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ARE WE CHICKEN ABOUT PRISON REFORM?



By: **Steven Greenhut**

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SACRAMENTO – Many voted in 2008 for Proposition 2, which requires the state’s farmers to provide chickens and some other critters with enough room to extend their wings, lie down and turn around.

My youngest daughter, a grand-champion chicken “showman” at county fairs, explained why: “Who can bear the thought of Henrietta spending her life in a tiny cage?” Despite its many flaws, it passed overwhelmingly. “I can’t bear the thought of it,” certainly isn’t the best standard to apply to politics, but there’s no doubt such sentiment can — and sometimes should — spur people to action.

California’s massive prison system spends nearly \$50,000 a year to house each inmate. Californians are accustomed to outrageous displays of fiscal profligacy and they manage to grin and bear it. What’s really unbearable is the human tragedy unfolding at out-of-sight, out-of-mind places such as Pelican Bay and Corcoran state prisons.

The latest news is a hunger strike. It started with about 30,000 prisoners across the state who, earlier this month, refused food to protest what they say are inhumane conditions. The state Department of Corrections and Rehabilitation pegged the dwindling number of hunger-strikers at 986 as of Tuesday, but the peaceful protest continues. It’s not hard to understand why when one looks at the conditions prisoners endure.

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Most of the strikers live in Security Housing Units (SHUs) — 7 ½-by-12-foot windowless concrete cells, where they are stripped of most human contact, handed their food through a portal, and left with little to do for more than 22 hours a day. They get short periods to exercise in a small caged area.

Most people understand the need for solitary confinement for misbehaving prisoners in these tough prison situations. Someone who, say, assaults a guard in prison will have a hearing and can be sentenced to a SHU for specific time period. Otherwise, how does one punish prisoners who are already in prison?

But the vast majority of the hunger-striking prisoners are there for indeterminate sentences — not as the result of a disciplinary action, but because prison authorities say that they have gang affiliations. Mainly, prison authorities keep the prisoners there until they are “debriefed,” i.e., turn in other prisoners as fellow gang-bangers. Few inmates are likely to do so given the severe consequences in the prison yard, so they languish in these cells for years. The ACLU of San Diego and Imperial Counties believes prison authorities may rely on these cells because of so much overcrowding throughout the prisons.

According to the Center for Constitutional Rights, more than 500 prisoners at Pelican Bay have been in such cells for more than a decade, and 78 for more than two decades. Erwin Chemerinsky, dean of the UC Irvine School of Law, told me that “indefinite days of solitary confinement are cruel and unusual punishment.” It’s hard not to agree, even though these prisoners are unsympathetic characters.

It’s not just left-leaning activists and academics who are complaining. Former Republican Assemblyman Chuck DeVore of Orange County is now vice president of the right-leaning Texas Public Policy Foundation in Austin. The group sponsors the “Right on Crime” project, which promotes prison- and sentencing-reform to conservatives.

Long periods of solitary confinement not only cause deep psychological problems, but increase the recidivism rate, he told me. In California, inmates in SHUs won’t renounce their gangs because their lives will be in peril when they are returned to the main areas, he added, but Texas officials are less apt to use solitary confinement and simply move these members who renounce their gangs to separate parts of the prison where they are protected from retaliation.

Texas has the reputation of being the “tougher on crime” state, yet it’s more willing to consider humanitarian reform — perhaps because officials there are more willing to take on the unions and bureaucrats who run the prison system.

California prison spokesman Jeffrey Callison reminded me that a new state pilot project is reducing the numbers of inmates in isolated housing and giving them more due-process rights before landing there.

But that doesn’t change the unbearable reality that California voters seem more concerned about the conditions faced by chickens than by their fellow human beings.

Steven Greenhut is the California columnist for the San Diego Union-Tribune.

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