

California's Prison Hunger Strikers: The Limits to State Power

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The California prison hunger strike against inhumane prison conditions has passed its 50th day and Governor Brown has to decide. Will he negotiate about their basic demands, and if not, will he allow them to die protesting? At least 45 hunger strikers have ingested nothing but water, vitamins, and electrolytes since the 8th of July and must therefore be risking blindness, hearing loss, kidney failure, heart attack, coma, and death. In May 1981, 10 Irish Hunger Strikers died after refusing food for periods between 44 and 73 days. Bobby Sands somehow arranged to spend the last days of his life lying on a water bed to protect his fragile bones.

Ghandi's longest fast was 21 days.

Last week Judge Thelton Henderson gave medical officers the authority to force feed prisoners, even if they have signed "do-not-resuscitate" forms. In an irresolute moment, chief medical officer Steven Tharratt then stated that they will probably do no more than administer intravenous nutrient streams to prisoners who lapse into coma, or become otherwise incapable of deciding to live or die.

Some prison advocates say that there are hundreds of strikers still risking death. We have little way of knowing the truth about that or anything else behind the state's prison walls. On Friday, August 23rd, Democracy Now aired [a recording made by a lawyer talking to one of the hunger strikers on a prison phone](#), from the other side of a glass separation wall at Pelican Bay Prison.

The California Department of Corrections and Rehabilitation (CDCR) responded to the prisoners demand that a member of the press be present at any hunger strike negotiations with a statement that, "While CDCR is committed to transparency and is willing to engage in discussions with various stakeholders, it is not efficient to have a member of the press present at every discussion."

It's no surprise that a cult of secrecy and totalitarian rule resembling the Stasi's have emerged in California prisons, which were crowded to twice their capacity by 2009 and are still way overcrowded. And Governor Jerry Brown surely realizes that this is largely the consequence of mandatory minimum sentencing established during his first two terms as California's governor, between 1975 and 1983.

One of the few things we do know, from the hunger striking prisoners advocates, is that they are willing to negotiate, but Governor Brown is not, not even regarding demands for adequate food, a weekly phone call, an annual photograph, access to radio, and correspondence courses that require proctored exams.

Brown appeared to be counting on popular dehumanization of prisoners when his top prison official Jeffrey Beard penned an [LA Times Op-Ed](#) claiming that the hunger strike is just a gang power play. But where's the gang power to be gained by eating adequate food, listening to the radio, or completing a correspondence course?

[Tom Hayden has argued](#) that negotiation on these "supplemental demands" could end the strike with dignity on both sides. The core demands, including the end of indefinite solitary confinement, must then be litigated, he said, because neither Governor Brown nor the prisoners are negotiable about them.

I don't need an expert to convince me that indefinite solitary confinement is torture, in some cases 10, 20, 30, 40 and more years of it. Nor do I need an expert to convince me that it has crippling psychic consequence. This hunger strike did inform me that many California prisoners are confined in solitary after being identified as gang members simply because, for example, they have tattoos, possess Aztec drawings or books by George Jackson, or use an African or Native American language – not because of anything they did inside or outside prison walls. Or, because another prisoner seeking to escape further punishment, identified them as gang members.

California prisoners are human beings and they did not surrender their 8th Amendment right to be protected from cruel and unusual punishment upon sentencing. The limits to sentencing are like the limits to surveillance also promised in the Bill of Rights. They are limits to what the state has the right to do to us. Any of us.

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