with no exceptions.

In addition to the above illegal violations, CDOC also illegally violates the 8<sup>th</sup> Amendment, and the Trafficked Victims Protection Act. CDOC also illegally discriminates against gender, where males do *not* get personal phone calls (*includes family*), but females do. It’s illegal. There are many other ways CDOC illegally violates, as noted, that you may be aware of. After all, it’s CDOC. It’s what they do best.

Even the president of the USA is *not* above the law. Neither should the CDOC be. All of CDOC, including the lowest correctional officer up to the governor, should be held accountable to the fullest extent of the law as possible for failing to comply/obey with the Constitution and laws. No exceptions!

Now, I am currently a *victim* of CDOC’s illegal, terrible, disgusting practice for the fourth time. Each time for about one year each for a total of four years. Yes, four years of my life on what CDOC

calls Restricted Privileges. But make no mistake—it’s “punishment.” All related to my legal choice not to be part of CDOC’s “forced prison labor/slavery . . .,” etc. It’s truly disgusting—just terrible. Just illegally wrong.

CDOC calls it a classification issue, not a disciplinary issue. But as stated, it’s “punishment” no matter how you look at it. Just without a due process hearing. But if it included a due process hearing, things would be worse, because not only would we have to deal with the hearing (of course, guilty) they would include Restricted Privileges. And of course, what must you do to get off? “Forced prison labor/slavery . . .,” etc. The results are all bad. They get to “punish” you with no record.

Currently, CDOC restricts my personal phone calls (NO family) illegally. Also, they restrict my canteen (no food, limited hygiene, meds, catalog, etc.), recreation, housing visits, and more. They even place you in orange pants and wristband making you stand out from other inmates (wrong no matter the reason). This is just a small example of what CDOC does and you must endure not only from CDOC, but believe it, other inmates as well. It seems no one is for prisoners’ rights, especially other inmates. Animals get treated better and get shown more respect. It’s all part of CDOC’s plan to make you “submit.” And yes, all I have to endure for making a legal choice to not be part of CDOC’s “forced prison labor/slavery . . .” amounts to “punishment.” Again, *NO family calls!* Illegal and just plain wrong.

I would like to hear readers’ responses to the above. I also need help getting off CDOC’s Restricted Privilege status without having to be part of their “forced prison labor/slavery . . .” I’d appreciate examples of grievances, wording, lawyers, other groups, organizations, projects, resources, etc.—any help! I can receive inmate mail. If you need to correspond and cannot receive inmate mail yourself, we need an outside contact. Appreciated and thanks.

Respectfully,

**Charles Garrison** #108271  
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# DRAWING CONNECTIONS FROM THE PALESTINIAN LIBERATION STRUGGLE TO AMERIKKAN PRISONS

BY **MONSOUR OWOLABI**, Ferguson Unit, January 12, 2024 / Reprinted from *Abolition Media*

When thinking about the connections between Amerikkkan prisons and the ongoing genocide of Palestinian people at the hands of Israel, there's a list of parallels that come to mind.

Both the Israeli occupation of Palestine and the human rights violations that fuel prison resistance and abolitionist praxis are fueled by gigantic industrial complexes [the military industrial complex and the prison industrial complex]. These complexes and their profitability prevent human decency and human interests in equality and justice from taking precedence over corporate and capitalist-imperialist interests.

The role of the police and military, i.e. prison guard or "security force" as an occupying army. A mad-dog, militarized force utilized to be sicced on oppressed people, confined people, unbroken people, exploited people, and anyone on the wrong side of imperialist hegemony.

The usage of these agents of repression to instill terror in the people is the same in both instances.

In both instances, the enemy has demonized struggle, and de-regulated and criminalized self-defense. Israel screams, "Defend Israel's right to exist," and many run with that notion, never understanding that under international treaties and standards a nation does NOT have the right to defend itself against the attacks by a nation or people it is currently occupying or colonizing. In Amerikkkan prisons, and on Amerikkkan streets, a person cannot defend themselves from police attack, and in events where state agents attack the people, official law protects those agents with "qualified immunity."

In a Texas town, police attempted to kill a man after his legal advocacy not only helped get one man off death row but exposed deliberate corruption in the local police force. When an officer of that same police force went to kill this man, he happened to wrestle the weapon from the officer and shot his would-be assassin. The man who defended his life was arrested and sentenced to fifty years in Texas prison. That man has spent the last two decades in a US torture chamber. He is political prisoner Alvaro Luna Hernandez, aka Xinachtli, a person denied the right to defend his right to life, similar to the denial of the Palestinian resistance as a legitimate liberation movement defending millions of lives.

In Florida, Othal Wallace is fighting the empire's "legal" killing machine (death row) after courageously defending himself when an officer attempted to shoot him. After a quick tussle Othal "Ozone" Wallace killed the officer in self-defense. His defense of his life is considered illegitimate, much like those countless Palestinians who've lost life, liberty, limb, and safety at the hands of settler-colonialism prior to October 7th. To those who support Israel, these people do not matter. The Palestinian people are now fighting death row at the hands of Israel's "legal" killing machines.

Those captive in US prisons and the Palestinian people are state-less human beings with no instrument of governance in existence that maintains, protects, or provides basic rights. Neither can vote for people who make decisions each day that dictate their lives. Both are second class citizens at best. Both experience a separate and unequal existence in comparison to the rest of the Amerikkkan/Israeli populace.

In both experiences the power structure maintains a monopoly on the propaganda and thus warps the public opinion in its own favor.

Gaza has often been called an open-air prison. Palestinians there understand the meaning of a confined existence. They understand being born a suspect. They know what it means to be designated a "security threat group" or "terrorist." They understand the reality of living under constant surveillance. They know how it feels to be abducted from your community, held captive, and ripped apart from your family. They also know the "fire inside" that rages and plots victory over one's enemies.

If observing the Palestinian struggles against Israeli domination doesn't inspire you as a revolutionary, you may be another species other than human. I listened to a woman learn of her husband's death, and begin to exclaim and shout as if a miracle had happened. She was proud. She was joyful. Her understanding of the liberation struggle of her people made her proud that her husband died for such a worthy cause. She could not bring herself to selfish self-pity. Instead, in the midst of enemy onslaught, she compelled her neighbors, her friends to join her to break bread, sharing what would have been her husband's portion. What a person! What a fighter!



When taking mental notes of the Palestinian liberation war I am being reminded of our need over here to intensify the struggle, intensify the contradictions. I am reminded there is no commonality between the imperialists and the people, between the enemy state, between the empire and its revolutionary subjects.

International solidarity must not cease or slacken, even in prisons, because a ceasefire is not even the tip of the iceberg in bringing a solution to this conflict.

May the fighting spirit of the Palestinian people become the fighting spirit of freedom fighters everywhere.

*#LongLivethePalestinianPeople*

*#FreePalestine*

**Monsour Owolabi**

Ferguson Unit

Texas "Department Of Correctional Justice"



*Resist*, by Naji Al Ali

# PRISON LOCKDOWNS ARE BECOMING MORE FREQUENT AND MORE BRUTAL ACROSS THE US

A LARGELY UNKNOWN, FRIGHTENING TREND IN THE US PRISON SYSTEM IS IMPACTING MANY INCARCERATED PEOPLE AND THEIR LOVED ONES

BY **SILJA J. A. TALVI**, February 6, 2024 / Reprinted from *Truthout*

Every morning, Mary Frances Barbee wakes up and experiences a “microsecond of happiness before the terror sets in.”

Barbee had a heart attack, transient ischemic attack and then a stroke after her sons were incarcerated. She puts on a brave front when they call.

“I wonder what they are going through, will they be able to call today, and how long until they are out of lockdown again,” Barbee, 71, says as she chokes back tears. “Will it be for just three hours after many days or weeks locked inside? They have no exercise. Four, six or 12 days without a shower. It is inhumane treatment on a daily basis.”

What Barbee is living through is something that millions of people inside and outside razor wire are also experiencing: The purgatory of endless prison “lockdowns” where prisoners are forced to live in isolation that typically exceeds punitive segregation conditions.

An exclusive, eight-month investigation for *Truthout* has revealed that at least 33 U.S. state prison systems and the majority of federal medium-, high- and maximum-security prisons have placed general population (“gen pop”) adults under *nondisciplinary* lockdown at least once (but more often repeatedly or for a prolonged period) from 2016–2023.

While most lockdowns are intermittent (lasting from a few days to several weeks), an increasing number of state and federal prisons keep prisoners locked down for most or even all of the year. In addition, many prisons make people suffer through constant lockdown “cycles,” where prisoners get a very brief return to normal “gen pop” status before they are once again subject to several days or weeks of lockdown.

For those unfamiliar with the distinction between solitary confinement and lockdown, the latter is considered far more severe, as prisoners have no routines or any real rights whatsoever under lockdown. Solitary confinement is already rightly considered a form of torture under international law, but persons in solitary have a

set routine, as stark as it is. Under lockdown, there is no such routine: There is no guarantee of exercise, showers are irregular at best, and access to phone, email or visitation are nonexistent. Education, religious activities, rehabilitative programs, psychiatric intervention to crises, access to commissary (“the store,” where somewhat healthier food and vitamins as well as soap can be bought) are typically denied or are nearly impossible to get. Meetings with attorneys come to a halt or are hard to obtain. People under lockdown are often not even given basic hygiene materials such as soap or toothpaste.

Throughout modern American carceral history, lockdowns have been reserved for major disruptive events that ostensibly threatened the lives of staff, prisoners or the surrounding community. Justifications for full lockdowns would typically only include prisoner escapes, murders of staff or prisoners, and large-scale violent prison riots, and they typically ended within days or a few weeks at most. Even then, they would almost always be contained to one unit or prison, not across an entire state or the whole nation.

Those days are gone. Lockdowns are now issued for almost any reason, according to interviews with a wide array of prisoners, attorneys, advocates and loved ones on the outside of prison walls. Barbee describes a sense of hopelessness and bewilderment on the part of those who have no way of knowing what is happening inside or if their family members in prison are even alive. Lockdowns happen so fast that prisoners rarely have the opportunity to inform anyone who cares about them.

Prison lockdowns have intensified in both duration and levels of abuse and deprivation over the years.

In addition, many other prison facilities are mimicking key facets of lockdown status even if prisoners technically remain in “gen pop.” Such examples include severe limits on access to confidential legal counsel, denial of family visitation without explanation, returned email or postal communication without justification, and

many other restrictions that violate both constitutional rights and prison regulations.

Although recent articles in publications have aptly pointed to current staffing shortages in nationwide prisons, the presumption that the takeover of prison lockdowns is essentially a byproduct of a lack of adequate staffing is an oversimplification of a decided shift in the oppressive treatment and exceptionally cruel methods of warehousing prisoners. As The Marshall Project recently reported, the number of people who work in state correctional systems has dropped by 10 percent since 2019. Many prisons suffer from far more severe staff deficits.

But modern prison lockdowns can, in fact, be traced back to 2016, in a decidedly repressive, politicized reaction to nationwide prison strikes which had *nothing* to do with staff shortages. The use of lockdowns truly picked up steam within the federal prison system in 2018, according to several sources, including writer and prisoner Robert Barton, writing for *Politico*. Barton correctly assessed that the Bureau of Prisons's (BOP) overreliance on lockdowns was having a deleterious impact on prisoners to the point that the D.C. Corrections Information Council (CIC) visited three federal USPs and reported that, "by far the most common concern ... was the frequency of lockdowns."

Entire prisons were and are still punished for the relatively minor actions of a few, including fights over phone access or something as simple as a shouting match. Often, prisoners have absolutely no idea why they have been locked down.

*Truthout* documented how a frightening new development had taken hold in the U.S. with regard to lockdowns several years ago in Valerie Kiebalá's story, "Pennsylvania Prison Lockdown: Public Health Crisis or Powerplay," which reported on how the Pennsylvania Department of Corrections (PADOC) placed all 25 of its prisons (nearly 47,000 prisoners) on lockdown in 2018. The lockdown lasted 12 days and entailed 24/7 solitary confinement followed by the rapid erosion of civil liberties in prison. The motivation seems to have been political in nature, related to an attempt to repress the National Prison Strike.

The year 2023 was a banner year for lockdowns across the country, in public and private prisons alike. But even the most astute reader wouldn't have necessarily noticed a thing.

In fact, it is possible that the number of lockdowns in prisons just in the last two years alone has been far bigger than any reporter can discern because local and national media coverage has been so scant. Worsening matters, prisons almost never admit that they've implemented lockdown measures of any kind, or if forced to talk on the issues, they tend to use various euphemisms for them, including "modified operations."

Based on this *Truthout* investigation, a conservative estimate of 264,190 U.S. state and federal prisoners (*not* including jails or ju-

venile facilities) are likely to be under lockdown on any given day—a staggering 22 percent of the total state/federal prison population. (It is also more than likely that there are far more than 33 state prison systems utilizing lockdowns that have evaded *any* reporting whatsoever or where I did not locate details of such lockdowns.)

These calculations were arrived at with painstaking care not to exaggerate or downplay the reality of lockdowns in U.S. prisons. Making matters more difficult is the fact that prison systems are under no obligation to report which prisons are under lockdown or how many prisoners are under lockdown annually to the Bureau of Justice Statistics or to any other oversight organization or department.

Solitary Watch puts the current number of people in solitary confinement or some form of isolation at 122,000 but does not keep records on lockdown numbers. Solitary numbers are self-reported, and there is not even yet a way for lockdown prisoners to self-report. It is more than likely that there is overlap between people in punitive or "protective" solitary confinement, yet we have no way of ascertaining that number.

But many Americans still seem to be under the illusion that lockdowns simply refer to COVID-related restrictions. Many prisons do appear to have used COVID to normalize "restricted movement" protocols as a way of transitioning into constant lockdown and thereby diminishing outrage or even awareness on the part of the public. But it is absolutely undeniable that the move toward lockdowns is functioning as a strategic manner of eroding an already paltry level of civil/human rights protections for prisoners within the U.S. carceral system.

During the height of the COVID pandemic from 2020 to 2022, the number of people in some form of solitary confinement in U.S. facilities was estimated to be 300,000 juveniles and adults.

While most lockdowns occur in men's prisons, several women's prisons have been on lockdowns in recent years, causing a very severe mental health crisis for incarcerated women in California, which is home to the largest women's prison complex in the world, consisting of two prisons in Chowchilla. Women prisoners heavily rely on social interaction and close familial-type bonds to survive prison, as documented in my investigative book, *Women Behind Bars: The Crisis of Women in the U.S. Prison System*, in which I visited both prisons.

"Gen pop" women in at least three California prisons say they have endured lockdowns four to seven times a week. As a result, they've developed severe mental health problems as a result of being locked down 23 hours per day for weeks or months at a time and thus being unable to go to their jobs, to exercise, attend religious services, communicate regularly with loved ones on the outside, or interact in support groups and classes. One woman is quoted as saying, "It's a standing joke that we can't go 48 hours



without some kind of major crisis that locks us down... These crises have *nothing* to do with the inmates” (italics mine).

At the federal level, women were also impacted during BOP national lockdowns following the stabbing of Derek Chauvin; the inauguration of President Joe Biden; a double homicide at USP Beaumont by members of MS-13; and the police-perpetrated murder of George Floyd. Prison staff apparently imposed the lockdowns based on the notion that protests could conceivably spread to prisons.

Those national lockdowns made news across the U.S., but constant lockdowns endemic to the BOP have continued since then with almost no attention. At first, the BOP was relatively punctual about informing which prisons were under lockdown and thus closed to visitation. According to my own monitoring of the situation (backed by advocates and loved ones on the outside), the BOP often locks down prisons *without* notifying the status on the prison webpages as per their own protocol.

When asked for a specific count of how many BOP facilities went on lockdown more than once during 2023, BOP spokesperson Scott Taylor replied that the statistical data was not available. He added that the BOP “takes seriously our ability to protect and secure individuals in our custody.”

In separate correspondence, Ben O’Cone of the BOP Office of Public Affairs stated that “concerning the day-to-day operations of the facilities, all individuals have access to medical care, food and water.”

Other constitutional rights and rights protected by BOP regulations (including the right to communicate with lawyers, attend court proceedings, access trans health care and more) went unmentioned.

Lack of access to medical care is one of the most common complaints made by people incarcerated in federal and state prisons alike. Both of Barbee’s sons, Lee and Peter (both identified using pseudonyms to prevent them from backlash), are incarcerated in the federal prison system for nonviolent drug charges. Barbee said her sons live in highly violent environments where frequent lockdowns are causing widespread distress, mental health problems, self-harm and aggressive behaviors. Her sons require medical attention they are not receiving, she told *Truthout*, which adds to her fear of their safety and well-being.

The retaliatory streak that runs in the veins of modern BOP culture was widely discussed in Senate subcommittee hearings and a multifaceted *AP* expose which led to the resignation of the previous BOP Director Michael Carvajal. Prisoners, advocates, attorneys and family members say the culture of retaliation has not changed, frequently telling stories of corrupt and abusive prison staff who traffic in drugs and other contraband, violently abuse pris-

oners who speak up for their rights and sexually abuse prisoners of all genders.

Lee is at USP Beaumont (known to BOP prisoners as “Bloody Beaumont” because of the relentless violence at the facility) in Texas, while Peter is at USP Florence in Colorado. Both sons are in high-security prisons and remain under lockdown most of the time, sometimes for weeks on end. Barbee says the longest time one of her sons went without a shower was 12 days.

Like Barbee, both Peter and Lee had heart attacks after being incarcerated. They received no follow-up medical care such as ultrasounds or bloodwork, Barbee said. The lack of exercise and the virtually inedible food they are served have only worsened her concern. Peter developed ulcerative colitis after being locked up, made worse by lockdowns.

Even many corrections officers see frequent lockdowns as detrimental, according to civil rights advocates. “Lockdowns are bad for everybody, including staff,” David Fathi, director of the ACLU’s National Prison Project, told *Truthout*. “It’s extremely stressful and causes horrible working conditions, particularly as staff are forced to put in mandatory overtime. For prisoners, the longer a lockdown lasts, the more likely it is that they will engage in self-harm, drug use and resulting overdoses, as well as suicide.”

Corrections unions are more vocal than ever about the frustration of guards who are often the targets of the desperation and outrage that prisoners feel over their nonstop suffering during solitary lockdown. At the same time, incarcerated people and their advocates emphasize that lockdowns only worsen the widespread abuse they face at the hands of prison staff.

#### REPORTS OF RAMPANT ABUSE IN FEDERAL PRISONS UNDER LOCKDOWN

USP Big Sandy in Kentucky is known across the BOP system for particularly abusive treatment of Black men. Two former corrections officers and one former corrections supervisor at Big Sandy were sentenced to prison in 2023 for severe violence against prisoners and covering up the abuse.

According to statements by partners of prisoners at the facility, the lockdowns at Big Sandy have run from 60 percent to 70 percent of the year in 2022/2023, but lockdowns have been occurring from 2016 onward. The partners’ level of fear for their loved ones is such that they are terrified that something even worse will happen if they disclose their names.

Meanwhile, USP Hazelton, also often on lockdown, is currently being investigated for myriad abuses since 2013. The alleged abuses far exceed beatings. Included in the long list of horrifying abuses are allegations about staff who force incarcerated persons to urinate and defecate on themselves as a condition of being re-

leased from isolation. Staff also have allegedly urinated on prisoner property, of which prisoners have very little. BIPOC prisoners are allegedly particularly targeted. The investigation began in September 2023. In an Office of the Inspector General investigation in November 2023, three corrections officers were indicted for a wide array of crimes against prisoners.

Lacking the ability to generate public outcry over these abuses using videos like the ones that sparked the BLM movement, prisoners endure these abuses out of sight and mind, especially when communication with the outside world is completely impossible. People who might otherwise be moved to act do not realize that the paper-thin rights once accorded to some prisoners have absolutely no weight under lockdown.

But if the goal is a level of social control that treats prisoners even more obviously as subhuman and as undeserving of the most basic human rights, then prison lockdowns are working *exactly* as intended.

The impact of lockdown is suffering, chaos and madness, according to every person impacted by a penal phenomenon growing at lightspeed.

Robert Gillens, 53, a certified paralegal, poet, author and organizer of Youth4Hope, a nonprofit designed to help at-risk youth express themselves, is currently incarcerated at USP Coleman. Gillens says prisoners there spent more time confined to their cells than out of them in 2023, and that prison officials cite interprisoner violence as justification for constant lockdowns. Gillens explained that there's a simple reason: There are six phones in his unit for 124 men who are desperate to reach their loved ones. Making matters worse, prisoners across the BOP often report that phones are often broken, making it impossible to communicate on them.

Each phone call is limited to just 15 minutes, and prisoners know that it might be a matter of hours or minutes until they are locked down again. When corrections officers release 124 men all at once to line up for the phones or email, the bottled-up fury from having to endure endless cycles of lockdowns raises the frustration levels to a boiling point.

"When a fight pops off, we're immediately locked down again. . . . It didn't use to be like this when we had normal routines and schedules," Gillens told *Truthout*. "People knew what to expect."

Bill Kissinger, 70, is a Vietnam War veteran who was sentenced to life and sent to Louisiana State Prison (also known as Angola), a former slave plantation. Released in 2023, Kissinger says wardens actually began locking down the prison as early as the 1970s. He spent time in solitary confinement on a few occasions, but said lockdowns were the worst.

"The lockdowns were rough when they happened," Kissinger recalled. "Routine in prison is all encompassing. You build your life around routine. When it is interrupted, chaos. The mind more easily

cope with the pain of incarceration when there is a routine to fall back on."

That routine no longer exists for those incarcerated at USP Coleman, although a new routine might soon return in a fashion that not a single prisoner wants.

I revealed the conditions at Coleman in a September 2023 *Truthout* article, describing it as a "black site" because even lawyers were regularly prohibited from communicating with their clients, and loved ones had no idea what had happened to people inside. Legal mail was returned to the sender on countless occasions, and even postal mail often stopped coming through to families for weeks on end.

It turns out that the term was more predictive than I could have imagined. Attorney Jenipher Jones told *Truthout* that prisoners at USP Coleman have been informed by guards that in a pending prison transformation, they will soon be confined to their cells for 22 hours of every day, without exception. If the situation unfolds as such, USP Coleman would become a federal supermax prison. (The U.S. currently has only one federal supermax, ADX Florence in Colorado, which was also put on lockdown during the first wave of George Floyd protests despite the sheer absurdity of locking down the most secure prison in the entire country without any disturbance from prisoners.)

Meanwhile, reporting by *The New York Times* and Wisconsin Watch exposed hidden statewide lockdowns in Wisconsin, including a prison locked down for a full year and several deaths. James Wilbur, the director of prison outreach for the Wisconsin-based advocacy organization Wisdom, credited a network of activists and advocates as well as faith communities for demonstrating on the streets and putting strong public pressure on the state government to disclose the state's lockdowns. A 2023 class-action suit was filed, which got Gov. Tony Evers to take action and prison officials admitted the lockdowns.

Wilbur urged all prison reform advocates to remember that no one can win these battles alone and "to seek out allies."

The struggles in Wisconsin continue, as evidenced by this most recent *New York Times* report in their collaborative series with Wisconsin Watch.

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Missouri Prison Reform Executive Director Lori Curry helped spearhead the exposure of statewide lockdowns in Missouri Department of Corrections facilities, which have resulted in three years of unfathomable in-custody death rates of 11 per month, for an utterly inconceivable total of 135 deaths in 2023, according to Curry's public records request, which this author has reviewed for accuracy.

Missouri is a perfect example of a state that received no national attention and very scant local press. This was in large part because





Drawing by Jupiter

the prison system denied that it was happening, according to Curry. The Missouri Department of Corrections did not respond to *Truthout's* request for an interview.

Although public pressure temporarily halted most statewide lockdowns, the Missouri Department of Corrections created a permanent lockdown wing at Jefferson City Correctional Center (JCCC) for general population prisoners in late 2023.

Most recently, prison COs are accused of murdering a man, Othel Moore, by using an extreme amount of "OC spray" (an ultra-strong pepper spray) on him, hooding him, placing him in a restraint chair and leaving him in isolation for hours, unattended and restrained. He apparently died in agony over the course of several hours.

But when JCCC prisoners tried calling people about the horrific death that had transpired, explains Curry, corrections officers came down hard. Surveillance of prisoner calls, postal mail and emails has intensified throughout the nation, making it even more difficult for journalists to obtain accurate information from sources

who once felt little or no fear in sharing conditions inside. These days, most prisoners tend to limit their responses to small talk, minimizing any details of abuses inside for fear of being locked down again, being thrown in solitary, beaten, or otherwise abused.

"Many residents at JCCC report threats and actual retaliation for speaking out about prison conditions and violence by staff," Curry told *Truthout*. "One resident reported having his phone privileges turned off for several days after a phone call in which he discussed the violence. Some who email our organization about current conditions have their communication denied as a 'threat to the safety and security of the institution.'"

In this terrifying new era of a lockdown prison society thoroughly closed off from the rest of the country, attorney Jones offered prescient insight: "We as Americans must decide the kind of treatment everyone deserves, non-incarcerated and incarcerated. We must first examine how prisoners are treated because whatever it is, it represents a shadow of repression, sure to come for us all."

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Drawing by Zola

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THE OPENING STATEMENT is an abolitionist newsletter driven by the voices and visions of Michigan prisoners, as well as those on the outside impacted by the prison system.

THE OPENING STATEMENT hopes to foster ongoing discussion against the violence of incarceration.

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