Biopolitics and the Supermax: Controlled and Uncontrolled

Rhetoric Surrounding Tamms Prison

by

Nadya Pittendrigh

Dissertation

Submitted as partial fulfillment of the requirements for the degree of Doctor of Philosophy in
English in the Graduate College of the University of Illinois at Chicago, 2016

Chicago, Illinois

Defense Committee:

Ralph Cintrón, English, University of Illinois at Chicago. Chair and Advisor
Jon Hagedorn, Criminal Justice, University of Illinois at Chicago.
Gerard Hauser, Communication, University of Colorado.
Helen Jun, English, University of Illinois at Chicago.
Stuart Murray, English Language and Literature, Carlton University.
Keramet Reiter, Criminology, Law & Society and Law, Irvine.
Acknowledgements

For generous and generative insight, I thank these committee members: Ralph Cintrón, Helen Jun, Stuart Murray, Keramet Reiter, Jon Hagedorn, and Gerard Hauser.


I am deeply grateful to all who granted interviews.

So many others were essential to making it possible for me to write this. Thank you for collaborating, carrying on conversation, offering encouragement, and modeling ways of proceeding: Sandy Pittendrigh, Virginia Donner, Caroline Gottschalk-Drushke, Megan Marie Bolinger, Erin McClellan, Bridie McGreavy, Nathan Stormer, Heather Adams, Kendall Gerdes, Eui Huack Kang, Tyrell Stewart, Kevin Carey, Vainis Aleksa, Matt Pavesich, Renee de los Santos, Jane Nicholson, Diane Chin, Ann Merle Feldman, Robin Reames, Lucas Johnson, Jerry Graff, Cathy Birkenstein, David Bleeden, Monica Westin, Jose Castellanos, Walter Benn Michaels, Jennifer Ashton, Mark Bennett, Charitianne Williams, Marc Baez, Snezana Zabic, Sarah Ross, Jerome Grand, Gretchen Hasse, Amy Partridge, Matthias Regan, Frank Edwards, Brenda Townsend, Grace Warren, Paula Carbadillo, Pat Wise, Jean Snyder, Jim Chapman, John Maki, Reginald Akkeem Berry, Denise Berry, Nedra Mixon, Joseph Dole, Donnie White, Brian Nelson, Larry Gambrel, Melvin Haywood, Johnny Outlaw, Johnnie Walton, Stephen Eisenman, Rory Guerra, Alan Mills, Dee Battaglia. Thank you to all my students who kept responding to punishment and rhetoric as fundamental issues.

This is dedicated to Mikey Pittendrigh, who taught in a prison and remembered it at the end of her life as one of the worthwhile things she did. How to spend limited time is at the forefront of my mind, and for that same reason, this is also dedicated to Virginia Donner.
# TABLE OF CONTENTS

**BIOPOLITICS AND THE SUPERMAX: CONTROLLED AND UNCONTROLLED RHETORIC SURROUNDING TAMMS PRISON**

**INTRODUCTION** .............................................................................................................................................. 1

I. Background of the Prison and its Problems........................................................................................................... 6
   1. Longstanding Opposition to Tamms .............................................................................................................. 6
   2. Proponents’ Intentions and Reasoning ......................................................................................................... 8
   3. The Movement to Reform & Eventually Close Tamms .................................................................................. 10
   4. The Environment of Tamms and Its Physical Design .................................................................................. 15
   5. Transfer-In Policies ...................................................................................................................................... 20
   6. Transfer-Out Policies .................................................................................................................................... 22
   7. Effects of Social Isolation on Mental Health .............................................................................................. 23

II. The Tamms Year Ten Campaign ............................................................................................................................. 25
   1. The Poetry Committee .................................................................................................................................. 25
   2. The Political Rhetoric of the Activism ......................................................................................................... 26

III. Methodology ......................................................................................................................................................... 31

IV. Theoretical Frame ................................................................................................................................................ 38

V. Chapters ............................................................................................................................................................... 49

   CHAPTER I: HOW TAMMS CAME TO BE BUILT, AND THE DEPLOYMENT OF THE CONCEPTION OF SOVEREIGNTY IN NARRATIVES OF TAMMS’ ORIGINS ................................................................. 61

I. Introduction: Biopolitics, Tamms, & the Ambiguities of Control ............................................................................ 61
II. Punitive Fatalism and Hidden Cruelty ................................................................................................................. 68
III. Edgar’s Administration: The Complex Context that Produced the Valukas Report .................................. 74
IV. Edgar and Uncertainty ....................................................................................................................................... 83
V. Crowding ............................................................................................................................................................ 92
VI. Products of Incoherence .................................................................................................................................. 93
VII. Actuarial Ideology and Letting Die .................................................................................................................. 99
VIII. Conclusion ...................................................................................................................................................... 104

   CHAPTER II: ULTIMATE CRIME AND ULTIMATE PUNISHMENT ................................................................. 112

I. Rhetoric’s Constitutive Powers .............................................................................................................................. 113
II. Dangerous Categories ........................................................................................................................................ 116
III. The Intuition Behind the “Worst of the Worst” ............................................................................................. 121
IV. Officials Speak: Making Extreme Punishment Acceptable ............................................................................. 124
V. Prisoners Speak: Conditions at Tamms ........................................................................................................... 131
VI. The “Worst of the Worst” and The Fantasy of the Super Criminal .............................................................. 135
VII. Ultimate Terms and Ultimate Punishment ..................................................................................................... 142
VIII. Conclusion .................................................................................................................................................... 145
CHAPTER III: MAKING VISIBLE INVISIBLE SUFFERING: NON-DELIBERATIVE AGENCY AND THE BODILY RHETORIC OF TAMMS SUPERMAX PRISONERS................................................................. 153
I. Tamms..................................................................................................................................... 158
II. Activism Outside of Tamms .................................................................................................. 159
III. “Malingering” and the Difficulty of Proving Invisible Harm............................................... 163
IV. The Supermax Elicits Extra-Textual Rhetorics of the Body ............................................... 171
V. Conclusion ............................................................................................................................. 204

CHAPTER IV: ACCIDENTALLY ON PURPOSE: CLEARING A SPACE FOR THE OTHER KIND OF ACTIVISM....................................................................................................... 180
I. We Don’t Just Put Things Into the Ether: The Deliberative Rhetoric of Tamms Year Ten ... 182
II. Questions Surrounding “Prison Abolition” ........................................................................ 187
III. Atmosphere and Potential: The Bald Knob Cross............................................................... 193
IV. Potentiality: Un-Actualized Potential ............................................................................... 201
VI. Clearing a Space: Receptivity to What is Already There .................................................. 204

CONCLUSION: VISIBLE AND INVISIBLE CAUSALITY.......................................................... 212

APPENDIX.................................................................................................................................... 230
INTRODUCTION

This dissertation presents a study of the material and rhetorical origins of Tamms Correctional Center and the activism that mobilized against it. As a supermax prison, dedicated entirely to indefinite solitary confinement, the prison was dogged by protest from its inception in 1998, until it was closed in 2013. I look at these two mutually influential spheres of rhetoric—that of the supermax and that of the activism that protested it—through the theoretical lens of biopolitics, in order to investigate their shared rhetorical horizon of political possibility and constraint. The dissertation examines the rhetoric of state officials who brought the Illinois supermax into being in the name of reforming the Illinois prison system; that of the prisoners who communicated their suffering caused by the prison’s extreme conditions; and that of opponents of the prison who pursued reform at Tamms but wound up contributing to the prison’s recent closure.

The view of rhetoric that emerges from this dissertation’s engagement with Tamms and its activism challenges the emphasis within activism and rhetorical theory upon deliberative agency, and their focus upon political, material force and effectiveness. I argue that the theoretical imaginary of activist politics, framed here through biopolitics, and the related discourse of material rhetoric, evoke in different ways, an excessively closed image of the possible and of rhetorical and political effectiveness. This argument emerges from my own participation with an activist group who sought substantive change at Tamms supermax prison. The group deployed rhetoric that should be immediately recognizable as forceful, targeted, and persuasive rhetoric, seeking maximum practical and political effectiveness within a legislative lobbying effort. But it also participated in what I refer to as weather systems of as-yet unrealized potential, through artistic activism, which did not always directly target policy. Though the diverse tactics and participants in the Tamms activism involved multiple groups, the activism can
broadly be characterized as reformist in its self-presentation and immediate goals. Yet pursuing reform contributed to the conditions of political possibility in which the prison was eventually closed—not merely reformed. I argue that though Tamms activists sought policy reform through recognizable, deliberative rhetoric, or targeted agency, that rhetoric of reform wound up functioning through stealthier channels, to help close the prison, and not merely reform it. In other words, the activist rhetoric to reform Tamms, though deliberate and targeted, participated in weather systems of potentiality and uncertain effects. Furthermore, if the deliberate policy interventions of the Tamms activists participated in the uncertain rhetorics of unrealized potential, the affective bodily rhetoric of Tamms prisoners themselves and the artistic rhetoric of the Tamms activism operated in an even more stealthy, even less obviously forceful rhetorical mode. Thus, this dissertation argues that those rhetorics of potential operate by different, more subterranean modes than more familiar iterations of either activist or material rhetoric imply. Instead, I observe within the Tamms activism something like invisible causality, some of which may have looked totally impractical, or like a relatively ineffective investment at the time. Based on my participation with the Tamms Year Ten campaign, I observe an activism that toggles back and forth between recognizable rhetorics of lobbying, direct force, and deliberative agency on the one hand, and non-deliberative agentic potential that may operate imperceptibly, outside of planned effects. All of these rhetorics, the campaign’s deliberately forceful rhetoric targeting policy, and the non-deliberative, less visible, apparently less practical rhetoric wound up contributing to the prison’s closure.

My field work, including my experiences as a volunteer with the Tamms Year Ten campaign and my engagement with other players involved in the Tamms issue, emerge in these pages through a critique of narrow conceptions in rhetorical study of political agency, material
force, or effectiveness. I make a case for under-recognized rhetorics that operate through involuntary affects of the body and through weather systems of rhetorical and political effects set into motion by artistic and political organizing. I argue that the effects of such rhetorics sometimes lie outside of the prized rhetoric of deliberative agency, and that instead, these participate in weather systems of potential. These weather systems may be activated or taken advantage of, or may even operate on their own, outside of our political intentions, depending on circumstances. I trace these rhetorics of the Tamms prison and its opposing activism through the theoretical vocabulary of the biopolitical. The biopolitical provides a critical lens through which to view our assumptions about politics and rhetoric, while providing a framework from which to ask questions about fundamental change.

Theorists have used the abstraction “biopolitics” variously, but conflicts and continuities between Michel Foucault’s use of the term and that of Giorgio Agamben appear most prominently in this dissertation. They each in different ways evoke a politics of constrained possibility, prompting questions about agency, political control, rhetorical effectiveness, and the possibilities for systemic transformation of political power.3

Foucault’s discussions of biopolitics, for example, expand from his conception of biopower, which he postulates as a uniquely modern decentralized form of power that governs not through overt force but through internalized regulatory norms.4 Foucault’s emphasis sheds particular light on mechanisms of liberalism, which he calls minimal, or “frugal government,” according to whose ideals subjects govern themselves.5 Yet, even if Foucault describes biopower as fragmented and multiple, power neither disappears nor can it be regarded as noncoercive. Instead, it works in and through bodies to police, regulate, control, produce, or cultivate the biological life of populations en masse. Foucault seeks out the complex workings of these
decentralized micropowers and their managerial technologies, tracing, in The Birth of Biopolitics for instance, how liberal ideals have propagated through entrepreneurial logics of self-governance. He shows these governmentalities escalating in the neoliberal era as increasingly economized market competencies, claiming liberation from the framework of rights and laws.6

Agamben’s version of biopolitics, by contrast, locates the root of the biopolitical in law itself, whose structures he traces to Western metaphysics.7 He says, in effect, that despite law’s purpose of securing rights and protections, it is frequently and indeed typically suspended, according to the convenience of sovereign power. He links this pattern to foundational dichotomies in our metaphysics—of mind versus body, the polis versus nature, or man versus animal, showing that since Aristotle, these dichotomies have designated some forms of life as having political status while abandoning or excluding others. He insists that despite western democracy’s modern promise of expanding inclusiveness, it cannot structurally escape its founding mechanism of exclusion even as it includes, nor can it escape its self-protecting apparatus for making legal exceptions.8 Yet even though Agamben, unlike Foucault, insists on a singular thread or source for biopolitics—namely, sovereign power and its relation to the life over which it reigns—he retains the sense from Foucault that biopolitics is centrally occupied with governing biological life. Thus, Foucault’s analysis of biopolitics surveys the evolution of modern governmentalities, which culminate in neoliberalism’s wish to jettison moral-juridical discourse in favor of markets. Agamben’s analysis of biopolitics-in-the-name-of-life, on the other hand, encompasses moral-juridical discourse, including that of human rights, as part and parcel of biopolitical “care” for life, along with any other campaign to grant rights to excluded groups. For Agamben, such campaigns remain in the realm of biopolitics, sovereignty and law—which for him means a politics of inclusion and exclusion that never escapes hypocritical, legal,
and violent exceptionalism.\textsuperscript{9}

Foucault catalogs multiple productive microforces to expose the workings of power; whereas Agamben indicts law’s sovereign authority for exempting itself while performing potentially eugenic inclusion and exclusion. Each of these conceptions of the biopolitical resonate in this dissertation’s chapters in different ways, bringing into relief multiple forces involved in the politics of a prison devoted to long-term solitary confinement, and the politics of protesting it.

The fieldwork that undergirds this inquiry includes interviews with key individuals involved in the creation of Tamms and attempts at reforming it, and with men imprisoned there. Using the Tamms prison and my own involvement with anti-Tamms activism, I explore ways in which political hope and potentiality are not exclusively rooted in deliberative agency or will. Though deliberative agency, or intentional striving for specific political change never disappears in this dissertation’s argument, I point out that effectiveness and activist-rhetorical will to power is not the whole political-rhetorical story, and that our focus on effectiveness and deliberative agency leaves under-explored arenas of potential rhetoric and political hope.

In the pages that make up much of the rest of this Introduction, I lay a descriptive groundwork for the analysis within the dissertation’s chapters, explaining the unique nature of the Tamms prison itself and the many anti-Tamms protest efforts. Throughout the dissertation, I make a variety of arguments extending from fieldwork related to the prison and activism, through observation of the following central terms embedded in the fieldwork, including: agency, materiality, and the biopolitical. In the first two chapters, for instance, I look at the materiality of the active rhetorics and ideologies that helped make a place like Tamms possible. In the chapters that follow, however, I offer an addendum to dominant discourses of agency and
materiality, exploring under-recognized, non-deliberative agentic potential of rhetorics of the body and artistic activism. These chapters take part in an over-arching argument informed by the vocabulary of ecological rhetoric or weather systems, in order to: 1) highlight areas of rhetoric or potential rhetoric that would otherwise be ignored, 2) resist despair-causing determinism (imagined by critics or actually implicit) in the vocabulary of biopolitics, and 3) to critique certain versions of rhetorical theory; these arguments are all more fully unpacked in the dissertation’s conclusion.

1. Background of the Prison and its Problems

1. Longstanding Opposition to Tamms

Tamms Correctional Center was planned and built in downstate Illinois in the 1990’s. The facility as a whole housed the state’s supermax prison, but it also included a minimum-security work camp. The supermax was officially intended to house and isolate the system’s most dangerous prisoners, with the attached labor camp helping to offset the relatively high cost of operating the supermax. The supermax part of the facility (the CMAX) opened in March of 1998 and remained operational for fifteen years. In January of 2013, the facility was closed, following a year-long tug-of-war between the prison’s most powerful proponents and vocal opponents. Though the supermax was designed to hold five hundred prisoners, during its decade and a half of operation it never held significantly more than half its capacity at any one time. The theory when funds were originally allocated was that there were many prisoners already in Illinois prisons who were disruptive or otherwise toxic to the overall prison system, and in order for the administration to take control, leaders of gangs and extremely violent prisoners should be isolated. Tamms was built for that purpose. Tamms was meant to be the prison within the prison in Illinois.

From the prison’s inception to its closure, opponents raised three key objections: 1) That
the apparatus for sending people to Tamms was not transparent; and 2) the apparatus for getting out was even less so; and 3) the prolonged social isolation that characterizes supermax confinement causes social deterioration and mental illness. By advancing these criticisms, advocates pursued a variety of policy reforms during the prison’s operation, focusing on the prison’s lack of transparency and accountability, as well as its treatment of the mentally ill.

Opponents objected to pervasive procedural opaqueness at Tamms, particularly surrounding prisoners’ entry and exit; because there were no procedural safeguards, opponents argued, prisoners were being sent to Tamms inappropriately or without clear justification, and too few were getting out. Importantly, critics objected to the lack of substantive due process for prisoners who were sent there. According to the Uptown People’s Law Center, several of the earliest prisoners sent to Tamms did receive Transfer Review hearings after arriving,12 but as one former Tamms prisoner explained, “Prisoners are forced to appear at thus hearing without notice or reason as to why they are placed in Tamms. They don’t know what to prepare a defense against” (“Tamms Correctional Center,” 20). The odds would have been stacked against such a prisoner. Compounding the lack of due process, critics argued, the written criteria in the Administrative Code for sending a prisoner to Tamms were so broad that anyone in the system was eligible.13 Flexibility in the criteria for transfer to Tamms was also buttressed by the “Administrative Detention” label, which was assigned to prisoners who had committed no specific disciplinary transgression, but were transferred to Tamms because they had been deemed a potential future risk.

Opponents argued that this pattern of non-transparency, the lack of specific criteria for sending someone to Tamms and the lack of meaningful checks against illegitimate transfers, also played out in the lack of procedures for earning one’s way out of the prison. Because there was
no system for earning one’s way out, reformers argued, too many prisoners were being held at Tamms indefinitely. During a meeting with activists at the prison in 2008, the Illinois Department of Corrections (IDOC) confirmed that one third of the prisoners currently in Tamms at that time had been in the prison since 1998, the year that it had opened. In 2009, The Belleville News Democrat reported that fifty-four prisoners at Tamms at that time had been there for more than ten years (“Trapped”). Likewise, in 2010, data from the IDOC indicated that 28.3% of prisoners at Tamms at that time had been there for ten years or more (“Ten Point Plan,” 6). Based on that pattern of holding prisoners indefinitely, and without an apparent plan for reintegrating them into the general population, a variety of groups opposed to the prison pursued multiple tactics to address the prison’s lack of accountability and transparency, all of which, opponents argued, encouraged inhumane conditions of indefinite solitary confinement, prolonged social isolation, and sensory deprivation.

Reformers linked the prison’s procedural problems and the indefinite length of stay at Tamms to a pattern of high rates of mental illness among supermax prisoners. Prisoners and lawyers addressed these procedural and mental health issues, initially through lawsuits, and grassroots activists later lobbied state officials for reform around these issues, and organized a public education campaign. Eventually, in 2012, not only after years of controversy surrounding the prison, but in the aftermath of the recent economic downturn and an unprecedented state pension shortfall, Governor Pat Quinn moved to close Tamms, asserting in doing so, that he had carefully considered security concerns, the cost of the prison, as well as legal and humanitarian objections to the prison.

2. Proponents’ Intentions and Reasoning
Plans to build Tamms were originally approved in the early 1990’s by the newly elected Republican Governor Jim Edgar. Edgar took office in 1991, in the aftermath of recession,
knowing he wanted to change course on the previous administration’s spending. Meanwhile, problems in the state’s prisons, mainly over-crowding and high levels of violence, had registered on Edgar’s radar, and Tamms was approved in that context. Yet according to Edgar, the prison only came to seem justified once it was convincingly framed as a long-term fiscal gain (Edgar). It is certainly surprising that Tamms could have been justified in fiscal terms. In 2009 for instance, the institutional cost per prisoner was calculated by The Belleville News Democrat as $92,000 per prisoner per year, compared with $21,405 as the average cost per prisoner elsewhere in the state. Yet in spite of the prison’s cost, Edgar was eventually persuaded that the supermax could play an important role in his long-term plan to curb recidivism elsewhere in the prisons.

When Governor Quinn announced in 2012 that he would close the prison, his administration’s public rhetoric also emphasized fiscal considerations. When invited to take credit for humanitarian courage in moving to close Tamms, for instance, his press spokeswoman told me only that Quinn had been aware of activists’ humanitarian objections, and that he considered himself a humanitarian, but that the state’s pension crisis had overshadowed these considerations. In the wake of the 2008 economic downturn, the state did not have sufficient revenue to meet its pension obligations, and therefore, practical, drastic cuts simply needed to be made. Tamms would be one of them. Quinn cited the prison’s expense, the fact that the prison had remained only half-full, and predicted that the closure would save $100 million annually.

The intention for the supermax prison, as outlined in a report by the Illinois Task Force on Crime and Corrections, was repeated to prisoners and their families during its first years of operation. The intention was that it would serve as temporary segregation for prisoners already in the system (for 1-2 years). Barring misbehavior, they would then be sent back into the regular prison population. Certainly, as the Task Force had envisioned it, the “Super-Max facility should
not generally be used as a permanent assignment. On the contrary, there should be a steady stream of inmates coming out” (Valukas, 87). Yet opponents repeatedly argued that because no clear policy held officials accountable, there was much less movement out of the prison than the Task Force and the prison’s designers had originally envisioned. Even George Welborn, the prison’s first Warden and consistent defender, confirmed what prisoners and family members recall being told, namely that prisoners would be held in Tamms temporarily, and if they behaved, would be reintegrated into regular population. In 2009 he commented that the administration had, as The Chicago Tribune put it, “abandoned its original goal to keep most inmates for no more than a couple years,” with Welborn admitting that “superiors sometimes didn't follow his recommendation to transfer out inmates who had passed muster. ‘And that policy has been maintained since I left’” (“A Look Inside”). Opponents protested this pattern of keeping prisoners in Tamms indefinitely—especially in light of the severe limits placed on movement and social contact.

3. The Movement to Reform & Eventually Close Tamms

Though the governor who opened Tamms and the governor who closed it both publicly foreground state finances in their narratives of decisions regarding Tamms, opponents of the prison see their work as contributing to the conditions of possibility that helped make the prison’s closure possible. The potential for that grassroots undertaking was already active on some level in Illinois, even before Tamms opened. In the early 1990’s, for instance, the Campaign to End the Marion Lockdown, a group who protested supermax conditions at the Federal Penitentiary at Marion, Illinois, spoke out against plans for the new Illinois supermax, and another group, made up mostly of family members of Tamms prisoners, also organized to support Tamms prisoners when the prison opened. Additionally, two lawsuits, Rasho v. Snyder and Westefer v. Snyder were filed, in 1999 and 2000, respectively. Then in 2008, the Tamms
Year Ten campaign conducted an intense lobbying effort, first for reform legislation, then for outright closure. That lobbying effort educated lawmakers and engaged constituents with the prison’s previously hidden problems, contributing to a context in which Governor Quinn appointed a new Director of Corrections in 2009, with the explicit priority to reform Tamms. Later, in 2012, when Quinn made the call to close Tamms, he did so in a context informed by the grassroots work described here.

A group made up mostly of family members of Tamms prisoners mobilized in Chicago almost immediately after prisoners were sent to the prison. Jim Chapman founded the group with another lawyer, Jean Snyder, along with a group of socially conscious former prisoners. He recalls that though these former prisoners (calling themselves the Prison Action Committee) had never spent time in Tamms, they opposed the supermax:

Shortly around the time Tamms opened, PAC (all ex-prisoners, except me, with current prisoners on its board) made a policy decision to challenge this type of prison. [One former prisoner] and I contacted parents of Tamms prisoners to meet with us. Pat Wise was among the very first. It was slow going, but eventually picked up. We even hired a bus to take parents and wives and children to Tamms, leaving from 87th and the Dan Ryan at midnight. (Chapman)

Pat Wise, mother of Brian Nelson (a former Tamms prisoner), underscores the importance of those bus trips. Recalling, during an interview, the difficulty one mother had traveling with an oxygen tank, she emphasized her own relative privilege as a white middle-class woman who was more apt to be listened to in some forums than other mothers of Tamms prisoners. Along with Jean Snyder and other early members, she willingly took on a leadership role, and the group eventually called themselves the Tamms Committee. Wise suggests, being involved and connected to one another inoculated the family members of Tamms prisoners somewhat against internalizing the shame and isolation inherent in having a son whose placement at Tamms had effectively labeled him as a monster.

Even though many family members were intimidated initially by the rhetoric of the
prison, Wise says that accounts contained in letters from prisoners helped the family members to formulate a sense of opposition. She explains:

When Tamms opened we didn’t like it but we didn’t know how much we disliked it. It was opened without a lot of information. The first time anyone went down there, the first impression was my god this place is clean…. But then, as the first year went by, the stories started to come out. (Wise)

These stories came from those prisoners who were able to read and write and were motivated to do so because they had supporters on the outside. One such letter, sent years later to the Tamms Year Ten campaign stands for hundreds of other similar accounts sent to advocates:

I’ve been almost completely cut off from my family…I’m not able to effectively influence my children [sic] lives. The weight of stress, anger (from being treated as an animal), and anxiety on my mental faculties is staggering. Not being able to touch (sensory deprivation) another human, plus this perpetual cage, has the effect of depersonalizing me. Don’t know if one could be rehabilitated by locking one up in a cage, isolated from human interaction, 24-7. There’s no education here. Only thoughts or plans for the future: to survive Tamms by not going insane. (COGFA)

When there was very little information on this new type of prison, prisoners themselves were crucial informants. Years after the Tamms Committee formed, the Tamms Year Ten campaign, also galvanized by correspondence with prisoners, compiled, analyzed and tracked testimony from Tamms prisoners. The testimony from those letters guided many of the campaign’s actions and helped to engage a wider public.

In 1999, Jean Maclean Snyder sued state officials alleging violations at Tamms of the mental health code. The lawsuit, *Rasho v. Snyder*, made class-action claims on behalf of mentally ill prisoners at Tamms. Snyder explains:

In this lawsuit, seriously mentally ill prisoners at Tamms seek relief for defendants’ deliberate indifference to their mental health needs and for the cruel and unusual punishment of requiring them to live under the harsh and psychologically injurious conditions at Tamms while they are seriously mentally ill, as well as relief for defendants’ failure to grant them individuated mental health treatment at Tamms and defendants’ failure to grant them their right to be free of discrimination on account of their disabilities under the ADA and the Rehab Act. (Rasho, 2)

In 2001, the case was settled; the judge estimated that there were no more than fifteen “seriously mentally ill” Tamms prisoners, denying the suit’s class action status, leaving unresolved
Snyder’s claims of “deliberate indifference,” and “cruel and unusual” conditions for the mentally ill. Yet after the case was settled, officials did agree not to transfer new prisoners with “serious mental illness” to Tamms (though there is no evidence any prisoners were ever rejected for placement based on the criteria). A “Special Treatment Unit,” J-Pod, was also created, to house the small number of prisoners, fifteen, who officials believed had “serious mental illness.”

Alan Mills, of the Uptown People’s Law Center, also filed a lawsuit—*Westefer v. Snyder*. Initiated in 2000, two years after Tamms opened, *Westefer v. Snyder* centered on prisoners’ placement at Tamms. The case had three parts: it objected to the lack of due process for Tamms placement, claimed that prisoners had been illegally transferred there as retaliation for their own litigation, and for gang membership. The gang membership claim gained no traction in court, but in 2010 a jury ruled that some of the case’s plaintiffs had in fact been imprisoned at Tamms as retaliation. Meanwhile, the due process claim in Westefer also won in 2010; a downstate judge (from the general area in southern Illinois where Tamms was located, and from whom, therefore, few on the plaintiffs’ side expected favor) mandated due process for Tamms prisoners. U.S. District Court Judge G. Patrick Murphy investigated conditions at Tamms, with Pontiac prison (the next most severe maximum-security prison in Illinois) serving as a baseline for comparison. Murphy found that life in Tamms was substantially more isolating even than in Pontiac, which made transfer to Tamms a significant curtailment of freedom, or “liberty interest,” and therefore deserving of due process. Murphy wrote that “It is clear from the record of this case that confinement at Tamms is an experience of very intense isolation for inmates” and on that basis, Murphy affirmed the need to carry out due process hearings, which had been promised by the Illinois Department of Corrections in 2009 (9). In justifying his decision, Murphy cited the very Task Force that had recommended building a supermax seventeen years earlier: “Since these
**highly restrictive environments, if misused, can create conditions tantamount to long-term isolation**, the Department of Corrections will have to establish clearly defined rules and regulations” (as quoted in Westefer, 9-10). Yet he noted, “The Task Force’s concerns about confinement in the supermax prison…becoming an experience of long-term isolation for IDOC inmates were and are well-founded” (Westefer, 10). This ruling added to the increasingly mainstream position that Tamms deserved scrutiny and suspicion.

Two years previous to the Westefer ruling, in 2008, the Tamms Year Ten campaign mobilized, adding new tactics, people and momentum to long-standing opposition to the prison, including legislative lobbying, as well as artistic and cultural work. An artist and activist, Laurie Jo Reynolds organized the campaign, mobilizing a diverse coalition, including people directly affected by Tamms and many who were not. The group pursued multiple tactics and channels, yet when asked to describe the group’s unusual approach, Reynolds emphasizes the instrumental role of elected officials. The activism served to mobilize them. She explains:

> When Pat Quinn became Governor in 2009, we started hammering away at him. We did this mainly by working with state representatives who would apply pressure. We focused on decision-makers, and built relationships with good legislators, by volunteering for them. So many people are extremely cynical about legislators and refuse to work with them or talk to them and refuse to engage with the system, but I am the opposite. I see and have seen the very best in them. (“From What to Where”)

Reynolds’s comments challenge potential activists who see politicians as incorrigible, and speak to an ongoing conversation among such activists. As part of the campaign, I participated in this conversation and interviewed participants, some of whom expressed their preference to work for more fundamental change in the prison system rather than for the inadequate reforms approved by state or elected officials. Declining to affirm just one tactic, however, Reynolds describes the campaign as “oppositional when we needed to be, when there was no alternative,” while admonishing, “you may get further working with reformers in the system than by throwing rocks at their window” (“From What to Where”). She argues that working against mass incarceration
requires engagement with those who are actually in charge of prisons—state governments.

Accordingly, Tamms Year Ten held hearings, introduced legislation, and “worked with great reporters who wrote incredible exposés, pulled in human rights monitors and negotiated with the Department of Corrections.” Finally in 2009, “We had cracked the nut.” She explains:

Our Governor appointed a new Directions Chief to review the situation at the supermax as his first task. The Governor said about Tamms, “Here is an issue that I take seriously…. [M]onths later, the new Director announced a 10-point reform plan for Tamms. We didn’t think it went far enough, but we were elated at the movement forward with this issue. When “The Ten Point Plan” stalled, we started a new push to cut Tamms out of the budget. (“From What to Where”)

Then in 2012, Governor Quinn announced his plan to close Tamms, despite opposition from the “powerful guards’ union,” who, Reynolds explains, “staged a fear-mongering campaign for the jobs at Tamms.” Yet despite opposition from his party and the correctional officers’ union, he vetoed 2013 funding for Tamms (as a line-item veto) and closed the facility.

Given the above-described context, I argue that the momentum to close Tamms emerged out of initial, relatively moderate efforts to reform the prison. In Reynolds’ argument above, she refutes those who might otherwise decline to work “inside the system,” many of whom are activists on the left, and given that audience, she emphasizes the practical, unglamorous work of lobbying legislators. In this dissertation, however, I concentrate on the rhetoric of Tamms prisoners and of the artistic work of the campaign within reformist strategy; like the legislative work, the affective, agentive but often involuntary actions of prisoners’ bodies and that of art may not look obviously forceful or radical, but can nonetheless participate in circulating potential that may come to forceful fruition later. That story, of reform contributing to unpredictable weather systems that wind up encouraging a more substantial shift, emerges as particularly important in the dissertation’s final chapters, which focus on Tamms activism.

4. The Environment of Tamms and Its Physical Design

The building’s physical design and the resulting environment inside Tamms looms large in this
dissertation, because of its effects on the prisoners. Concerns about the consequences of isolating prisoners at Tamms, especially for long periods, motivated advocates to call for the prison’s reform and closure. The following sections focus on the prisoners’ own descriptions of Tamms and the effects of the prison’s design, procedures, and policies on their physical and mental health. The prisoners’ accounts of their experience provide a window onto the central concerns of this study, namely the prospects and limitations of agency and reform.

The picture of life in Tamms, as described by prisoners and advocates in the following pages, involves extreme social isolation, rarely and minimally penetrated by social or mental stimulation. Inmates held at Tamms had no access to group activity. There was no group access to religious worship, and though a GED study course played on repeat on closed circuit TV, there was no access to testing or certification. The prison provided no rehabilitative or educational programming; the only access to formal education would have been through privately funded correspondence courses arranged by family, and enjoyed by few. Because visits with friends and family were non-contact, prisoners frequently noted in letters that it had been years since they had touched another person, aside from the hostile or gloved handling of prison personnel. Meanwhile, until 2010, prisoners were not allowed phone calls. Additionally, given the prison’s encumbering visitation approval process, which required pre-approval of all visitors two weeks in advance (every time) along with the prison’s geographic location, few prisoners enjoyed visits from loved ones. The long drive and overnight hotel proved prohibitive, and many entirely lost contact with family. These conditions of minimal social and sensory stimulation were encoded in the supermax prison design.

The prison was laid out in a “podular” design, with six cellblocks per pod branching off of a central control room—a design meant to maximize security. Each cellblock contained an
upper and a lower gallery, with five one-person cells and a shower on each level. One former prisoner explains the layout as minimizing movement and contact, by making each pod self-contained. Each pod included a nurse’s station, a small room with a cart of books (the law library), and a multi-purpose room and yard. Yet, if minimal human contact to reduce risk drove the design, some questioned whether every detail in it could be understood strictly in terms of security. Based on tours of the prison in 1999 and 2001, the John Howard Association (JHA), for instance, questioned the absence of gym equipment in the exercise yards, and requested the provision of a chin-up bar.

Cells were similarly stripped down, meant to constrain prisoners’ movements and access to dangerous implements. Each cell included a concrete bed and two shelves, where a TV could be placed (purchased at the commissary, if one’s security level allowed). Each cell also included a stainless steel toilet/sink, narrow window, and perforated metal door. Yet despite the perforations, there was little visibility:

There is no peripheral vision, all that can be seen is the bright white wall across from the cell…. [C]ells are primarily lit by a large fluorescent light, which is operated by the inmate. A second light inside the cell is operated by the guard, which he turns on every half hour while he does a visual check of every cell. (“Tamms Correctional Center,” 5) Others have pointed out that though the cell doors were perforated, and though prisoners did find ways to communicate with each other, such communications were difficult to initiate or sustain.

If communication at Tamms was restricted but not eliminated, in the same way, there was some rationed movement outside the cell. Depending on security classification, one might go to the yard or shower one to five times per week. One might also leave the cell
for a visit, health care, or to go to the on-site courtroom. One prisoner explained that unless a prisoner was placed on “restricted movement status,” he could move from his cell to the shower on his own: “There is a yellow line painted down the middle of the floor. It goes from the yard door to the shower. All doors are electronically controlled by the guard (with the rifle) in the tower” (“Tamms Correctional Center,” 4). Prisoners on restricted movement, by contrast, were handcuffed, shackled and escorted by two guards for any movement, effectively disincentivizing it:

If you request access to the pod law library, you have to go through a deterring handcuffing and shackling routine. First, you get ‘thoroughly’ strip searched in your cell. Then you get dressed right at the door. If you step back too far, you get strip-searched again. You then must back up to the door and squat down, placing your hand through the food slot. (The door is solid steel and small holes drilled throughout it.) Once you are handcuffed, the door opens. You are then physically escorted backwards to the yellow line. On their count of three, you are put on your knees to be shackled. Once outside the Pod, in a matter of five seconds, you are at the library cell. Once inside, the handcuffs are removed—not the shackles. (Segregation inmates are not afforded this ‘privilege.’ Their handcuffs are switched from the back to the front.) Once your time is up, you are again cuffed from behind through a slot in the door. The door opens, you back out and kneel down. Then you’re cuffed and shackled again and brought back to your cell. Our cells are searched ‘every time’ we leave them. If they come to do a shakedown while we’re in the cell, we are handcuffed and shackled and chained to the ‘slave hook.’ You can either stand or kneel, your choice (“Tamms Correctional Center,” 4-5).

As of 2001, the JHA reported only three relatively invasive cavity searches having been conducted since Tamms opened—all three in response to incidents in which inmates had inserted objects into their body cavities. Inmate strip searches, on the other hand, were part of the daily routine (“Tamms Correctional Center,” 6).

Forced cell extractions, which involved a hyperbolic show of force impacting the whole cellblock also appear to have been routine. During the prison’s first three years, the JHA reported an average of one cell extraction per week (27). One prisoner’s letter from that period described cell extractions as involving “guards suited in helmets, shields and bullet proof vests” bursting in daily on “unarmed prisoners” (“Tamms Correctional Center,” 5). Even in such a constrained social context, former prisoners complained of heightened sensitivity to the
noxiously shared air, particularly during cell extractions. All prisoners on a cellblock, for example, were exposed to pepper spray from one prisoner’s extraction. Others complain of being unable to sleep or experience sustained quiet, because of the disturbances of mentally ill prisoners:

The mentally ill prisoners drive the normal prisoners crazy by screaming, crying, yelling into the pod at all hours of the day and night for days non-stop, by banging on toilets, doors, walls, and/or by shaking or kicking the doors so hard that it sounds like rumbling.... flooding the wing with toilet water, and by throwing feces at other prisoners or inserting feces into the air vents so that the whole wing receives a dose of the smell for months. The actions of the mentally ill prisoners gives the guards an excuse to enter the pods and use tear gas... The constant bombardment of unrelenting stress takes its toll like flurry of well-placed punches on a tired boxer's head... How long can I be expected to maintain my own mental health, when I am forced to live in an insane environment, surrounded by unbalanced people, in inhumane conditions? (COGFA)

In strikingly similar terms, another prisoner describes being soaked in stress and stench emanating from others, despite the isolation. He asserts that even though “emotionally, my mind can be my worst enemy,” at the same time, the signs and noises of suffering and the deterioration of others become part of that stressful experience:

Although there are only 10 men on the wing, they all attempt to talk at the same time. The echoing noise is, at times, unbearable. Thoughts of the things that I miss come to me throughout the day, but it mainly affects me at night when I’m laying down. I miss my 3-year-old son…say, ‘I love you, Daddy.’ As for visits, I am allowed one pre-approved visit per month. I will no longer be able to hug my mother, my sister and my son. While at Menard, when they came to see me, my son’s eyes would light up when he saw me, then run to me and hug me. I would pick him up in the air and tickle him. I can hear his laughter as I write. I have already lost my dad while I was incarcerated and now that I’m at Tamms, the fear of losing my mother is overwhelming. One of the biggest, most simplest thing [sic] I took for granted was human contact. There is none of that at Tamms. Some of the guys are not fairing [sic] as well as others. I have seen a guard taunt a guy to the point where the inmate felt he had no other recourse but to throw urine on him. Once that happens, Plexiglass panels are placed over the door. Total isolation. There have been numerous suicide attempts in the last couple weeks alone. There is constant banging of the doors and property boxes by the inmates in the other Pods. When you ask a guard, “What’s the problem over there?” they ignore you. The smell of pepper spray and mace will occasionally tell us that there’s a problem somewhere. (“Tamms Correctional Center,” 7)

This prisoner describes a barrage of traumatic stressors, including daily cell extractions, a “constant banging of doors,” worrying for one’s own sanity and that of others. One prisoner describes the frequent, almost daily cell extractions in that context as hyperbole made mundane:
“All this,” he writes, “and there’re only 121 prisoners here” (“Tamms Correctional Center,” 5). His comments highlight the contrast between the prison’s rhetoric of overwhelming force and its more clinical, normalized claims of routine “incapacitation.”

5. Transfer-in Policies
As part of that managerial routine at Tamms, prisoners were classified under one of two administrative labels: Disciplinary Segregation (“Seg”) and Administrative Detention (“A.D.”). These designations existed before Tamms (and are still used after its closure), yet either designation served as sufficient pretext for transfer to Tamms. The Illinois Department of Corrections (IDOC) “Ten Point Plan” explains that Disciplinary Segregation prisoners are “inmates that have been found guilty of serious assaultive, predatory, or violent offenses while incarcerated,” while the Administrative Detention designation is for “inmates that are validated members of Security Threat Groups,” or gangs (Ten Point Plan, Overview). Though this explanation emphasizes “predatory” behavior or very serious violations, it is worth mentioning that many classified as Disciplinary Seg were sent to Tamms for throwing urine. One former Tamms inmate had slapped the warden at his previous prison. Others were in Disciplinary Seg because they tried to escape, or because they committed more violent violations. One such prisoner went to Tamms after kidnapping and raping a psychiatric nurse while housed at Dixon, the Illinois prison holding the largest population of prisoners with severe mental illness. The administration applies the Administrative Detention designation, on the other hand, without reference to any specific disciplinary violation. Though the IDOC says that A.D. is for prisoners who are “validated members of Security Threat Groups,” (gangs) most prisoners in the Illinois prison system are gang affiliated. In that sense, the term functioned usefully for the administration by being non-descriptive. According to Alan Mills, the designation was almost never used except to send someone to Tamms. He observes, “You had this kind of mechanism
out there,” and then at some point, it became particularly useful related to Tamms, because it allowed officials to transfer prisoners to Tamms without the burden of convicting them of anything (Interview). The problem was precisely that the A.D. status conveniently allowed the administration to circumvent any evidence-based check against arbitrary placement.

The absence of objective, external review for questionable placement and transfer was faced by all Tamms prisoners, no matter their classification. As Mills explains, one risk for prisoners included unverifiable accusations regarding gang activity: “A number of inmates at Tamms stated that they had discontinued their previous gang affiliations, but the veracity of such statements is frequently difficult to establish” (31). This former Tamms prisoner describes being subject to that lack of procedural safeguards:

I’ve renounced my affiliation that ended back in 1987 and to a gang that no longer even exists 3 different times now and each time I’m left to wonder what happens now. . . because they know if they accept my renunciation by their own rules they have to let me go. Play by your own rules. Play fair. I can’t undo what I did. I wish I could. But my punishment was life in prison, not life in Tamms. (COGFA)

On a 2008 visit to the prison by members of the Tamms Year Ten campaign, Tamms staff addressed the problem of reliably verifying gang membership. The Deputy Commander in charge of gang intelligence at Tamms confirmed that “It’s common knowledge that you have to prove you’re sincere,” if you want to renounce. Yet if perceived “sincerity” was the litmus test, the Executive Assistant to the Director interjected that “sincerity” was not a matter of a subjective reading of the prisoner’s affect, but was verified through carefully gathered gang intelligence. Yet as this former prisoner points out, intelligence gathering does not prevent dubious, unverifiable accusations by a “confidential informant”:

I was transferred here from Menard Correctional Center for supposedly trying to organize a mass-hunger strike to protest the living conditions in that prison. Even though I denied and refuted those allegations, all it took for the administration here in Tamms to find me guilty of the charges was for one inmate, a confidential informant, to lie on me. There was no proof or evidence of me trying to organize a mass hunger strike. The administration simply went by the confidential informant’s story and ran with it. And it is well known that confidential informants are not reliable. They lie to get preferential
treatment or to get transfer to a prison close to their hometown....When I arrived here in Tamms I had just turned 22 years old. I couldn't understand why I was sent down here. At the time I had only been in the Department of Corrections for 4 years. And in those 4 years that I was in general population I had never committed anything serious to be placed here in Tamms. (COGFA)

This prisoner denies having organized a hunger strike, yet if he had done so, sending him to supermax as retaliation would represent a violation of first amendment rights. In fact, Alan Mills originally pursued the *Westefer v. Snyder* case based on a client that, he suspected, had been sent to Tamms as retaliation for a lawsuit, a suspicion that was ultimately upheld by a jury; a number of “jailhouse lawyers” had in fact been sent to Tamms. These were the prisoners who were their own most assertive advocates in attempting to improve their circumstances.

6. Transfer-Out Policies
Supermax prisoners commonly cite the lack of access to meaningful avenues for improving their own situations, often describing the experience as “life inside a grey box.” Having no exit date compounds that hopelessness: not knowing when or whether one might leave, and having no sense of what one might do to work towards meaningful improvements. A sentence to segregation in a regular prison, by contrast, specifies a certain number of weeks or months. If one behaves, one returns to general population after serving the sentence. Not only did Tamms prisoners not know when or whether their isolation might end, there was neither an apparent, attainable system through which they could work towards transfer, nor incentive-based programs by which one could work towards improving one’s circumstances. The prisoners had little access to a positive sense of future. After placement in Tamms and an initial transfer review hearing (conducted after arriving), prisoners had limited opportunities to petition to change their institutional status.27

7. Effects of Social Isolation on Mental Health
While a significant number of prisoners with mental illness wind up in supermax prisons, the prolonged, indefinite social isolation, pervasive hopelessness and lack of programs compound
that problem. This prisoner vividly links pervasive lack of hope to his own deterioration:

Since I arrived at Tamms things have changed dramatically for me. Before I came to Tamms I had never cut myself but after coming to Tamms I started cutting on myself was placed in restraints numerous times was placed on psychotropic medication both voluntary and involuntary which I had never taken before coming to Tamms, as for relations with my family they were okay until my mother passed away in January of 2002 and my communication with others in my family went non-existent after that. I have stopped looking forward to positive things because it's like nothing positive ever happens to me. I no longer look forward to leaving Tamms until my release even though I no longer get into trouble. I have become sort of complacent because of the situation I am in. (COGFA)

According to psychological experts, previously healthy prisoners commonly develop precisely the kind of mental deterioration described above in the supermax environment. Having researched the psychological effects of social isolation, Dr. Terry Kupers testifies that “It is in this context of near-total isolation and idleness that psychiatric symptoms emerge in previously healthy prisoners. In less healthy ones, there is psychosis, mania or compulsive acts of self-abuse or suicide” (Writing for their Lives, 76). Many former Tamms prisoners wrote to activists to describe precisely the kind of deterioration documented by Kupers. These symptoms typify what Kupers and others refer to as SHU (Segregated Housing Unit) syndrome:

Well let me tell you what happened to me, I had what they are now claiming a “psychotic break.” I now hear voices am always paranoid and having panic attacks. I’ve been diagnosed with a serious mental illness known as “schizophrenia paranoid type.” Now please keep in mind that prior to my transfer & ordeal here at Tamms I’d never had any contact with mental health. (COGFA)

This prisoner asserts, “I am a prime example of what supermax prisons can do to a healthy sane individual” (COGFA). Another prisoner, one of the first to be sent to Tamms, records his own alarm at the deterioration he observed in himself and others, early in his stay at Tamms:

Insomnia, headaches, blurred vision, feelings of depression, hopelessness, anger, sadness, and thoughts of dying and death. Tamms, within the first 30 days of operation, has experienced more than one suicide attempt. Cells have been vandalized by disturbed inmates—tearing the light fixtures from the ceilings, ripping the light switches form the walls. Inmates have cut and mutilated themselves with anything that would break the skin. One inmate, after ripping out the light switch, inserted a long screw into the urethra opening in his penis. Other inmates have bathed themselves in their own feces and urine. Some inmates are obviously suffering from severe mental disorders and should not be subjected to the harshness of Tamms. Even for those who are mentally stable, the monotony of long-term isolation and deprivation can become maddening. No matter
where you are on the psychiatric spectrum, you will not leave Tamms the same individual you came in as. (“Tamms Correctional Center,” 17)

He claims that “no matter who you are on the psychiatric spectrum,” you will be damaged by such conditions. Yet certainly, not every prisoner is equally damaged by long-term isolation. In my interviews, for instance, I encountered three former prisoners who explained their time in Tamms as a strengthening, masculine survival experience.

I met one such former prisoner, who I will call Kevin, who said that Tamms had made him a man. He repeated that he was only speaking for himself, and that he knew other prisoners who, far from having been made stronger, had deteriorated during their time at Tamms. At the same time, however, he had resisted getting involved in protesting Tamms because Tamms had “finally made me the person that I’m supposed to be” (Kevin). He emphasized that during the late 1980’s and early 1990’s he perpetrated precisely the kind of violence that officials cite when they defend Tamms. For instance, regarding the violence in Illinois prisons during the 1990’s, he said: “Every time something violent happened it was to send a message…If I had a police hit, the police didn’t do something that somebody told them to do” (Kevin). Eventually, he was put on “the circuit,” meaning that he was perpetually moved from one prison’s seg unit to another prison’s seg unit, in order to keep him that much more isolated from the rest of the prison population (this was before Tamms existed). But even on the circuit, he says, he found ways to access and manipulate others. Even on the circuit, he says:

I was locked in a cell and I gotta depend on the police the guards to do things for me, then when they don’t I got to react and if not they got to be punished for not doing what I asked them to do. And that kindof scared me when I went [to Tamms] because I kindof had that image no more and I had to deal with myself. (Kevin)

He maintained that the isolation of Tamms forced him to take responsibility for himself.

Regarding the former prisoners who were speaking out against Tamms, he said, “I always looked at those guys” as people “who were not ready to take responsibility for what they did” (Kevin).
Later, however, he indicated that even if Tamms helped him, “Everybody ain’t that fortunate,” and recalled a Tamms prisoner who had been sent to jail initially as a teenager for arson, didn’t adapt well, and was eventually sent to Tamms for petty disciplinary violations. “People like Jimmie, he don’t deserve to be there” (Kevin). Eventually, Kevin introduced me to a friend, whom I will call Shane, just released from Tamms, who struggled with paranoia around his family and had a hard time going out in public. Kevin wanted to round out his account of his experience with Shane as a contrast. Indeed, speaking almost inaudibly, Shane confirmed that two years after getting out of Tamms, his mind was still not right:

   In December it will be two years. [inaudible] Can’t go outside, I don’t feel comfortable around a lot of people. Somebody get too close to me I automatically jump off the fence. Tamms is not good mentally. No. I don’t feel like I’m improving. I feel like I don’t trust anybody. Not outside. (Kevin).

Shane said his feelings of mistrust made it seem like “I really wasn’t out of Tamms, like I’m really not out now. Like it’s a trick. This is like alternate reality even here,” and I believe that he was referencing the mistrust he felt in our conversation. For what it is worth, Kevin also said he doesn’t like to be around people, and that ever since he had lost his job with Ceasefire, he keeps to himself. Still, if we take his account at face value, his experience in Tamms represents a tough, but net-positive experience. Yet even if we take Kevin’s account on his terms, his story, together with Shane’s account of ongoing damage, represent the best-case scenario for the prison as intended by its designers, juxtaposed with the risks of having such a prison at all, for other prisoners who do not fare as well.

II. The Tamms Year Ten Campaign

1. The Poetry Committee

In 2006, a group that later became the activist group Tamms Year Ten came together for a project much smaller in scope, designed to initiate some human connection with prisoners in Tamms. Laurie Jo Reynolds, a filmmaker and artist-activist who later organized the Tamms Year
Ten campaign, invited me and a group of others to collaborate in sending a poem to every prisoner in Tamms once a month, along with a letter signed by members of the public. I became engaged with the Tamms issue through this group, calling itself “The Poetry Committee.”

Based on the organizing of The Poetry Committee, we eventually joined forces with family members of Tamms prisoners and other early advocates. Many supporters became involved through organizations that we reached out to, including church and prison ministry, anti-violence and re-entry, and mental health advocacy organizations.

The group’s early poetry mailings to prisoners quickly exploded into a letter writing exchange with many Tamms prisoners writing back. They expressed gratitude and surprise that anyone would care to make such a gesture. They also commented on our choices of poetry; many wrote to say they loved the Dylan Thomas and Zen kōans we sent. One prisoner said he read a poem we had sent out loud to the others on his cellblock. But another asked if we knew how many Tamms prisoners were African American, and hoped we would start sending poetry from the black revolutionary tradition, and we tried. One prisoner decorated the envelope of his letter with exuberant exclamations in all capitals, including: “FEELINGS!” He seemed to be recording his reaction to the poetry, and to the fact that he was receiving mail. In another letter, a prisoner described having forgotten what he looked like, found himself struggling to visualize the human body, or to visualize the body language of the prisoners in adjacent cells. Yet another prisoner thanked us, but said he wished we would do something more substantial, something that might make a material impact on conditions or policy to improve the circumstances of their lives.

2. The Political Rhetoric of the Activism
As people in The Poetry Committee felt more connected to the Tamms issue, and more committed to doing something more substantial for the prisoners, we embraced more overtly political goals. We pursued two main lines of action: we produced cultural and artistic events as
The Poetry Committee, and in 2008, under the name Tamms Year Ten, we also began to lobby elected officials. We named the more clearly political branch of our efforts “Tamms Year Ten,” with the idea that it had been ten years since the prison had opened, and we were inviting the public to participate in providing accountability after a decade of operation; we were inviting legislators and the public to take responsibility for what was being done in their name. As part of that invitation to public accountability, the cultural and artistic work of the campaign effectively spread the word about the existence of Tamms and concrete steps to get involved.

The grassroots political campaign that grew out of The Poetry Committee continually bore the mark of the division articulated by the prisoner who asked us to do something with real policy-changing consequences instead of mere poetry. That division, legitimately “political” work versus less tangibly forceful work, repeatedly registered in the campaign in different contexts, and therefore informs the dissertation’s fundamental inquiry. These questions found expression in early strategy meetings, for instance, regarding whether the campaign should organize in order to shut Tamms down, or merely reform it. As part of that debate, the question of what is forceful or political in the right way also registered in the types of work that volunteers took on: some of those who had no interest in working with law-makers preferred to do what they called “movement building,” which often meant they were willing to do “cultural work,” but not what one participant described as short-term scramble—the difficult to plan-for and deadline-sensitive work of passing legislation—especially since the legislation would only institute a few modest reforms. Similarly, legislative reform was often contrasted with the work of prison ministry, which seeks to alleviate prisoners’ suffering, without changing fundamentals. These divisions also registered in efforts to acquire grant funding, since some foundations were prohibited from funding “political” work (particularly lobbying) yet were willing to contribute to
prison ministry and “cultural work.”

Importantly, however, the leadership of Tamms Year Ten felt that working for legislative reform (in addition to cultural work) was the only available path that promised tangible results. Only doing art projects and not dealing with legislators would effect no real change for Tamms prisoners. I heartily share that view—yet the argument presented in this dissertation also gestures in the opposite direction. This dissertation urges rhetorical theorists to reconsider our limited emphasis in the practical scene of political action upon what has material or “real” force in the world. Thus, in assessing the valuable role of the “cultural work” in the activism, the dissertation’s final chapter does make its own defense of reformist, or not immediately forceful political work, through an examination of the role of the artistic elements of the Tamms activism.

The burst of energy that brought the diverse coalition constituting the Tamms Year Ten campaign together between 2008 and 2013 came initially out of the cultural work of The Poetry Committee. In 2007, after exchanging letters and poetry with Tamms prisoners for a year, the Poetry Committee organized an event at a gallery in Chicago. The event displayed the results of our yearlong mail exchange, informing members of the public about conditions at Tamms. There were three-ring binders on display full of letters, and a pamphlet with prisoners’ responses to the question, “What three things would bring you immediate relief?” Eventually the gallery filled up, with many forming an assembly line, signing and stuffing envelopes with letters and poems for prisoners. Many stayed to hear family members of Tamms prisoners speak, along with recently released former prisoners, whose various personalities—charismatic, soft-spoken, responsible—challenged the stereotype of the “worst of the worst.”

The fifty or so attendees included curious members of the public who knew little about prisons or prisoners, as well as a number of veteran prison reform advocates. Speakers
commented on the turnout and the spectacle of industriousness enacted at the tables, the letter signing and envelope stuffing. One former prisoner circulated a petition, expressing hope at the energy in the room, urging those present to collaborate for change in the criminal justice system. During the following year, we duplicated this model repeatedly, gathering contact information for supporters at each event: our initial group of approximately six Poetry Committee organizers expanded to include two thousand Tamms Year Ten supporters who had attended an event or meeting and had signed up to call their legislators or volunteer. The events generally combined artistic performance with speakers who educated audiences, usually family members of Tamms prisoners or former prisoners, with the goal of connecting people more powerfully to the issue.

In late 2007, Laurie Jo Reynolds spoke with lawyers who had been involved in Tamms litigation, who agreed to draft legislation that could be introduced in the Illinois House of Representatives. Reynolds then organized legislative hearings, set for April of 2008, working with the late Representative Eddie Washington, who was at that time the head of the House Prison Reform Committee. Meanwhile, supporters who had attended the various public-education/art events were calling their legislators to ask them to attend the upcoming hearings. Reynolds also met with Democratic Representative Julie Hamos in her office, along with one of Hamos’s constituents, Stephen Eisenman. As an Art History Professor who had written about the aesthetics of torture, Eisenman helped to make the public case that conditions at Tamms were tantamount to torture. 30 During their visit to Hamos’ office, Eisenman and Reynolds elicited her concern regarding human rights violations at Tamms, persuading her to attend the hearings.

The hearing, held in April 2008, represented a turning point, as an information source and as spectacle of grassroots force. Everyone in the overflow crowd at the hearings dressed in red and black, with an impressive showing of reporters and cameras. Supporters held a banner that
read, “Ten Years of Torture,” with a black background scored with crosshatches, marking as a prisoner might on a cell wall, the number of days Tamms had been open. Former prisoners and families testified, along with IDOC personnel and other experts, including Terry Kupers, who argued that supermax confinement can trigger underlying potential for mental illness. A Republican on the Prison Reform Committee asked the DOC Medical Director if he believed Tamms causes mental illness, and the Director said, speaking for himself, he believed it did. Rep. Hamos arrived at the hearing’s end, but said she was ready to co-sponsor legislation with another Democrat, Rep. Washington. Impressed by the crowd and commenting that she believed in the grassroots, Hamos said she had been persuaded that Tamms needed reform and that there was a base of support for doing so.

Based on the relationships solidified in that hearing, with Representatives Hamos and Washington as co-sponsors, Reynolds worked with Alan Mills and Jean Snyder, who drafted the basic text of a Tamms reform bill, and the Tamms Year Ten campaign went on to lobby for that legislation for two years. The legislation stipulated that prisoners: 1) “only be sent to Tamms if they injure (or attempt to injure) guards or other prisoners, escape from custody, or otherwise seriously disrupt prison operations.” 2) “Must be told why they are being sent to Tamms and be given a fair hearing.” 3) Would “not remain at Tamms for more than one year, unless transferring them back to another facility would endanger the safety of staff or other prisoners.”
4) And those “with a serious mental illness will not be sent to Tamms.”

The campaign and its allies engaged state legislators through lobbying, while also educating the wider public and press, and along with coalition partners, developed connections to respected national mental health and human rights figures, and organized art and culture events. Such connections fed growing press interest in Tamms, and the campaign worked tirelessly to keep that interest.

III. Methodology

In their volume *New Materialisms: Ontology, Agency and Politics*, Diana Coole and Samantha Frost employ the image of chaotic weather systems to describe the complex causality involved in systemic political and cultural change. They write, “For any emergent material configuration, infinitesimally small causes can transform successive conditions…such that they end up having massive but unanticipated effects” (14). Based on this metaphor, within the complex weather system of causality preceding Tamms’s closure, I have said that some of the rhetoric among anti-Tamms activists seemed more obviously forceful, practical or directly political than others. Tracing the activism’s non-measurable political agency calls for qualitative study. For that reason, this dissertation employs a mixture of critically and politically engaged rhetorical inquiry and field research. Such methods have been described by practitioners as “embodied epistemology,” “rhetorical ethnography,” or “rhetorical field methods.” According to one group of researchers, such methods “avoid bracketing out insights that fail to gain the status of objectified texts and include more careful attention to the extradiscursive elements of rhetorical action” (Middleton, 393). The emphasis placed by these researchers upon research itself as rhetorical action proves particularly apt for inquiry in which the researcher engaged in the activism under study, as I did. Attentiveness to my own positionality as part of methodological
care therefore requires that I highlight the heuristical channels through which this dissertation’s analysis of fieldwork proceeds.

In citing the heuristical channels through which I analyze fieldwork data, I refer to the key metaphors that have proved most helpful in making sense of the data that I collected. Like Kenneth Burke’s conception of a “terministic screen,” a heuristic functions as a term or metaphor, which filters out some information, thereby making other information more visible. The people I interviewed and worked with themselves filtered their thoughts heuristically, and my research tracks these conceptual filters operating in their understandings of Tamms or its activism. Yet my analysis also filters their rhetoric heuristically, privileging themes and terms that emerged as prominent in my experience as an activist. Given the depth of the layering of rhetorical/heuristical material involved in such an inquiry, and given my involvement in the activism, my position as researcher cannot be transcendent above the field site.

I was embedded in the work of the Tamms Year Ten campaign from 2006 to 2011, but as I became increasingly occupied with the project as an academic study, I became less engaged as a volunteer, and eventually stepped away from the activism in 2011. As part of the initial group, lead by Laurie Jo Reynolds, who mobilized Tamms Year Ten, between 2008-2011, I supervised volunteers, contacted family members, and organized student service learners who implemented projects. The dissertation is grounded in that experience: thousands of hours of meetings, phone calls, car rides, and collaboration with other activists, including family members and former Tamms prisoners. My loyalty to the Tamms cause emerges from my connection to them.

At the same time that my position begins with sympathy for the Tamms prisoners and their families, it has been an important part of my method to interview and listen to people who were advocates of Tamms. Consequently, my point of view increasingly took into account the
perspectives of people who run prisons. Through interviewing people with the Illinois Department of Corrections, and through Reynolds, who formed connections with state officials through her advocacy, I glimpsed the overlap between the operational problems faced by prison officials and the problems that prison activists protest: namely, that we incarcerate too many people.

In the end, I conducted forty-six interviews with thirty-nine people. The people I interviewed provide insight into the forces that laid the groundwork for Tamms, including lawmakers and corrections officials who believed in the supermax and pushed for it, as well as lawmakers who supported reform legislation. I also interviewed former prisoners and family members, whose accounts foreground “agency” in all its complexity, while emphasizing the importance of human touch, or the role of bodily rhetoric in the activism. The lawyers who litigated on the Tamms issue provide legal and historical insight into the context that made Tamms, and the prison’s problems. Meanwhile, all of the artist-activists that I interviewed, with the exception of Laurie Jo Reynolds, talked about the special role of the artistic elements of Tamms Year Ten in terms of art’s openness and indeterminacy, as contrasted with the closed possibilities of policy or politics: Reynolds, by contrast, emphasizes the instrumentality of targeting decision-makers. Both points of view inform the dissertation’s discussion in its final chapters of non-deliberative agency and rhetorical “weather systems.” The following chart lists those interviews and registers their major topics and emphases. (See next page.)
## Interview Summary, 2010 – 2014

<table>
<thead>
<tr>
<th>Name/Pseudonym*</th>
<th>Expertise</th>
<th>Interview Topics</th>
<th>Emphases</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRISONERS &amp; FAMILY MEMBERS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ricky*</td>
<td>3 decades IL prisons</td>
<td>Prison environment 80’s-90’s</td>
<td>Rehabilitation</td>
</tr>
<tr>
<td>Sammie*</td>
<td>3 decades IL prisons</td>
<td>Prison environment 80’s-90’s</td>
<td>Rehabilitation</td>
</tr>
<tr>
<td>Jerry*</td>
<td>Former Tamms prisoner</td>
<td>Pontiac riot, prison environment 80’s-90’s</td>
<td>Pontiac riot; collective agency.</td>
</tr>
<tr>
<td>Kevin*</td>
<td>Former Tamms prisoner</td>
<td>Prison environment 80’s-90’s, manhood</td>
<td>Personal agency.</td>
</tr>
<tr>
<td>Brian X2</td>
<td>Former Tamms prisoner</td>
<td>Solitary confinement, circuit, mental health, deterioration, agency, policy</td>
<td>Invisible torture; collective agency.</td>
</tr>
<tr>
<td>Rashad*</td>
<td>Former Tamms prisoner</td>
<td>Prison environment 80’s-90’s, personal growth, isolation, family</td>
<td>Personal agency.</td>
</tr>
<tr>
<td>Hugo*</td>
<td>Former Tamms prisoner</td>
<td>Survival in Tamms</td>
<td>Personal agency [very paranoid].</td>
</tr>
<tr>
<td>Jordan*</td>
<td>Former Tamms prisoner</td>
<td>Coping</td>
<td>Personal agency.</td>
</tr>
<tr>
<td>Michael*</td>
<td>Former Tamms Prisoner</td>
<td>Coping, his case, boycott</td>
<td>Collective agency; concern for others.</td>
</tr>
<tr>
<td>David*</td>
<td>Former Tamms Prisoner</td>
<td>Coping, gangs, political involvement, invisible harm</td>
<td>Collective agency; invisible torture.</td>
</tr>
<tr>
<td>Joshua*</td>
<td>Former Tamms Prisoner</td>
<td>Coping, political involvement, invisible harm</td>
<td>Collective agency, concern for others; invisible harm.</td>
</tr>
<tr>
<td>Ronnie*</td>
<td>Former Tamms Prisoner</td>
<td>IL prison lockdown, deterioration, ongoing social discomfort</td>
<td>Invisible permanent harm.</td>
</tr>
<tr>
<td>Pat Wise</td>
<td>Mother, Tamms Prisoner</td>
<td>Tamms Committee, activism</td>
<td>Family members’ solidarity; Brian’s agency.</td>
</tr>
<tr>
<td>Jordan*</td>
<td>Uncle, Tamms Prisoner</td>
<td>Mental health, racism</td>
<td>Invisible effects of isolation.</td>
</tr>
<tr>
<td><strong>LAWYERS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jean Snyder</td>
<td>Lawyer</td>
<td>Mental health policy</td>
<td>Rasho v. Snyder.</td>
</tr>
<tr>
<td>Alan Mills X2</td>
<td>Lawyer, UPLC</td>
<td>Transfers, due process, A.D., mental health, Tamms Committee</td>
<td>Westefer v. Snyder.</td>
</tr>
<tr>
<td><strong>OFFICIALS &amp; POLITICAL LEADERS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anton Valukas</td>
<td>Lawyer, IL Task Force</td>
<td>Tamms rationale</td>
<td>Control, deterrence, “the facts.”</td>
</tr>
<tr>
<td>Governor Jim Edgar X2</td>
<td>Former Governor</td>
<td>Tamms rationale</td>
<td>Preventing prison riot, curbing spending.</td>
</tr>
<tr>
<td>Mike Mahoney</td>
<td>Former Head of JHA; Valukas Commission</td>
<td>Sentencing law. Valukas report. Tamms problems.</td>
<td>Tamms not used as intended.</td>
</tr>
<tr>
<td>Howard Peters X2</td>
<td>Former Director, IDOC</td>
<td>Rationale for Tamms. Marion as precedent. Justice.</td>
<td>Rehabilitation, control.</td>
</tr>
<tr>
<td>Dee Battaglia</td>
<td>Former Warden, Stateville</td>
<td>Environment in IL prisons, race, importance of rehabilitation, professional culture among IDOC employees</td>
<td>“Prisoner lovers” vs. “prisoner haters” in IDOC</td>
</tr>
<tr>
<td>Prison Administrator</td>
<td>Federal Bureau of Prisons; prison design</td>
<td>Rationale &amp; pitfalls: supermaxes, Michael Randle’s excellence</td>
<td>The key is to administer supermax correctly.</td>
</tr>
<tr>
<td>Odie Washington</td>
<td>Former Director, IDOC</td>
<td>Environment in IL prisons, reforms, rehabilitation, control</td>
<td>The need to exert humane control.</td>
</tr>
<tr>
<td>Rick Bard</td>
<td>Former Chief of Operations, IDOC</td>
<td>Rationale for Tamms, violence</td>
<td>The real and urgent need for control.</td>
</tr>
<tr>
<td>Barbara Currie</td>
<td>Majority Leader</td>
<td>Context for Tamms</td>
<td>“Press conference bills,” toughness on crime.</td>
</tr>
<tr>
<td>Larry Wennlund</td>
<td>Former IL legislator</td>
<td>Context for Tamms</td>
<td>Killing “press conference bills.”</td>
</tr>
<tr>
<td>Coy Pugh</td>
<td>Former IL legislator</td>
<td>Context for Tamms</td>
<td>Class X felony laws.</td>
</tr>
<tr>
<td>Jack McGuire</td>
<td>Former IL legislator</td>
<td>Context for Tamms</td>
<td>Removing “trouble makers.”</td>
</tr>
<tr>
<td>Tom Dart</td>
<td>Former IL legislator; Cook County Sheriff</td>
<td>Context for Tamms</td>
<td>Rehabilitation, control, Prison Reform Committee.</td>
</tr>
<tr>
<td><strong>ACTIVISTS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hannah*</td>
<td>Lawyer</td>
<td>Movement building vs. lobbying. Marion lockdown</td>
<td>Marion as predecessor to Tamms.</td>
</tr>
<tr>
<td>Jay*</td>
<td>Activist</td>
<td>Movement building, strategy</td>
<td>Process matters as much as results.</td>
</tr>
<tr>
<td>Abbey*</td>
<td>Activist</td>
<td>Movement building, art activism</td>
<td>Openness, social movements.</td>
</tr>
<tr>
<td>Marty*</td>
<td>Activist</td>
<td>Art, cultural campaign, Poetry Committee</td>
<td>Openness &amp; uncertainty of art.</td>
</tr>
<tr>
<td>Mike*</td>
<td>Activist</td>
<td>Art, cultural campaign, Poetry Committee</td>
<td>Openness &amp; uncertainty of art.</td>
</tr>
<tr>
<td>John*</td>
<td>Activist</td>
<td>Art, cultural campaign, Poetry Committee</td>
<td>Openness &amp; uncertainty of art.</td>
</tr>
<tr>
<td>Chris*</td>
<td>Activist</td>
<td>Poetry Committee. Where did commitment to the cause come from?</td>
<td>Prisoners’ letters. Meeting/knowing prisoners.</td>
</tr>
</tbody>
</table>
I directly quote sixteen of the interviews that I conducted in the text of the dissertation, but all of the interviews have influenced my sense of the dissertation’s core heuristics, themes and questions; these emerge from the most common, powerful and relevant topoi expressed by people I interviewed, or from my field notes and archival research. Note for instance, the theme of agency as it registers in the chart. All of the former prisoners underscore the importance of their ability to shape their own fate, inside prison, inside Tamms, and after release. Some emphasize what I have called personal agency, or self-determination, against or despite prison authorities. Many also talked about collective agency, or their political commitment to community and other prisoners. Two of the former Tamms prisoners that I interviewed, for instance, emphasize collaboration between prisoners still inside, with activists on the outside. The supermax’s social isolation heightens these concerns for personal and collective agency through its lack of incentives and lack of movement. I connect these concerns for prisoners’ agency to questions of political efficacy raised by activists, who debated whether to work for reform or prison abolition, as well as to the reformist tactics of the Tamms Year Ten campaign, and to the less obviously forceful artistic tactics of the campaign.

I employ qualitative field methods for this inquiry, in part, because such methods provide especially good tools for exploring rhetoric’s material force in the world. Both rhetorical ethnography and material rhetoric share the impulse to widen the scope of what counts as rhetoric. They seek out the material world as part of the rhetorical. Scholars point out that though material or “real world” phenomena may not have been intended by anyone as persuasion, they wind up functioning productively in the world, like persuasion. In that sense, the discourse of material rhetoric speaks to the work of Michel Foucault. As Barbara Biesecker explains in *Rhetoric, Materiality, and Politics*, in an overview of the field, ‘Foucault would persuade some
scholars in the field to stop reading “for the enigmatic treasure of ‘things anterior to discourse’ and begin mapping ‘the regular formation of objects’ that emerge only in it” (5). Theorists of material rhetoric emphasize rhetoric’s sociological and epistemological function, or its function as materially constitutive of social relations, as opposed to thinking of rhetoric as separate from the material world. Michael Calvin McGee, for instance, who made an influential case for “a materialist’s conception of rhetoric” in the 1980’s, admonished us to stop regarding texts as separate from the material world, and to instead investigate rhetoric in action. Instead of appreciating isolated literary texts, he wanted us to look at the ongoing collective dynamic that constitutes rhetoric. He comments: “From a materialist’s perspective, ordinary discourse is a social function which permits interactivity among people. It is a medium, a bridge among human beings, the social equivalent of a verb in a sentence” (Rhetoric, Materiality, & Politics 4). In other words, as rhetoricians, the borders of our concern don’t begin and end with the borders of either a text, or the intentions of a human being trying to communicate some specific message.

Many others have endorsed McGee’s call to expand the franchise of rhetorical inquiry beyond the traditional frontier of philosophy, theory, and the aesthetically sanctioned speech of the academy, and to instead check in with what ordinary people are saying. The authors of New Materialisms, for instance, quote David Harvey, who “warns against the ‘serious danger’ of proceeding as if ‘material and absolute space did not matter.’” They add that Harvey “points out that ‘no one knows what any of that means until real bodies go into the absolute spaces of the streets’” (New Materialisms, 25). In the name of precisely such an embodied epistemology, I ground my arguments about rhetoric surrounding Tamms within the discourse of real people.

The heuristical methodology embraced in this dissertation, partly as a matter of embracing my positionality as a shaping force in the research, complements the wider theoretical
commitments of my argument. At the same time that I query the emphasis in rhetorical theory upon rhetoric’s productive, “constitutive,” material, or forceful activist role, I also reject the image of either rhetoric itself or the researcher as transcendent to the material field of inquiry. As Josh Hanan argues, a constitutive view of rhetoric tends to frame “rhetoric as a practice that is spatially and temporally separate from the material world,” which he distinguishes from “an immanent and reciprocal understanding of rhetoric and materiality” (395). Along with Coole and Frost, Hanan calls for a more genuinely materialist view of material rhetoric. They reject the materialist, social constructionist view “that presumes matter’s passivity or plasticity in the face of power,” arguing that such a view “may echo an earlier ontology for which matter is inert stuff awaiting cultural imprint” (New Materialisms, 26). These new materialists push against the excesses of the Burkean view of language as transcendent to its referent—language is not sovereign. Similarly, in Ambient Rhetoric, Thomas Rickert writes, “while I agree with McGee that practice is a material event, we cannot be satisfied with the human-centered and overwhelmingly discursive priority through which this materiality shows up” (21). Here, Rickert joins other new materialists offering a corrective to the discursive priority in rhetorical theory. That corrective enacts part of the unanswerable, ongoing methodological question of qualitative field research: which comes first, the fieldwork or the metaphors with which you filter the fieldwork in order to produce an analysis? Yet clearly the two constantly mutually articulate the other. I therefore align my method simultaneously with Burke and with the new materialists. On the one hand, with Burke’s sensitivity to the transcendence of the signifier in filtering perception, I search the discourse of the people that I worked with and interviewed for language constructions driving perception and policy surrounding Tamms. Yet like the new materialists, I also attend to non-deliberative agency as potentially relevant within the political/activist scene.
IV. Theoretical Frame

Clearly, questions of agency surround the supermax, which intentionally limits prisoner movement and sociality, providing few incentives and no rehabilitative programming. The diminished sense of personal and social agency experienced by supermax prisoners corresponds, in prisoners’ accounts, to deteriorating hope. I have also shown a multiplicity of agentive forces driving the Tamms activism. As I argue below, the Tamms Year Ten campaign toggled back and forth between willed, sovereign, productive rhetorical agency meant to directly impact policy, and agency that operated through non-targeted or non-deliberative channels. As I explain in the last chapters of this dissertation, these non-deliberative but nonetheless agentive potentialities manifest in affective rhetorics of the body and of artistic spectacle. I also suggest that these rhetorics of potentiality contributed to the “perfect storm” of forces that coalesced in Tamms’ closure. The following analysis of the types of agency I am concerned with, based on my work with Tamms Year Ten, defines what I mean by both agency and potential, while justifying my use of the biopolitical in this discussion.

In this section, I expand on my earlier comments about Foucaultian and Agambenian notions of biopolitics, to explain how their theorizations contribute to understanding the Tamms prison and its activism, and how their notions of biopolitics prompt my claims about rhetoric. Foucault says that power works differently in modernity, targeting populations rather than individual bodies, in order to manage the biological life of the population. He glosses this uniquely modern form of power as “the power to make live,” and explains that it works through various productive forces rather than through the decisive agency of sovereignty. Since in Foucault’s analysis, contemporary power does not come from a single brain, power is not a scoundrel. This perspective informs my first chapter’s study of multiple forces helping to produce Tamms. Meanwhile, Agamben shows that there are still parties who have more power
than others to “make live and let die,” and that overlap makes both theorists essential. Agamben also provides a critique of the state of exception, useful in making sense of NSA spying, the suspension of due process at Guantanamo Bay, or Tamms.

Thus, to briefly summarize before proceeding in more detail: Foucault reveals power’s less obvious, dispersed operations, which speaks to the dissertation’s concern with visible, forceful, materialized effects. The rhetorical thrust of the dissertation connects those issues of visibility in biopolitics to visibility and force in rhetoric; I contrast the readily visible causality of sovereign rhetoric and power to the somewhat less visible power that Foucault associates with biopolitics, which governs less forcefully, from the ground up, and I connect those less visible rhetorical modes in the Tamms activism to Agamben’s concept of potentiality.

The biopolitical emerges, according to Foucault, as power working productively through internalized social norms, which en masse, control and cultivate the population. In part, we can understand Foucault’s concept of biopolitics as emerging in a modern historical context in which increasingly cosmopolitan populations needed regulation, in the name of public health and managing conflict. As the logics of liberal governance advanced, in tandem with advancements in science, new regimes of power-knowledge enabled otherwise impossible social institutions, including the prison and madhouse.

Accordingly, we can see science’s increasing insistence on measurable causality interacting with evolving modes of surveillance. As cruelty goes increasingly underground in liberal governance, with spectacular scenes of public torture retreating from the scene of punishment, visibility and surveillance themselves propagate the very social norms that produce biopolitical governance, replacing the repression of a sovereign. From a certain perspective, Tamms seems like a product of these liberalizing logics, insofar as there is no aggressive attack
on prisoners’ bodies. Yet the question of visibility also drives some of the most powerful biopolitical arguments of supermax opponents (on behalf of the lives of prisoners) who argue that supermax confinement perpetrates invisible torture.

Foucault helps us to see what is otherwise difficult to see; instead of obvious, aggressive attacks, we have governing rationalities, or constitutive/material rhetorics. He helps us to a more nuanced understanding of power as neither juridical nor sovereign (whose causality could more easily be pinpointed) but as dispersed mechanisms of regulation “that persist in the guise of formal equality and liberal humanism” (Feldman, Mirpuri and Roberts). Foucault makes it more possible to confront ostensibly non-aggressive governance, and for that reason, Foucault’s sense of biopolitics, along with that of Agamben, functions usefully in understanding Tamms.

If Agamben and Foucault’s biopolitics provide a skeptical lens through which to view the otherwise valorized image of western liberal-democratic politics, they also provide analytical distance from the Tamms activism, and from rhetorical theory’s impulse to valorize activist rhetoric. Agamben’s skepticism in particular enables critique of what might otherwise remain outside the bounds of criticism—namely, the valorization of rhetoric in the name of important, but not infallible rhetorics of human rights, social justice, life, or of liberal democracy. For instance, Agamben resists Hardt and Negri’s uplifting spin on Foucault’s emphasis on the productiveness of biopolitics. For Hardt and Negri, “biopolitical production is ‘all-embracing’ [Insurgencies 2], ‘originary and liberatory,’ ‘creative and irresistible’ [9]” (as quoted in Attell, 37). Yet Agamben resists the Marxist tendency to invest productivity with virtue, suggesting, “The Left went down the wrong path when it adopted these categories, which are at the centre of capitalism” (as quoted in Skinner). Contemporary capitalism’s production of efficiency or utility features centrally in this dissertation’s argument insofar as rhetorical theory prizes material force,
or language accomplishing work, or getting things done.

One possible danger in respecting, noticing, or theorizing only rhetoric’s effectiveness in the materialized, actual world is an overly utilitarian view of rhetoric, coupled with a politics that can imagine only what is possible or appropriate in the given world. As I argue in the dissertation’s final chapter, the frequently misleading binary in prison activism, between radical activism versus mere prison reform, also emerges from narrowly utilitarian conceptions, on both sides of that binary. In *Homo Sacer*, Agamben provides an opening out of a similar binary. He parses a famously obscure sentence from Aristotle’s *Metaphysics*: “A thing is capable of doing something if there is nothing impossible in its having the actuality of that of which it is said to have the potentiality” (as quoted in Attel, 38). Agamben argues that the sentence has been widely misunderstood as, “What is not impossible is possible.” Yet as Kenneth Attel explains, everything depends on one’s translation of *dunamis* (potentiality) in Aristotle’s sentence: most have construed it as “possibility,” but “capacity” is equally likely, and suggests a possibly important connotation. If it is momentarily impossible for a flute player to play the flute, if she happens to be, for instance, under water, she still has not lost her *capacity* to play; that construal of *dunamis* suggests a latent presence that nonetheless matters, even if current conditions are not ripe to actualize it. That sense of potentiality informs the dissertation’s final chapters, which turn towards affect, embodiment and art in the Tamms reform activism, in order to explore ways in which presently effective rhetoric does not immediately cover its potential.

Agamben’s biopolitics deviates from Foucault’s in his insistence that the human/animal binary in ancient politics remains at the heart of modern biopolitics. Agamben’s version of biopolitics pivots from Aristotle’s claim that “the good life” depends on human capacities of speech, reason and political community. According to Agamben, that valorization of *bios* (or
human life) along with the exclusion of zoë (or animal life) from the deliberative/political sphere, inaugurates a lethally misguided tradition that continues in contemporary politics. As Agamben explains in a recent interview, “In our culture, the notion of life is never defined, but it is ceaselessly divided up…. Perhaps we could reach a form of life that resists such divisions?”

( Skinner) Though Agamben differs from Foucault in indicting ancient hierarchies as the key to biopolitics, his objections to the ceaseless division of forms of life complements Foucault’s analysis of racism in modernity.

Foucault’s analysis of race speaks to Agamben’s attention to the human versus non-human binary. If Heraclitus said that the basic state of life is war, and Clausewitz reversed that heterodoxy, saying that politics is war by other means, Foucault suggests in Society Must Be Defended that an entirely new version of Heraclitus’s claim swept the field in early modern Europe, reshaping society, and paving the way for modern racism. Foucault claims that resentments by the aristocracy and bourgeoisie against monarchy in France and England, which eventually erupted as civil wars, produced a binary discourse of protecting one’s factional interests against toxic others in society, and that discourse provides an apparatus for institutionalizing racial eradication and biological threat. The discourse urges: "We have to defend society against all the biological threats posed by the other race, the subrace, the counterrace that we are, despite ourselves, bringing into existence" (SMBD 61). Foucault calls this modern discourse of perpetual war “state racism,” and suggests that it became “one of the basic dimensions” that governs in biopolitics (62).

Though Foucault’s discussion of race refers to broad processes and not particular histories of racism, his conception illuminates the biopolitical discourse of Tamms. For instance, as I demonstrate in my first and second chapters, popular descriptions of the “kind of prisoner”
that Tamms was meant to house as the so-called “the worst of the worst” are taken up in a more
civil public form in the discourse of elected officials, or as state racism in Foucault’s sense, “by
setting up the Other as living threat,” as one Foucault scholar puts it, “and the human species as
strictly biological, therefore entirely susceptible,” which frames as “proportionate and
appropriate an absolutist response to the hazard” (Levinson, 6). The phrase “the worst of the
worst” justified the need for a supermax, by imagining the population of prisoners that are its
target as such a threat to the population that the supermax’s extreme conditions can be perceived
as normalized or proportional. We can see that same discourse in the rhetoric of an unnamed
California supermax administrator, quoted by Lisa Guenther. The administrator argues, the
supermax is for “the isolation of ‘predators’ and those who ‘cannot be controlled or do not want
to be controlled’ so that the rest of the prison can function smoothly” (as quoted in Solitary
Confinement, 225). Guenther comments, “This makes sense from a wildlife management
perspective; if there are dangerous predators, then a good manager will identify and remove them
to protect the health and safety of the general population” (225). Such administrative rhetoric
functions as a biopolitical, security-centric endorsement of the supermax, and exemplifies
Foucault’s concept of “state racism.”

However, that rhetoric of managing threat operates slightly differently related to Tamms
than more directly racist logics fueling mass incarceration at large; once prisoners were in the
Illinois prison system, racial profiling was not likely part of the calculus of sending someone to
Tamms. Few would dispute the connection between racial disparities at the arrest and sentencing
level and the disproportionate number of incarcerated black and Hispanic prisoners. 
Likewise, the ongoing legacy of racial hegemony, including segregation, white flight, unequal allocation of
tax revenue, hostility and indifference to the fates of non-whites, continue to feed a self-fueling
carceral machine. These ongoing structural inequalities therefore also shaped the context that made Tamms: in fact, over 80% of Tamms prisoners were of color, an imbalance also reflected in the overall prison population. Yet surprisingly, once prisoners were in the prison system, the process that funneled prisoners from the various maximum-security prisons in the state into Tamms did not clearly favor white prisoners. As the IDOC reports, in 2010, the population of Black prisoners at Tamms was actually slightly lower than in the wider prison system, at 53.9% instead of the 57.7% statewide (“Ten Point Plan,” 27). Instead, by the time prisoners were in the system, they were sent to Tamms based on suspected gang involvement or security concerns, not directly because of ethnicity. In that sense, the threat of the “worst of the worst” and gangs themselves function in the prison system as the operative categories of absolute otherness, eliciting the system’s operative discourse of justified, proportional security.

Agamben’s biopolitics also resonates with the project of the supermax, revealing unusual discourses of race at Tamms. Agamben traces historical structures of belonging and non-belonging, turning on questions of speech or political enfranchisement implicit in the bios/zoé binary. The supermax’s banishment of prisoners to the perimeter, which targets their influence or ability to communicate, corresponds to Agamben’s analysis—particularly in the figure from Roman law, *homo sacer*, which refers to a low status person whose death would not even be considered a sacrifice. Accordingly, some of the former prisoners that I spoke to said that race divisions at Tamms did not have the same power in Tamms as in the general prison population. There was a sense in which the prisoners were united by the race or category of being *homo sacer*. Tamms enforced a sense of equality with others considered total pariahs.

Agamben’s insights hint at a dark side of the “public sphere” as a shaping political discourse. At the same time that the term “public sphere” delineates a sphere of inclusion and
virtue attached to political agency, it simultaneously delineates a sphere of exclusion and irrelevance. In that sense, Tamms functioned in the public imagination to demarcate, in an Aristotelian schema, who belongs in the polis and who doesn’t. If, as Aristotle explains in *The Politics*, women and slaves are excluded because they lack the required capacities for the polis, such exclusions continue to provide their own rationalizations in contemporary politics.

The ongoing argument regarding who qualifies frequently turns on ability, productivity or capability. Such discourses of ability suddenly seem strikingly concrete in the case of Tamms, considering the number of prisoners who were sent as a result of having mental illness. We should understand this rhetoric of capability as a rhetoric of utility, which Foucault teaches us, increasingly processes human problems in economic terms. Indeed, in literal, consequential terms, Tamms prisoners were regarded in the discourse of some legislators as beyond rehabilitation; they said that it was not worth investing in rehabilitation for those who could not be rehabilitated. Tamms marked out those who could legitimately be written off, or were *incapable* of being rehabilitated. Likewise, in the discourse of the prison administrator quoted above by Lisa Guenther, the supermax provides a place to put prisoners who cannot or will not perform governmentality according to the system’s requirements, and therefore need to be excised from the system. Judith Butler’s concept of shared human precariousness speaks to these registers of human relevance, observing that “Certain lives will be highly protected,” while “[o]ther lives will not find such fast and furious support and will not even qualify as ‘grievable’” (32). The question of which lives qualify as grievable is not only determined by a history of racial domination, but also utilitarian logics of capacity. Foucault connects these logics of human capacity to the neoliberal discourse of “human capital” (219).

The neoliberal discussion of “human capital,” parsed by Foucault in *The Birth of*
Biopolitics, involves narrow economic calculations about human value, which point towards eugenic outcomes. Foucault narrates the implications of that discourse:

[I]f you want a child whose human capital, understood simply in terms of innate and hereditary elements, is high, you can see that you will have to make an investment, that is to say, you will have to have worked enough, to have sufficient income, and to have a social status such that it will enable you to take for a spouse or co-producer of this future human capital, someone who has significant human capital themselves. I am not saying this as a joke; it is simply a form of thought…that is currently being elaborated.

Foucault suggests that once the logic of “human capital” has been widely adopted, people begin to think this way: when you have children, it is as though you are starting a small business, and you need to think about the prospects for your venture. Though he admits the language of eugenics may sound extreme, and that the blatantly racist discourse required to approve the morality of human slavery doesn’t have much contemporary currency, he repeatedly insists, “this is not a joke,” asking the audience, “What, you will ask, is the interest of all these analyses?” prompting them, by way of an answer, to imagine the discourse’s “immediate political connotations” (228-232). He submits, for instance, that these calculations set into motion by the widespread discourse of “human capital” will have implications for “criminality and delinquency.” (219). Certainly, Gary Becker, who authored the book Human Capital, never intended to feed racism. Yet even if neoliberal theorists want nothing to do with the blatant racism of slavery or the Third Reich, which explicitly said that certain people would be treated like equipment, precisely because they do not count, the logic of “human capital” nonetheless sets into motion a series of unfolding calculations, which in effect, treat people as merchandise or as equipment. In an age when eugenic management of DNA is at hand, such calculations will impact those populations that are seen as worth investing in differently than those that are not.

It is hard to avoid instrumentality and utilitarian logics wherever activists are working towards concrete goals. Thus to be clear, this dissertation does not treat pragmatic calculation as though it is toxic, nor does it reject agency or intentional political striving. Instead, the
dissertation explores pitfalls and alternatives to focusing narrowly on rhetoric’s practical, material purchase in the world. The exaggerated version of that view within rhetoric says, “What has this rhetoric done for me lately?” Instead, the rhetoric at issue here, related to the weather systems involved in the closure of Tamms, the prisoners’ body rhetoric and the activism’s art rhetoric, operates through subtler means. The causality and effectiveness of these rhetorics may only come to fruition later or never, and importantly, its agents are not always in control of results, and indeed, they may not even have them in sight. These rhetorics of invisible causality sometimes operate without thought of selfish gain, and/or from valuing that which has not at all passed into reality, but could, potentially.

The preoccupation with agency in rhetorical study provides one key site where we can see the nexus of assumptions that I seek to complicate here. Frequently, in rhetorical literature, agency is assumed to mean something related to choice, freedom, or will, and is therefore treated by many as a precious, necessary condition for political change. For instance, authors can be seen weighing in with anxiety or reassurance about the postmodern destabilization of the humanist agent (Archer; Bevir; Blair; Fitzhugh and Leckie; Greene; Palti; Shaw; Stormer; Wolosky). For her part, Carol Blair observes that in having “enabled and perpetuated a view of rhetorical practice as a (symbolic, meaning-ful) instrument under control of the rhetor,” liberal humanism “seems to have led us to an over-emphasis on rhetorical production and to an extraordinarily narrow view of rhetorical effect” (21). Here, Blair queries the idealization of the rhetor as an individual, transcendent agent who controls her own rhetorical action. Ewa Plonowska Ziarek offers a similar critique in explicating Agamben’s attack on sovereign decisionism within contemporary politics. Ziarek shows that Agamben wants “potentiality” to provide an alternative to a politics that is merely a sovereign will to power (“Feminine ‘I Can’”).
The conception of potentiality (or invisible causality) explored in these pages however, does not discard power or the seeking of effects. Instead, I argue that non-deliberative, un-targeted power also often functions as an important part of the overall weather systems of politics.

In looking at the agencies that made Tamms and the agencies that closed it, I argue that agency bifurcates into two distinct modes. We can clearly see the standard rhetorical agency of decision and intention in various events that helped make Tamms and close it, in the activism that aimed at legislative and policy reform, and in the art activism; everyone involved made plans and worked towards them. I call this first type of agency deliberative agency. The second kind, which I’m especially interested in, precisely because it is less recognizable, still materializes as power and effects, but it operates whether or not one knows what one is doing. For instance, insofar as the art activism and the rhetoric of prisoners’ bodies contributed to the larger goal of reforming or closing Tamms, they had effects—but they were less visibly instrumental. In other words, the idea is not that the activists didn’t care about results.

Yet, as I argue, the art activism represents a break with overprizing immediate results or visible and obvious results in rhetorical understanding. Likewise, insofar as Tamms’ unexpected closure, which was absolutely desired by anti-Tamms activists, represents the workings of invisible causality, it demonstrates the value of respecting potential, or of pursuing goals that seem unimaginable, totally impractical, and not at all actualized. As Laurie Jo Reynolds puts it, artists “are used to attempting the impossible, and we have the freedom of the outsider. We are in the world, not of it” (“Tamms is Torture”). If so, the art activism within the work of Tamms Year Ten offers a fractal image for one way in which social change can happen; the role of art in the activism was to activate the unactualized.
V. Chapters

The first chapter in my dissertation speaks to the dissertation’s larger concern with activist rhetoric, tracking multiple, uncoordinated forces, ungoverned by a coherent sovereign agent: if as David Garland suggests in *The Culture of Control*, the contemporary carceral expansion took shape as a piecemeal process involving multiple forces, the dissertation’s first chapter agrees in the case of Tamms supermax prison. Yet the chapter also takes Garland’s thesis into the realm of rhetoric. If it is so that control, incapacitation and mass incarceration coalesce through incoherent processes, why does the political rhetoric surrounding Tamms policy not register that complexity? Instead, the chapter argues, the public, activist rhetoric of both Tamms’ opponents and Tamms’ proponents present coherent explanations, relying on pseudo-coherent narratives of sovereign control. Even as the chapter criticizes the reformist rhetoric that helped to produce Tamms, the argument affirms the view, taken up in the dissertation’s conclusion and final chapter, that since there are multiple chaotic forces involved in political rhetoric, we cannot fully know the nature of our activism, and therefore, the rhetoric of prison reform embraced by Tamms activists actually wound up helping to pave the way for the prison’s closure.

The second chapter looks more deeply into rhetoric’s supporting, constitutive role in helping to create the conditions of possibility for Tamms. Linking the political philosophy of Giorgio Agamben to Kenneth Burke’s discussion of the telos of language towards its ultimate implications, the chapter traces that telos unfolding in the discourse of proponents of the prison, functioning as a kind of moral math, or expectation that the ultimate crime (or criminal) ought to correspond to the ultimate punishment. That “impulse to ultimateness” manifests in the prison’s design, which strips the conditions of prisoners’ lives to the barest minimum. I argue that the extreme conditions of deprivation that result are rooted in our mistaken assumptions about
language: when voters and elected officials in Illinois talk about the supermax being meant for the so-called “worst of the worst,” we can see in that imaginary, a hierarchy of crimes, with the worst of all possible crimes at the most extreme end, grading down into the least serious. That orderly image of justice encourages the intuition that there ought to be a punishment that corresponds in degree to each of those crimes. The intuition is not only that there is such a thing as the “worst of the worst” prisoners, and not only that there also ought to be a corresponding place for that category of criminal, but also that the ultimate ought to line up with the ultimate; we expect punishment that is proportional to the crime, and that expectation involved in the conception of Tamms demands that there ought to be an ultimate punishment that corresponds to the ultimate crime. Having imagined the supermax, we were not likely to then conclude that there is no crime that corresponds to this worst punishment. Having built the prison, we did not say, “Here is the worst of the worst punishments, but it turns out that no crimes actually fit this punishment, and therefore we will not actually use it.” Instead, the telos of language suggests that if there is a term for the “worst of the worst,” that phenomenon exists, and there must be a corresponding punishment.

The dissertation’s third chapter looks at the activist rhetoric produced by prisoners themselves, by their bodies. I argue that in the context of severe social isolation, prisoners resort to escalating rhetorics of bodily suffering, especially given the difficulty of proving the psychological damage caused by those conditions. Thus, if proponents of Tamms perpetually reached for an ultimate, trump argument in favor of the prison by referencing the “worst of the worst,” many of the prisoners who were incarcerated at Tamms produced their own extreme rhetoric of the body. The chapter suggests that given the context of severe social constraint at Tamms, and the constant threat that their suffering might be dismissed as mere “malingering,”
prisoners resorted to increasingly extreme bodily rhetorics of suffering, including smearing feces and mutilating themselves.

I wrap up the dissertation in the fourth and final chapter by extending the previous chapter’s inquiry into non-deliberative rhetoric in anti-Tamms activism, in order to argue that political hope and potentiality are not exclusively rooted in the targeted effects intended by activists. The analysis centers on the complex instrumentality involved in two Tamms Year Ten events organized by artists and photographers. On the one hand, these events targeted concrete outcomes and made a variety of clear impacts. Yet I also show that the events suggested wider political-rhetorical potentiality. Using these two key examples of artistic spectacle and the fact that Tamms closed, I highlight a third, middle category, between deliberative and non-deliberative rhetoric, in which the artist-activists of Tamms Year Ten pointed in a general direction, opening up a space in which beneficial, but unintended serendipity could potentially occur.
Notes

1 As broadly used after Foucault, denoting repressive and productive control of the health and welfare of biological life: Foucault, Power/Knowledge and Society Must be Defended; Agamben, Homo Sacer; Esposito, Bios: Biopolitics and Philosophy; Hardt and Negri, Empire and Multitude. For discussion of various theorizations of “biopolitics”: Lemke, Biopolitics: An Advanced Introduction, and Foucault Beyond Foucault; Nealon, Power and its Intensifications since 1984.


3 For discussion of conflicting uses of “biopolitics,” see Michael Lait on Thomas Lemke’s Biopolitics: An Advanced Introduction, in Foucault Studies, No. 14, 201-205, September 2012.

4 Michel Foucault, The History of Sexuality Vol 1, (1976); Knowledge/Power (1980); Security, Territory, Population (2007). In Power and its Intensifications Since 1984, Nealon argues that bio-power should be understood as an intensification of Foucault’s conception of discipline.

5 Michel Foucault, Birth of Biopolitics,

6 --Ibid.

7 “Politics therefore appears as the truly fundamental structure of Western metaphysics insofar as it occupies the threshold on which the relation between the living being and the logos is realized” (Homo Sacer, 12). See also page 39 and 105.

8 In Homo Sacer, Agamben argues that those ostensibly “included” are simultaneously excluded, and vice versa.

9 Homo Sacer, p. 78, 85.


11 Representing Correctional Officers, the AFSCME (American Federation of State, County and Municipal Employees) union organized protests; circulated petitions; bused in members to pack hearings; and filed a lawsuit delaying the prison’s closure for almost a year.

12 In 2008, section 505.60 of the Administrative Code for the Department of Corrections, stipulated: “Whenever possible, a transfer review hearing shall be conducted within ten working
days of a committed person's placement in the Tamms Correctional Center or expiration of the committed person's term of disciplinary segregation.” (From Illinois Department of Corrections Administrative Code.)

Section 505.40 of the 2008 Administrative Code stipulates that any prisoner who “has determined has engaged in the following activities or who may be planning to engage in these activities” was eligible for placement at Tamms. The caveat that a prisoner need only be planning prohibited behavior, without having actually committed a violation provided the administration with evidentiary leeway. No evidence of a violation was necessary since no violation needed to have occurred; merely planning, or even an accusation that a prisoner might be planning prohibited behavior was sufficient for a recommendation for placement at Tamms. One of the prohibited activities enumerated by The Administrative Code that might qualify a prisoner for placement at Tamms included “having influence” in a gang, yet a majority of prisoners in the Illinois prison system are in some way affiliated with a gang, and would therefore have been potentially eligible under the criteria. The code stipulates that any of the following could qualify a prisoner for Tamms placement: “1) Escaping or attempting to escape; 2) Assaulting staff, inmates or other persons which caused death or serious bodily injury; 3) Engaging in dangerous disturbances; 4) Having influence in activities of a gang or other unauthorized organization; 5) Engaging in non-consensual sexual conduct; or 6) Possessing weapons. (From Illinois Department of Corrections Administrative Code.)

The group organized a fact-finding tour, headed by the late state Representative Eddie Washington, and included a representative from the John Howard Association and members of the Tamms Year Ten. The IDOC cancelled the tour as the group arrived at the prison, but prison officials sat with the group in a conference room and answered questions.


When Gov. Quinn announced Michael Randle as his pick for Director, he asserted that reforming Tamms was his top priority. Kevin Robinson of The Chicagoist reported at the time, “Governor Quinn said Tuesday that he would soon name a new state corrections director, and that one of his top priorities for that post is a review of conditions at the state's Tamms Correctional Center, the state's supermax prison downstate” (May 13, 2009 12:20 PM, http://chicagoist.com/2009/05/13/quinn_review_tamms_super_max.php). Upon being appointed, Randle immediately spearheaded a series of reforms for Tamms, delineated in his “Ten Point Plan.” As the 2010 “Ten Point Plan” puts it, “The first order of business set forth by Director Randle was to complete an exhaustive evaluation of the Tamms CMAX program within the first month of appointment” (1).

Between 2008 and the prison’s closure in 2013, the Illinois Department of Corrections consistently claimed that the prison’s annual cost was $65,000, but as The Belleville News Democrat report explains in their “Trapped in Tamms” series, that figure represents an average of the prison’s minimum security work camp and the supermax portion of the prison. As the BND reports, “The combined annual cost for the supermax and the minimum security camp is $27.7 million. Using the generous per-inmate cost of $30,000 per year for a minimum security inmate, a classification that requires the least amount of guards and services, the cost of the minimum camp is $4.7 million annually. That leaves $23 million for the supermax or $92,000 per inmate” (“Costs”).

The “Ten Point Plan” asserts that “After the first several months of operation when inmates were being transferred into Tamms CMAX, the population reached 200 in July 1998 and has remained at or above 240 since October 1998. The population reached a high of 285 in mid-November 2004 and during periods between October and December 2006. For the most part, the population has remained constant after October 1998, fluctuating between 255 and 275 inmates. After October 1998, the population reached a low of 240 in April 2009. The average end-of-month population since Tamms CMAX opened is 261, and with the first eight months of operation excluded, the average is 266. On June 30, 2009, the Tamms CMAX population was 243, which represented 0.5% of the total prison population, 0.6% of the male population, and 2.8% of the maximum security level population. Since the beginning of the program, the Tamms CMAX end-of-year population represents an average proportion of 0.6% of the entire prison population” (“Ten Point Plan,” 6).

In a filmed training session held shortly before Tamms opened, Welborn explains to future staff, “All inmates are required to stay a minimum of one year; the way they get out is very clear, based off their conduct while they’re at this facility. After a year we certainly do anticipate turnover. Turnover is important” (Tamms Supermax Training CD).

The new pod (J-Pod) made provisions for exercise and “social” interactions between the pod-members by putting them in individual cages nearby each other for short periods of time.

They were all offered jobs elsewhere in the state.

Prisoners at Behavior Level III were permitted either a TV or a radio, if they could afford to buy one.

In The John Howard Association’s 1999 report, Welborn explains, most cell extractions at the time were responses to “refusals to submit to cell searches or to return food trays” (18).

Alan Mills cautions that the terms differ from state to state. “In California, administrative segregation means exactly what we mean by disciplinary detention—meaning you have been put in a more confined facility because you did something wrong.”

The “Trapped in Tamms” series of the Belleville News Democrat reports that “Of the approximately 250 Tamms inmates, 138 were not convicted of any crime in prison. Fifty-five inmates were convicted of acts that could be attributed to self protection or mental illness, such as throwing feces or urine or carrying a shank -- a homemade knife,” Beth Hundsdorfer, 2011, “Illinois Governor Urged to Address ‘Human Rights Crisis' at Tamms Prison.” See also “Critics: Tamms Has Harmed Man's Mental Condition” from *The Belleville News Democrat*, Friday, Oct. 22, 2010: “[I]n 2003, when prison officials sent him to Tamms after he had 15 years added to his original sentence for in-prison convictions -- throwing urine and feces at guards at another prison.” The BND also reports, “In Illinois' Only Supermax Facility, Inmates Are in Cells 23 Hours a Day,” Tuesday, August 4, 2009: “If he hadn't been charged with crimes in prison, Fields could have been paroled in 2004 after serving 20 years of a 40-year sentence. But Fields must serve all the extra time for throwing food, urine and committing other offenses against guards.
That amounts to 34 years, or 54 years total that he must serve before becoming eligible for parole in 2038, at age 79."

Disciplinary Segregation prisoners in Tamms enjoyed fewer privileges than those placed in Tamms through Administrative Detention, under the logic that they had actually been found guilty of violating a rule in the Administrative Code, and should be punished more harshly. A.D. prisoners, by contrast, participated in a three-level behavioral level system, through which they could earn further privileges. Depending on behavior level, A.D. prisoners could have more access to showers and commissary or could potentially buy a TV or a radio. Yet, as the JHA pointed out in 1999, prisoners rapidly made their way to level three on this system and remained there for years, with no access to a sense of progress, staying at level three, without being transferred out. According to the JHA, the fact that more than 80% of prisoners on A.D. progressed to level three without being transferred suggests an impediment, which “appears to be the gang renunciation requirement” (11). While Michael Randle served as Director, IDOC personnel made concessions during meetings, which were eventually codified in the “Ten Point Plan,” that prisoners’ length of stay had become a problem at Tamms, with the “Ten Point Plan” promising new hearings to reexamine placement and length of stay.


In conversations with a few people in the campaign who used the term, “movement building” was sometimes contrasted with the short-term work of lobbying for legislation. Others argued that lobbying for legislation was part of the long-term work of movement building.

The United Nations Committee Against Torture condemned the practice of prolonged isolation in U.S. supermax prisons in both 2001 and 2006. In April of 2009, Amnesty International and Human Rights watch both submitted letters to Illinois lawmakers about Tamms. Amnesty International writes: “The Human Rights Committee (the treaty monitoring body) has further emphasized that the absolute prohibition of torture or cruel inhuman or degrading treatment under international law ‘relates not only to acts that cause physical pain but also to acts that cause mental suffering’ and has stated that prolonged solitary confinement may amount to torture or other ill-treatment. Both the Human Rights Committee and the United Nations (UN) Committee against Torture have criticized the excessively harsh conditions of isolation in some US supermax facilities.”

See Burke’s Language as Symbolic Action, especially page 8.

In a forthcoming analysis of new materialism or “object-oriented ontology,” Scott Graham describes Karen Barad as seeking to develop “an understanding of things rooted in what she calls intra-activity in which things are defined by their relations with other things rather than language and signification alone.” Meanwhile, qualitative research has long traced the intra-activity, or significant relationality, between language and other things.

34 For further discussion of Foucault’s biopolitics related to race and disability, see Shelley Tremain, “On the Government of Disability,” *Social Theory and Practice,* Vol. 27, No. 4, Special Issue: Embodied Values: Philosophy and Disabilities (October 2001), pp. 617-636.

35 Foucault says that thinking in terms of one’s “human capital” meant that one’s existence as “a human individual” was inseparable from one’s status as an “ability-machine,” adding that it’s important to think through the implications of that discourse is partly because of its implications for understanding “criminality and delinquency” (*Birth of Biopolitics,* 218, 226).

36 In a panel discussion with Gary Becker and François Ewald (a former associate of Foucault’s) Bernard Harcourt asserts that Foucault critiqued the discourse of human capital as rife with racist potential. See full discussion through U. Chicago Law School, Chicago Unbound: http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1076&context=law_and_economics
Works Cited


Cooper, Marilyn M. “Rhetorical Agency as Emergent and Enacted.” *College Composition and


Kevin. Personal interview. February 21, 2011.


Middleton, Michael K. Samantha Senda-Cook, & Danielle Endres. “Articulating Rhetorical Field


Shane. Personal interview. February 24, 2011.


“Tamms Correctional Center.” Chicago: Coalition of Lawyers and Members of the Public Interest Community Concerned about Tamms Correctional Center (pamphlet), 1998. Print.


CHAPTER I: HOW TAMMS CAME TO BE BUILT, AND THE DEPLOYMENT OF THE CONCEPTION OF SOVEREIGNTY IN NARRATIVES OF TAMMS’ ORIGINS

I. Introduction: Biopolitics, Tamms, & the Ambiguities of Control

In *The Culture of Control*, David Garland tracks a paradigm shift in criminal justice in the late 20th century from the ideal of prisons as correctional, transformative, or rehabilitative, towards mere incapacitation or control. Attitudes have turned away from what he calls the “penal modernism” of the early and mid-twentieth century, an era that was relatively optimistic about “the perfectibility of man,” whose influence has devolved with the welfare state. Garland contends that contemporary assumptions (in contrast to those of the era of rehabilitation) gear policy toward statistical controls, denying individual differences rooted in deprivation (15). Individuals are expected to avoid criminal behavior, or not, with particular weight placed on policy and cultural norms to curtail or prevent crime. When curtailment fails, we incapacitate. These shifts, he argues, have resulted in an increasingly punitive landscape.

Taking up Garland’s sense of the contemporary “culture of control” as mere curtailment, this chapter traces a rhetorical history of the multiple forces that went into making the Tamms supermax prison. The chapter surveys the materially and rhetorically productive forces that coalesced in the prison being conceived, approved and planned. Treated as one aspect of ideological forces involved in Tamms’ genesis, the chapter addresses retribution and other discursive residues of sovereignty, yet without presenting any one element as a ruling principle that drove Tamms’ making. Through interviews with government leaders, state records, and news media, I trace the forces involved in the context that gave rise to Tamms, including indeterminate sentencing, the rapid increase in prison population and prison construction in Illinois in the 1980’s and 1990’s, crowding and violence, along with economic and political pressures. I argue that in addition to these influences, uncertainty among the public and
incoherence among policy makers also contributed to the rhetorical context that gave rise to Tamms. Based on that observation of incoherence within early arguments for the prison, this chapter’s analysis describes something important about the nature of activist rhetoric on both sides of the Tamms issue: arguments on both sides rely on pseudo-coherent rhetorics, despite the piecemeal, incoherent microforces shaping the creation of the supermax. Participants attribute to government, policy and their own decisions, a coherent sense of planning and sovereignty in order to justify and engage in political action. It is not only difficult to see that such processes are piecemeal, but as Garland’s own rhetoric of control demonstrates, it is difficult to describe or critique such processes without attributing coherence, deliberative agency, or sovereignty to one’s critical target.

Garland’s text registers at least two implicit meanings in the term “control.” On the one hand, for Garland, contemporary crime “control” means minimal curtailment of crime, with decreasing state efforts to transform or cure it. That sense of “control” parallels Michel Foucault’s concept of “security” in biopolitics; Foucault frames biopolitics as a modern, limited sense of government obligation, seeking “overall equilibrium: the security of the whole with regard to its internal dangers,” whose managerial mechanisms contrast with those of sovereignty (SMBD 249). Garland construes such mechanisms in the shifting carceral landscape, as being part of incremental, uncoordinated change: “This ongoing attempt to reorient crime control institutions and revise their relation to a changing social environment was very much a matter of patchwork repairs and interim solutions rather than well thought-out reconstruction” (103). Incapacitation, in Garland’s view, has taken hold through uncoordinated piecemeal reform. Yet he does describe paradigmatic change, even as he argues that transformation took shape on the level of microforces. In this sense, The Culture of Control provides a helpful view of the punitive
state in the aftermath of sovereignty, and raises important questions for this analysis. For instance, precisely how has the contemporary, expanding, increasingly punitive carceral landscape taken shape, given its expense, the ascent of neoliberal skepticism of government, and the ideological incoherence of policy makers? By exploring the implications of that incoherence in this chapter, I question Garland’s employment of the term “control,” which preserves the threat of tyrannical sovereign control. Even as he suggests that incoherent forces coalesced in the current culture of control, his narrative traces a linear arc—a philosophical shift from rehabilitation to incapacitation producing an increasingly punitive landscape, which looks both motivated and coherent. That ambiguity—does “control” refer to microforces, or coordinated, sovereign control—even in Garland’s use, elicits the question: which kind of control should scholars and activists diagnose in trying to understand supermax confinement?

If Foucault’s sense of biopolitics guides Garland’s understanding of decentralized forces governing the contemporary carceral landscape, note that like Garland, Foucault’s language also seems to attribute a misleading sense of a plan. Here, for instance, Foucault defines biopower as the power to make live:

[O]ne of the greatest transformations political right went through in the nineteenth century was precisely…that sovereignty’s old right—to take life or let live…came to be complemented by a new right which does not erase the old right but which does penetrate it, permeate it…[T]his new right is established: the right to make live and let die. (Society Must be Defended, 247)

He characterizes this new form of power, distinguished from sovereignty, as the power to make live, explaining that it governs bodies, not as individuals, but on the level of population, cultivating the biological life of the species—through nutritional assistance, vaccination, and other campaigns to safeguard public health. At the same time that this power to make live governs the life of the population, power is more distributed among the population. Thus, in describing biopower, Foucault stresses its distributive impulse, which not only distributes
internalized power, but also informs democratic participation. We can call this the public, presentable face of biopolitics, most evident in this chapter in official justifications of Tamms by elected officials—the “make live” half of Foucault’s formulation, with promotion of life as its public value or trump argument. In Foucault’s analysis, this modern form of power in the wake of sovereignty can be followed all the way up to contemporary neoliberalism, whose theorists celebrate the idea of a self-regulating market, in which the circumscribed role of the state becomes a matter of security, or mere curtailment, safeguarding the life of the population. In other words, like Garland, Foucault underscores the kaleidoscope of microforces that make up biopower, yet his own explanation suggests that biopower consistently seeks to *make live*, which implies coherence on the part of what he calls biopolitics. Thus, in the name of defining terms at the outset: this chapter uses Foucault’s conception of “biopower” as though he meant something like the overall mindless superstructure made up of microforces that functions as if it had a consistent program to “make live.”

These ambiguities of control and the related phenomena of “make live and let die” speak to the making of Tamms traced in the following pages, insofar as they play a role in the incoherence in the rhetoric surrounding Tamms. For instance, Howard Peters, who was the Director of the Illinois Department of Corrections in the early 1990’s, and a key proponent for building a supermax, asserted during an interview that he genuinely believed in rehabilitating prisoners—that was his correctional background. Yet he also said that the decision to build Tamms came from “a need to extract out of the prison population the most destructive, the most violent of the offenders” (Peters). It boiled down to a need to “be able to manage them, and people don’t like the word, but control them” (Peters). Though the extreme control exercised by the supermax seemingly conflicts with prisoner rehabilitation, in fact, an official, written and
spoken policy commitment to rehabilitation co-exists with the actual initiative enacted at Tamms: to incapacitate prisoners through isolation (and ultimately, to let rehabilitation programming in the rest of the Illinois prison system die as well). Thus, if Peters uses the term “control” here in a clinical sense, in the sense of controlling a chronic disease without attempting to cure it, his sense of the term is not that of a tyrant, but a manager of threat.

My research suggests that even the policy makers who articulated positions about Tamms and acted on them don’t have settled opinions on whether punishment should entail torture, or whether it should pursue something like rehabilitation of prisoners. My interviews suggest that if the same person is asked the right back-to-back questions, they may well give directly contradictory answers. Given these inconsistencies, I argue that Tamms supermax prison was not built because of a visionary scheme, but out of an ad-hoc set of solutions, constrained by pre-existing institutions and limited possibilities. Yet the people who lobbied for it didn’t try to sell it or explain it as just one more item in a battery of piecemeal reforms; they framed it in surprisingly high-minded terms. Since politicians generally do not stand up and say, “We’re just solving crises as they come and have no over-arching plan,” the state officials who made Tamms framed the idea of the prison as though it was going to improve overall conditions of life for the population of the Illinois prison system and society.

As this chapter demonstrates, proponents justified Tamms in the name of improving life conditions for the overall population—and yet biopolitics refers not only to the power to make live, but also letting certain populations die. In the case of Tamms, that meant doing so in order to improve life chances for the rest of the population. On the one hand, the imperative to “make live” functions at the expense of other considerations (although it does so without coherent, sovereign or conscious decision), and yet biopower allows certain populations to live in closer
proximity to death. Lisa Guenther’s investigations in *Solitary Confinement* describe that logic of
death in the name of life within prolonged social isolation, as inflicting “social death” upon
prisoners. In that sense, even though we can see institutional practices of making the prisoners at
Tamms “live,” the prisoners themselves repeatedly insist that life in the supermax amounts to a
living death. For instance, procedural pains were taken at the prison to prevent suicide, but if a
prisoner seemed capable and willing to commit suicide, he would be prevented from doing so by
placing him, naked, in four-point restraints, sometimes at great length, on a metal table. The
body of such a prisoner, *made to live*, but in a hyperbolically forcible manner, makes Guenther’s
sense of social death more visible within the more publicly presentable, life-oriented rhetoric of
biopolitics. In the case of Tamms, the state has identified a hopeless population and cut them off
from the body politic. In that sense, this analysis uses the terminology of the biopolitical to show
the prison administration separating the prisoners identified by the administration as incorrigible,
*not attacking them*. This represents the more socially acceptable face of the biopolitical, but as I
argue in the next section, we can glimpse the darker, hidden side of biopolitics in the online
comment streams associated with news articles about Tamms. This less presentable, less visible
side of “making live” in the Tamms story exists in the rhetoric of policy makers, but
incoherently.

Online comment streams connected to press coverage on the Tamms issue have been
more animated by the fundamentals of a biopolitics in which people assumed to be hopeless,
unredeemable persons would be removed from the picture. The most hyperbolic online
comments indicate that their authors would support extermination of people convicted of crimes
upon the first offense. But in the posts of many other commentators, we see resentment and
hostility couched in practical, financial language. Commenters often assert, for instance, that
prison resembles a taxpayer funded luxury vacation. Another prevalent position urges liberals to welcome Tamms prisoners into their homes if they don’t like the prison. Rather than openly calling for the liquidation of a population, such comments seem to query, “Why should I worry about Tamms prisoners (when there are more pressing things to worry about)?” There is a desire to get prisoners neatly out of sight. As such, these comments endorse something like emotional and financial triage, as though resources run low and prisoners are rightly last in line. Responses following this budgetary logic often avoid overt cruelty, as though they follow simple financial or managerial calculus, but sometimes such comments proudly own their sense of hostility:

When is the State going to see the BIG picture here and save us ALL some wasted money. You cannot reform a Rapist, Murderer, Thief. come on. These guys say their (sic) sorry and won’t do this again and they are healed? Be for real and put them out of their own misery and ours. (lockupallcriminals2)

I quote the above as an example of another recurrent theme in online comments related to the Tamms issue, typified by the tone and emphatic separation from the Other. Yet to be clear: We cannot assume that the person who writes comments like this would stand behind them with his or her real name attached, nor that s/he would be willing to serve as executioner in the above scenario. In fact we can easily imagine the author writing such comments in the heat of disgruntlement and partly animated by the desire to provoke. Even so, such comments don’t come out of nowhere. There has been a predictable style of response online regarding Tamms, and what is revealed is desire.

I quote the above online comments to demonstrate that hostility and the desire for aggressive revenge against people who are convicted of crimes exist in the broad context that made Tamms. My position in the following sections, which eventually transition into the rhetoric of state officials, is not that officials simply and straightforwardly agree with the overtly vindictive tenor of the above-quoted online comments. Neither am I arguing that state officials secretly agree with such comments. Instead, I argue that neither the practical commitments
involved in operating prisons, nor the seeming decisiveness of policy positions capture the incoherence of what people actually think. Accordingly, elected officials neither clearly reject nor embrace the vengeful online opinions presumably held by constituents. Instead, policy makers, reflecting the incoherence of the overall scene, are themselves incoherent. Based on that incoherence, this chapter takes up the two-faces of the motto “make live and let die” as a summary account of the way that the current superstructure processes all of these views. “Make live and let die” represents the compromise that winds up being created by the multiple, conflicting microforces.

II. Punitive Fatalism and Hidden Cruelty

David Garland identifies a sense of fatalism about governmental competence gaining persuasive force, with consequences for criminal justice policy in the last decades of the twentieth century. A limited sense of what was possible cooperated with popular intuitions about crime, as too deeply rooted and complicated for the increasingly suspect (and itself complex and difficult to control) machinery of government. The most that could be hoped for was a measure of (managerial) control. In this section, I explore how such fatalism, not only about what is possible for government, but also for prisoners, enabled the recent domination of a security, control or incapacitation-oriented paradigm, which in practice rejects rehabilitation. This fatalism, in a context of incoherence and uncertainty, becomes particularly important for interpreting the interviews included here. Like Garland, historian David Rothman sees the evolution of the American prison system as being fraught with assumptions about government’s role. Rothman argues that realizing “the promise of American life,” under progressive paradigms of the 20th century, “the public sector would have to guide, even dominate, the private sector” (51). Yet as Garland writes, after the 1960’s, faith in government on both the right and left deteriorated:
This sense of the state’s impotence in the face of crime has become so well established in recent decades that developments which challenge it—such as the claimed success of certain American police methods in America or the British government’s claim that ‘prison works’—have generated huge amounts of media and professional attention. (108) This sense of fatalism about the competence of the carceral state coincides with the rise of risk management strategies, or actuarial methods, used to decide and shape criminal justice policy. Later, I argue that the unfulfilled ideals of risk management were involved in making Tamms.

In his book Against Prediction, Bernard Harcourt explains that actuarial methods use statistical analysis of datasets to attempt to predict future criminal behavior. Harcourt shows that actuarial methods have swept the field and increasingly influence criminal justice. Widely used to designate categories of risk among prisoners, such strategies not only influence who to search for drugs in traffic stops, but also which prisoners to release on parole. Actuarial strategies have taken hold, in part, because they manage uncertainty in a context of great risk. They answered the famously influential claim that “nothing works,” a claim whose repetition helped to discredit prisoner rehabilitation (Berecochea and Gibbs 357). Yet as Harcourt writes, actuarial tools for classifying prisoners in order to measure risk speak directly to the concern that “nothing works,” insofar as the use of statistics persuades practitioners that something works. He suggests that the thirst for numerical certainty produces its own distortions:

[S]ome of the necessary conditions for success that were absent for rehabilitation programs are present for inmate classification systems. For one, classification systems are concerned with affecting inmate behavior within the controlled environment of a prison system, rather than the behavior of inmates after release from prison when they are subject to a wide variety of influences mostly beyond the control of the prisons. (357) Actuarial approaches rig the game for the appearance of success, Harcourt argues, and do not provide an accurate measure of the overall picture; their popularity and apparent success do not prove their effectiveness, but rather, our need for them to be successful.

Harcourt argues that risk management through statistical modeling became popular because it was convenient and available, yet I argue that it also gained purchase in the context of
penal fatalism. In the context of doubt about our competence to address the crime problem, actuarial methods provided the sense to professionals that they were applying the best tools available, however imperfectly those tools might work. As Jock Young argues, “Such an administrative criminology is concerned with managing rather than reforming, its ‘realism’ is that it does not pretend to eliminate crime (which it knows is impossible) but to minimize risk” (46). These methods gained traction because technologies tend to be used once they exist, and because of a real exigency—crime itself.39 In a related discussion in rhetorical theory, Ralph Cintrón discusses the need that gives rise to risk management practices, arguing that they arise in order to “lessen probability and intensify the possibility of certainty,” particularly “in reaction to uncertainty” (Cintrón). In criminal justice, reification of “risk management” emerges partly from fatalism, which then resorts to mere management in a context of uncertainty. Precisely insofar as statistics exist in the space where we most desire certainty, the increased use of statistics in criminal justice functions rhetorically. Like any rhetorical move, statistics arise out of a need for the appearance of certainty in a context of radical contingency.

If the term “risk management” sometimes functions as administrative code for “keeping dangerous prisoners at bay” then risk management signals a hidden emotionalism implicit in penal fatalism. The relatively emotional, populist voice of penal fatalism does not register clearly in the language of state officials or administrative policy, but it does register online. As David Garland explains: “Control theories begin from a much darker vision of the human condition. They assume that individuals will be strongly attracted to self-serving, anti-social, and criminal conduct unless inhibited from doing so by robust and effective controls” (15). In the online comment streams, the sharply circumscribed view of human potential described by Garland recurs as a common default position when talking about prisoners. One commentator with the
moniker “Will County Woman” regularly weighs in on the influential Illinois political forum, *Capitol Fax Blog*, on any policy that touches the Illinois Department of Corrections. Here, she provides a particularly rich example:

Unfortunately too many prison inmates where [sic] lost the day that they born. They had the misfortune of being born to someone who couldn’t or didn’t care to properly provide for them. (Will County Woman)

Later, she owns her pessimism, suggesting that she reserves her empathy, as part of the landscape of scarce public resources, for the deserving:

I have actually worked with children in a mentoring capacity. I agree that my stance is harsh. And I’ve neen [sic] called out before for “lacking compassion” by my father who was social worker. If I ruled the world no child would go unloved and uncared for, and all children would come from safe, stable and nurturing homes. But, when it comes to choices involving scarce public resources I’m sorry, but violent criminals just don’t make the grade for me. I can’t justify the use of scarce resources on them when others (i.e. crime victims) are more deserving and needy. (Will County Woman)

Here, Will County Woman addresses the manner of upbringing of children of the poor, marking the otherness of those who “do not make the grade” by their socio-economic condition. She seems to imagine a toxic ghetto, or arena of toxic otherness that produces the babies who go on to become violent criminals. The children who come from toxic otherness are imagined as so different from the stable nurturing homes that produce the deserving, that they should not be helped. She consistently displays that sense of fatalism elsewhere on the blog, hinting that human potential is either fixed at birth (“lost the day they were born,”) or slightly later by an unloving upbringing, or as in this comment below:

what WE need is a government that stops coddling people, but holds them accountable for the children that they bring into this world. what WE need are programs that discourage unwanted/unplanned pregnancies from occuring in the first place! what WE need are government programs that encouruge (sic) self-sufficiency and penalize idleness and irresponsibility. (Will County Woman)

Will County Woman affirms the state’s role as an instrument of culture, but emphasizes its punitive capacities for encouraging responsibility and self-sufficiency, or by nipping irresponsibility and dependency in the bud, right at the reproductive level. She also reveals her
investment in a certain conception of the purpose of parenting as a metaphor for self-government and state government, revealing assumptions about the telos of human life; she processes the crime problem in terms of parenting metaphors with fostering self-sufficiency as the presumed goal. And even as she grants an element of contingency involved in a person’s trajectory, discussing a person’s criminal fate as related to that person’s upbringing (either in poverty or not), she ultimately says that the difference between nature and nurture amounts to very little in terms of hope for the future of those unfortunate enough to be born into poverty.

A recurrent intuition towards triage, epitomized in the posts of Will County Woman, participates in the biopolitical story of Tamms. Guided by the intuition that whoever commits a violent crime has forfeited their right to society’s precious, life-cultivating, public resources, that intuition towards triage seeks to designate the worthwhile and to put into brackets those who are not worth our pity or resources: “[W]hen it comes to choices involving scarce public resources I’m sorry, but violent criminals just don’t make the grade for me.” The speaker who says, “I’m sorry” has her arms folded, refuses to be conned, and enacts the assumed-to-be-deserved, expected, intuitive elimination of, or docking of rights that occurs when we find out, through the criminal justice system, who qualifies as an unredeemable person.

Through these mechanisms of rational triage, vengefulness and racism do have the opportunity to surface in the scene of Tamms’ biopolitics described in this chapter—not as the sinister program of a vengeful individual, but rather, as part of the giant committee of complex microforces. That doesn’t mean that vengefulness and the desire to liquidate populations goes silent. Instead, it registers as a willingness to “let die.” Though, as I demonstrate, politicians feel obligated to frame their decisions in life-affirming, moralistic terms, online comment streams make the animosity that does exist towards Tamms prisoners visible. In that manner, the online
comment streams disclose the hidden cruelty in biopolitics, implicit in letting certain portions of the population die.

Will County Woman’s comments represent relatively reserved articulations of the hostility expressed towards prisoners online, a measured style within defending Tamms that a kindly former Illinois Representative, Larry Wennlund, also used when I spoke with him in an ice cream shop in the western suburbs of Chicago. He held office when Tamms was legislated, and presented himself as a law-and-order Republican who went hunting with many key Illinois Department of Corrections figures in the early 1990’s. He said he “carried their water” on many issues, explaining, in a tone that as much as said, unlike others, I will bluntly deliver the reality:

Supposedly, in theory, the DOC is a rehab system. But how can you ever rehabilitate someone who has never been habilitated? These people who go into the DOC have never been habilitated to begin with. Therefore, it’s a question of managing their time there 24/7 for whatever the duration of their stay is. (Wennlund)

If the supermax represents the ultimate expression of merely warehousing prisoners while forgoing rehabilitation, one might wonder based on these comments if Wennlund wouldn’t approve an entire prison system of permanent solitary confinement, on the model of Tamms. However, he made it clear elsewhere in our conversation that he strongly approved programs and counseling, particularly for the most well behaved prisoners. For instance, if he rejected the notion of rehabilitation in strong terms, he embraced the notion of “anti-recidivism” programming: “You know what? It works. It works. Best example of that is, DOC runs boot camps. I been there twice, and I tell you it is the greatest.” But as he points out, you have to qualify to get into the boot camps—they are merit based. Thus, in Wennlund’s discourse, we can see intuitive triage, one that believes in its ability to more or less discern those we can rehabilitate versus those we can safely write-off, or stop wasting hope or revenue on.

Questions of intentionality found this chapter’s analysis of Tamms and the motives or origins of contemporary punitive policy. I am arguing that in contemporary biopolitics,
conscious, deliberative, or sovereign decisions tending towards racial hostility or punitive revenge do not register visibly in Tamms’ genesis. Instead, ignoble impulses emerge in contemporary biopolitics as indifference, implicit in “letting die.” Therefore, instead of a coherent and sinister program, I demonstrate that Tamms’s logic of “letting die” unfolds through the rationality of triage (or risk management) in a context of limited state revenues, in order to channel limited resources towards those who are categorized as worthy of the investment. In other words, un-presentable, murderous, or racist motives surface in Tamms policy through piecemeal, fiscal, practical and security concerns.

As part of my argument that many incoherent forces interacted to make Tamms, I ask whether or not we have a government that willfully pursues a sinister program of biopolitics in conscious terms. How much does vengefulness ossify into policy and with what confidence is the policy administered? In the following pages, I present evidence that Tamms came as a stopgap measure in a landscape of uncertainty rather than as coherent strategy for revenge. My point is that when you think you have found a genocidal mentality in this picture, you don’t really have it as a focused, settled, policy-forging philosophy.

**III. Edgar’s Administration: The Complex Context that Produced the Valukas Report**

Because Governor Jim Edgar was ultimately the person who approved the plan to build the supermax, this section seeks to provide some of the necessary background on the economic and political landscape in Illinois during his administration. I treat the Edgar administration as a lens through which to examine the events preceding his administration that paved the way for the supermax, and in order to examine the events and arguments presented during his administration, which won favor for the prison. I sketch what I have seen of Edgar’s political sensibility, particularly in the context of profound fiscal difficulty in the state in the early 1990’s. Later in
the chapter I will examine specific shifts in criminal justice policy in the 1980’s in Illinois, widely understood to have played a significant role in causing prison crowding. Prison crowding influenced Edgar’s response to the fiscal crisis that he inherited in the early 1990’s, prompting his appointment of the Illinois Task Force on Crime and Corrections (also “the Valukas commission”), which eventually recommended the construction of a supermax prison in Illinois. Ultimately, I show that we are right to understand the supermax as a piecemeal reform, without a utopian strategy, even though it was justified in uplifting, life-affirming, and even moralistic terms, as an investment in some future better society.

Edgar was elected governor on the Republican ticket in Illinois in 1990. Improbably, unlike his Democratic opponent, he won despite promises to extend an income tax increase in the middle of a recession. Edgar was elected in the economic doldrums after the stock market crash of 1989 and savings and loan crisis—analysts were particularly worried about the fiscal position of the states. Ronald K. Snell, Fiscal Affairs Program Director for the National Conference of State Legislatures, said that state budgets had been stretched for years, but that the recession during the transition from the ‘80’s to the ‘90’s had rendered it a full-blown crisis. Since people were spending less, state sales tax revenues shrank, while unemployment-insurance beneficiaries increased. Edgar recalled this period in Illinois as having been, “Squarely behind a fiscal eight ball” (“Transcript of Debate, 85th Legislative Day,” 8). Yet in his opinion, the untenable burden on states came not just from the strain on social safety nets for the poor. When asked on the Macneil/Lehrer newshour whether federal mandates on Medicaid and aid for the poor impacted Edgar’s anti-deficit agenda, Edgar agreed that such mandates did add to his woes, but significantly, he complained of the growing burden of prisons:

We've seen changes in social patterns. The last 14 years in Illinois we've had to build 14 new prisons. Our correction budget has increased 500 percent in the last 15 years. So the federal government is part of the problem. A part of it is a change in social attitudes, and
the other part is we just haven't managed our money as well as we should. (“Sorry State”) Edgar consistently framed his inherited budget problems in terms of the government “living beyond its means,” and identified the problem as Illinois having become “heavy on bureaucracy and light on fiscal restraint” (“Transcript of Debate, 85th Legislative Day,” 8). He saw himself as pivoting from the “spending spree” of the 1980’s (under his mentor, Republican Governor, James R. Thompson) towards a less fiscally indulgent regime: “Together we must dedicate ourselves to improve government performance and improve efficiency. To this end, I will initiate a number of managerial reforms” (“Transcript of Debate, 87th General Assembly,” 17).

His own terms “managerial efficiency” and “reform” capture an essential aspect of his self-conception. In talking to him, for instance, he emphasized his cautious, deliberative approach to Tamms, and above all, his reluctance to contribute to large government expenditures.

When Edgar was elected, pundits knew he would make some big budget moves, and the question was what he could cut: the fact that law enforcement and prisons were on the table is an important part of this story. As I demonstrate through interviews with Edgar and other officials, for instance, he and the Illinois Department of Corrections (IDOC), along with Republicans in the legislature, targeted the mandatory sentencing laws that proliferated under his predecessor in the 1980’s. The state’s bias towards sentence enhancements had become unsustainable as a public expense. Edgar explained:

So we were building prisons but we couldn’t build them fast enough. And what was driving that was the mandatory sentences, which had happened years before. And it was just get tough on crime thing and it was causing our prisons to overflow…. So I worried about prisons, but I couldn’t afford any more because the state was broke, and we were trying to, we were very slow at opening the ones we had….We didn’t have any money to speak of, and our prisons were over-crowded. (Edgar)

These themes of fiscal responsibility and reducing spending echo throughout Edgar’s public speeches, along with the pressure to create jobs.40

Everyone I spoke to talked about the pressure to create jobs in downstate Illinois as vital
to the prison boom. According to *Illinois Issues*, “Between 1978 and 1993, the number of manufacturing jobs in Illinois fell 37 percent, the only job sector to show a decline” (“Finding Jobs”). Obviously, the consequences were catastrophic for blue-collar workers. Fred Giertz, then-faculty in economics at the University of Illinois writes, “The factory jobs for those with no more than a high school education, paying relatively high wages, became less and less available” (“Finding Jobs”). As manufacturing shrank, downstate farming jobs also declined by 27 percent between 1980 and 1990, while mining jobs shrank by 22.6 percent during the same period (“Finding Jobs”). Irving A. Spergel, at the University of Chicago, suggested as many others have, that these economic shifts contributed to crime, arguing that "It used to be that as gang members got older, out of their teens, they'd leave gangs to take decent-paying jobs. Now there's no jobs for people like that" (“The Gang’s All Here”). Here, Spergel sought to explain gang growth even in non-urban areas, and the mayor of Rock Island concurred, arguing that the changing economy “displaced thousands of industrial jobs that provided career opportunities” which helped to explain gangs’ appeal (“The Gang’s All Here”). If globalization and deindustrialization stoked the growth of gangs, they were also involved in the prison boom in Illinois in another way, by providing a new jobs mainstay, as manufacturing, farming and mining jobs moved elsewhere.

I believe Edgar’s assertion during our interview that he didn’t build Tamms for the jobs. Yet even though he approved Tamms before he decided where it would be built, and even though he resisted it, mainly because of its expense, the promise of jobs undeniably exists in the calculus. It may not be why Edgar changed his mind and decided in the end to build it, but he did tell me that once he was persuaded to fund the supermax, and dozens of counties were vying for it, his mother-in-law tipped the balance in favor of the town of Tamms as the site for the prison.
She lived in the area and told him, “We desperately need jobs.” Edgar commented:

And I remember politically that was a good move because I was at the dedication and we went into Dixie. There’s a barbecue place in Jonesboro, my favorite place in southern Illinois, and after we got done with the dedication and had barbecue, an African American guy came by and said, “We really appreciate that Governor, we’re going to do all we can to help you.” Turned out to be the Democratic County chairman of Alexander County. Because they were getting jobs [laughter] and we took that county, which was a very Democratic county in the next election, and that was a huge deal to get these jobs. (Wennlund)

Former State Rep. Larry Wennlund also described the destitution of the area in similar terms, advising me not to bother visiting, since there was not much there. He emphasized not only the jobs in the prison, but also economic ripple effects in the surrounding community:

One of the biggest issues is jobs…. Permanent jobs is number one, but temporary jobs to build a prison is number two, but it’s tremendous. You’ve got about a thousand people, but after that you get 500 permanent jobs, but…300 jobs in an area where unemployment is 15-18% is a big deal. You bet. And those are good paying jobs in the DOC. In addition to that you have grounds keepers, and so minimum between 300-500 jobs depending on what’s happening at Tamms. The grounds there’s all kinds of things going on—prison has to have a commissary, sell bakery goods to fruits vegetables meats potatoes to feed the inmates. Well, where do you buy them? Well so translate those jobs into other jobs, where the inmates gotta eat, someone’s gotta produce the electricity, they have to have roads maintained, they have to have plumbers, they have to have electricians, laundry to keep the building going--so it probably even translates into a thousand jobs or 1500 jobs. Well in Southern Illinois, that is a HUGE deal. (Wennlund)

Edgar won over many Democrats statewide, and continues to poll as the most popular governor in the state’s history. He has a reputation for moderation, and impressed me as thoughtfully non-defensive, inclined to think out loud, and above all, in narrating his thought-processes, loyal to the value of government frugality.

Edgar was seen as the right-hand man of his predecessor, James R. Thompson, yet when he ran for election and governed, he sought to distinguish himself from Thompson on prison spending. Thompson not only oversaw Illinois’ switch in 1978 from indeterminate sentencing to determinate sentencing, but also spearheaded the Class X felony laws (or mandatory minimums), both of which helped to drive an unprecedented prison boom. Illinois Issues provides the startling numbers: “On June 30, 1978, five months after the new [determinate] sentencing
structure went into effect, the state adult prison population stood at 10,621, less than the peak levels during the Depression. By the time Thompson left office in January 1991 there were more than 27,000 adult inmates” (“Jam-Packed in the Joint”). Edgar by contrast, argued that the state could not “build its way out of this crisis” (“Jam-Packed in the Joint”). Yet even if Edgar worked to curb the harsh sentencing policies that they believed caused the prison boom, six new prisons were opened between 1991 and 1999 during his administration.\textsuperscript{41}

In fact, Edgar indicated to me that he had “gotten something for the supermax,” and he said that it had probably been concessions on sentence enhancements (bills geared towards increasing penalties). He explained that “There was a legislative group and we were trying to you know, get agreement on mandatory sentence legislation” (Edgar). In fact, it is clear from the legislative transcript during Edgar’s first years, that some Republicans and Democrats had joined forces against new sentence enhancement bills. They repeatedly accuse other legislators, particularly Democrats, of being too eager to prove their “tough-on-crime” credentials, while refusing to approve funding or tax increases for prisons. Democratic Rep. Barbara Flynn Currie corroborates this narrative, recalling a typical “press conference bill,” related to attacking “a 70 year-old woman wearing tennis shoes on the CTA platform,” as opposed to attacking a young person: “Escalate the penalties!” (Currie). Indeed, in the transcript of a 1992 House debate, Republican Representative William B. Black speaks against a sentence enhancement for the crime of shoplifting, accusing legislators of grandstanding. He admonishes them to consider his constituents, many of whom guard his district’s Danville prison. Representative Wennlund backs Black up, chastising those who would enhance sentences but cut funding from the Department of Corrections (1992 Transcription, 103). A Democratic Representative from the Black Caucus, Monique Davis extends the financial argument, echoing the rhetoric of the then recently released
interim report from the Valukas commission, who later made the case for the supermax:

I’m sure most of you know that the Illinois Task Force on Crime and Corrections with Anton Valukas as the chairman has sent us information that states the cost to keep a prisoner…in prison for a year in Illinois costs about 16,000 or 17,000 per year. [sic] He also states that the task force recommends that the Illinois General Assembly declare a moratorium on legislation creating new non-probational offenses until the task force can study the effects of this legislation. They also recognize that some of these sentences will help to create the overburden on the prison system. This task force has asked the General Assembly to show caution in creating sentence enhancements or new mandatory prison sentences for nonviolent offenses without appropriate funding for the criminal justice system. (108)

The link here between the Valukas report and the fiscal constraints of the state holds throughout 1992 and 1993 in discussions of the Valukas report’s findings.

Wennlund verified during our conversation that legislators had formed a committee, Judiciary II, with the explicit purpose of killing sentence enhancement bills before they reached the floor of the General Assembly:

As soon as you finish running you have to start running again…. [S]o you send out a press release—it’s a method of campaigning while you’re in office. It’s what you have to do. Toughen the sentences for abused and battered women. Boy that sounds great…. If someone breaks into my home you know, burglarize it, whatever, if it’s a detached garage, that’s considered my home--it’s a class X felony. A 16-17 year old, spends mandatory minimum of 6 years in the slammer. Breaking and stealing a bicycle from my garage and it’s a class X felony. It’s very serious and a stiff penalty, which is why the Department of Corrections is over-crowded. It is because of crimes like that. So, in any event, it was getting so serious, and if it comes up for a vote what do you do? You can’t vote no. You go home and someone says this guy wants to let burglars come into your house, shoot your family and kids, he voted against putting him in the slammer for 6 years--well you get beat over an issue like that. You don’t want that issue to hit the house floor. And then if it gets to the Governor, he’s gonna look like a real schmuck if he vetoes it. So, getting tough on crime? What we do is make a sentencing sub-committee. What we did was kill those bills. They never saw the light of day. (Wennlund)

The committee was bipartisan, Wennlund explained, with downstate Democrats, Republicans and members of the Black and Latino Caucus coming together in rare shared interest to control the unruly bills. In fact, Judiciary II was part of how the Democratic Speaker, Michael Madigan, managed the warring interests of downstate Democrats, who competed to win contracts for new prisons, and the Black and Latino Caucuses, who opposed new prisons or complained that they were too far from constituents in Chicago.
The same economic and political pressures that compelled Edgar to pull back on sentence enhancements compelled him to appoint the Illinois Task Force on Crime and Corrections. He appointed it in 1991, to find “cost-effective alternatives to building one prison after another” ("Reflecting Edgar’s Vision for Change” 8). The commission included twenty-one unpaid members who met on a regular basis to discuss possible solutions to the prison-crowding problem. According to Attorney Anton Valukas, the commission’s chair:

It covered every ideological point in the spectrum. It included everything from the representative representing prison guards, to people who were in favor of prison industries, to those who are in favor of rehab as a first second and third step, a woman who headed battered women’s issues in the state of IL. (Valukas)

Mike Mahoney, then Director of the John Howard Association served on the task force, and like Valukas, marveled in recollecting the committee’s diversity and rigor: “We had a lot of witnesses come forth, a lot of sub-committees. It was a LOT of hard work, a lot of nights weekends” (Mahoney). Valukas indicated that he was proud of the non-partisan tone enforced on the task force, declaring at the outset that everyone involved must check their agendas at the door, so that the representative from the union, for instance, would not be allowed to come in and say, “we need more guards as an opening argument all the time” (Valukas).

The Valukas task force generated a report, which recommended a series of solutions to prison crowding, which then became the template for a series of initiatives in the legislature, including the supermax: as an engine for new policy, the report gains argumentative traction by claiming the purportedly self-evident logic of cost-effective triage. It announces itself as non-partisan and non-ideological, just as Valukas himself did during our conversation:

The political reason for the commission being formed was among other things, the state was spending an enormous amount of money on prisons and truth be known, the governor and the legislature wanted to find some way to see if they could reduce costs on the one end. On the other end, the whole issue of violent crime and incarceration is as it should be, a hot issue. I mean people won’t live in a community in which violence prevails so, you know, it’s not an ideological issue, it’s a realism issue and it’s about where you live. (Valukas)
The report’s claim to non-partisanship differs from Valukas’s more casual interview style, in part because it claims non-partisanship in the language of constructive pragmatism, rather than impatience with unrealistic ideology. The report argues that it makes practical sense to take steps to equip prisoners with skills so they don’t commit more crimes when they get out, and avoids use of the term rehabilitation, because Valukas explained to me, the term sounds like bleeding heart liberalism: “Not oh we need to embrace everybody because some people came up in poor neighborhoods and we have to let them have their second or third murder before we incarcerate them.” Instead, the report advocates anti-recidivism programming, arguing in practical terms that programs can help to cut the crime rate, whereas rehabilitation suggests spending, and possibly wasting, revenue on improving souls.

Given the public consensus that rehabilitation does not work, and the absence of the term in the report, I was surprised to find all of the key proponents of the supermax asserting faith in education, treatment or job training for prisoners. Howard Peters, Director of Corrections, who served on the Valukas task force and pushed for the supermax, explained the decline of rehabilitation in terms of the “demand for dollars” rather than as a shift in correctional paradigms: “As costs sky rocketed there came even greater impatience for the idea of rehabilitation,” and yet at the same time he said he “absolutely” believed that:

If a person comes to you with no job skills and no prospect of being able to work it seems to me they are not likely to be law abiding, they are not likely to change or reform themselves. So if a person has substance abuse problems and they are still addicted when they leave there is not much prospect for good to come out of that. So I believe that trying to give them vocational training, educational development and job skills are important in terms of the legitimate work of corrections. (Peters)

Dee Battaglia, who worked in corrections for thirty years, including as Warden at Stateville prison, told me that within the professional culture of corrections, there is a chasm between those who are known as sympathetic towards prisoners and those who are not. She said:

[I]f you worked in corrections, if you looked to do more harm to offenders, [that]
generally takes on a whirlwind. And the staff likes to hurt offenders. When they are being
hurt or punished they like it…. So what, they’re in here, they might hurt me, they might
hurt someone else, it’s another way to stick it to them, and of course they were for it. It’s
kind of me against them. (Battaglia)

She likewise reported an us-against-them mentality between the DOC staff, between those who
favored what she called “a therapeutic community,” versus those who preferred to “stick it to
them.” If so, Howard Peters placed himself on the therapeutic side, and he was understood as
such. As Illinois Issues reported when he was appointed: “In what represents a philosophical sea
change for corrections, Peters says he wants his agency to live up to its name. ‘We feel it is our
obligation … to return people so they are not any worse than when they came, and it is our goal
to do things that will make them better citizens’” (“Can Prison Inmates be Rehabilitated?”).

Therefore, rather than abandoning rehabilitation as an idea, the Valukas report (and Peters’s
influence on it) represents a qualified preservation of the idea of rehabilitation, through the logic
of triage and scarce resources. As I have shown in this section, Edgar’s goals and concerns were
to manage scarce resources in a complex, even occasionally contradictory context, without
appearing soft on crime. In the following sections, I show how these forces coalesced to
influence the creation of the Illinois Task Force on Crime and Corrections and the Valukas
report, which ironically recommended the creation of a supermax as part of its argument for
education and job training of prisoners.

IV. Edgar and Uncertainty

Governor Edgar’s first utterance when I sat down with him was, had I spoken to Howard Peters.

And when I said that I had, he responded: “Aw great. Because he was Director and he is great. I
just did what Howard told me… No… [laughter]. No first lemme, first of all from my
perspective… I had to sign off on it.” He was joking when he said he just did what Peters told
him to, but the element of truth in his joke speaks to the next thing he said, which was that his
Edgar’s biggest fear upon being elected governor was that he would have a prison riot. These were the first two things out of his mouth when I asked him to explain the context for his agreeing to build Tamms. There was not only consciousness on his part that the prisons were over-crowded and that there was a real risk that, as he put it, he might have to send troops in like Governor Rockefeller did at Attica, “and get the hostages and shoot people,” but that he experienced ambivalence about both the thorny problem of prisons and their potential solutions: he delayed to approve the supermax, did not want to approve it, and in the end when he did, he acceded to authorities outside of himself who convinced him to go ahead with it.

Edgar talked more about Peters during our interview than any other topic, clearly taking pride in having made the choice to appoint him:

[H]e was kindof my – and he was kindof, well he was controversial. He was a surprise to a lot of folks because he worked his way up in the ranks--he was African American--he had started out, I think he had been warden at Pontiac. He used to go down and lift weights with the inmates--he is very strong. So I brought him in and he’s a very eloquent guy… Side story about Howard, corrections was a big deal back then because it had jobs—County Chairmen really wanted to know the Director of Corrections because that’s where jobs came from in downstate IL. Well, Howard Peters is this you know, he’s not a Republican. You know and they’re just all—well he might have been a Republican but they assumed that he wasn’t because he was African American. I don’t know if he was, he was a state employee, he wasn’t probably a strong one at that, but they found out someplace they heard him make speeches, great speeches, pull yourself up by your bootstraps, that type of… So they always wanted to get the Governor for a Lincoln Day speech. They really would rather have Howard Peters because Howard Peters was a great speech-maker and plus, Howard Peters was the Director of Corrections. So all these County Chairmen now, were real skeptical about Howard, and they all loved him in the end because Howard could do the Lincoln Day dinner, and he could get jobs for them, so he was amazing how he could just fit in, and he was amazing and he was good. (Edgar)

Intriguingly, race and party represent important differences between Edgar and Peters in this account, especially insofar as Edgar’s account associates African Americans with the Democratic party and government jobs. Yet Peters turns out to be not totally other: Republicans can identify with him, not only because he governs downstate prison jobs but because of his rhetorical gifts, and he embodies personal responsibility and pulling oneself up by the bootstraps.

I argue that Edgar’s focus on Peters speaks to uncertainty about whether the decision he
made about the supermax was ultimately a good one. I do not imply anxiety in his uncertainty. On the contrary, he seemed, during our interview, to muse cheerfully on the subject, perhaps for the first time in many years. He came off as engagingly open-minded, explaining that he’d had reservations from the beginning about the supermax, emphasizing his skepticism, and his need to investigate and be convinced. He mentioned in passing, for instance, that he carefully considered Chuck Colson’s opposition to supermax confinement (a former Nixon official who spent time in prison and became a public voice for prisoner rehabilitation). Yet in the end, he had to listen to and trust the experience and advice of his employees:

But I think the whole thing too was it was a classic way, you had a task force, they made a report, it got followed through with. Which I always was a great believer -- if I were to have a task force I listen to ’em and usually implemented what they recommended.

(Edgar)

Edgar’s repeated usage, that he “signed off” on Tamms suggests that this was something that he had to entrust to experts, and this was Peters’ area of expertise, and was perhaps fundamentally unknowable or external to Edgar.

That it was Peters who made the compelling, decisive case to Edgar came up repeatedly. According to Edgar, the supermax was on the table, but he resisted it for months:

Valukas and those guys may have come in and talked to me, but I’m sure it was Howard I was listening to the most because I reckon I listen to my Directors, and I have a lot of confidence in their areas… I thought the Task Force had a good group, but I’m sure it was mainly Howard just pounding away at me that we really needed it and I figured, you know, the Director of Corrections, he’s the one that has to live with this every day, and I just worry about this thing blowing up, so uh, we built it. (Edgar)

Peters had to live with it every day, but Edgar had the executive power, and represented the only roadblock. Engagingly, he registers uncertainty in his process of coming to a sense of decision:

Again it was just you’re trying to—you got a limited number of dollars and how you spend it to do things. Anyway, hindsight, I always thought that supermax was the right decision and it worked. And you know, you never know when you are going to do those things whether they are going to work or not. Any new program you never know. But that one, it worked. What did Howard think? (Edgar)

When he says, “you never know” as part of the landscape of his decision-making process
regarding the supermax, he declines to treat the issue as though it had been self-evident all along.

Notably, throughout this recollection, he repeated his rationale for hiring Peters: he repeated that he believed in hiring people directly connected to the population they are dealing with. Peters was closer to prisoners than other directors might have been, which Edgar prizes as expertise;

> Well Howard had a pretty good understanding of inmates. I mean I’m a great believer, you try to put people in the direction they understand, particularly the clientele they’re dealing with, be it welfare, health, or prisons. (Edgar)

Edgar made similarly admiring comments regarding the expertise of the Director that replaced Peters (the second African American Director of Corrections):

> And Odie Washington who took over afterwards…. He was also African American…. [T]hey just were pretty savvy, I mean they knew the department and they knew the wardens and they know—I think they had a pretty good feel for what was going on. And I think they were pretty well thought of…. Howard was very well thought of by the legislators. Some animosity towards him because he was black, a little bit. But you know he knew what he was talking about. (Edgar)

I connect Edgar’s repeated reference to Peter’s expertise to his awareness of Peters’ race: both signal the externality or otherness of the prison problem from Edgar’s perspective, and his need to make informed leaps of faith while governing, guided by his administration’s experts.

Edgar declined to signal approval for either the supermax or the bill that it was attached to as it went through several revisions and was finally passed. He experienced ambivalence because of its expense, but also exercised caution because it represented a flashy new paradigm:

> I don’t know what it was, ‘92 or ‘93 when they approached me about a supermax. Well I don’t like anything large, I just don’t think anything large is going to work very well in government. I don’t like large departments and later we did a large department and Howard got to be chair of Human Services and it took him a while to talk me into that. But the supermax thing I wasn’t sure of. First of all I didn’t think we could afford it, and two, you know—I wasn’t real sure about that kind of prison. (Edgar)

When he says that he wasn’t sure about “that kind of prison,” he signals not just fiscal prudence, but also reluctance to make consequential moves on an untested paradigm. His fiscal and dispositional prudence, his unwillingness to venture into ambitious governmental projects, make him seem like an unlikely candidate for entanglement with projects like Tamms. He did admit
that once he’d decided, it didn’t hurt that it made it look tough on crime, but that wasn’t why he finally agreed to build it. Yet he explained that once they figured out a way to frame the supermax as part of a larger scheme to control recidivism, and therefore save money, he was in.

V. Failed Objectivity in Sentencing & Risk Assessment

Actuarial technologies for the management of prisoners discussed earlier, by statistical models of prediction regarding who represents a greater future risk for violence, escape, or recidivism gained ground in the 1980’s, as rehabilitation and indeterminate sentences fell out of favor.

Correctional risk management, which operates partly through categories for distinguishing types of crime and types of criminals, became part of the criminal justice landscape of incapacitation, and increasingly displaced rehabilitation as a management tool. Prison populations soared under determinate sentencing and mandatory minimums, and security classifications and/or administrative categories describing types of prisoners prioritized the allocation of limited resources and designated whom to send to job training or boot camp, or who was too dangerous.

If the old system of rehabilitative incentives operated through carrots and sticks, the new system increasingly openly denied carrots to certain prisoners. Risk management enabled the designation of some as ineligible for incentives, who instead simply needed to be incapacitated.

Terms for types of criminals in the popular imagination accompanied an evolving policy vocabulary for sentencing and administrative control by prison officials. Within popular media discourse, the phrase “the worst of the worst” reflected that landscape of abstractions: in the context of popular media, the phrase propagates the promise of actuarial criminology—grouping and sorting prisoners into more and less dangerous “types” of prisoners. Though the “worst of the worst” along with the notion of “the predator,” “the career criminal,” and “repeat offender” existed previously, their increased use in newspapers and academic studies during the 1980’s,
echoed the emerging discourse of risk assessment and “selective incapacitation,” which became central in managing prison crowding.

Even though determinate sentencing inhibited discretion on the part of judges and parole boards, the tools of predictive risk assessment and selective incapacitation actually enabled the discretion of police, prosecutors, and prison staff; the case of Tamms provides a telling example. In Against Prediction, Bernard Harcourt critiques increasing reliance on such methods, arguing that though risk prediction analyzes risk by classifying populations by group characteristics, actuarialism actually represents one more movement in criminal justice to better “know the criminal scientifically,” or to better assess prisoners as individuals (173). For anyone who wonders what can be objected to in trying to systemetically assess which prisoners are more dangerous than others, the veneer of objectivity within the security classifications used in the below Tamms documents represent a cautionary example. The Administrative Detention label (noted in the included memo as A.D.) by-passes the prisoner’s disciplinary history and instead purportedly indicates future threat. The paperwork excerpted here consists of a series of scored items, with the total yielding both an escape risk and a security classification. Note this prisoner’s escape risk score designated here as “moderate” and his security level as “medium.” Yet given the requirement that every prisoner sent to Tamms be classified as maximum security, prison staff simply overrode their own scores, arbitrarily assigning this prisoner a maximum security designation. Here, despite “objective” methods for assessing future risk in the context of Tamms, discretion remained alive and well.
ANMATE IS BEING SUBMITTED FOR TRANSFER TO TAMMS CC OR CONSIDERATION FOR PLACEMENT IN ADMINISTRATIVE DETENTION STATUS.

************************************************************
0. CRITERIA REVIEW: CHECK LOWEST PLACEMENT ALLOWED BY CRITERIA

CURRENT SECURITY/DISTE : Z (07/29/97) MINIMUM MEDIUM MAXIMUM
ASSESSED SECURITY/DISTE : Z (02/21/98) X
CURRENT ESC RISK/DISTE : M (02/21/98) X
ASSESSED ESC RISK/DISTE : ( )
WARRANT FLAG/TYPE: N X
TIME TO MSR: 0 YRS 0 MOS
TIME TO BOARD DATE: 0 YRS 0 MOS

>>>PLACEMENT ALLOWED BY A.D. CRITERIA<<< X

>>>EXCEPTION TO CRITERIA REQUESTED<<<

PLACEMENT AT TAMMS
CLOSED MAXIMUM SECURITY FACILITY (C-MAX)

Date: 09/04/97

Name: 
Number: 

Nickname: 

Identification Data

Custody Date: 
Received IDOC: 

Offense(s)/Sentence(s): Murder (Natural Life)

Committing County: Cook 
Date of Birth: 

Escape Risk: Moderate
Security: Medium
Recategorization in progress

"A" Grade Effective Date: N/A 
"A" Grade Effective Date: Current

MSR/Parole Eligibility Date: N/A Seg. Release Date: N/A

Gang Affiliation/Security Threat Group: Latin Kings/Leader

0061
The nationwide shift from rehabilitation to selective incapacitation occurred through efforts to de-emphasize discretion in order to increase objectivity in sentencing. That call for objectivity in the determinate sentence movement, David Rothman emphasizes, “began in a reform perspective,” with observers from across the political spectrum calling for greater regularity and proportionality in sentencing (“Sentencing Reform in a Historical Perspective,” 641). With an indeterminate sentence, a conviction designated a range of years to be served: twenty years to life, for instance, with the minimum number signifying when a prisoner would be eligible for parole, (often minus any “meritorious good time” accumulated by the prisoner). The maximum sentence meant that after the prisoner had served that time (minus good time) s/he got out without parole. Yet since a person convicted of a relatively serious crime under this system could wind up serving less time than someone convicted of a lesser crime, observers increasingly
objected to an apparent lack of rhyme or reason in sentencing and called for reform.

We can see the shifts described above evolving on the ground in Illinois, through efforts to reform indeterminate sentencing, institute mandatory minimums in the Class X felony laws, and end parole. In Illinois, the research of one academic reformer, David Fogel, wound up amplifying that trend. Through his research, Fogel consulted with prisoners nation-wide to find out how to reduce prison riots. Mike Mahoney’s recollection of Fogel’s plan (previously of the John Howard Association) highlights the difference between reform intentions and what often actually winds up happening:

David came to the conclusion that the major cause of disturbance among inmates was the unfair indeterminate sentencing laws, with the parole board having unfettered discretion to decide who should be released in this wide range of sentences. David wrote this book called, *We Are the Living Proof* that articulated that the answer was to go to flat, short permanent sentencing using good time to reward good behavior. David made that proposal, and Walker [Director of Corrections] bought it, but we at John Howard fought it because we were afraid there wouldn’t be short, flat sentences and we thought that the parole system could be improved. And we lost that battle. What happened was, when Walker left office and Jim Thompson came in, he seized on this notion of Class X, and it was a PR campaign…where they were going to take the worst crimes and make them Class X and make mandatory 6-year minimums. (Mahoney)

Prisoners saw the system as unjust and vulnerable to prejudicial parole boards, which Fogel argued, could be addressed through fairer sentencing: sentences would be fairer both because they would be predetermined (decoupled from subjective judgments) and because they would be descriptively, proportionately linked to types of crime. Yet justifying Mahoney’s misgivings, the legislature eventually instituted: “an amalgam of the Fogel and crime control bills,” that though determinate, “require[d] significantly longer sentences for certain types of offenses and offenders” (“Determinate Sentencing in Illinois” 307). Bipartisan compromise produced flat sentences with longer minimums, and in 1978, the regime of parole, rehabilitation and indeterminate sentencing ended in Illinois. Determinate sentences, mandatory minimums, added to an escalating drug war, all contributed to prison crowding, helping pave the way for Tamms.
V. Crowding

Since the earliest years of its first state prison, Illinois has faced the problem of prison crowding, but the situation when Edgar entered the governor’s office was particularly bad. As Illinois Issues put it, “1978 was a watershed year for Illinois’ correctional system, setting off a prison construction boom under Gov. James Thompson” (“Jam-Packed in the Joint”). Not only had populations soared after the end of indeterminate sentencing and Class X felony laws, but:

Between 1985 and 1990, the state of Illinois adopted hundreds of sentencing enhancement laws. The resources to build new prison facilities and cover increased operational costs, however, were not forthcoming, and the IDOC struggled to accommodate the burgeoning prison population. Double celling became more common, and the ratio of correctional officer to inmates dropped to historic lows. (Sundt et al)

As of December of 1992, the Illinois Task Force on Crime and Corrections (recommending a supermax as part of the solution) reported that the state prison population had “exceeded 32,000 inmates” which meant that the system was “more than 50 percent over its design capacity, and within 88 percent of the system’s capacity ceiling” (19). The report predicted that if the current rate of prison population growth continued, the state would reach 36,000, and would surpass the system’s capacity ceiling by mid-1994, “which means that all possible double-celling will have been done and the Department will have simply run out of space” (19). The task force reports that Illinois represents one of just a few states who double-cell maximum security prisons, (84) arguing that as prisons became more crowded, and programming decreased, violence increased, with 931 assaults against staff during 1992, and 554 assaults against other prisoners (21).

The regime of control that had evolved in this context of extreme crowding and violence during the late 80’s and early 90’s bred collaboration and corruption between prisoners and staff. According to several former Tamms prisoners, far from having problems with the administration during this period, the wardens used to approach them when there was a problem. Akkeem Berry, a former Tamms prisoner, says, “The wardens used to go to the gang leaders to broker
deals” and in return, he and others got special privileges: got to wear street clothes, decide who would be placed in which cells, receive conjugal visits, etc.

In a 2008 meeting, the IDOC’s public spokesperson at that time, Sergio Molina, offered a version of the same narrative. In the early 90’s, “Gangs were calling the shots,” he said. “They painted the cells in gang colors, and we gave them the paint.” Mike Atcheson, in charge of gang intelligence at Tamms added, “Nothing you see on TV can compare. A city of 3000 inmates. A society.” Yet Molina intervened: “Letting them have the gallery so that it keeps the peace didn’t work. There were pumpkin head beatings, nearly to death--heads the size of pumpkins--those are some of the things we dealt with every day.” As the conversation drew to a close, Molina asserted that “We should never leave it to inmates to manage themselves, and that is exactly what we had done” during this time period.

Like many others who cite chaos in Illinois prisons during the late 1980’s and early 1990’s as proving the need for a supermax, Molina referred to the infamous Richard Speck video. A video recording had been made during the 1980’s of long-time IDOC inmate, Richard Speck, who had been convicted of a series of murders of young women in the 1960’s. The video purportedly documents a drug-fueled sex party in a janitor’s closet in Stateville prison, in which Speck boasts about his lack of remorse, and the great time he’s having in prison. Though the video wasn’t released until 1996, long after Tamms was under way, the Speck tape’s hyperbolic representation of egregious lawlessness in Illinois prisons and complicity of staff, provides justification in hindsight for Tamms’ advocates that something drastic needed to be done.

### VI. Products of Incoherence

Earlier in this argument, I suggested that Tamms came about neither as a coherent strategy of retribution, nor as an intentional strategy that decidedly rejected rehabilitation. Indeed, Anton
Valukas, who headed up the Task Force on Crime and Corrections, persuaded me when I interviewed him that Tamms was not the product of an ideological shift away from the rehabilitation of prisoners. When I told him that I had begun my investigation under the assumption that Tamms had come into being because of an ideological shift, with policy makers rejecting rehabilitation and embracing retribution, he retorted, “That’s not what happened.” Instead, it was the concrete crisis of severely over-crowded prisons, a crisis that demanded immediate solutions. Rehabilitation had declined in popularity and legitimacy, and those doubts gained serious traction, but along with the public themselves, lawmakers held these views incoherently. That incoherence or ambivalence, combined with limited budgets, added up in the end to a retreat from rehabilitation. As evidence that the policy makers had not rejected the idea of investing state resources in helping prisoners to become more skilled, more remorseful, more responsible, or to beat addiction, I cite the fact that Valukas premises the entire argument in the task force’s “Final Report” on the need for programs.

Whoever seeks an intentional and coherent mission statement of the rationale for the Illinois supermax, the Valukas report provides it—yet it articulates a dual message on rehabilitation. It advocates for a supermax, which stands as the antithesis of rehabilitation, but also for investment in educational and treatment programs elsewhere in the state system, as the best means for cutting recidivism. Governor Edgar echoes the report’s mixed message:

Well and again, to make rehab happen for that 95% that weren’t causing the problem, then you might be able to do some good. How are you ever going to do some good on this 5%? I mean you can give ‘em incentives and probably there are some that are just not going to make a lot of progress with. And to me the supermax – I used to argue with the people, I said supermax, you folks don’t want prison reform… You ought to be for supermax! This gives us a lot better opportunity in those existing prisons--and gives them more flexibility and gives them more opportunity because we’re not dealing with that 5% that causes the problem. That 5% can get another 10% thinking bad too. So it’s just, to me, if you really want to make prisons places where we are trying to prepare people to go back out, supermax was important to that. So I used to have trouble arguing with some people that it wasn’t so much the law and order because you could make the rest of the prisons more of a rehabilitation place. And at the same time we had had good luck with
If, as Edgar asserts elsewhere, he does not put too much stock in prisoner rehabilitation, here he says that he only sees the troublesome 5% (designated for Tamms) as incorrigible, while rehabilitation remains appropriate for the relatively deserving 95%. Later, however, he asserts that prisons aren’t for rehabilitating even the relatively deserving:

I was skeptical we were going to do a great job doing rehabilitation. I don’t think a prison is a rehabilitation place. It’s a place you get people off the streets. (Edgar)

Yet even if Edgar does not think we ought to pin our hopes on rehabilitating people in prison, it bears repeating that he and the other key players are of two minds about rehabilitation, which means that they are reluctant to reject rehabilitation outright. As I argue in the final section of this analysis, that incoherence among policy makers contradicts the coherence of narratives and rationales for Tamms, yet also represents the potential for change.

I want to shine a flashlight on the appearance of statistics in the context of incoherence and uncertainty. Edgar’s discourse in our interview reveals the influence of charts and figures wielded by the Valukas commission twenty years previously—what stuck with him was that notion of the troublesome 5% who ruin the prison environment for everybody:

What finally convinced me that we need to do it was we had so much [sic] problems in our prisons—we were trying to prepare these people so that when they got back out they could get a job and but we were having lockdowns all the time, and it was caused by a few. You know, out of a hundred if you have 5 guys that are causing problems, and you have a lockdown, the other 95 are penalized. And the argument was, we need to take these, bad, not the most dangerous criminal, which a lot of people think the supermax is, it’s the disruptive criminal in the institutions, and take them and put them in supermax so they don’t disrupt the rest of prisons, they don’t have lockdowns all the time and you don’t have more problems than you need. (Edgar)

That memorable and rhetorically powerful 5% makes the problem look manageable. Far from rejecting prison programs, it neatly identifies a population of prisoners to put brackets around, in order (supposedly) to make prison programs viable for the rest of the prisoners.
Therefore, instead of a clear rejection of rehabilitation among these policy makers, we can trace in their accounts, the decline of rehabilitation within limited means. Howard Peters frames it as a question of the feasible versus the ideal: “Corrections became a much bigger demand for state resources and federal resources for that matter” (Peters). When I commented that support for programs from the task force wasn’t backed up by policy, and that programs had languished even as the legislature approved the supermax, Peters insisted that there continues to be widespread support for programs in the IDOC, as a matter of pragmatism:

They don’t have as many as they had at other times but there has continued to be a realization on the part of corrections’ leaders that having some type of constructive engagement with inmates is important to public safety, you know, you have to balance the resources that you have versus the demand for those resources but I think you can witness, as I say, over a 30 year period, trying to meet that balance and trying to sacrifice to make sure they as much as possible continue those kinds of programs. (Peters)

Note how the Valukas report’s memorable “predatory” 5% (10, 87, 89), the so-called “worst of the worst,” function to prioritize resources in a perceived shortage. Here, the terminology of classification functions with a statistical veneer of objectivity to conveniently prioritize the appropriation of state funding. We can also see fiscal concerns colluding with that dark view of human potential discussed earlier. A perception of limited resources, added to the consensus against the so-called “worst of the worst” as candidates for rehabilitation, helps to steer the policy makers towards the supermax.

VI. Marion and Administrative Detention

The Quakers famously tried and abandoned prolonged solitary confinement. Alcatraz represents another experiment incorporating elements of the contemporary supermax, insofar as it separated a population of prisoners, deemed incorrigible, from other prisoners. But the United States Penitentiary, in Marion, Illinois, used administrative detention, without which the modern supermax might not represent such a signal threat to legal and human rights.

The Federal Prison System sought to show its cutting edge credentials at Marion
penitentiary, (Ward and Werlich) which replaced Alcatraz in 1963, rejecting the notorious harshness of Alcatraz, at least initially. Instead, the then-current philosophy mandated prisoner rehabilitation, and the staff at Marion boasted a full complement of “the new professionals in the field… social workers, psychologists, teachers, and vocational and recreation specialists” (56). Yet eventually, in 1973, a group of cells were converted into a Control Unit at Marion, and by 1979, Marion had become the highest security level prison of all the federal penitentiaries, becoming a designated dumping ground for the extra-dangerous. In language that presages the Valukas report’s conception of the supermax, the practice at Marion involved, “placing all the rotten apples in one barrel” so that the mainstream of the prison population could carry on with relative freedom (57). In fact, most of the population at Marion (those not in the Control Unit) still enjoyed some congregate activity until October 22, 1983, when two guards were killed in the Control Unit. A few days later a prisoner was killed and on October 28, “a state of emergency was declared, congregate activities were terminated, and Marion was ‘locked down’” meaning that all the prisoners were kept in permanent solitary confinement (58).

Marion made administrative detention central to it practices in the Control Unit, allowing the administration to isolate prisoners according to the claimed exigencies of an ongoing “state of emergency,” while being forgiven of the obligation to provide prisoners with legal recourse. Administrative detention operates as an administrative category applied to prisoners, determining where they will be housed and under what conditions. It differs from disciplinary detention, which restricts prisoners to solitary confinement in response to specific violations, and which carries specific, limited penalties, such as loss of good time, or time spent in segregation. Importantly, disciplinary sanctions are usually handed down at a hearing where the prisoner hears the charges and may answer them. Yet unlike disciplinary detention, administrative
detention does not require the administration to justify its use:

[It] does not require a disciplinary charge, hearing, or conviction. For example, gang leaders, mafia soldiers, or political terrorists may be in the hole without being found guilty of violating prison rules. Therefore, no specific violation or penalty is indicated. A prisoner can be locked down in the hole or a control unit for months, years, or indefinitely. In effect, prison authorities may use administrative detention to isolate individual prisoners without recourse or relief. (Richards 13)

Because administrative detention designates no specific violation and no specific sanction, instead claiming to identify possible future danger, or who a prisoner is (their gang affiliation), prisoners can be held in solitary confinement under administrative detention indefinitely. Yet as prison reformer Mike Mahoney put it, who can be trusted to apply such predictive categories, particularly when the consequences are so harsh?

My concern at the time was, my experience in looking at Marion and other states was that it wasn’t the worst of the worst who wound up there. Often it wound up being high visibility people who were not put in supermax for behavior but because of who they were or what they might do. And then we get into the dangerous notion of trying to predict behavior, which we’re not very good at (Mahoney)

Here, Mahoney addresses the danger of the casual designation, “the worst of the worst,” but his critique also targets what he treats as the administrative terminology for “worst of the worst.”

Since then, federal penitentiaries and correctional facilities, along with state prison systems have adopted widespread use of administrative detention, and have instituted minimal movement and minimal congregate activity, particularly through the construction of supermaxes.48 Likewise, if Marion influenced prison systems outside Illinois, Howard Peters affirms that it represented compelling possibilities inside Illinois:

There was an awareness that…Marion…and a number of other states had built closed maximum security prisons and they had found safer ways to manage their population. It was certainly something that corrections professionals for a number of years believed was the missing ingredient. (Peters)

In other words, Marion nursed the desire for a supermax, and gave the Illinois Department of Corrections and correctional officers’ union permission to pursue it. As the task force argued:

For more than a decade, Illinois has been a leading state in the use of an objective system for classifying inmates according to security level. As noted above, however, the federal government and several states have preceded Illinois in the construction and operation of
a “super-maximum” security level institution. The Task Force suggests that the Department of Corrections seek to benefit from the experience of other jurisdictions in opening and operating their super-maximum facilities, particularly with respect to any impact this new level of security classification will have upon the individual inmates and the classification system as a whole. (89)

I want to highlight the recurrent claim that the people in charge in corrections watch closely and often follow the initiatives of other states. Peters talked about visiting other states during the period when Tamms was being planned. Likewise, Jean Snyder, a lawyer who litigated on behalf of mentally ill Tamms prisoners, conducted research as part of Tamms Year Ten, on comparatively lenient policies at other supermaxes, with the knowledge that the practices of neighboring states carry persuasive force. Grounding state policy in the policies of other states points up the groundlessness that pervades corrections: aware of the imperfection of past solutions as well as rapid contemporary and historical shifts in corrections, administrators and government decision makers entertain conflicting perspectives and the sense that we are inventing this as we go along. On the one hand, the icon of the supermax became naturalized once it was built. (Many voters I spoke to as part of Tamms Year Ten, for instance, expressed surprise that the supermax did not always exist.) But prior to that stability we find unsettledness.

**VII. Actuarial Ideology and Letting Die**

The Illinois Task Force on Crime and Corrections (commonly, unofficially referred to as “the Valukas report”) appointed by Governor Edgar in February of 1992 to study and address the issue of prison crowding, held 36 intensive sessions that year, and in 1993, offered legislators and the media a graph-clotted analysis of the causes, costs and consequences of prison crowding, along with a package of suggested solutions. The report’s recommendations include” expanded opportunities for prisoners to participate in programs and thereby shorten their stays through “Earned Time Credit,” and alternatives to prison for certain prisoners, including boot camp, electronic home monitoring, and community-based sanctions, and to help off-set costs, for-profit
prison industries. The commission also recommended a moratorium on sentence enhancements (without suggesting changes to mandatory minimums), as well as some new prison construction, most notably, the supermax.

Edgar wanted to correct the fiscal excesses of the tough-on-crime trend, but needed to do so without looking “soft on crime,” and the text of the “Final Report” of the Illinois Task Force on Crime and Corrections navigates that delicate rhetorical task. Since substantive cost-saving in corrections meant not locking up so many people for so long, the report needed to reassure the public of the commission’s “punishment-oriented” credentials without amplifying the trend to build more prisons (50): “We will continue to put dangerous criminals behind bars and keep them there,” the report declares, “but we need to find innovative, cost-effective alternatives to building one prison after another” (15). Because the Governor understood that his criminal justice agenda must be “sold” to the public, he appointed Tony Valukas, a former prosecutor and former United States Attorney. According to Valukas, “They thought I would have credibility in the community” (Valukas). Law-and-order credentials proved important, he indicated, because their case for programs could be rejected as soft-on-crime. Note, for instance, Valukas pre-emptively countering any construal of his support for programs as sympathy for prisoners:

We learned that husbands and wives, fathers and mothers, really many of them, though they might be terrible mothers and fathers, wanted to be good mothers and fathers…. So if you put them in a position in prison industries where they can make some money, it gave them something where they felt like they were actually being a parent—and this was something that really strangely enough, or maybe not strangely enough, really seemed to take hold with everyone on the commission. And we weren’t all bleeding hearts, I spent half my life as a prosecutor, I don’t think anyone ever accused me of being soft on crime. (Valukas)

Having protected their work from being dismissed as soft on crime, having assembled a group with bipartisan authority, having pursued their work in the spirit of rigorous inquiry by diverse minds, the report presents its findings in favor of prison programs as an objective, utilitarian appeal to public self-interest: “prison training programs” (25) and “prison-based treatment
programs” (39) the report argues, not only “have a positive impact on participants” once out of prison, but they serve the interests of law-enforcement and public safety (25). The report does not make a case for expenditure of tax dollars based on the human worth of potential of prisoners; it avoids the language of prison reformers arguing for rehabilitation. Rather, it argues that funding anti-recidivism programming serves the interests of a society that values its own security. Valukas explained: “We thought, being somewhat politically astute, that we could sell [the package of proposed programs] as actually as good law enforcement and a good way of reducing crime” (Valukas). The report makes its case in the utilitarian lingo of “anti-recidivism programming,” in the name of fiscal efficiency and public safety.

Once the report made a case for prison programming, the supermax could be seen as reasonable and prudent within the rationality of government triage. The report shows prison populations growing exponentially, in order to activate alarm bells about untenable prison growth. It also presents data showing that a majority of crime is committed by repeat-offenders, claiming that “reducing the recidivism rate from 46 percent to 41 percent would save 488 prison beds and—by a conservative estimate—more than $1.5 million a year after three years” (7). In order to reach the desirable goal of decreasing recidivism by just 5%, the report urges its audience to support drug treatment and job training. Valukas explained: “We came to the conclusion that incrementally you could make a difference if you could do something like increase the educational opportunities within the prison, give them drug treatment which was meaningful” (Valukas). Yet, according to the report, “The few constructive and educational activities currently available that could serve to improve” the grave situation in the prisons “are themselves constantly interrupted” (83). Thus, to protect treatment, job training and educational programs, the state should build more segregation units to extract the small number of
troublemakers who disrupt programs for others. The problem was that because of violent
incidents, the prisons were on near-constant lockdown, preventing operation of programs:

In many instances, violent incidents require that the institutions be put on lockdown
status, during which inmates are kept in their cells 24 hours per day. As noted above,
there were 493 lockdown days in our prison system in a recent one-year period, virtually
eliminating the Department’s ability to offer consistent education and vocational
programs, job assignments, and treatment programs. (85)

The report asks, how are you supposed to get prisoners ready to socialize and work in the
mainstream of life when they get out, when the prisoners are locked in their cells all the time?
How are you supposed to run anti-recidivism programs when prisoners cannot leave their cells?

Yet according to the report, there were never enough segregation cells available to effectively
isolate those who were causing lockdowns, never enough seg units to serve as a deterrent to
prisoners. For that reason, they proposed a supermax. According to the report, they discussed
adding more seg units in existing prisons, but rejected investment in already decrepit facilities.

Just as the neutral-sounding logistical language of “selective incapacitation,” or “repeat
offender,” provide a professional sounding alternative to more inflammatory terms, like
“predator” and “worst of the worst,” in talking publicly about the supermax, lawmakers naturally
prioritize the purportedly life-affirming dimensions of their rationale. For instance, when I spoke
to Democratic Rep. Jack McGuire, who had voted for the supermax, he repeated the same
analogy he used on the house floor in 1993, likening the principle behind the supermax to the
philosophy of a Montessori school:

I think the answer is, as they did in the City of Chicago a few years ago at the Montessori
school, we tried to separate those who caused the problems from those who do not cause
the problems and hopefully those who do not cause the problems will be rehabilitated;
hopefully come back to society and not return to prison. But those that do cause the
problems are to be taken to another institution, another segregation unit, where they will
not disrupt the general population of the prison and be dealt with accordingly. (1993
Transcription, 159)

Rep. McGuire conceived of the role of the supermax as analogous to that of a Montessori
teacher, tasked with protecting the uninterrupted concentration of students from other students
who threaten to distract or interrupt. The more “progressive” sounding elements of the Valukas report likewise seek to “make live,” or protect the life-cultivating, educational and treatment resources for the benefit of the general prison population (and thereby to protect the life or security of the society at large). By the time the “make live” dimensions of the Valukas report trickled down into the discourse of the Illinois General Assembly, such that the role of the supermax could be construed as analogous to Montessori school, its rationale had been abstracted to such an extent that this life-cultivating rhetoric absurdly contradicts the extreme deprivation and psychological abjection experienced by many Tamms prisoners.

Valukas himself continuously rejected the idea that either idealism or ideology guided the task force. Instead, he insisted that the practical, on-the-ground exigencies of crisis did:

That’s not why we built it. You see? That is a perspective and again, you can have a perspective, but I am simply saying to you that from an ideological perspective, if you read the report, that’s not why Tamms was being built. And those who think that you can have a rehab program when it’s going to be operational you have lockdowns and such—you sure aren’t looking at the evidence we were looking at. And that’s one of the reasons I made the emphasis on the ideological. We all tried to look at this—well, people may have had skin in the game but that’s not the way we looked at it. (Valukas)

As Valukas himself suggests here, a complex amalgam of interests and exigencies built Tamms. Insofar as Edgar made pulling back on the prison boom a priority because of costs; insofar as he feared a riot, and the state’s existing prisons were at capacity; insofar as its advocates argued that the supermax would save money in the long run, and Edgar got concessions on sentence enhancements in exchange for finally relenting and agreeing to fund it, the piecemeal exigencies of government built Tamms.

Yet despite Valukas’s contentions, the task force did not escape ideology; it did not escape the ideology of actuarialism. The non-partisan, non-ideological objectivity claimed by the task force report, through a chart-clotted, statistical and economic calculus, embodies precisely the so-called “realism” claimed by triage and risk management. Though actuarialism may seem
to eschew ideology by, as David Garland explains, disdaining to address crime’s root causes, or
as Jock Young writes, while appropriating a reputation for “realism” by “not pretending to
eliminate crime,” in fact, the ideology of actuarialism enacts one possible perspective among
many, and that perspective has consequences. It proceeds with the expectation, even faith, that
social problems can be measured and controlled, and thereby, in the case of Tamms, provided a
reassuring framework within which protecting prison programs with a supermax could be
pursued. In that sense, it also provided the means by which to announce its program to protect
the life of the population in one sector while quietly letting another die.49

The idea that the supermax would improve programs elsewhere in the prison system looks
far-fetched in hindsight, since the legislature pursued the supermax with gusto and
neglected to fund programs. At the time, the task force urged that the entire package of reforms
must be implemented for their plan to work: The supermax would function as just one supporting
part in a “unified plan” (103). As Valukas recalled two decades later: “This has got to be a
package.” Yet, in looking back, he observes:

What happened here was, as I said, the politically attractive thing was to build Tamms. Whether they spent some money on some of these other programs—then that fell off the
table. So we’ll never know what would have happened had you really put the type of
effort in…or if that would have made a difference. (Valukas)

VIII. Conclusion

This chapter has focused on narratives of Tamms’ origins among the prison’s proponents, but to
the extent that both anti-Tamms activists and the prison’s advocates mobilized against a
simplified conception of their opponents, both sides deploy pseudo-coherent rhetorics of
sovereignty. The following remark from online comment streams on the Tamms issue, for
instance, raises the specter of a consistent and intractable hatred of prisoners on the part of a
unified public: “A bullet to the head would be much more cost effective than allowing these
sociopaths to live at taxpayer expense” (Marx). In response to such posts in the online comment streams accompanying press coverage of the Tamms issue, Tamms reformers routinely organized counter-commentary, in order to mitigate both the public impression and private worry that such comments might represent the totality of public opinion. One downstate Democrat, with whom I spoke briefly in a corridor of the Illinois capital, imagined an equivalent specter on his side of the Tamms issue. Approached by members of the Tamms Year Ten campaign, he abruptly blocked our attempts to lobby him, asserting that he did not believe we simply hoped to win the reforms named in the Tamms legislation, that we must be against all prisons, and walked away. Like Valukas, insofar as he strategically shaped his case for the task force’s recommendations around a notion of “bleeding heart” liberalism, and like some iterations of anti-Tamms activist rhetoric, this lawmaker positioned himself against an exaggerated image of the other. Above all, advocates for supermax confinement imagine, as part of their rationale, a type of person that cannot be recovered. As such, Tamms’ proponents did not attribute to the “worst of the worst” precisely the incoherence that would have left some room for those prisoners to be rehabilitated.

Edgar’s comment, “You never know when you are going to do those things,” allows a glimpse of the uncertain context within which he formulated his decision-making, and I conclude this chapter’s argument by suggesting that that glimpse represents an under-appreciated view onto the potential for political change. This chapter has argued that the execution of Tamms as a governmental initiative was not founded in nor governed by a system of sovereign ideas but rather emerged within a complex of forces, interests, beliefs, notions, goals and exigencies, producing considerable incoherence in the goals and arguments of key decision-makers who
created Tamms. As I argue in other chapters, that incoherence potentially leaves room for competing forces to intervene in unknown ways.

I argue that the pattern of ideological incoherence on the pro-Tamms side offers a potentially useful intervention for social justice activism on the left: I am suggesting that we conceive of activism as intervening in a field of complex forces rather than as doing battle with a coherent, monolithic evil. Certainly, state officials advance their convictions and prejudices wherever they can. Yet on both the individual and collective level, such ideology exerts influence within the overall scene, without asserting a controlling influence. In that sense, I have argued that Tamms should not be understood as a single-minded project of retribution, nor as a deliberate program to torture. Even though, as I have argued, the policy making process that produced Tamms included the crudest of public policy discourse as part of its many textures, this chapter has made the case that Tamms was not the product of a coherent agenda to inflict cruelty and torture. In other words, the biopolitical rhetoric involved in Tamms’ origins never owns its own cruelty. Yet as I argue below, it makes a difference that the cruelty was neither coherent, nor fully owned.

I have argued that Tamms should be understood as a project that unfolded within the biopolitical logic of actuarialism and triage, as though we can conduct a fiscal calculation in a context of limited resources that points to a rational solution. To underline: there is a difference between the overt, single-minded cruelty represented in the online comment streams, and the cruelty implicit in allowing social death of Tamms prisoners through an actuarial rationale. I have excerpted a few representative remarks from online comment streams, to show that open, remorseless, retributive hostility does exist among the public (and perhaps potentially in everyone). It therefore stands to reason that such hostility would figure into the overall scene of
forces that made Tamms. In fact, it’s not a huge leap to assume that unambiguously retributive views also inform the key policy makers interviewed for this chapter, without their ever being able to say so publicly, since doing so would have looked intemperate and brutal. Yet, at the same time, I have also sought to register and articulate the significance of the fact that they do not actually do so: Certainly, we can imagine the key players advocating for Tamms in a more openly murderous manner and being rewarded for it. Thus, the fact that Edgar, Peters, Valukas and other state leaders did not voice the single-minded hatred voiced in the online comment streams could mean, either that their minds differ importantly from the most vociferous online commenters, or it could mean that such views represent only a part of the policy-makers’ minds, one that they don’t have full confidence in. In either case, that incoherence within the political scene represents political potential.

Narratives of sovereignty on the part of an imagined adversary serve a practical purpose in attempting to mobilize political energy in order to get things done: a sovereign, coherent and simplified image of the enemy represents a rhetorical stance that is convenient to retaliation. Yet the reality of the incoherence of the activists on both the Right and the Left of the Tamms issue suggest a surprising opening. If it turns out that state officials do not generally have a set plan, that points to contingency and therefore the potential for a better path forward.
If, as Foucault teaches us, we find this “noble” side of biopower in government programs to benefit the health of the population, Barbara Cruikshank demonstrates in _Will to Empower_ that we can also see biopower in citizen movements, in efforts to make prisons more humane, to provide better living conditions in urban immigrant settlements, even in socialism.

In _Punishing the Poor_, Loïc Wacquant connects the desire to remove prisoners from the field of mainstream attention to the U.S. history of racial subjugation and violence, arguing that the prison functions as a substitute ghetto.

In _Culture of Control_, Garland writes that during the two decades after 1960, crime rates increased in “every Western industrialized nation” (90). Yet along with other scholars, he cites a substantial drop in crime from the early 1990’s on. Richard Rosenfeld writes that “By the year 2000, homicide and burglary rates were lower than at any time since the mid-1960s” (Contexts, Spring 2002, 26). Michael Friedson and Patrick Sharkey write that “No matter the data source, the decline of violent crime is staggering in its scale and duration” (“Violence and Neighborhood Disadvantage after the Crime Decline, ANNALS, AAPSS, 660, July 2015, 341). See also Andromachi Tseloni, et. al for a discussion of the parallel international trend: “Exploring the International Decline in Crime Rates,” European Journal of Criminology 2010, 375-394. See also The Great American Crime Decline, Franklin E. Zimring.

See especially “State of the State” address, January 12, 1994. Edgar can be seen negotiating the shift towards globalization: cites reduction of welfare rolls and job growth with Motorola; calls for preparation for the coming tech revolution; celebrates the potential for NAFTA to create up to 13,000 much-needed jobs within two years.


Edgar has a reputation for moderation. He says that he listened carefully to the arguments of prison reformers, including the John Howard Association and Chuck Colson. He urged me to talk to them as well.

1) “I just don’t want Howard to kill me, no first lemme, first of all from my perspective, and I had to sign off on it.” 2) “No, uh, once I signed off on it, it was pretty much, it’s gonna happen.”

See “Jam-Packed in the Joint,” 30/June 1995/Illinois Issues

In the late 18th century and early 19th century, Quaker reformers pushed to replace corporal punishment with isolation, with the aim of inspiring penance among prisoners through solitude, and the Eastern State Penitentiary was opened at Cherry Hill in 1829. As a measure of institutional commitment to separating prisoners, inmates were famously hooded outside their cells. Charles Dickens famously condemned the prison, writing, “I hold this slow and daily tampering with the mysteries of the brain to be immeasurably worse than any torture of the body” (_American Notes_). Critics charged that the social isolation induced madness, and eventually, the prison abandoned the practice of solitary confinement in 1913.


49 Rather than pursuing the perfect ratio of rehabilitation and incapacitation (in the discourse of the Valukas report) the contemporary discourse of “decarceration” may be gaining political purchase. See Jeffrey Paris, in “Decarceration and the Philosophies of Mass Imprisonment,” who resists a numerical definition of “decarceration,” arguing, “decarceration is a social phenomenon that requires a broad shift in the relationship between contemporary institutions” (323-343).
Works Cited


Will County Woman. *Capital Fax Blog*. Thursday, Jan 7, 10 @ 5:08 p.m. Web. July, 2011.

Will County Woman. *Capital Fax Blog*. Friday, Aug 13, 10 @ 4:29 p.m. Web. July, 2011.

CHAPTER II: ULTIMATE CRIME AND ULTIMATE PUNISHMENT

This dissertation endorses a view of rhetoric that includes a multiplicity of agentive\textsuperscript{50} forces as potential participants in politics, activism, and punishment. Thomas Rickert’s view in *Ambient Rhetoric*, that “‘actants’ proliferate (in the laboratory, in social life, in deliberation),” echoes the previous chapter’s explanation for how the extreme punishment of Tamms could arise as anything other than a single-minded product of revenge: instead, I have suggested that Tamms emerged as a bureaucratic compromise among multiple forces, under the rubric, “make live and let die.” Therefore, the inclusive view of rhetoric endorsed in the previous chapter and in those that follow, as encompassing all potential forces, defines agency as distributed, not as the exclusive property of deliberative human action. This view undermines any conceptual inertia in rhetorical understanding that attaches “agency” strictly or primarily to individual or intentional human will.\textsuperscript{51} In doing so, I seek to highlight the potential within incoherence for social change, and to undermine the moral/rhetorical foundations of revenge.

Having argued that the collection of incoherent forces that made Tamms includes holdover narratives of sovereignty, this chapter delves deeper into one of those forces. Inspecting more closely the element of revenge, registered in the previous chapter through online comment streams, and construed as ambiently involved in Tamms’ making, I trace an impulse to ultimateness playing out in contemporary supermax punishment, evidenced in both the designation “worst of the worst” and the conditions of extreme deprivation at Tamms supermax prison. Using Kenneth Burke’s suggestion that language moves towards ultimate ends, I compare the conception of *homo sacer* and its constitutive force, as outlined by Giorgio Agamben, to its modern-day equivalent in the figure of the “worst of the worst,” a phrase widely used to describe supermax prisoners. Yet at the same time, I argue that the constitutive force of the “worst of the
“worst” does not function as a primary catalyst for the supermax paradigm, but as a cooperating intuition. In Tamms, we can see a deeper impulse enacted, namely the intuition *that the ultimate punishment be made to correspond to the ultimate crime*. Thus, extending Burke’s conception of an impulse to ultimateness, I argue that underneath both the notion “the worst of the worst,” and Agamben’s *homo sacer*, an illusory but not intractable intuition operates, persuading us that the ultimate must line up with ultimate.

**I. Rhetoric’s Constitutive Powers**

Kenneth Burke’s vocabulary for explaining rhetoric, with a bent towards language as action, develops throughout *A Rhetoric of Motives, A Grammar of Motives, and Language as Symbolic Action*, implying that language contains its own telos; language moves towards its own perfection. Based on Aristotle’s discussion of entelechy, “the notion that each being aims at the perfection natural to its kind” Burke suggests that language contains the ingredients for its own consequences (LSA 17). In other words, language uses imply and often irresistibly set into motion their own logics or outcomes. Both honoring and indicting this compulsion toward “ultimate” ends as an impulse towards “teleological perfection,” (LSA 397) Burke asserts, humans in particular are “goaded by the spirit of hierarchy or moved by the sense of order,” making us “rotten with perfection” (LSA16). Scholars have construed this denunciation of the rotten side of perfectionism as an indictment of the development of nuclear weapons, or the compulsion to carry technological development to its bitter end (Heath, 73; Williams 208). Insofar as Burke highlights rhetoric’s constitutive powers to materialize humanity’s most menacing potential, he provides an evocative opening for this discussion of the supermax. This chapter explores entelechy’s potential for violence, or as Burke at one point explains, “the individual’s potentialities for becoming a fully representative member of its class” (GM 27). Our
penchant for creating categories sometimes participates in violence, as exemplified by the so-called “worst of the worst,” which I argue later, enacts an impulse, not only towards ultimate punishment, but also towards making that ultimate punishment correspond with people or crimes also categorized as ultimate.\footnote{54}

Maurice Charland extends Burke’s investigations in a 1987 essay demonstrating language’s ability to constitute identity and social belonging. The essay, entitled “Constitutive Rhetoric: The Case of the People Québécois,” employs Burke’s substitution of identification for argumentation. Burke teaches us that much persuasion occurs through spontaneous and unconscious identification with social identities—not necessarily through reasoning. Charland advances that claim, showing that audiences participate in constructing identification, or constituting themselves as audience. Through an analysis of the constituting power of a 1967 White Paper calling for political sovereignty for Canadian speakers of Québécois, he suggests that by inviting identification with an oppressed people, the document called its audience into being as a social movement. Understanding rhetoric as constitutive in these terms positions “the reader towards political, social, and economic action in the material world,” and may help locate “cracks” in our otherwise “recalcitrant” politics (134).

From Burke to Charland, twentieth-century rhetorical inquiry registers a modern concern for preserving political and rhetorical agency. We can see evidence of that concern in Burke’s anti-behaviorist argument that “language is the ‘critical moment’ at which human motives take form, since a linguistic factor at every point in human experience complicates and to some extent transcends the purely biological aspects of motivation” (GM, 318). The priority given to language here conveys a measure of anxiety—if language trumps biology, why must Burke assert it with such force? I explain this anxiety in terms of growing twentieth-century doubts
about the powers of philosophy, language, or ideas to control social ills. These doubts register in twentieth-century academic discourse as not only challenges to the supposition of the “great man,” or of a single person’s genius redirecting the course of history, but also, in the case of constitutive rhetoric, as uneasy avowal of the power of ideas, the written word, or deliberative rhetoric. Consider that a citizen of the 17th century might simply shrug at Charland’s constitutive claims (how else would one accomplish such business, except through a White Paper)? Thus, to be clear: in the 17th century sense and in Charland’s contemporary sense, this dissertation takes the ordinary, intuitive position that language continues to function with deliberate, directed potency plenty of the time. We know that it’s possible for an arrow to hit its target sometimes, just as rhetoric can certainly contribute deliberatively and constitutively to social change.

We can see one clear example of the constitutive power of language operating through categories. Manipulating categories institutes effects by simplifying complex information: a phrase or an idea in words, like “the worst of the worst,” provides a focus and keeps things simple, which, as the previous chapter demonstrates, functions by excluding contradictory voices or the forces of a vast constituency. Potential supporters of closing Tamms, for example, were mobilized by becoming persuaded that the prison’s conditions were accurately labeled by the category “torture.” In this way, verbal experiments allow us to get information into tidy verbal/mental objects, which then channel specific outcomes. Thus, insofar as identifying a category and thinking in terms of kind focuses the mind and designates an area of information as moot, thinking in terms of a category literally changes thinking; it ropes off information that can be safely ignored. Hence, “worst of the worst,” administrative detention and mandatory minimum sentencing all follow a constitutive entelechy quite similar to racial stereotyping: these categories eliminate the need to investigate the individual case.
II. Dangerous Categories

Giorgio Agamben’s *State of Exception* provides a valuable window onto the potential threat of categories and their elision of particularity, especially connected to the constitutive force of the law. Categories enact precisely the same problem as abstraction itself; the abstraction “paper” routinely fails to precisely correspond to this specific paper with this particular wrinkle in these conditions of humidity on this particular day. Such imprecisions provide little cause for worry in everyday transactions. Yet rounding up or rounding down matter very much when attended by the potentially lethal force of police or the law, as enacted, for instance, in the mental shorthand of racial profiling. Likewise, we care very much about belonging or not belonging when it comes to categories like “sex offender,” or “white collar criminal.” Yet as Agamben points out, along with many others, power decides who belongs to such designations and who doesn’t. As he argues in both *State of Exception* and *Homo Sacer*, that arbitrary decision on when the law should apply prevents us from meaningfully distinguishing between tyranny and democracy: as each new dashcam or cellphone video of police shooting an unarmed suspect argues, the whim of the police continues to function as the force of the law. In this sense, Agamben suggests, the “state of exception” haunts even societies purportedly committed to due process. Precisely because the law cannot encompass all complexity, since language can’t, an escape hatch structures the law: whoever has the power to do so can make exceptions and suspend the law.

In *Homo Sacer*, Agamben tracks another constitutive legal practice related to the problems outlined above, including due process and exceptionalism, and categories with legal and potentially lethal consequences. Through an examination of the concept of “homo sacer,” an ancient Roman legal category designating persons whom the society was allowed to kill at will, he describes the modern equivalent of *homo sacer* as being bare (or naked) of the protections of the law: whoever “can be killed with impunity” does not enjoy our system’s promised rights and
due process. If, as Agamben argues, we are all more vulnerable to the law than we think, some are more vulnerable than others. In that sense, supermax prisoners represent a comparatively apt comparison to *homo sacer*, because 1) until 2010, prisoners were sent to Tamms without due process, and 2) they were sent based on overly broad categories. Former prisoners recall being openly and casually described as “the worst of the worst” by prison personnel as justification for their placement at Tamms, and many were officially classified under the similarly elastic designation, Administrative Detention. Note the descriptive nature of the criteria for Administrative Detention, as codified by the Illinois Department of Corrections Administrative Code. These rules are not meant to function as an accountability check, but to permit flexibility:

In determining whether to place an offender in administrative detention, the Chief Administrative Officer may consider, among other matters:

1) The seriousness of the offense;
2) The safety and security of the facility or any person;
3) The offender's behavioral and disciplinary history;
4) Reports and recommendations concerning the offender;
5) The interview and any submissions of relevant material and information;
6) Institutional order; and
7) Other legitimate penological interests. (Administrative Code)

Carrying the force of law, the above Administrative Code for the Administrative Detention classification, like the Administrative Code for placing someone at Tamms, was deliberately vaguely worded, in order that staff could maneuver around the criteria as needed. As such, these categories inflict their dangerous force through imprecision, so that those in position to do so can decide whether and how the language applies.

Agamben’s theorizations, particularly his reliance upon figures for extremity, including *homo sacer*, function usefully in this argument precisely for their breadth. Yet note that Agamben’s conceptions of *homo sacer*, bare life and the muselmann function as an indictment of any society’s exclusionary uses of these broad categories. In other words, I refer to Agamben’s conceptions of *homo sacer*, bare life and the muselmann in order to evoke the existence of
people in any era who become subject to extreme, otherwise forbidden, forms of punishment. Such forms of punishment come to be understood by the society as meaningfully extreme, or special, precisely because of their extremity—yet they become permissible under color of legal sanction. Inside the United States, those extreme punishments currently include the death penalty and prolonged solitary confinement.\textsuperscript{55}

Agamben has been criticized for his theorization of “bare life,” often precisely for its abstraction, or failure to register both degrees of alterity and enfranchisement, even among the most vulnerable.\textsuperscript{56} Similarly, two important voices on supermax confinement, Lorna Rhodes and Lisa Guenther, reject “bare life” as illuminative of supermax confinement, on the grounds that no life is ever truly bare.\textsuperscript{57} Whereas Rhodes emphasizes supermax prisoners’ conversations with one another, and therefore their participation in public discourse (“Changing the Subject”), Guenther affirms the persistent power of resistance inherent in subjectification and therefore one’s biography (“Resisting Agamben,” 2-3). These authors reject the implication that the most vulnerable are ever stripped of what Agamben (after Aristotle) calls \textit{bios}, meaning political voice. This controversy turns on the notion that Agamben fails to recognize political or rhetorical agency, even among the most vulnerable.

However, I insist upon the metaphorical value of Agamben’s figures for extremity, for opening a window onto Tamms enacting the impulse to ultimateness at issue in this chapter. We can see the force of Agamben’s obsession with such figures through his discussion of the muselmann, who appears in \textit{Remnants at Auschwitz} as one of the most abject figures of extreme suffering and otherness in his oeuvre. As one survivor explains, “in the jargon of the camps,” the term \textit{der Muselmann} was used to refer to those who had “long since lost any real will to survive,” and in that sense, marked the horizon of the human and non-human among them (45).\textsuperscript{58}
One survivor explains, the muselmann “was a staggering corpse, a bundle of physical functions in its last convulsions. As hard as it may be for us to do so, we must exclude him from our considerations” (41). Thus, for some persons focused on survival in the camps, the muselmann signified the possibility of becoming a mere shell of a person, the being who could not be identified with for fear of the possibility of becoming such a figure: the category signified, if you cared about your own circumstances at all, if you cared to take action in the name of self-preservation, you had nothing in common with the muselmann. Even so, the only way such a person could be understood as devoid of any agency would be under the assumption that agency is only agency if it is intentional. Yet in keeping with this dissertation’s position that agency is not just a matter of intention, I maintain that the muselmann retained a sense of agency insofar as he still had a rhetorical relationship with the other camp survivors: he triggered powerful reactions in them, intended or not. Similarly, Agamben cites Terry Schiavo, kept technically alive at length by machines, as an example of what he means by bare life; yet Schiavo’s posture, her nightgown, her apparent affective responses, even if never intended—all of these triggered powerful social effects. In this sense, Agamben’s point does not depend on whether or not the person of extreme vulnerability still retains the will to crawl or to communicate deliberately. His point is that such a category, created by the society, exists at all; even among victims of the camps, a category of ultimateness posits a wall beyond which some members of the society are designated non-relevant or extremely other. I therefore use Agamben to posit an ultimacy in a Burkean sense: a moral frontier beyond which the society places certain people. Whether the person whom the society has placed beyond that frontier still retains agency, or how much and what kind, does not matter here. My emphasis is the positing of a frontier at all: that frontier or category is posited as an answer to the question of how shall we deal with the ultimate case or
I argue in this chapter not just that we create institutions that enact an impulse to ultimateness (particularly with regard to punishment and reward) but that wherever ultimateness has been assigned or wherever a frontier of ultimateness has been marked, that is where we believe we must find other ultimacies too. They are assumed to all line up. This argument is prompted by the intuition within public discourse, obliquely handled in the previous chapter, that the so-called “worst of the worst” should be given the worst possible punishment: this public intuition occurs when a person has been categorized as homo sacer or its equivalent, meaning that the person has failed to qualify or has been placed beyond a moral frontier because of no longer having anything to contribute. Judith Butler describes such persons as having been relegated outside of grievable death, meaning that a person can be met with death or torture on the other side of that line (*Precarious Life*). De-ultimating our intuitions and instead regarding all people as potential, or potentially something would mean that there would be no homo sacer, no “worst of the worst,” or no one for whom it would be considered appropriate to administer whatever has been designated as the ultimate punishment.

Agamben’s analysis shows the constitutive force of ideas like *homo sacer* or worst of worst: these concepts accomplish the equivalent of focusing a movement or a vote. Furthermore, these concepts, as categories, play to something deep in the mind that all is meaningful and adds up. Though I maintain that this intuition suggests that the designated “worst person,” should be meted out the worst punishment, the intuition is not set originally into motion by a phrase or idea. Instead, that intuition represents a natural mistake analogous to the idea that the sun travels around earth. I believe that this claim is important because there is a nasty mistake involved in the intuition to make sure that the ultimate person matches up with the ultimate punishment. It is
incorrect that we have to mete out the maximum possible punishment, and the result is that under color of justice and natural law we torture people.

III. The Intuition Behind the “Worst of the Worst”

A supermax is an all-solitary confinement prison that houses a population of prisoners, referred to persistently by officials and the popular media as “the worst of the worst.”\textsuperscript{61} As “The Philadelphia Inquirer” reported in 1994, when supermaxes were just becoming popular in the U.S., “these highly restrictive units” were meant “to isolate the ‘worst of the worst’ inmates in their systems—not necessarily those who committed the most serious crimes,” but those who commit some act of wrong-doing within prison. Thus, like other supermaxes, Tamms was designed as an unusual prison, in order to house and punish a category of prisoners, who were described as being even worse than other prisoners in the system.\textsuperscript{62}

From the time when an Illinois supermax was first proposed, the phrase “the worst of the worst,” previously popularly applied to prisoners on death row, was repurposed and repeated by supermax advocates and by the press, serving as a psychological and rhetorical nexus of values, modes of understanding, and policies. From the death penalty to the supermax, the “worst of the worst” continues to invoke both a category of person and a category of ultimate punishment assumed appropriate for that category. The phrase “worst of the worst” implies that the prisoners so-described should be treated the same because they are the same, and that they enter that category by doing something or being something that is beyond redemption. In the following pages, I describe conditions at Tamms, partly as an enactment of the ideologies promulgated by that phrase, or by the idea of a category of prisoner who can be identified and administered the worst possible punishment. The result at Tamms was near-total social isolation for the prisoners.

We can see evidence of the intuition behind the phrase the “worst of the worst” in the
discourse of corrections professionals, many of whom submitted written comments for a contentious 2012 Commission on Government Forecasting and Accountability meeting regarding Tamms’ impending closure. One former Tamms Lieutenant employs an even and professional style in the following defense of the prison, omitting the phrase “worst of the worst.” Yet he advances a closely related intuition. He presents the idea of a type of prisoner and that prisoner’s fit for the supermax as an argument to keep Tamms open, and does so as a matter of plain description, as though he were describing mathematical phenomena: “Tamms C-Max has been designated and designed to house the Illinois Department of Corrections most disruptive, violent and problematic offenders” (Teske). Scholars and activists have credibly challenged this assumption that the existence of violence among prisoners necessitates a supermax as an effective solution to prison violence. Yet even though his assertions don’t represent established fact, they transmit intuitive force: there is a container and an identifiable phenomenon that fits in it.

This same intuition of a type of prisoner meant for Tamms also appears in an early employee training video, yet unlike the Lieutenant’s discourse quoted above, the video does not eschew hyperbolic style. It begins with an impressive litany conveying the prison’s state-of-the-art credentials: the facility cost seventy-three million dollars to build; it is “situated on two hundred thirty-six acres, surrounded by a twelve-foot-high, double-barbed-wire security fence” with “multiple twenty-four-hour mobile perimeter control”; and inside, the prison boasts a “state-of-the-art computerized security system.” In an authoritative, historical-documentary style, the male narrator repeats the word “predatory” several times, intoning, “Tamms represents the latest step,” in efforts to control the system’s most “predatory inmates.” In the past, the video explains, strategies for controlling such “predatory inmates” have involved either dispersal of “the
troublemakers” throughout various prisons, or concentrating “the bad apples” in one location.

The practical context of running Tamms shapes the above conception of a group of “bad apples” that can be identified and isolated, and foregrounds operational concerns—not necessarily justice. Supporters with no direct knowledge of the prison, by contrast, answer social justice objections to the prison’s conditions with a competing vision of justice, based partly on proportionality. For example, another citizen’s written statement for the 2012 COFGA hearing (quoted below), frames Tamms as delivering extreme punishment, proportional to the crimes committed by the prisoners placed there. As this proponent asked, in hopes of keeping Tamms open:

Who gives justice to the victims that the inmates at Tamms tortured, raped, murdered, etc? Who provides justice for those correctional employees who were assaulted and/or killed by inmates? How can you close a facility, because you say it's inhumane; and fight for the rights of convicted felons. Yet you neglect entirely justice for their victims? (Sadler)

This argument, which insists on proportionality, can only logically proceed from the misconception that prisoners were sent to Tamms because of the severity of the crimes for which they were incarcerated. In fact, prisoners were sent to Tamms, having already been incarcerated elsewhere in Illinois, sometimes for committing further crimes inside the prison, but sometimes not, and never based on their original conviction. One former prisoner, for instance, originally convicted of arson as a teen, subsequently became entangled in prison for decades through relatively petty conflicts and rule violations, winding up in Tamms with many additional years added to his original sentence. Yet observers frequently mistakenly but intuitively understand punitive conditions in the supermax as representing a symbolic, proportional reply to the extremity of the crime committed. People who commit the most violent crimes were not necessarily sent to Tamms, and yet the sensation that it should be so operates as intuitive moral
math, which parallels the corrections professional’s operational math outlined above—namely, the intuition that a natural category of prisoner exists, meant for Tamms. The intuition of a “moral math” and an “operational math” cooperate with the usage “the worst of the worst,” conveying the persuasive sensation that if we can identify the type of punishment that would correspond to that crime or that category and inflict it, we will have carried out an intuitive, sensible, and justified punishment.

IV. Officials Speak: Making Extreme Punishment Acceptable

In order to carry out that intuition we would need to find out what the worst punishment is. In the immediately following pages, I trace the process of finding that worst punishment and of marking its limits, given perceived pressures from critics and the law regarding what was allowable. Through that process, in the case of Tamms, prison officials deny that the prison’s conditions were actually cruel (unlike the commenter above, who believes the cruel conditions were just). In denying cruelty, we see officials walking a fine line between perceived cruelty and allowable harshness: administrators describe punishment at Tamms as harsh but not quite cruel.

Insofar as administering the harshest allowable punishment meant walking a fine line regarding what was permissible, the managerial-medical rationality of hidden cruelty made it possible to endorse exceptional, extreme, or ultimate punishment at Tamms. Within such a rationality, in which extreme punishment may be regarded as acceptable, a Foucaultian, medicalized sense of biopolitics intersects with an Agambenian biopolitics of extremity, via Agamben’s conception of homo sacer and bare life. If homo sacer has been written off as already at the absolute mercy of fate, Tamms prisoners have similarly been left to their own resources in an ostentatiously minimal environment—they have been, as Ernesto Laclau puts it, “left to their own separatedness” (13). In a related analysis, Lisa Guenther identifies “the
biopolitical dimensions of criminality” with a second wave of solitary confinement in the U.S.,
enacted through the medicalized rationale of “behavior modification” (65). Therefore, if
Agamben addresses exceptional treatment, at the same time, as Guenther suggests, Foucault
helps us see a medicalized rationality framing that treatment as clinical rather than cruel. As I
describe conditions at Tamms in the following paragraphs, therefore, I document decision
makers’ discourse about whether conditions at Tamms really were as cruel as critics claimed,
and by employees who carried out those policies. These conversations represent the process of
figuring out what was the ultimate allowable punishment. In the context of confinement at
Tamms, what was allowable meant keeping the prisoners alive, but doing little more.

In keeping prisoners alive while stripping conditions for life down to bare or minimal
provisions, the supermax skirts the limits of legality. We can follow the contours of that
negotiation in the prison’s omission of rehabilitative programming, and in officials’ explanations
of that omission. When Tamms Year Ten visited the prison in 2008, the Clinical Services
Supervisor at that time spoke to the prison’s lack of rehabilitation programming during a
conversation in the cafeteria. In an accommodating tone, in answer to a question about what
programs, if any, existed at the prison, he conceded that it is true, “Inmates are on their own” at
Tamms. “An inmate’s rehabilitation is up to him. Some still are not ready to change their
lifestyle. Until they accept that responsibility, they are not rehabilitable” (Tanner). Likewise, in a
videotaped orientation speech, given by the prison’s first warden, George Welborn, to newly
hired employees, he dismisses the likely objection that Tamms provides no rehabilitation: “Lack
of rehabilitation—this one, I don’t have a lot of sympathy and nor should you. These are inmates
who didn’t want to take part in educational and vocational programs in the facilities they came
from.” In other words, prisoners made their choices, and as a consequence, they are left to their
own devices. If educational or therapeutic services stand for the kinds of provisions not provided by the state at Tamms, the cell itself delimits what the state did provide.

While state officials admit that the Tamms prisoner wanting to better himself must do so through force of his own radically isolated will, we can see them navigating both what they thought they were responsible for related to prisoners’ needs, and the limits of harsh but allowable punishment, in the design of the cell: the bareness of the state’s provision to the prisoner can be grasped by looking at a cell. George Welborn was closely involved in the prison’s design and openly narrates his strategic awareness of the limits of what would be allowed while planning the building’s structure: “Supermax facilities have been the target of criticism and litigation,” but the prison’s design preemptively addresses potential objections: “They can’t see, they don’t have windows, they can’t do this and do that,” he comments, so “we opted to put cell windows in. So hopefully it will help with sensory deprivation issues” (Welborn). Navigating the limits of what was allowable meant providing the bare minimum, not only for maintenance of prisoners’ biological lives without killing them, but also dodging humanitarian objections. Providing the bare minimum qualified conditions of deprivation at Tamms as allowable by stopping short of aggressive, visible, or obvious harm.

One need not regard the cell’s sensually minimal provisions as punitively motivated to recognize the extremity of its conditions. In Westefer v. Snyder, U.S. District Court Judge G. Patrick Murphy assessed the prison’s conditions, for instance, describing Tamms prisoners as sensorily deprived. In 2010, he ruled that being transferred to Tamms represented a due process liberty interest, or substantial curtailment of freedom, thus providing a legal mandate for Michael Randle’s 2009 “Ten Point Plan,” which had promised Tamms prisoners due process hearings. Murphy’s “Findings of Fact” quotes Tamms prisoners extensively, who describe their own
subtle, difficult to describe, sensory experiences at the prison—testimony that might easily have been dismissed by another judge. His rationale describes a representative Tamms cell, for instance, registering detail about the cell’s window placement from a prisoner’s perspective, commenting that “without making unusual efforts, all that an inmate can see through it is a sliver of sky” (13). Welborn affirmed, in a deposition, that windows had been placed high on purpose, to prevent tampering. Whether as a product of punitive intent or primarily as result of the need to prevent prisoners from causing trouble, through Murphy’s description, we can begin to apprehend the cell’s austerity and prisoners’ circumscribed experience of sensory variety inside it:

The door of a typical cell is made of steel mesh perforated with small holes so as to reduce severely visibility inside and outside the cell…. There is a small chuck hole in the door of each cell; through the chuck hole an inmate receives and returns plastic trays bearing his meals (all Tamms inmates eat alone in their cells)…. The chuck hole is locked from outside and provides no visibility into or out of the cell. Inmates at Tamms are only permitted two small property boxes and there are limits on the amount of individual items of property they may have; for example, inmates may keep a maximum of twenty-five books and fifteen pictures in their cells. (13-14)

The fact that the room includes a window and a desk at all can itself be seen as remarkable. And certainly, as Welborn’s explanation of window placement suggests, much of the cell’s minimalism can be explained in terms of exigency without reference to punitiveness. There was, for instance, a need to minimize edges that could be broken and used to make weapons and to
minimize spots that could be used to tie off for hanging oneself, and these exigencies were sufficient to guide the design towards sensual monotony.  

Yet in the following testimony of officials, I also seek to highlight, within officials’ careful navigation of legality, the operation of a punitive moral math, not just the exigencies of security. Even though testimony by officials answering for Tamms displays concern for punitive intent, psychological torture, or cruel and unusual punishment, as I demonstrate, their primary anxiety was to locate the line demarcating what was allowable and what was legal. Finding the line between the permissible and not permissible meant getting away with (or getting to proceed with) an extreme degree of harsh punishment, while avoiding legal trouble. To provide a textured account of officials navigating that line, I quote a selection of commentary from Welborn and other staff. Just before Tamms opened, for example, Welborn refuted the allegation that supermaxes inflict psychological torture, by simply negating it:

> Obviously Tamms was not meant to house long-term mental health patients—we will not exercise psychological torture. We have a large number of mental health staff who will interact regularly [and provide] crisis intervention. (Welborn)

Over a decade later, Terry Caliper, introduced by Welborn in the video above, and centrally involved in mental health care Tamms, wrote to legislators to defend the prison:

> Since the inception of the facility, focus has always been delivering services to inmates according to their constitutional rights in a safe, humane manner. The population at Tamms is highly litigious and our procedures were developed to protect the State of Illinois in the courtroom. (Caliper)

Caliper also presented a similar argument in conversation with Tamms Year Ten members on a 2008 visit to the prison: “I know the difficulties that supermax prisons have had. Access to mental health facilities has been a problem. So we vowed we would be able to track [these issues]” (Caliper). Caliper sees hers as a caring role and cites legal conscientiousness as evidence for the institutional care that she helped to provide. In the above 2012 letter to legislators, she
also protests accusations that conditions at Tamms are inhumane as “hurtful and untrue.” As another staff member writes:

I would like to address some misconceptions about Tamms CC….We treat the inmates housed at Tamms CC with decency and respect. (COGFA)

For his part, Welborn knew that opposition to inhumane conditions were aimed at the social isolation of prisoners, not their treatment by individual staff members, but he is well satisfied in having addressed those objections:

Isolation or lack of social contact has been another criticism—nurses, doctors etc. will be on the wing. We encourage written correspondence. And non-contact visits. So there is some contact. (Welborn)

I aim to demonstrate, through inclusion of the above testimony, that officials were not asleep to the issues of torture, punitive isolation or cruelty, yet their primary anxiety was not to appear cruel, and above all, not to be sued. As Welborn told the Belleville News Democrat, "It's very, very hard time. Is it constitutional incarceration? Yes it is. The court cases to this point have shown that. We're not beating them. We're not starving them" ("Trapped in Tamms"). Welborn’s self-exoneration here, his settled dismissal of the charges against the prison, along with the hurt feelings of staff, all suggest that the people who implemented prison policy believed that having good intentions was sufficient to absolve them (or the prison) of cruel treatment. Recall Welborn’s expression, and that of others, that prisoners are on their own at Tamms: that expression suggests, they made their choice, so that’s on them, not us. Yet if Welborn washes his hands of punitive intent by disavowing aggressive harm, the comments below revive those questions:

I lobbied quite hard to place this in southern Illinois. I told Director Peters it ought to be as far south as you could get. There are a lot of reasons why it should be in southern Illinois. The vast majority of our inmates come from where? Chicago. I felt that from the psychological standpoint alone, it was best—send them as far south as we can get, the furthest south you can send them. We are closer to Memphis, Tennessee than to Springfield, Illinois. We can get to Atlanta, Georgia almost as quick as we can get to Chicago. (Welborn)
Let us set aside the issue of long-standing divisions between southern Illinois and Chicago above, in order to address the question of what precisely Welborn meant when he said that “from the psychological standpoint,” it was best to send prisoners as far south as possible. Could it mean that the geographic isolation would benefit the prisoners psychologically? Isn’t it more likely that Welborn meant that the geographic isolation would enhance the prisoners’ punishment by separating them from their families, as far as was possible?

The pointlessly punitive elements of Tamms may appear more vividly in the experiences of prisoners’ families and the prison’s procedures for visiting. Far from exerting strategic energy to mitigate geographic isolation, the prison instituted pointless deterents to family visits. Even family members who visited regularly, for example, had to complete visitation request paperwork every time—requests that did not arrive by fax or mail two weeks in advance were regularly turned down on these grounds. Family members asked, who can easily plan their lives two weeks in advance? And if visits from family play an important role in maintaining mental health and social ties, smoothing re-entry and preventing recidivism, (Pierce 2015; La Vigne et. al 2005; Bales and Mears 2008) why should families be required to plan two weeks advance? Why should it be so difficult to visit? One mother of a Tamms prisoner describes being turned away after a six-hour drive from Chicago,
because of her sleeveless blouse being deemed inappropriate attire. A former prisoner’s wife reports that after a parking lot search of her car (standard procedure) turned up a butter knife, she was banned from visits for having a weapon in her car. Some family members also describe being disinclined to visit because doing so meant seeing their loved one shackled, hands and feet to the floor, for the duration of the visit—sometimes a few hours. Patently, onerous visitation procedures; the prison’s placement so far “off the grid,” that the nearest train stop from Chicago was an hour away by car; the shackling of the prisoner to a hook in the floor in the visitation booth; the uncomfortable stump on which prisoners sat during visits: these were not for the benefit of the prisoner or the family member. Rather, in these policies and the discourse of those who walked a fine line in answering for them, we can see signals of an intuition that any amount of niceness (even to encourage family visits) subtracts from just punishment. There is a sense that the punishment should be extreme: it is hard time, Welborn says. The assumption is that softness can have no appropriate place here; we want them to be suffering, not just neutralized.

V: Prisoners Speak: Conditions at Tamms

There are many indications of limits on how far the prison system currently takes what I have called the impulse towards ultimate punishment through extreme isolation in the supermax. In defending Tamms, for instance, The Illinois Department of Corrections cited the fact that prisoners engaged in games of checkers or chess by shouting out moves between cells (“Ten Point Plan,” 8-9). Certainly, a host of similar details about daily life inside the prison bolster this account, suggesting that conditions in Tamms never achieved absolute isolation. For instance, one former prisoner, who was African American, named Akkeem, describes a friendship he forged with a leader of a white supremacist gang while in Tamms who was placed next to him on the same pod. Akkeem describes “sending a line” down the hall, which was possible, since the
doors had a small opening between them and the floor. Knowing the prisoner had no family and therefore no commissary money, Akkeem sometimes bought an extra bag of chips, mashed it up, attached it to a string, and spun it down the hall to him. Similarly, Brian Nelson, who spent twelve years in Tamms, describes prisoners inventing new ways of communicating, which were then met with further controls by the administration.67

If you try to scream to the guy in the next [exercise] yard, officer says that is gang conversation, you are not allowed to do that. So we started learning sign language. We put our property box on top of the bed and roll the mattress up and stand up there if you can, and talk to the next guy in the next wing through the windows with sign language. They sent out a memo if we see you doing that, that's gang signs. We will give you one year in seg. So guys stopped doing that. (Nelson)

Within this cycle between prisoners finding ways to defeat controls on communication and staff cracking down, Nelson coordinated and produced a prisoner-written newsletter, with other prisoners, which was distributed through legal mail among many of the prisoners. In Westefer v. Snyder, however, District Court Judge G. Patrick Murphy cites a prisoner describing the deterioration of his mental health in Tamms, who “began experiencing auditory hallucinations or ‘hearing voices,’” explaining that yes, prisoners could shout between cells, but it was more stressful and difficult than it sounds because you didn’t know who you were talking to (15-18). On the one hand, therefore, the supermax represents the current system’s ultimate punishment through social isolation—representing an extreme point on the spectrum of what is allowable. On the other hand, it does so without delivering absolute isolation.

One could grant a great deal of sympathetic power to the depths of the isolation at Tamms, as District Court Judge G. Patrick Murphy did in his ruling on Westefer v. Snyder, while at the same time observing that there could potentially be even more absolute degrees of isolation than what occurred at Tamms. In Westefer v. Snyder, for instance, Murphy compared the conditions at Tamms to that of Pontiac, a maximum-security prison, where prisoners are also held in segregation, and affirmed that conditions at Tamms did in fact represent “sensory deprivation”
Murphy discussed Pontiac in his findings because he asked the state, as part of his investigation, to pick the second most restrictive prison in Illinois, to serve as a basis of comparison. He ruled that placement in Tamms amounted to an “atypical and significant hardship,” (7) and speculated that such conditions of deprivation must be particularly hard on the “population of Tamms inmates [that] are poorly educated, if not illiterate, and therefore cannot beguile their time in isolation through activities like reading and letter-writing” (24). For such prisoners, “The long hours that they must spend alone in their cells at Tamms must weigh especially heavily” (24). He quotes at length in his “Findings” from prisoners’ testimony, arguing that despite the modicum of sociality in Tamms, conditions were substantively more extreme than segregation at the next most restrictive segregation unit in the state. Comparing the possibilities for communication at the two prisons, one prisoner explains that at Tamms:

The cell is big and you in the back of it. You all the way in the back of the cell. And if you come to the front it’s just not the same. You know, you have to stand at the door and you have to communicate standing at the door and it’s not for very long because it’s an uncomfortable situation. Even if you sit down you sitting on the hard floor unless you get your pillow and put it on the floor. But if you moving around and somebody call you, you—you—and you don’t want to just stand at the door all the time and just talk because you get tired (16).68

Murphy’s findings suggest that faltering, unsustained communication fails to provide the matrix of sociality available even at other segregation units, a level of sociality that proved vital to the maintenance of mental health for some prisoners. Murphy writes, “a number of inmates…testified to experiencing severe depression and other mental disturbances while confined at Tamms,” who then reported marked improvement upon being transferred to Pontiac (45). He goes on to quote a dozen more who experienced permanent mental health effects after Tamms, including paranoia and “atrophied” social skills. In response to long-standing complaints about such effects on mental health at Tamms, however, the Illinois Department of Corrections pointed out that besides the limited communication that prisoners manage with each
other by shouting, “These inmates have regular and daily interaction with medical and mental
health services staff, security staff, chaplains, and other inmates” (“Ten Point Plan,” 8). They
cited constant checks made by various staff people:

The medical director makes weekly rounds, the health care administrator makes routine
rounds, and nurses make rounds three times a day in each housing wing…. Security staff at
the facility make housing wing checks every thirty minutes, and duty wardens routinely
make rounds. Chaplains and counselors visit inmates at the cell front at least once a month
(“Ten Point Plan,” 8).

Yet prisoners insist that a faceless or disembodied voice from someone on the pod, one letter
from a stranger, a few words from a staff member at the cell front cannot significantly mitigate
sensory and social deprivation. So despite these well-being checks by staff and the shouting
between cells, what kind of human contact was missing at Tamms?

Murphy suggests that one difference between Tamms and Pontiac was sustained
relationships and access to milieu. For instance, one prisoner, who spent time in both prisons
says that even when you’re in one of the cells at Pontiac where the bars are covered in plexi-
glass, you still have more social contact:

[Y]eah I have been in the ones covered in glass. But it’s still different from Tamms
because you can communicate. You could, you know you could communicate. It’s a lot of
people around you that you know that you can associate yourself with because they right
there with you and if something’s going on you right there in the mix. If something’s
happening if somebody want to pass something you would be involved if they wanted to or
you can talk to the guy without, you know, really it’s… totally[ly] different [than Tamms].
(38)

Another prisoner describes the difference between Tamms and Pontiac as degrees of isolation:

Isolation from communicating with other people. Communicating with other people just to
go on the yard with other people, you know. To have that connection with someone, you
know. You can talk to someone behind a door and you are isolated 23 hours a day. But it is
a totally different situation if you are allowed to be with other inmates around and
communicate, you know. And that type of way it’s totally different. You got to have—you
got to be in that situation to understand that. And it takes a toll. And it takes a toll. I don’t
feel the same. (17)

Prisoners quoted in Westefer v. Snyder repeat it, for pages at a time, but as I discuss in the
chapter that follows, without an already receptive audience, it feels impossible to prove to their
invisible psychological suffering.
Signaling how seriously he takes the monotony, Murphy quotes a prisoner who talks about deliberately making what he knew at the time was an absurd gesture, in order to provoke a change of scene. He wrote a letter to Tamms staff saying that if they didn’t move his cell by a certain time on a certain day, he would be “halfway to Chicago”—the absurd consequence of which, he knew, would be that he would be re-classified as an escape risk, and his cell would be moved. Former Tamms prisoners who spoke publicly about Tamms issues repeated similar stories about prisoners deliberately provoking negative attention from correctional officers. As Brian Nelson puts it, “You’re grabbing at anything to feel pain, to feel something, because there’s nothing to feel.” Negative attention is better than none at all.

As an aspect of sociality and varied sensation playing a vital role in mental health, prisoners say that touching others and being touched also play an essential part in their sense of feeling connected, or connecting one day meaningfully to the next. Judge Murphy quotes one prisoner who talks about how at Pontiac, the prisoners are all in segregation, but because the cells have bars on the doors, a person could reach a hand around and touch the guy next door:

Well, the cells were bars. You know, you could reach out, you know, you could touch a person’s hand which was a significant difference. If you have never—if you have been—if you have been isolated for so long, just putting your hands on another human being was like…wow. You know the feeling if you ever been thirsty and you just drink a cold glass of. It’s like that. It’s strange at first but it’s—well, it’s free. (46)

Another prisoner also tries to explain the difference between Pontiac versus Tamms in these terms, both in terms of richness of connection, and in terms of human touch: “Just hands, arms, you know. You could buy a mirror. You could buy a mirror, a plastic mirror, you could stick your mirror out and look at them and conversate all night.” It is certainly surprising to imagine maximum-security prisoners reaching a hand around for a small, almost meaningless touch, or perhaps a reassuring handshake. Yet, if convicted murderers treasure that freedom enough to cite it as essential—to reach a hand around for fleeting contact—it suggests that we all need such
contacts more than we think, and that we apparently take such brushes with the other for granted.

V. The “Worst of the Worst” and The Fantasy of the Super Criminal

The 2009 report, “Tamms Closed Maximum Security Unit: Overview and Ten-Point Plan,” issued by the Illinois Department of Corrections explains, “Inmates that are housed at Tamms CMAX are considered to be the ‘worst-of-the-worst’” (8). Regarding this designation, “worst of the worst,” Brian Nelson has much to say.

As one of its first prisoners, Nelson was sent to Tamms in 1998. Having been involved in a botched robbery in which someone else from his gang shot and killed someone, Nelson was indicted in 1983 for armed robbery and murder. But when he was sent to Tamms in 1998, he had spent the previous two years in a minimum security prison in New Mexico, under an inter-state compact, in which Illinois prisoners were sent to other states to be incarcerated. In New Mexico he had been entrusted with free movement and a job:

I had the keys to their cars, I used to take their uniforms and put them in their cars for them come back and give 'em their car keys. I had free access in and out of the prison 24 hours a day. Free access to church, gym, yard 24 hours a day. (Nelson)

Yet, shortly after Tamms opened its doors, he was pulled out of Las Cruces:

Two US marshals walked up and pointed guns at me and told me to get on the floor…. I was drove in from Las Cruces to Santa Fe supermax in New Mexico, held there for a little while and taken to the federal transportation facility, or Conair. Flown from there to Utah, to California, to Oklahoma City. When we got to Oklahoma City, that's when we said well go ahead and watch your back--they opened up a supermax. (Nelson)

Illinois’ new plan for Nelson at Tamms involved a whole new tone, and it took him by surprise.

He said he and the other eight Illinois prisoners on the plane, “[L]ooked out the window, talking about, ho-ly shit, what's going on?” Cuffed and disoriented on the tarmac when they landed in Illinois, he saw:

There was over a hundred police, with riot gear, sniper rifles, dogs, state police department, corrections police, local police, 13 members in black camouflage--for 8 of us. News cameras, the Deputy Director Michael Neal standing there... And they greeted each one of us, "Well, we are here to take you to Tamms." (Nelson)
He describes lying face down on the tarmac; having a seizure; feeling his face on the concrete; riding in a van with a cocked teargas nozzle pointed into the van’s cavity all the way to Tamms; lined up with the others like facing a “gauntlet” as the officers chanted “hoo-hoo, hoo-hoo,” military-style; waiting in a small room cuffed and naked for perhaps two hours; talking naked to nurses and staff; being given a jumpsuit, and finally, shuffling in cuffs to a cell.

Nelson describes a militarized (and from his perspective, exaggerated) spectacle assembled by the state around these first Tamms prisoners, suggesting another materialization of the ultimate rhetoric of the “worst of the worst,” and he can’t quite get over the contrast between that rhetoric and the state’s apparent appraisal of him just one day previous. Noting his clean disciplinary record in New Mexico, he marvels:

They are telling me the reason you're here, you'll kill your mother if she's on the wing, and I'm like what? Oh, you're just a socio-path—you should never be allowed around a person ever again; you are that violent. And when I go to my so-called transfer placement hearing, I ask them why am I here? They say, you know why you're here; you tell us why you're here. I says hold it, I'm here in Tamms from a minimum security prison. You've got the biggest gang leaders in the state walking around the prison system in population still, same guys that have had officers killed, and I'm in Tamms? And they're like, we are not here to discuss that. You tell us why you are in Tamms. I'm like, well you brought me here from New Mexico, you tell me why I'm here. And they're like you tell us. (Nelson)

It is an unknown in this part of the narrative, if what he is saying is perfectly true—it is a given that it is not the whole picture, since the Illinois Department of Corrections’ precise reasons for sending Nelson to Tamms are not available to be included here. But given what he is saying above, it would be strange if it were not true. From the perspective of the Illinois Department of Corrections, if they had an unambiguously good reason to send him to Tamms (say he had killed his cellmate) we could expect that they would seize on the opportunity to rub his nose in it. Let’s say they did send him to Tamms because he killed his cellmate: it is easy to imagine the staff assigned to question him at Tamms toying with him for a bit, but the point would come when they would get impatient and say, “Look, you did this terrible thing, and coming here is the
punishment.” If they simply toyed with him at length, without stating the precise reason, that speaks in favor of his interpretation above—he posits the staff as saying essentially, here is your opportunity to free-associate a confession, and whatever you say, we will hold against you.

Nelson being regarded as minimum security in New Mexico one day, and appropriate for Tamms the next, raises questions about the administration’s process for categorizing and placing prisoners. How exactly did the Illinois Department of Corrections decide whom to send to Tamms? Alan Mills, of the Uptown People’s Law Center, and one of the lawyers who represented the plaintiff class in Westefer v. Snyder, says that “The way they actually did this,” while the prison was being built, “is they sent around a memo to all the wardens saying, give us a list of the 15 guys you would really like to get rid of. Without any criteria at all. Just said give us the 15 guys you would like to get rid of, and they did. And who knows what those wardens did” (Mills). This account speaks to a discursive question involved in placing prisoners at Tamms: once the prison was built, what was the persuasive influence of the prison itself upon decision-making? Did the fact that the prison existed influence administrators’ sense of who was appropriate to send? Former Tamms prisoner Daniel James connects this issue of the self-perpetuating power of whatever already exists, to the lack of due process at Tamms, claiming that he was sent based on a false accusation by a guard who had a grudge against him. People assume that “If you are in a supermax prison, you must have done something really bad,” but he says his story shows that is not necessarily the case. Rationalizing Tamms itself, after-the-fact, like prisoner placement, exists in public awareness under the assumption that if the state has gone to the trouble to build a place like Tamms, it must have been necessary.

In his book Against Prediction, Bernard Harcourt examines the influence of backwards-justifying logics in criminal justice, critiquing all types of criminal profiling. He attacks the “new
penology’s” risk prediction tools, imported to criminal justice from sociology and the insurance industry, arguing that such constructs are themselves prejudicial, distorting not only justice, but the very data that they purport to objectively frame. He places himself in the nominalist tradition, making the ancient point that language can mislead us.

In a related move, scholars of rhetoric have long shown that recognizing language’s material or constitutive power means that social constructions and/or illusions can become amplified and take on a life of their own in the world and in policy. In the same sense in which the illusory notion of "weapons of mass destruction" instituted real and amplifying consequences in the war in Iraq, the notion of there being an identifiable population that we can legitimately label as belonging to the category “the worst of the worst” institutes a similar amplifying, material force in justifying Tamms.

The phrase “worst of the worst” claims to characterize the norm for the population housed at Tamms. The entire population so-labeled is marked as exceptionally violent or dangerous compared to the rest of the prison population, and at the same time, that population marks the system’s purportedly rational order. The label at once obscures differences between prisoners, and marks a limit figure, implying an orderly spectrum of differences. In other words, the limit figure represents the norm or stereotype and at the same time, the extreme edge of a spectrum. As such, the notion of the “worst of the worst” implies rationality and system-making insofar as it suggests a spectrum, and convinces us, in a context where we feel in particularly urgent need of it, that we have a system for measuring dangerousness among prisoners, and these specific prisoners here mark its orderly limit.

One infamous prisoner, imprisoned at Tamms, himself triggers these anxieties and this order-making response, which involves fixing on a symbolic scapegoat—marked out as beyond a
moral frontier—but at the same time stereotyping all of the other prisoners at Tamms as being beyond that frontier too. He is regarded as both an exemplar of the entire population of Tamms or their category, “the worst of the worst,” and at the same time, emblematizes the furthest diabolical limits that that category represents. His name is Henry Brisbon, and he committed a series of violent murders on I-57 in the 1970’s; was also convicted of murdering another prisoner after being given a life sentence; and made death threats against his own lawyer and the lawyers for the Illinois Department of Corrections in his subsequent cases. 71 One lawyer and opponent of Tamms, who rejected the idea that any prisoner should ever be kept in long-term social isolation (even Brisbon), nevertheless, spoke of Brisbon as “an incredibly violent person. Whenever he is around people, he is violent.” A different lawyer and advocate for Tamms reform, Jim Chapman, said he had met Brisbon, and indicated with a shudder that he thought Brisbon was dangerous.

Chapman asserted that there were a minority of prisoners held in Tamms who were so violent that they may have needed to be physically isolated from other people, but he insists those prisoners, and “Henry Brisbon is the poster boy,” are categorically different from other current and former Tamms prisoners, many of whom he knows. He rejects the phrase “the worst of the worst” for painting all the prisoners in Tamms with a wide paintbrush. In a related analysis, Alan Mills connects the problems of the term “worst of the worst” to other profound problems with labeling in criminal justice. The problem is:

We don’t have to define our terms. They are such loaded words that therefore you don’t have to define what you mean. You know, worst according to what criteria? How are you citing the worst of the worst? What do you mean when you say the worst of the worst? Do you mean the ones who stay in segregation? Do you mean the ones who are hardest to control? Are they the most mentally ill who therefore have the hardest time conforming their behavior to the accepted standards? Are they the ones who you think have the most influence over other people? And does it matter how they use that influence? And how have they used that influence? …Just by talking about “worst of the worst,” it sends a message out to the public, like sex offenders. When you talk about sex offenders, everybody’s idea is the guy who stalked [or harmed a] baby, and of course that’s not true. That’s not what 90% of sex offenders are. And similarly if you talk about the worst of the worst going to Tamms, everybody thinks about the prisoners who you know, stabbed or
killed correctional officers, or who otherwise are totally out of control…whereas, in fact, there is a very small percentage of the guys who are like that. They do exist. But it’s a very small percentage. (Mills)

Here, Mills captures the anxiety-provoking mixture of fantasia and mimesis, (or fantasy mixed with reality), which the figure of Henry Brisbon taps into, functioning in observers’ imaginations as both exemplar for the Tamms population, and exception. Nelson recalls an incident, in which he became the tonic for that fantasy. He was coming back from the yard, when the automatic door system somehow permitted him to walk back to his cell before an officer had exited the walkway, and he was surprised by the officer’s gasp—from Nelson’s perspective it was so off base. “Most of the guys, I would say 99% of the guys, you could open the doors, there's no problems. But they hadda say if anybody comes out they'll beat us up. And that was the objective to try to justify Tamms.”73

The idea of Brisbon helped establish the fearful, stereotyped specter evoked by the phrase “the worst of the worst,” as a representative figure for the kind of master-manipulator super-criminal Tamms was built for. Under the auspices of supermax confinement, Henry Brisbon, and/or the so-called “worst of the worst” came to be understood as so dangerous that, as one activist opponent of Tamms quipped, “If you don’t control their every movement, they’ll make a bomb out of a pen cap.” In fact, a significant number of people that I had contact with while volunteering with the campaign to close Tamms, thought it might be plausible (until they learned more) that the state might actually contain enough such people to fill a 500-bed supermax. Yet that fantasy absurdly contrasts with the prevalence of abject mental illness among prisoners at Tamms. As I discuss in the next chapter, one result for former Tamms prisoners who were involved in the activist efforts to reform or close the prison was that the most powerful rhetorical ploy available to them was to personally debunk the stereotype of the “worst of the worst,” or to demonstrate their difference from the category.74
VII. Ultimate Terms and Ultimate Punishment

I have employed the notion of ultimateness as synonymous with extremity in this argument, with the intention of addressing extreme conditions and the situation of wretchedness for so many of the prisoners at Tamms. In *A Rhetoric of Motives*, Kenneth Burke employs the term in a more hopeful light. In the book’s final section, subtitled “Order,” Burke distinguishes three realms of language use: he distinguishes what he calls “positive terms” from “dialectical terms” in order to offer “ultimate terms” as a third, unaccounted mode. Language that refers to the physical world, he calls positive, while the language we use for wrangling over ethics, or whatever can’t be measured is dialectical (183-5). By naming a third, ultimate mode, he points towards a means for rising above what he derisively calls “parliamentarianism.” He seeks to correct a narrow, self-interested mode in rhetoric, in which competing positions clash in defense of interest.

An ultimate point of view, by contrast, escapes from a self-interested, mechanistic, excessively logical view of rhetoric. Rather than conceiving rhetoric as operating strictly as one might a game of chess, with each party plying every advantage in order to win, an ultimate perspective also operates, allowing us to see all the complex motives at work. While he imagines this ultimate perspective as above moral squabbles, that doesn’t mean we stop evaluating things:

> [T]he ‘ultimate’ order would place these competing voices themselves in a hierarchy, or sequence, or evaluative series, so that, in some way, we went by a fixed and reasoned progression from one of these to another, the members of the entire group being arranged developmentally with relation to one another. (187)

Like Socrates evaluating types of government, “grad[ing] them with reference to their relative distance from a single norm,” he says, we too orient ourselves according to what Burke calls “an upward way,” and from there, various evaluative series arrange themselves.

I bring up this Burkean contemplation on ultimateness, especially connected to the chapter’s earlier consideration of Burke’s “principle of perfection,” in order to consider Tamms as an inversion of Burke’s “upward way,” towards the “perfection” or completion of the logic of
ultimate punishment. If Burke (after Plato) posits steps on the way up towards an ultimate rhetoric, Tamms and supermax punishment represent the same impulse going downwards.

Following Burke’s intuition that there must be ways to grade things as you go up the mountain, I suggest that a similar formative intuition in building Tamms persuades us that there are grades downward on a spectrum of punishments, grading into the hell of the “worst of the worst” possible punishment. We are convinced such a place exists and that it lines up, in an orderly and meaningful fashion, with a category of people who belong there.

My point is that we can see at work in the supermax, an intuition or impulse towards belief in an already ordered universe. Human values are not imposed; the hierarchy of crimes and people already exists, and given that already present order, the worst crime should match the worst punishment. That intuition suggests that the universe is an ordered machine or organism, with no vermiform appendixes, no experiments that turn out to have been a bad idea. In the realm of punishment, this intuition guides us to imagine a spectrum of possible crimes, as though they are numbered one through ten in order of severity, with the number-ten punishment on the spectrum corresponding to the most extreme punishment: once the ultimate or worst punishment has been identified, we should be able to zip up that spectrum of punishments with their corresponding crimes. The most extreme punishment will be the punishment for molesting children, and lesser crimes zip up with corresponding lesser punishments. The intuition is that it all lines up, that the universe is already meaningful and ordered.

The force of this argument is precisely that punishment so-imagined guides us to actually use the harshest allowable punishment; we do not, once we have invented a new extreme prison technology, as in the case of the supermax, opt not to use it, reasoning that no crimes that people commit actually merit the extremity of this punishment. In other words, if we have identified a
most extreme punishment on a scale of punishments, where the available punishments go up to
ten in severity, we are not likely to conclude that the maximum crime corresponds to a
punishment with a severity of “six” on our scale. The intuition, which is not actually necessarily
true, is that of course the maximum crime must receive the maximum punishment available. It is
not as though we have the potential for punishments from 1-10, but we hold ourselves back from
inflicting anything beyond the 7-level because we don’t think there are crimes that actually
deserve beyond 7-level. We cannot be relied upon to say, “We have punishments 1-10, but since
we don’t actually have any prisoners that answer that description, we don’t use those.” It is in the
context of the above diagram that the telos of the “worst of the worst” exerts material or
constitutive force. If we had some way to objectively measure, who among offenders has
actually committed the worst offense, it would probably not then transpire that we would refrain
from matching the “worst of the worst” available punishment with that person. The state of
Illinois already had segregation, yet they believed there were a significant number of people who
deserved an even worse punishment. The argument that won the day with Tamms was not, “We
only have twenty guys who actually merit this punishment, and if we make this institution, it will
be abused; we really shouldn’t even have invented this form of punishment. It’s a bad idea.” As I
demonstrate in the previous chapter, The Governor’s Task Force on Crime and Corrections
instead made the case for a supermax in the spirit of, “Let’s go ahead and have another tool in
the toolbox and try hard not to misuse it.” The upshot is that ultimate terms, exemplified by the
phrase “worst of the worst” cooperate with the intuition that there must be a punishment that
marks the ultimate of punishments, and that ultimate punishment must correspond to the ultimate
crime as well as the ultimate criminal. The nominalist point that the language of “worst of the
worst” can mislead us is an ancient insight. But the analysis presented here, that we intuit an
ultimate punishment, which we assume must correspond to an ultimate crime (and an ultimate type of criminal) contributes to our understanding, not only of how Tamms came to be, but also the rhetoric involved in understanding it as allowable.

VIII. CONCLUSION

I have connected Kenneth Burke’s diagnosis of an impulse towards “perfectionism,” (the carrying out of symbolic potential to its bitter end) to a related impulse towards identifying an ordering spectrum, marked by its own ultimate, in order to illuminate a rhetorical/moral optical illusion institutionalized through the prison system—currently, most vividly, through supermax. The use of the phrase “worst of the worst” represents the materialization of that moral optical illusion— not only towards the designation of a hierarchy of crimes, and people convicted of committing them, but also towards the squaring of accounts, or the lining up of ultimates. Fundamentally, in that sense, this chapter tracks the illusion that the person designated as ultimate must be matched with whatever we have designated as ultimate punishment. That intuition, not only that we must identify hierarchies and ultimates, but also that disparate ultimates should all line up with one another, motivates us to apply an ultimate punishment to a category of person also designated as “the worst of the worst.” Through applying the ultimate punishment to the ultimate category of criminals, we seek the satisfaction of an entelechy, or the sensation that accounts have been squared: there is an intuition of moral math involved, like the balancing of a checkbook. This impulse to match the ultimate in one arena ought to correspond to the ultimate in another operates materially in the world as an entelechy towards extreme punishment, even torture.

The reason why it’s worthwhile to illuminate the illusory impulse towards the lining up of ultimates is that if it’s an illusion, it’s not intractable. In fact, there is no actual warrant for
believing that the ultimate on one list ought to line up with the ultimate on another: believing that whatever we have designated as the ultimate crime ought to line up with whatever we happen to have designated as the ultimate punishment is like thinking that the body builder who can lift the most weight will also be the most knowledgeable about topography. In fact, whatever we designate in any era as the worst possible crime or the worst allowable punishment can change. That arbitrariness of whatever we designate as ultimate is evidenced in this chapter by officials’ careful navigation of what is allowable, because what is allowable is not at all obvious. Instead, as I have shown, what was allowable was whatever the report writers and lawyers have parsed out. My claim is that these are the telltale signs, not of justice, but injustice—these are the telltale signs of people trying to make exceptional punishment acceptable, or trying to make violence acceptable.
Notes

50 I employ the terms “agentive” and “actant,” also used by Thomas Rickert, Bruno Latour, etc. to indicate the potential influence of non-human, non-cognitive, or in my argument, non-deliberative elements. See especially page 204, _Ambient Rhetoric: The Attunements of Rhetorical Being_.

51 See also “Rhetorical Agency as Emergent and Enacted,” Marylin M. Cooper, CCC 62:3 / February 2011.

52 See _Selected Correspondence of Kenneth Burke and Malcolm Cowley:_ “There seems to be no logical thing to do but go on tinkering with this damned thing until they have blown up the whole damned world” (268).


54 See also _Realism and Relativism: A Perspective on Kenneth Burke_, Robert Lawrence Heath.

55 See edited collection _Extreme Punishment: Comparative Studies in Detention, Incarceration and Solitary Confinement_, Reiter and Blair. Extreme punishments have also been increasingly normalized for non-citizens in immigrant detention centers, at Guantanamo and other sites for so-called enemy combatants.


57 As Lorna Rhodes points out in “Changing the Subject,” supermax prisoners communicate with each other, testimony from their letters were potently used in the activist campaign to close the prison; there are undeniable agentive leaks in the supermax.

58 Some speculate that the term originated in the physical posture of those in the camp who were so malnourished that they lacked the will or strength to stand, and were compared to Muslims bowed in prayer.

59 For an account of the agency of non-sentient beings, see Jane Bennett’s _Vibrant Matter: A Political Ecology of Things._

60 When Burke observes that language is “etymologically marked by a ‘possession of a telos within,’” he seeks to explicate language’s influence, how it functions as action, suggesting that through the principle of perfection, symbolic phenomena take on a life of their own. In that sense, this exploration of the rhetorical vectors of the “worst of the worst,” begs the question of where the entelechy or tendency towards extreme punishment (even torture) originates. The illusory intuitions of ultimates tracked in this chapter are rooted in perception: something equivalent to an insect’s eye placement causing it to perceive its surroundings differently than
another creature with different eye placement. The question of whether the illusion stems from something in the brain that expects to find ultimates and for them to meaningfully correspond, or instead stems from rhetorical understandings, which filter perception in specific ways is beyond the scope of this chapter. In either case, rhetoric must address the aftermath.

In 1997, just as the supermax was emerging and being popularized from state to state, The National Institute of Corrections sought to provide a working definition of what a supermax prison was, for the purposes of future study and evaluation. Their report, “Supermaxes: Overview and General Considerations,” defined supermaxes as “free-standing facilities, or a distinct unit within a facility, that provides for the management and secure control of inmates who have been officially designated as exhibiting violent or seriously disruptive behavior while incarcerated” (5).

Tamms was the first and only state-operated supermax in Illinois. Marion Penitentiary was converted into a supermax before Tamms opened, but Marion is a federal facility.


However, Marcus Chapman was able to use the holes in the door to serve that purpose in 2004. Gary Marx of The Chicago Tribune reported in February, 2009: “Chapman, hanged himself in 2004 by braiding together torn pieces of his jumpsuit. ‘Tell all the guys on J-Pod I'm sorry!’ Chapman wrote in a suicide note, court records show. ‘I just couldn't take it anymore. I'm now free.’”

In fact, during a deposition, the line of questions posed to Welborn demonstrates that though prison designers exerted strategic care to avoid accusations of cruelty, they did not exert strategic care to keep prisoners connected to their families. The attorney asks Welborn whether “any regular bus services” ran to and from Tamms, “like at Pontiac…At Menard, there is a flier in the lobby saying Chuck's bus service runs from Chicago regularly. Did they have that kind of thing at Tamms?” Welborn accedes that “If you didn't have a car, basically you weren't visiting somebody at Tamms” (Welborn Deposition: Westefer v. Snyder, 45).

A similar escalating feedback loop echoes a pattern described by mental health professionals who criticize the supermax paradigm, in which prisoners who are “mad” are deemed “bad,” or where mental illness is met with increasingly punitive controls, which in turn leads to escalating behavior problems. See Hans Toch, “Punitiveness as 'Behavior Management."

Prisoners who can afford to buy one, are allowed either a radio or a small black-and-white TV, depending on their disciplinary level.

Because there has never been an escape from a modern supermax, and because there is no way to escape from a supermax, short of planting explosive devices or hacking the high-tech fortress, the prisoner’s use of the phrase “halfway to Chicago,” looks to me like a joke, yet the administration did take his threat seriously and moved his cell and labeled him a high escape
risk, which means, according to attorney Alan Mills, he was moved every ninety days at Tamms, and may be moved every year for the duration of his sentence, even after leaving Tamms.

70 In Westefer v. Snyder, Murphy affirms that placement in Tamms negatively influenced parole decisions (8).

71 In the public imagination, he is both the worst of the worst of the worst, and emblematic of what Tamms are like. He is both and exception and an example. As Agamben might point out, it is increasingly difficult to distinguish between exception and example, and all our tools for distinguishing forms of life (or types of prisoners) arise from that context.

72 See Gerard Hauser’s Prisoners of Conscience: Moral Vernaculars of Political Agency for an extended consideration of fantasia in the evocative, demonstrative displays of prisoners.

73 In “The Psychological Effects of Solitary Confinement on Prisoners in Supermax Units: Reviewing What We Know and Recommending What Should Change,” Bruce A. Arrigo and Jennifer Leslie Bullock also cite sources that argue “in reality, most convicts in SHUs are not incorrigibly violent (Haney, 2003). Prisoners are often placed in the SHU because they accumulated a number of nonviolent disciplinary infractions, because they were identified as gang members, or because they were involved in a single fight. SHUs are also used to suppress activity defined as dissident” (627).

74 Hans Toch takes up a related issue in his critique of “Behavior Management Programs” and/or escalating punitive sanctions as a response to misbehavior from mentally disturbed prisoners. He recognizes the difficulty for readers in seeing an inmate as a victim of misguided policy, but frames that difficulty in terms of the difficulty of making room for the notion of mental illness as opposed to fully rational choice making on the part of the mentally ill prisoner. The image of the super-criminal is closely related to the image of the master-manipulator, which seems out of phase with the prisoners who are smearing “Help me” on the walls in blood (“Punitiveness as ‘Behavior Mangement,’” Hans Toch).
Works Cited


Illinois Department of Corrections, Joint Committee on Administrative Rules. “Administrative Code.” Title 20: Corrections, Criminal Justice, and Law Enforcement, Chapter 1: Department of Corrections, Subchapter e: Operations, Part 504 Discipline and Grievances, Section 504.660 Administrative Detention.


Training Video. George Welborn. 5 Jan. 1998. DVD.

CHAPTER III: MAKING VISIBLE INVISIBLE SUFFERING: NON-DELIBERATIVE AGENCY AND THE BODILY RHETORIC OF TAMMS SUPERMAX PRISONERS

Brian Nelson speaks fast, and his Chicago “dees” and “dats” promise to spare his audience some of the usual fluff; he evokes sympathy in his audience while handling his own outrage or recalling tough memories. In the spring of 2010, Brian was released from Tamms Closed Maximum Security prison (CMAX), the Illinois supermax, after spending twelve years in solitary confinement. Opened in 1998, and closed in 2013, Tamms was originally meant to function as temporary added punishment for prisoners already serving time in other state prisons. Yet many prisoners, including Brian, wound up being held in isolation at Tamms for many years—some for the duration of its operation. During his incarceration at Tamms, Brian suffered severe depression, became a central figure in litigation over the treatment of Tamms prisoners with mental illness, and organized a prisoner-written newsletter and hunger strike for improved conditions. Since his release, he has been a vocal activist, attempting to persuade members of the public that the conditions of extreme punishment in U.S. supermax prisons inflict invisible but lasting psychological harm. Like the other former supermax prisoners who provide the impetus for this inquiry, Brian possesses considerable personal and political agency. Yet when he speaks about Tamms, he becomes visibly upset, often choking back tears and shrugging as though he has momentarily given up trying to explain his experience.

This chapter focuses on the non-verbal communications of former supermax prisoners, exploring how bodily expressions of suffering function as effective political rhetoric, despite never having been intended as such. I argue that the non-deliberative bodily rhetoric supermax

* This chapter was previously published in Extreme Punishment: Comparative Studies in Detention, Incarceration and Solitary Confinement, ed. Keramet Reiter and Alexi Koenig, 2015. Reproduced with permission of Palgrave Macmillan.
prisoners manifest functions as effective political rhetoric precisely insofar as (1) audiences perceive the prisoners’ bodily rhetoric as unintentional, and (2) advocates outside the prison (who are in a position to do so) can deliberately harness the prisoners’ rhetoric, publicize their suffering, and call for change. 75

This chapter makes two points, meant to refine our understanding of prisoners’ agency, and the political rhetoric involved in advocacy. First, the chapter points out what might otherwise be imperceptible, namely, the non-deliberative political agency of prisoners’ bodies and the involuntary actions taken by these bodies. In the case of the grassroots activism that mobilized against Tamms, these actions ranged from former prisoners tearing up while making a speech, all the way to self-mutilation among those still inside Tamms. I argue that these unwilled, unplanned, targetless actions actually had important effects—and were often more impactful than spoken text—when they happened in public, or were made public by activists. Furthermore, in pointing out the role of the bodily, non-deliberative, rhetorical agency of former Tamms prisoners, the chapter also highlights the importantly cooperative activist effort between prisoners who expressed their suffering, often unintentionally, and activists outside the prison, who took action to make the suffering of supermax prisoners widely known. 76

In keeping with the typical tenor of rhetorical scholarship, which seeks and emphasizes rhetorical effectiveness in discussions of “agency,” and in keeping with the rhetoric of many prisoner rights activists, who emphasize the dignity, will, and potency of prisoners’ political actions, the following analysis focuses on the surprising effectiveness of unintentional demonstrations of bodily suffering by current and former Tamms prisoners. 77 Yet in zeroing in on these affective, non-verbal appeals of prisoners, this argument also challenges a habitually distorted view of agency, which, in privileging prisoners’ political will, as well as effective,
repeatable rhetorical strategy, risks concealing both non-deliberative and cooperative dimensions involved in the movement to close Tamms prison. In seeking to broaden our view of political agency to include non-deliberative acts, I place the non-verbal appeals of prisoners with mental illness at its center, since, as I demonstrate, mentally ill supermax prisoners provide a particularly clear view onto 1) the credibility problem that supermax prisoners face generally, namely, how to signal psychological harm without being dismissed as manipulative malingerers, and 2) the question of whether volition plays an essential role in what we refer to as the “agency” of supermax prisoners, whose disturbed behaviors--whether intended or not--communicate extreme anguish.

In an important sense, the argument presented here represents a rescue mission on behalf of the notion of agency. For the same reason that no stable, universal definition of “justice” can be firmly established, rhetorical scholars cannot quite settle upon a satisfactory definition of the word “agency,” and yet we preserve the term “agency,” because it’s a placeholder for something we want to describe. The term “agency” serves as a placeholder because what it refers to in fact is whatever causes social change, and our attempts to understand what causes social change prompts us to come up with new definitions, precisely because the causes of social change are dynamic, dependent on complex circumstances, and difficult to pin down. Such discussions seek to pin down the strategy that the agent ought to adopt in order to be effective—a question that inherently guides our attention towards the deliberative. Given that emphasis, this chapter seeks to draw attention to one aspect of “agency” that is easy to overlook because assumptions about what causes social change are so heavily tilted toward deliberative acts.

This chapter’s critique of what we call political “agency,” through analysis of Tamms prisoners’ bodily rhetoric, emerges from my own participation with and observation of the
Tamms Year Ten campaign. The Tamms Year Ten campaign formed in 2008 with the goal of bringing public accountability to Tamms on the ten-year anniversary of its opening. Lead by Laurie Jo Reynolds, who organized with family members of Tamms prisoners, former prisoners, artists, educators, lawyers, and other advocates, the group began corresponding with Tamms prisoners in 2006, documenting and publicizing the prisoners’ letter-based testimony of what it was like to be incarcerated there. Between 2008 and 2013, that project expanded and became a public campaign. We sought to inform voters, legislators and the press about conditions at Tamms, lobbying initially for reform legislation, and eventually for Tamms’ closure.

The rhetorical focus of this chapter’s argument arises from my own experiences and observations of the pressing need for activists to prove that the damage of long-term solitary confinement should be taken seriously by members of the public. That question of demonstrating psychological damage remained a live issue among organizers of the Tamms Year Ten campaign who hoped to enlist supporters. Given the need to demonstrate the harmful effects of social isolation, the testimony of current and former Tamms prisoners played a central role in mobilizing supporters. Two former Tamms prisoners (Akkeem and “Ronnie”) became active spokespeople for Tamms Year Ten, not only because they could describe first-hand what it was like to be incarcerated at Tamms, but because their charming personalities challenged the stereotypes associated with supermax prisoners. Yet at the same time, their self-possession and charisma seemed to contradict claims that Tamms does permanent damage to prisoners’ mental health. In that context, one moment during a meeting early on in the Tamms Year Ten effort proved not only moving, but pivotal from an organizing perspective: Ronnie arrived at the meeting and announced that he had brought a friend, recently released from Tamms, but that he was having trouble coaxing the friend to come in. Ronnie returned to his car to try again, just as

156
another former prisoner arrived at the meeting and was asked to speak. This new former
prisoner’s name was Ray, and he was asked if he could describe what the experience of isolation
was really like. Ray recollected some of the facts of his physical existence there, but eventually
began to weep, saying “I really don’t know how to explain what happened to me at Tamms.” In
response, the twenty-five or so people at the meeting held their breath or choked up, and one
mother of a current Tamms prisoner cried openly. When Ronnie came back with his friend from
the car, the friend barely looked up from the floor, then turned on his heel and left, and Ronnie
commented, “That’s just what Tamms does to you.”

Moments like these were important for organizing early on, even for the family members
of Tamms prisoners, because the people who were involved in the campaign knew relatively
little about Tamms at the time, and stood in need of some affective bond to the prisoners
themselves, through witnessing their suffering. When Ray’s eyes welled up and he said that he
didn’t know how to provide proof, and indicated that words or the explanation were beside the
point, the bodies of others in the room simply responded. Many other similar scenes were
repeated at public meetings during Tamms Year Ten’s efforts to reform and eventually close
Tamms, helping to build the campaign’s base of support. Having observed the persuasive power
of these non-verbal appeals, I seek to make the case for the surprising rhetorical effectiveness of
such inter-corporeal communication—as non-deliberative persuasion.

In the following pages, I first provide an overview of Tamms itself and then describe the
protest rhetoric that has dogged the prison since its inception. This provides the context for the
chapter’s analysis of the extreme rhetorics of the body, created in the context of supermax
confinement. In that extreme context, prisoners experience prolonged social and sensory
deviation, similar to that of foreign detainees in Guantanamo, and frequently also, desperation,
rage, and social and psychological disintegration. The following analysis explores the special rhetorical constraints inherent in such a context, in which rhetorical manipulation, or deliberative agency, works against prisoners who express their own suffering.

I. Tamms

Tamms Closed Maximum Security prison (also referred to as the Illinois supermax) opened in 1998, officially for the purpose of short-term isolation of the state’s so-called “worst of the worst” prisoners. The original theory was that it would work as a temporary cool-out zone (for one to two years) for the state’s most dangerous prisoners and serve as a potent deterrent against serious misbehavior. Tamms was meant to be the prison that one would go to from prison. Yet given the breadth of the language in the Illinois Department of Corrections Administrative Code governing which prisoners or behaviors would qualify for transfer to Tamms, many were sent under an “Administrative Detention” designation, meaning that they were sent without the pretext of having committed any specific disciplinary infractions. (The Illinois Department of Corrections’ “Ten Point Plan,” published in 2009, reports 162 prisoners housed in Tamms under the Administrative Detention designation, compared to eighty-three who were, at the time, placed in Tamms under Disciplinary Segregation, for having been charged with violating some specific rule or law within the state prison system.) Furthermore, the Illinois Administrative Code leaves open the possibility of sending prisoners with mental illness to the supermax, and in fact, many prisoners with mental illness wound up being sent to Tamms. The system’s lack of evidence-based procedures for placing prisoners in Tamms also registered as a lack of an attainable means for earning one’s way out. The result was that a significant number of prisoners wound up staying at the prison for over a decade. As the Illinois Department of Corrections repeatedly estimated at hearings and public meetings between 2008 and 2013, one-third of the
population during that period had been held in Tamms since it opened in 2008.\textsuperscript{81}

Extreme isolation characterized the conditions for prisoners housed in Tamms. Prisoners spent twenty-three to twenty-four hours per day in their cells, with no group activity; no educational, religious or rehabilitative programs; no phone calls; and no “contact” visits. Instead, visitation took place through bulletproof glass, and, since the prison was a six-hour drive from Chicago (where most prisoners came from), many received no visits at all.\textsuperscript{82} In this context of social and sensory scarcity, some of the prisoners who had never experienced mental illness prior to being placed in Tamms developed symptoms while they were there, and many displayed increasingly desperate acts of self-harm.

\textbf{II. Activism Outside of Tamms}

In January of 2013, the then-Governor of Illinois, Pat Quinn, closed Tamms. He cited the state’s severe fiscal strain as justification. But he also closed Tamms in the wake of a long-standing protest against the prison. Various groups organized in opposition to the supermax as early as 1993, before Tamms even opened. Some later joined with family members of Tamms prisoners and called themselves the Tamms Committee. Two lawsuits were filed shortly after Tamms opened, exerting pressure on officials and publicly challenging the prison’s lack of mental health treatment and due process. In \textit{Rasho v. Snyder}, attorney Jean Maclean Snyder sought relief on behalf of prisoners with serious mental illness. Representing Ashoor Rasho and three other plaintiffs, Snyder argued that for prisoners with mental illness, conditions at Tamms amounted to cruel and unusual punishment. Though the case was denied status as a class action, and eventually settled, it exerted pressure on the administration who did modify some aspects of prison policy related to mental health treatment at Tamms.\textsuperscript{83} In \textit{Westefer v. Snyder}, Alan Mills successfully represented Robert Westefer and thirty-one other prisoners, arguing that some
prisoners were sent to Tamms as retaliation for filing lawsuits against the administration, and that prisoners ought to be provided with due process before being sent to the prison. Later, in 2008, Laurie Jo Reynolds (an artist and activist in Chicago) organized the Tamms Year Ten campaign, whose multiple activist tactics included legislative lobbying and artistic, cultural and educational events—all of which presented testimony by current and former Tamms prisoners and their family members to the public.

This chapter’s argument about the affective, non-deliberative agency and bodily rhetoric of Tamms prisoners as part of Tamms activism speaks to an ongoing conversation among prison activists, in which prison abolitionists, including Angela Davis, challenge prison reformers, like the above-described Tamms activists, to imagine and work for the abolition of prisons instead of merely making them more humane. As part of a larger response to Davis’s critique of prison reform, which suggests that small acts can help to create conditions that are ripe for closing prisons, this chapter demonstrates that small, apparently non-agentive expressions by prisoners can, given the right circumstances, contribute to more significant changes. If, by calling Tamms’ legitimacy into question over the course of years, reformers contributed to the conditions of possibility in which the Governor of Illinois closed Tamms, prisoners’ non-volitional expressions of suffering had important effects in that effort, by making visible their otherwise invisible suffering. In fact, we can glimpse and appreciate the role of the rhetoric of activists whose call for Tamms reform helped pave the way for the prison’s closure, through an analysis of the non-volitional bodily rhetoric of Tamms prisoners. Like the reformist rhetoric of Tamms activists that played a role in making Tamms’ closure possible, I argue that the unintentional bodily rhetoric of prisoners operates somewhat out of the spotlight, yet can also potentially effectively contribute to processes that lead to more substantial change.
One of the first Tamms Year Ten meetings, in February of 2008, established a pattern repeated at later meetings, with former Tamms prisoners and family members seeking to inform others about the experience of confinement at Tamms. Jim Chapman, an early organizer of the Tamms Committee, also spoke at that meeting, about the resilience of former Tamms prisoners, and cautioned those who were present against an overly pathetic image of prisoners. Yes, there are many who deteriorate psychologically in solitary, he argued, but “[t]hese are strong guys, and the strong survive.” In siding with redemption, and delineating between “the strong” versus the psychologically vulnerable, Chapman voiced a narrative that not only figures importantly in discourse about supermax prisoners, but also mirrors the pattern of rhetorical scholarship critiqued here, which habitually figures “agency” as efficacy or potency, and emphasizes “strength.”

Employing that same narrative of “the strong” versus the vulnerable in “Changing the Subject: Conversation in Supermax,” Lorna Rhodes asks readers not to forget those assumed to be strong. Given successful recent interventions on behalf of mentally ill supermax prisoners, she suggests that “those left behind are, by definition, not the ‘vulnerable,’” but their relative strength shouldn’t justify their confinement in the supermax (404). Like Chapman, she emphasizes the strength and agency of the supermax prisoners even among those whose sociality is most constrained, and in doing so, she rejects the abject vocabulary of Giorgio Agamben.

In Homo Sacer, Giorgio Agamben theorizes Western political structures as dominating and abandoning what he calls bare life—or life that has been left naked of legal protections—yet Rhodes counters that even supermax prisoners, ostensibly stripped, not only of the protections of due process, but of sociality and therefore political agency, are not really “bare” in Agamben’s
sense. As she sees it, the supermax attempts prisoners’ total isolation, but never fully achieves that bareness. In documenting conversations between supermax prisoners, she argues that they continue to participate in an admittedly constrained, but still real, outpost of the public sphere.

Like many other skeptics of Agamben, Rhodes rejects Agamben’s vocabulary of “bare life” if it means a lack of agency. Rhodes and others defend the idea that the prisoners have agency, because of the assumption that unless they have access to agency, or some means of intentional striving towards improvements, then their situations are without hope. While I agree that the most abjectly mentally ill prisoners are not bereft of agency, I argue that part of their rhetoric lies outside of intentional or deliberative agency. Furthermore, even though supermax prisoners do retain a sense of agency, any insistence upon that agency risks inflecting it for heroism and implies a misplaced demand for transcendence of their own circumstances—which I argue, represents an excessively neoliberal and individualized conception of agency. Thus, despite the considerable personal and political agency of supermax prisoners, I highlight their narrowed rhetorical palette: what they assert about themselves, or what they say using logic (logos) or personal credibility (ethos) faces many obstacles.

Yet within that constrained rhetorical context, I also argue, there are many things about one’s body and perhaps even one’s neurological being that can be made apparent for rhetorical purposes. The result for the political rhetoric on the Tamms Year Ten campaign was that the bodily rhetoric of Tamms prisoners was able to be harnessed intentionally by activists, in order to expose prisoners’ suffering to public audiences. In that sense, in the case of the Tamms Year Ten campaign, political agency was a collaboration between prisoners suffering on the inside, and activists who were in a position to make use of that suffering in public. Thus, to be clear: given Jim Chapman’s emphasis upon strength described above, I provisionally label deliberative
agency as “strong agency.” Without denying that the intentional acts of activists play an invaluable political role, this analysis simply includes less visibly forceful rhetoric as part of what can function forcefully within rhetoric.

**III. “Malingering” and the Difficulty of Proving Invisible Harm**

In 2009, artist activist Laurie Jo Reynolds, Tamms Year Ten’s organizer, lead a discussion at the Mess Hall community space in Chicago, posing a key rhetorical challenge for opponents of supermax confinement: How to make the invisible psychological harm caused by indefinite social isolation visible to the public so that it might be taken seriously?

That rhetorical problem hinges on the ethos, or credibility, of the person making the case that they have been harmed. This presents a challenge for prisoners generally, who may well manipulate and/or be seen as manipulating their surroundings in order to provoke attention, but for whom evidence of such “manipulation” often negates claims of legitimate psychological distress. Beyond the antagonism that one might expect between prisoners and staff over whether prisoners were being manipulative or were truly mentally ill, between 1999 and 2000, the Illinois Department of Corrections (IDOC) developed and codified an Institutional Directive that incentivized and institutionalized that skepticism. The Directive conceded that Tamms should not house prisoners with mental illness. Yet as Brian Nelson reports, as a consequence, Tamms mental health staff persistently resisted diagnosing prisoners with “serious mental illness,” claiming that prisoners faked mental illness in order to be transferred to Dixon psychiatric correctional facility. In such a context, the least sign of rationality or planning became sufficient pretext to dismiss signals of mental illness as “malingering.” Thus, the rhetorical situation in the supermax was characterized not only by extreme deprivation, but also by a demand for proof of either psychological damage caused by those conditions, or pre-existing mental illness, which
might have prevented prisoners from being housed in those conditions in the first place. Yet the demand for proof of psychological suffering is inherently difficult to satisfy, not only because psychological suffering is invisible, but also because, for supermax prisoners, any offered proof risks being dismissed as fake.

In the case of Tamms, that dynamic contributed to escalating rhetorics of suffering, embodied particularly vividly in the behavior of mentally ill supermax prisoners. These conditions placed extra weight upon the apparently unwilled rhetoric of prisoners’ bodies, and in that sense, the bodies of prisoners became central in the political rhetoric that paved the way for change at Tamms. In the following section, I provide evidence of the special rhetorical challenges of supermax prisoners, resulting in extra rhetorical weight being placed on their bodily expressions, based on the record of Westefer v. Snyder and Westefer v. Snyder, as well as investigative reporting, which exposed the prison’s harsh conditions.

G. Patrick Murphy’s “Findings of Fact” in the Westefer v. Snyder lawsuit helped make a credible public case that conditions at Tamms did inflict psychological damage by producing the evidence of prisoners’ bodies, as presented to him by prisoners who testified in the case. In 2010, the U.S. District Judge ruled that conditions at Tamms prison represented exceptional conditions of confinement, and therefore prisoners sent to Tamms should be given due process hearings prior to being sent there. The extensive quotation in Murphy’s “Findings” from Tamms prisoners reads like a response to the rhetorical question posed above: How can invisible psychological harm be made visible? How can the real, deleterious effects of social isolation be proven? In Murphy’s findings, he maintained that given the extreme conditions at Tamms, being transferred there from another prison in the state did in fact present “atypical and significant
hardship,” and insofar as his findings reproduce the evidence that persuaded him, they suggest that he found the physiological change reported by prisoners the most persuasive:

Q: Have you noticed any changes in yourself since you were at Tamms?
A: Whew, yeah.
Q: Tell us about that.
A: Well, I—I’m going to have to say being in isolation is kind of a trip. If you are not pretty strong then you might become a bug. I mean, have mental issues.
Q: But how about you personally? Did you notice any change once you got out of Tamms as compared when you were back at Menard before you went to Tamms?
A: Yeah, I don’t like being around crowds too much. Being around people.. [I]t was a trip having a celly, being in isolation for so long, to have to live with another man, you know? But… being in isolation is kind of hard. (21)

Murphy’s text includes multiple similar accounts of prisoners’ deteriorating social ease, as well as descriptions of diminished mental health. As one prisoner testifies:

For some reason I became paranoid after leaving Tamms—as I’ve stated before I’ve been around hundreds of men, fox holes, and, I mean, in the military and out of the military and welding schools, and never experience any form of paranoid before in my life that I ever known of until I was released from Tamms. (22)

The sheer volume of quotation from prisoners of psychological decline has substantiating power and makes the harm of long-term isolation visible. Unlike many state officials before him, Murphy accepted this testimony from prisoners as credible evidence of sensory deprivation at Tamms, and his citing the above passages in his findings lends them evidentiary force.88

Beginning in 2009, The Belleville News Democrat published a pivotal investigation of Tamms, exposing the above-described, ongoing, dysfunctional pattern between prisoners exhibiting extreme, disturbed behavior, and Tamms staff discounting that behavior, or responding with escalated punitive sanctions. In their profile of Tamms prisoner Faygie Fields, for instance, reporters George Pawlaczyk and Beth Hundsdorfer write: “Fields smeared excrement in his cell so often that maintenance men painted it with an easier to clean coating. He [also] swallowed glass” (“Trapped in Tamms,” 2009). Fields’ attorney, Jean Snyder, documented similar behavior by Fields years earlier in her complaint for Rasho v. Snyder. She described
Fields’ claims that staff at Tamms were poisoning his food, and his belief “that Tamms was built on a burial site where spirits are resting. He believes that the spirits visit him; but they are not friendly,” and she added that he resisted leaving his cell to meet her, for fear that another inmate would somehow kill him (Rasho v. Snyder, 2000, 23). Yet, as The Belleville News Democrat series demonstrated, Fields’ sense of reality remained intact enough that he worried in a letter (written in an idiosyncratic style) about his own sanity: “Please know that Tamms is driving ME CRAZY all of them keep saying none of us can leave here. But keeps all here? + in a Eternal Twilight Zone that has no ending?” (“Trapped in Tamms,” 2009). Similar indications of self-awareness, however slight, have prompted authorities to label certain Tamms prisoners as malingerers, a belief that has, in turn, justified punitive responses to prisoners’ extreme behaviors. For instance, Pawlazyk and Hundsdorfer report that Tamms staff charged Fields “$5.30 for tearing up a state-owned sheet to make a noose to kill himself” (Id.). When prison officials respond to such disturbed behaviors with punitive sanctions, they proceed, at least officially, as though they believe they are participating in a rational negotiation.

The Belleville News Democrat series reported a similarly punitive response to the behavior of Anthony Gay. Gay’s story is particularly striking given the triviality of the offense that originally sent him to prison—he was caught stealing a hat and a dollar bill. Yet, based on “angry outbursts that involved throwing bodily wastes and struggling with guards,” decades were added to his prison sentence, setting back his parole date to 209389 (“Tamms Psychiatrist,” 2009). Like Fields, Anthony Gay habitually mutilated himself at Tamms. Pawlazyk and Hundsdorfer described Gay’s right arm as being so scarred that “it was difficult to discern areas of skin that had not been sliced” (Id.). Gay’s most shocking act of self-mutilation involved him severely mutilating his own genitals. According to the doctor at Tamms who found him, Gay
“was standing at the cell door with some scrotal part of him, possibly a testicle, tied to the sliding door” (“Inmate Wants Opportunity,” 2011). The Belleville News Democrat reported that staff responded to the incident by sending Gay to a “strip cell” (Id.). In another Belleville News Democrat piece covering Gay’s lawsuit, a judge familiar with Gay described him as articulate and competent when acting as his own attorney (Id.). That observation of Gay’s verbal competence speaks to the misunderstanding at the center of this analysis: the assertions of his legal adversaries suggest that since he behaved as a rational actor in some settings, his relatively disturbed behaviors in other settings should be understood as conscious manipulation, not as evidence of mental illness. When prison officials framed Gay’s cutting as manipulation, they applied the logic of rational self-interest. That same logic also drives officials’ punitive response to the “rationality” they see in Gay’s self-mutilation.

Perhaps prison officials rightly identify a kind of “rationality” in Gay’s self-mutilation, since his cutting does indeed serve some purposes. As clinical observers Terry Kupers and Hans Toch explain in their discussion of the prevalence of self-mutilation among supermax prisoners, one purpose that cutting serves for prisoners in the supermax is “some momentary relief from anxiety immediately after the act” (“Beyond Supermax Administrative Segregation,” 2009, 9). These observations do suggest rationality, insofar as cutting represents a kind of coping, while at the same time demonstrating an empathetic alternative to escalating punitive incentives. Furthermore, the mutually reinforcing cycle evident in the above stories of Fields and Gay, of extreme behavior met with extreme punishment, suggests that officials’ punitive responses may well contribute to the problem that officials are supposedly dis-incentivizing. Yet if some relatively sympathetic observers respond to the apparent “rationality” of prisoners’ desperate acts
with calls for treatment and an end to long-term solitary confinement, what preempts an empathe tic response in other observers?

Less sympathetic observers often simply refuse the self-mutilating prisoner’s incitement to empathy as a manipulation that must be refused; it looks too much like trickery. Breaking his admitted silence on the Tamms issue, for instance, Rich Miller, who runs the influential *Capital Fax Blog*, covering news from the Illinois state capital in Springfield, commented: “One of the reasons that I’ve been so hesitant to go into detail of *The Belleville News Democrat*’s series on Tamms is that prisoners are known to say just about anything” (Miller, 2009). Such observations exhibit an understandable aversion to being lied to. Though, from the perspective of clinicians and advocates, it needn’t matter if Anthony Gay is being manipulative, if he clearly needs both human attention and mental health treatment. Even so, certain observers side with the intuition that if the prisoner is deliberately trying to elicit human attention or some other privilege, that prisoner must not be granted that privilege; the prisoner should not be rewarded for his trickery. Yet, as I argue below, the assumption that we must choose between empathy and being invulnerable to being conned depends upon a simplified view of prisoners’ agency, which overestimates the significance of deliberation and planning.

That common misunderstanding about both agency and the significance of deliberation emerges in particularly absurd relief in the testimony of those who find themselves professionally obliged to defend Tamms in news coverage of Anthony Gay’s lawsuit. Gay and his lawyers litigated for his transfer out of Tamms, on the grounds that conditions there were exacerbating his mental illness. Terry Kupers, for instance, testified that someone who is “so bizarre and extreme in his emotional disturbance that he cuts his testicles, is clearly extremely self-harming and functionally impaired…and should never be consigned to supermax isolation”
Yet predictably, prison staff, according to *The Belleville News Democrat*, again simply maintained that Gay is “a manipulator who cuts himself to get what he wants” (“Inmate Wants Opportunity”). The State's Attorney Appellate Prosecutor asserted, as evidence of Gay’s incorrigible manipulation, that while Gay was at Pontiac, another maximum security prison in Illinois, he threw bodily waste at officers in order to intentionally “force a transfer back to [Tamms] to be with the female psychologist with whom he was in love” (“Inmate Wants Opportunity”). Here, Tamms’ defenders assume that if Gay had a plan, that meant that there was rational manipulation involved, and he must not be rewarded with legitimate attention. Yet their evidence was that he at one point had a plan to get back to Tamms to be with a staff member that he had fixated on as a love object. In other words, regardless of the irrational content of the plan, regardless of the nurse’s non-participation in his fantasy of a romantic relationship, the fact that Gay had a plan at all, according to prison officials, outweighs the competing claim of mental illness. To serve their purposes, defenders of prison policy figure Gay as a person of sound mind because he is able to make plans, therefore, exhibit intentionality, despite the fact that those plans are based on a delusion.

Ironically, however, prison officials are not the only ones who emphasize the rational planning of prisoners. Sympathetic advocates for Tamms prisoners also tend to interpret the disturbed behavior of mentally ill prisoners as intentional, but in the latter case, in order to grant it dignity. Like Terry Kupers and Hans Toch, who describe cutting as a form of coping, in their 2012 Tamms report, the John Howard Association (JHA) described the self-mutilation of Tamms prisoners as serving “a morbid but effective form of self-help that brings inmates temporary relief from intense feelings of depersonalization, disassociation, rage, or fear brought on by
extreme isolation” (19). Though the JHA stresses that self-mutilation often indicates “deep psychiatric illness and trauma,” the report also argues:

[A]cts of self harm can also be perversely rational because it is often only through such risky, extreme behaviors that inmates can credibly signal they have urgent, unmet needs, where ‘cheap’ signals like crying or verbal requests for help are routinely discounted or ignored. (19)

Here, the JHA grants the extreme behaviors of supermax prisoners maximum dignity by describing them within the frame of professional doctoring. According to the report, the Tamms prisoner intentionally applies a form of self-medication, an emphasis that proceeds from the author’s intuition that whoever has no dignity has no rights; the JHA report does not dare presume that the public would be willing to help these men if they don’t have the dignity associated with deliberative agency. In other words, the JHA frames the prisoners’ self-harm as intentional self-help based on the assumption that deliberative agency has a monopoly on agency, and that only a person who has that precious form of agency will be granted the sympathy and help that a human being deserves. Yet that commonly held and seldom questioned assumption, that only a person who has the dignity associated with deliberative agency deserves sympathy and rights, is as if calculated to exclude people like the Tamms prisoners, because the rhetorical conditions of being a prisoner in Tamms are such that deliberation looks, to unsympathetic observers, like manipulation.

Like other relatively sympathetic observers of prisoners' rights and prisoners’ agency, rhetorical theorist Gerard Hauser highlights intentionality in his study of passive resistance among political prisoners as central to prisoners’ dignity:

The moral vernacular of bodily pain becomes a potent form of resistance insofar as the body in pain can acquire voice and rhetorical agency. When the prisoner of conscience (POC) uses it by design, it functions as a rhetorical mechanism, as an instantiation of passive aggression…. Passive aggression, in the context of this discussion, refers to the prisoner's use of the body to establish physical relationships that accentuate the power differential with the penal institution. (123)
Here, Hauser helps us to see prisoners’ bodies as rhetorical, and insofar as prisoners employ rhetoric through their bodies as intentional self-help, I agree with him that bodily expression functions very importantly, and sometimes, very potently within prisoners’ rhetoric. Yet Hauser’s view also provides the jumping off point for the argument in this chapter that insofar as the rhetoric of prisoners’ bodies is also sometimes not a matter of either individual or deliberative agency, it is also very potent.

I now turn to the final leg of my analysis, which focuses on the bodily rhetoric of prisoners, which I claim, operates differently than either agency or rhetoric that is targeted or deliberative. In a context which not only imposes extreme deprivation on supermax prisoners, but which continually poses the special rhetorical problem of corroborating invisible suffering, the content of what prisoners say is often regarded as suspect. Because the psychological harm that prisoners claim is invisible, they wind up telegraphing suffering through physical affects of the body. In such a context, in which direct claims of harm can be dismissed, laughed away, or taunted as malingering, what supermax prisoners do unintentionally, such as crying, does important rhetorical work on public audiences.

IV. The Supermax Elicits Extra-Textual Rhetorics of the Body

Certainly, words and explanations do political work, especially on those already in a position to sympathize with supermax prisoners. Yet because physical demonstrations, bodily performances of authentic suffering, are not addressed to the minds of audiences, they bypass ratiocination and are less vulnerable to being explicitly rejected. The tears of others simply receive a processing echo, if they work on audiences at all, whereas reasons can be consciously affirmed or rejected; we do not choose to respond or not to someone else’s tears. Precisely because we do not choose such inter-corporeal responsiveness, we see the body as the natural
medium for involuntary expressions, whereas we see language as a realm in which we can manipulate and control what we telegraph to the world. Therefore, when it comes to the speech of prisoners who have a hard time being heard over the noise of having been convicted of a crime, intentionally seeking sympathy often backfires, rhetorically. In other words, it is precisely the lack of volition on the part of the prisoner that makes the prisoners’ bodily rhetoric effective; the rhetoric of psychological breakdown in talking about Tamms depends on their the signs of collapse (tears and other bodily rhetoric) not having been intended.

Analysis that attends to the materiality of rhetoric investigates meanings that have social force in the world, even when those meanings were not intended by anyone. The John Howard Association’s final report on the Tamms prison provides instances of such rhetoric, which communicates suffering, yet gains its force outside of the text of the prisoners’ explicit utterance. Here, the account of conversations with Tamms prisoners allows “the text beyond the text” to speak for itself:

An inmate in one of C-Max’s elevated security wings presented with white bandages wrapped around his legs and arms. He pressed on the bandages during the interview causing blood to soak through them. The inmate displayed deep scars all over his arms and legs from self-mutilation. He described going through cycles of dark depression where cutting himself was the only relief. The inmate indicated that he received medical treatment when he cut himself, but that mental health conditions were “bad” in that staff looked for reasons not to provide inmates with mental health treatment. The inmate explained that staff sometimes mocked him and goaded him when he cut himself, telling him that he did not cut deeply enough. During the interview, the inmate’s affect verged on frantic at times, and he tended to repeat himself and lose track of his thoughts. When JHA staff explained they had to move on to speak to other inmates, the inmate became very anxious and pleaded that JHA staff stay longer. (20)

The text beyond the text here is the blood, evidence of long-term scarring, the prisoner’s frantic affect, and his pleading with JHA not to leave. It doesn’t matter whether the prisoner knew that JHA was there to gather information for a report that would later be publicized, or if the prisoner had a plan to display his suffering as hyperbolically as possible. The blood soaking through the bandages and the prisoner’s manifestation of loneliness and desperation trumps any question of
the prisoner “milking it.” Even if this prisoner is “milking it” for the benefit of a visitor, the blood, bandages and scars are far from neutral in their affective power.

Similarly, another prisoner with a diagnosis of schizophrenia, who “had a history of smearing feces and urine over his cell,” told the JHA that he believed he had been moved out of the Special Treatment Unit “because they ‘don’t like me here.’” The report explains:

During the interview, the inmate began giving a disjointed paranoid account of how he was being poisoned and produced a small piece of rolled-up paper from his mouth as evidence of this. He said that he felt better since leaving the STU [Special Treatment Unit] because one of the police departments he had written to about his poisoning was finally “on the case.” The theme returned to over and over by the inmate was extreme loneliness. During the interview, he became dejected and repeatedly stated, “I’m just so lonely. I’m so lonely all the time.” (22)

Whether the prisoner is deliberately trying to garner sympathy, to provoke or annoy guards, or is simply deeply mentally ill and has no clear communicative intent, neither his agency, nor the text of what he says, dominates the narrative. What he is saying about the rolled up piece of paper in his mouth is nonsense, yet what is proven—not intended—by the prisoner, is that he is mentally ill. The meaning being communicated, beyond the text of what he is saying, is that the system is tormenting a desperately lonely, fragmented, and vulnerable person.

Though I have called attention to the affective, non-verbal, unintended text of some prisoners’ bodily rhetoric, I want to make clear that many of the former Tamms prisoners who were involved in the campaign to reform or close Tamms are skilled arguers, and sometimes their self-possession and legal savvy offers its own rhetorical advantage. During high-stakes meetings with the Tamms Year Ten campaign, IDOC employees, and legislators to evaluate Tamms policy, for instance, former prisoners often emerged as especially qualified to spot logical inconsistencies or hypocrisy in what the administration was saying, and many of them embodied triumphant stories of personal agency and overcoming, of having emerged from Tamms into citizenship. Thus, to be clear, I am not saying that the extra-exual bodily rhetoric
enacts the only rhetoric that ever works for current and former supermax prisoners. I have simply argued that such logical skill frequently falls on deaf ears and their credibility is hobbled in a way that those who are not incarcerated do not have to deal with. As a result, their bodily rhetoric, particularly regarding suffering, bears more of the burden of visual and physical demonstration. I am also arguing that the involuntary aspects of this bodily rhetoric are easy to overlook, precisely because we value deliberative, intentional, targeted agency so highly.

V. Conclusion

Gerard Hauser’s *Prisoners of Conscience: Moral Vernaculars of Political Agency* speaks to many of this chapter’s observations in his discussion of prisoners’ rhetorical uses of their bodies. Hauser describes the bodily vernacular of political prisoners in terms that also accurately register that of the supermax prisoner, as being bodied forth as physical “performance,” in part because language is suspect. Yet the obvious difference between the political prisoner and the supermax prisoner is that even if the political prisoner is stigmatized by his/her government, the political prisoner enjoys the moral authority of being criminalized solely for the use of his/her democratic voice. The supermax prisoner operates from a more thoroughly stigmatized position, and therefore has even less access to democratic, deliberative authority than political prisoners. It is in that sense that supermax prisoners’ non-deliberative, extra-linguistic, and embodied performances of pain become a social life-line—a reliable and immediate means of accomplishing human connection. As Hauser puts it, “Grasping another's pain takes effort; it has to be translated into language, which can only offer a pale representation” (122). Partly, Hauser registers the frustrating social reality that understanding the pain of other bodies is not a natural default, and that we cannot count on others to understand our pain. Certainly, there are many barriers that stand in the way of such sympathy. However, when a prisoner moves an audience
with demonstrations of pain, there is a sense that s/he has superseded the myriad social stigmas or political obstacles that stood in the way of establishing a shared, subjective sense of pain.

What is bodied forth when sympathy does take hold is some kind of corporeal common denominator, a shared baseline between bodies, which is understood as capable of sensation. It is a baseline of corporeal affectivity or ready sympathy commonly shared with animals, which we are typically helpless to resist. Perhaps such mutual receptivity might be operative between people all the time except for the many social obstacles that interfere. In the case of the Tamms Year Ten campaign, the unwilled expressions of prisoners’ bodies spoke to members of the public, who then became motivated to help publicize the prisoners’ suffering.

I have sought to bring attention to something that is easy to overlook, a significant contributing factor to social change in the case of Tamms, and very possibly to social change generally—namely, affective, non-deliberative acts, which have the potential to be harnessed as part of a larger movement. Foreclosed opportunities and misconceptions arise from the assumption that planning and will are all that counts. The respect and attention that we grant to intentional acts conduces to overlooking things that also turn out to be powerful in activism, such as the affective appeals of prisoners, which, within the Tamms Year Ten campaign, wound up making an invaluable impact on efforts to finally close Tamms.
The rhetorical effectiveness of prisoners’ unintentional bodily rhetoric depends on a dialectic between the genuine and the not genuine, a dialectic well worth deconstructing. However, this chapter takes a descriptive approach to that dialectic and audience responses to it.

This chapter’s emphasis on the cooperative nature of the activist rhetoric against Tamms registers the repeated insistence of former prisoners involved in Tamms Year Ten, as well as that of the group’s organizer, Laurie Jo Reynolds. Former Tamms prisoners said repeatedly in organizing meetings that prisoners inside of Tamms needed the help, resources and voices of activists, and that former prisoners and family members of Tamms prisoners could not do it by themselves. Laurie Jo Reynolds continuously emphasized that point throughout the Tamms Year Ten campaign, arguing that “concerned citizens,” not just those most directly effected by Tamms were responsible for the prison and for working to close it. In a personal interview I conducted with Brian Nelson in 2013, he also described the activism that helped to close Tamms as a cooperative effort between prisoners inside and many advocate groups on the outside.

For a book-length consideration of both the rhetorical effectiveness and moral authority of bodily displays on the part of political prisoners, see Gerard Hauser, *Prisoners of Conscience: Moral Vernaculars of Political Agency*, 2012. Hauser shows that the authority of political prisoners’ appeals depends upon the unwilled, heroic, extraordinary actions, or virtue that we witness in such prisoners. Hauser writes that such extraordinary virtue differs from the ordinary virtues of agency, dignity and choice.


For an extended account of the “perverse,” mutually reinforcing relationship between mental illness and solitary confinement in U.S. prisons see Reiter and Blair, *Extreme Punishment*, 2015.

The estimate of one third of the current Tamms prison population was consistently given by Illinois Department of Corrections officials at legislative hearings between 2008-2013. The 2009 “Ten Point Plan” asserts that forty-seven prisoners had, to date, spent eleven or more years incarcerated at Tamms.

In 2010, as part of reforms outlined in the Illinois Department of Corrections’ “Ten Point Plan,” certain Tamms prisoners were granted phone calls.
Jean Snyder explains that when Tamms opened, the prison employed no fulltime psychiatrists. Instead, medical doctors provided the mental health treatment. Following Rasho v. Snyder, the administration employed more mental health staff; opened a Special Treatment Unit for a small number of prisoners deemed by staff to have serious mental illness, but who were not slated for transfer out of Tamms; and issued an Institutional Directive, which said that prisoners with “serious mental illness” should not be sent to Tamms in the first place. Yet she adds, “There is such an overlap between serious mental illness and serious destructive behavior in a prison” that the injunction not to send “seriously mentally ill” prisoners to Tamms was not strictly enforced.

Angela Davis treats the importance of imagining a world without prisons at length in her book Are Prisons Obsolete.


In Extreme Punishment: Comparative Studies in Detention, Incarceration and Solitary Confinement, Murray and Holmes critique seclusive space, especially as used for behavior management for mentally ill patients and prisoners. These authors identify a moral demand for entrepreneurial self-redemption, produced through hyperindividualized, neoliberal logics of seclusion.

The Westefer v. Snyder case established that prisoners had a significant liberty interest in not being sent to Tamms from any other prison in the Illinois system. Where such a liberty interest exists, certain minimal due process protections are constitutionally required.

Murphy writes: “In an earlier decision in this case the United States Court of Appeals for the Seventh Circuit observed that, if Plaintiffs’ allegations are true, ‘being confined to Tamms is to be subjected to virtual sensory deprivation, with prisoners forced to spend most days doing literally nothing but staring at the four blank walls of their cells.’ Westefer v. Snyder, 422 F.3d 570, 589 (7th Cir. 2005). The record shows that this is indeed the case” (24).

Anthony Gay’s lengthy sentences were overturned in 2014. His new projected release date is August of 2018.


Nelson, Brian. Personal interview. 2010.

---. Personal interview. 2013.


http://capitolfax.com/?p=9505&wpmp__switcher=desktop


---. “Tamms Psychiatrist: Inmate is a 'Manipulator.'” *Belleville News Democrat*. Reposted by


CHAPTER IV: ACCIDENTALLY ON PURPOSE: CLEARING A SPACE FOR THE OTHER KIND OF ACTIVISM

This chapter presents a defense of prison reform, an argument with some exigency, since much critical/activist discourse related to prisons treats “prison reform” as inherently suspect and complicit with an authoritarian penal regime. Extending claims from previous chapters for the political potential within incoherence, this chapter resists purist arguments that hold sway in prison activist circles, specifically, in response to the tendency among some opponents of Tamms prison to treat “reformist” projects as anathema to the cause of abolishing prisons altogether. Based on my description of the Tamms Year Ten campaign, I defend a view of activist rhetoric as cooperative, opportunistic attunement to political potential implicit in the incoherence of people and political systems.

The Tamms Year Ten campaign pursued precisely such an opportunistic, reformist campaign against solitary confinement in Illinois, and the campaign’s reformist methods wound up contributing to the outright closure of the Illinois supermax. A majority of Tamms Year Ten’s efforts targeted legislators and press, but the campaign’s organizer and many members were artists, who also organized cultural and artistic events related to conditions at Tamms prison. This chapter does touch upon the importance of the group’s intensely strategic work, lead by Laurie Jo Reynolds, the central feature of which involved the targeted lobbying of elected officials. But the chapter devotes its main focus to the role of art and artists in the Tamms Year Ten campaign. The chapter focuses on the campaign’s artistic elements because their contributions to the campaign’s overall goals were not always perfectly obvious, making that artistic work an emblem of the campaign’s opportunistic, reformist approach. The fact that the practical payoff of the art and cultural projects on the campaign were not always perfectly clear
make their effects seem more clearly atmospheric than the legislative work (even though the campaign’s legislative work surely triggered atmospheric effects too). In other words, if the campaign’s many artistic productions triggered helpful effects within the overall project of closing Tamms, those effects functioned atmospherically, meaning that they were not strictly controlled or targeted. Within this argument, the atmospheric outcomes of the campaign’s artistic projects become emblematic of the campaign’s reformist orientation. If everyone involved in the Tamms Year Ten campaign, from anarchists, to prison abolitionists, to prison reformers agreed on the shared ideal of one day enjoying a world with no need for prisons, or as Angela Davis puts it, “at least, a social landscape no longer dominated by the prison,” the artistic production of the campaign might well play some small part in the forces that must coalesce to create the conditions for such a world, but in an indirect way (“The Challenge”). I defend prison reform in this chapter in similar terms, against prison abolitionist claims that reform is inherently and irredeemably counter-revolutionary. I seek to demonstrate the potential for small, not immediately or apparently forceful, and frequently uncontrolled forces, contributing to gathering momentum towards more substantial shifts: we can see that potential for apparently non-instrumental action potentially contributing to gathering political weather systems more clearly through the anti-Tamms art activism, since the art activism’s use-value was more frequently and more obviously in question. In making this case, I do not argue that activists should forego strategy, and I do not claim, in urging readers to respect unplanned effects as part of rhetorical agency, that any random behavior on the part of activists is just as good as any other. Rather, I argue that in both the campaign’s deliberative and non-deliberative rhetorical modes, the Tamms Year Ten campaign remained oriented in a general way towards desired goals, like improving the wretched situation at Tamms, and in that context, certain atmospheric, unplanned,
uncontrolled, positive effects contributed to the campaign’s goals. Therefore, rather than drawing a stark line between deliberative activist rhetoric and non-deliberative activist rhetoric, this argument posits another, in-between rhetorical mode: namely, creating a space in which uncontrolled, spontaneous forces could contribute to desirable outcomes.

1. We Don’t Just Put Things Into the Ether: The Deliberative Rhetoric of Tamms Year Ten

With other activists in the 1990’s, Laurie Jo Reynolds opposed plans for a state supermax in Illinois, and remained engaged with the issue after Tamms was opened, attending Tamms Committee Meetings, for instance, where family members of Tamms prisoners met and sent holiday cards to incarcerated loved ones.

In 2006, Reynolds and several family members of prisoners from the Tamms Committee connected with a group of musicians, visual artists, and writers (including me), to form The Poetry Committee. Our original intention was to provide Tamms prisoners with some mail.

We organized monthly mailings where attendees could learn more about Tamms and sign a group letter, meant to accompany a poem we’d selected to send the prisoners—each letter was typically emblazoned by the end of such an event with dozens of multi-colored signatures from members of the public. One Tamms prisoner responded, “Hi Committee, is this for real? I can’t believe someone cares enough to send a pick-me-up to the worst-of-the-worst. Well, if nobody else has said it, I will: THANK YOU.” The Poetry Committee tried to respond to each letter,
many of which contained overt expressions of desperation, pleas for help with medical problems, and for penpals. They also asked us to take political action.

As Poetry Committee members learned more about Tamms, we came to feel increasingly responsible and overwhelmed, not only by the humanity and need of the prisoners who wrote, but also by a sense of the prison as a hidden scandal that we were responsible for. In that context, we organized the Tamms Year Ten campaign. Formed in 2008, the campaign’s goal, distinct from that of the Poetry Committee, “was to educate the public about Tamms and hold the IDOC, legislators and then-Governor Blagojevich accountable for the use of long-term isolation” ("Tamms is Torture"). We agreed on a new name and distinguished our mission from that of the Poetry Committee, insofar as we sought material, political change.

In 2008, when the Tamms Year Ten campaign held its first press conference, the prison had all but disappeared from the public radar. Legislators serving on the Prison Reform Committee at that time did not know where the prison was, and the John Howard Association, an “independent, non-partisan prison monitor organization,” dedicated to touring Illinois prisons and reporting on conditions had not visited the prison since shortly after it opened. Later, as a part of the growing effort to renew public attention on Tamms, they issued an updated report, after accompanying members of Tamms Year Ten to the prison in 2008. Yet the 2008 report did not feature prolonged solitary confinement as the prison’s core problem. Instead, it documented a host of problems enumerated by prisoners at their cell fronts as JHA toured the prison, including problems with medical care, the absence of educational programming, and the absence of any means to earn one’s way out of Tamms. The report’s lack of a direct attack on prolonged solitary confinement itself speaks to settled acceptance of supermax confinement at that time—there was no reasonable, ready discourse of prolonged solitary confinement as suspect: arguments had not
yet been sharpened. Within that atmosphere, lawyers and long-time advocates warned against bringing public attention to the “worst of the worst,” concerned that it might make the situation for the prisoners worse.

I see the effects of the Tamms Year Ten campaign as atmospheric (or effective but in an indirect way) in helping to shift the public conversation about supermax prisons, but also highly directed in another way, insofar as the campaign targeted specific, material, policy impacts that resulted in felt, substantial improvements for the prisoners. We accomplished both atmospheric effects and targeted effects through two strategic modes: we organized public events, which usually incorporated the aesthetic savvy of artists, and we also targeted state decision-makers. Though the artistic work and the lobbying work were both intensely strategic, the legislative lobbying more directly influenced the closure of Tamms. Here is a non-exhaustive list of the campaign’s deliberative lobbying actions:

DIRECT APPEALS TO DECISION-MAKERS:
- Held legislative hearings with the Prison Reform Committee.
- Lobbied for legislation: won support of many legislators.
- Organized roundtable discussions with legislators and Illinois Department of Corrections.
- Bused constituents to capital to lobby.
- Organized constituents to call lawmakers.
- Targeted Appropriations Committee Hearings; organized constituents to that end.
- Connected mothers of Tamms prisoners with key decision makers. The mothers relentlessly lobbied those decision makers.

In discussing these actions, Reynolds underscores the courage of the elected officials who took up the Tamms issue and their absolutely essential role: without them, Tamms would not have closed. For instance, as head of the Prison Reform Committee in 2008, Representative Eddie Washington passionately took up the cause and did not let go, despite bruising pressure
from victims’ rights advocates in his district. With Representatives Karen Yarborough and Julie Hamos, Washington co-sponsored Tamms reform legislation, despite considerable political risk. Later, Reynolds points out, Governor Quinn closed Tamms through a line-item veto of the budget. As Reynolds argues, without Quinn and his willingness to go it alone, and without his having been persuaded through the legislative process to do so, Tamms would not have closed.

With Stephen Eisenman, the campaign’s spokesman, Reynolds emphasizes Quinn’s gutsiness:

This state’s mass incarceration can be explained by a powerful guards union, Democratic legislators beholden to it, downstate legislators zealous to protect jobs in their districts, and mass media that promote fear-based policies. It takes guts to close a prison anywhere, but it is especially hard in Illinois. (“Tamms is Torture”)

Here, as elsewhere, Reynolds credits individual lawmakers first-and-foremost, and especially highlights the moral courage of Quinn. Her position that Quinn pursued the closure of Tamms partly in the name of humane treatment of Tamms prisoners is born out by rhetoric used by the Quinn administration. Under the heading, “Why Close Tamms?” for instance, the first bullet point in a fact sheet used by Quinn staff in the state capital during the contentious 2012 Tamms closure process reads: “Human rights monitors condemn Tamms because it violates international standards for humane treatment.” Given the grief that Quinn suffered from downstate legislators during the year before Tamms closed, a strictly financial calculation doesn’t add up without the tonic of conviction.

As Reynolds expresses praise (even love) for these government officials, it strikes me that her gregarious style played an important role in the Tamms Year Ten campaign. During our conversations, Reynolds emphasized the importance of getting to know not only state legislators, but also people who work for the Illinois Department of Corrections (IDOC), on a personal level. She emphasized the importance of sincerity—of addressing their sincerity with ours. Above all, she says, the legislators were inspired, and if so, the mothers of Tamms prisoners represented the campaign’s secret weapon. They made repeated trips to the capital, standing in the hallway
outside the legislative chamber and calling legislators off the floor by sending in a business card to explain their concerns. Most of the mothers did not have business cards, so Tamms Year Ten made some: in a visual nod to signs carried by AFSCME Memphis sanitation strikers in 1968, the cards read: “I AM A MOM.” At one point, a legislator commented that she had four such cards from different mothers on her desk. Together, she observed, they represented over one hundred years of solitary confinement.

When asked about the role of artists on the Tamms Year Ten campaign, Reynolds points out that we knew how and when to employ the symbolic. Importantly, in that sense, even the campaign’s artistic actions were geared towards some end. In fact, throughout organizing cultural and artistic actions, Reynolds repeated the mantra, “We can’t just put information into the ether.” She meant that if Tamms Year Ten was going to organize a gallery exhibit, for instance, we should not merely display thematically relevant posters as though that was doing something. We needed to ask people to take specific actions that promised some practical pay-off. Thus, Tamms Year Ten relentlessly focused on strategic impact, especially through targeting of key decision makers—but also surprisingly by insisting that even the campaign’s artistic energies must tangibly contribute to achieving the campaign’s political goals. Yet at the same time, this chapter argues, artists’ targeted contributions also invested in atmospheric potential, which cleared a space for unplanned, positive effects in the project of reforming or closing Tamms.

Reynolds’ statement that we don’t just put things into the ether provides a pivot into this chapter’s argument, which reaches beyond the traditional privilege accorded to strategic, deliberative, and targeted effects in activist rhetoric. Instead, in the following pages, I describe targeted rhetoric sometimes hitting an intended target, but also producing atmospheric effects,
some of which were unplanned, but wound up contributing to the cause. Even in the most directly deliberative scenario imaginable, atmospheric rhetorical effects had their say, and some of those atmospheric effects played into the momentum to close Tamms—yet were not precisely targeted by the campaign. Even if campaign members traveled to a legislator’s office and presented a series of reasoned arguments, and the next day that legislator said, “I have changed my mind. I am now opposed to the practice of prolonged social isolation,” that would not demonstrate that the elements of persuasion deliberately martialed by campaign members were the necessary and sufficient cause of that legislator’s conversion. On that basis, I maintain that even though the state decision-makers represent the most visible and apparent cause in closing Tamms, a whole complex universe of influences was already in place before we ever sat down with them, making it possible for them to become galvanized on the Tamms issue. In other words, an immeasurable number of other influences besides the deliberate arguments would have been present in the ether with that legislator. One simply cannot intend all of the material rhetoric involved in such a scene: we weren’t in control of everything that turned out to matter.

II. Questions Surrounding “Prison Abolition”

At the 2008 national Critical Resistance conference, activists gathered to strategize radical resistance to the prison industrial complex. I attended the conference and observed a persistent question broached in every panel: inspired by Angela Davis and others who voice radical opposition to the integral role of prisons in U.S. liberalism, activists asked, “Can we please talk about the conflict between reform and abolition?” I observed anxiety, based on an assumed conflict between prison abolition and reform. On the one hand, Davis argues:

[A] seemingly unbreakable link between prison reform and prison development -- referred to by Foucault in his analysis of prison history -- has created a situation in which progress in prison reform has tended to render the prison more impermeable to change and has resulted in bigger, and what are considered "better," prisons. (“The Challenge”)
Davis joins a long line of observers who cite a historical pattern of progressive reforms, meant to make prisons more humane, which have instead extended the carceral state. She therefore reasonably urges activists to carefully consider “The most difficult question,” namely, “how to establish a balance between reforms that are clearly necessary to safeguard the lives of prisoners and those strategies designed to promote the eventual abolition of prisons as the dominant mode of punishment” (“The Challenge”). Yet despite saying explicitly, “I do not think that there is a strict dividing line between reform and abolition,” movement abolitionists sometimes derive purist, counter-productive conclusions from the broad strokes of abolitionist theories (“The Challenge”).

It does not follow from the citation of historical examples of prison reform being co-opted in the service of even more punitive outcomes that there is a fixed or absolute conflict between reform and more systemic or radical change in the long run. Yet we can see how observers might erroneously derive the implication that all reform is inherently corrupt, or that the system is corrupt, and that any collusion with any aspect of it is therefore also corrupt. Here, for instance, Ruth Wilson Gilmore writes of “A tendency to cozy up to the right wing, as though a superficial overlap in viewpoint meant a unified structural analysis for action” (“The Worrying State”). In addressing the tendency to seek common ground with members of the right on prisons as dangerous, Gilmore rightly warns of the potential for counter-productive bi-partisan consensus, citing for instance, death penalty opponents treating life without parole as an acceptable alternative to the death penalty. Yet in faulting what she calls “the left-liberal side of the bipartisan consensus” for co-opting the vocabulary of genuinely radical work, and then joining forces with the right, Gilmore asserts, without apparent warrant, that activists need “a unified structural analysis,” which also seems to hint that overlap of vocabulary or limited goals
with the right dooms that action to irredeemable and permanent corruption (“The Worrying State”). In a similar vein, Dylan Rodriguez writes that “the prison industrial complex is one of the most significant ‘reformist’ achievements in U.S. history and is not simply the perverse social project of self-identified reactionaries and conservatives” (“The Challenge). On the contrary, he says, “the roots and sustenance” of the Prison Industrial Complex “are fundamentally located in the American liberal-progressive impulse toward reforming institutionalized state violence rather than abolishing it” (“The Challenge”). One could easily draw the implication from these statements that we should only do that which can never be co-opted, and reform is bound to be co-opted since it is secretly conservative, which is what prisons always were. Whether or not the authors intend these implications, these statements do seem to hint that cooperation with the right (or perhaps with the state, or the Department of Corrections) means cooperating with the inherently wicked. Yet isn’t such cooperation immaterial, if our actions move us towards a world where prisons are not a fundamental feature?

These controversies were in the room as early members of Tamms Year Ten negotiated consensus on tactics and goals. From the earliest efforts by the campaign to organize a grassroots response on the tenth anniversary of the opening of Tamms supermax, members continually worked through strategy questions about the efficacy of pushing for mere reform, versus working to shut down the prison altogether. All participants at the grassroots level wished for Tamms to be closed, from family members of prisoners, to former Tamms prisoners, to legal experts, to organizers of the campaign. Yet especially in early meetings, there were diverse viewpoints about what actions to take. Some advocated a full-throttle pursuit of shutting Tamms down, arguing, the most powerful position was the principled one that nothing about Tamms was tolerable. At least one member dropped out as soon as the group shifted from the work of the
Poetry Committee to the legislative reform of Tamms Year Ten, because she opposed working with lawmakers altogether. Another early member explained that she was passionate about shutting Tamms down, but talking to legislators simply wasn’t something she cared to spend her time on. At these meetings, some family members of prisoners and former Tamms prisoners voiced skepticism that a campaign to close Tamms would accomplish much. There was a sense in these comments that we would be laughed out of town as idealists if we openly worked for closure. Those who argued for pushing for more circumspect goals, like limiting the amount of time prisoners could be kept in Tamms, prevailed.

When Tamms Year Ten worked with legislators to draft reform legislation, the language of that bill was forged with this unresolved dialectic in mind: should the bill propose closing Tamms or seek reform? Drafters of the legislation held back on advocating for outright closure, based on legislators’ sense of what seemed realistic to pass, though a number of supporters expressed disappointment at the bill’s relatively modest goals. The bill would have limited the amount of time a prisoner could be kept in isolation at Tamms to a year; it would have prevented people with “serious mental illness” from being transferred there; and it would have mandated due process before being sent.

Some of those who wanted to do radical work, or declined to work with lawmakers, instead opted to contribute support through cultural/artistic events. The legislative work, unlike the cultural work, changed course unpredictably, and involved a few people doing the high-stakes work of speaking to the press and negotiating with officials. The administrative labor and phone banking work that remained was generally performed and organized by me, Laurie Jo Reynolds, and by student service-learners and other volunteers. The legislative campaign was not only more strenuous than the cultural campaign, there was also a sense that the cultural campaign
might plug into in the long-term work of reconstituting the fabric of our punitive culture through
strengthening democratic processes or building shared critical vocabularies. The legislation, on
the other hand, sought shorter-term, specific, and tangible victories, sometimes with little time
for reflective consensus. In that context, some supporters valorized the cultural work as
“movement building,” while legislative work was generally not described in such positive terms,
even by those who believed in it—except perhaps for Reynolds, who called it “legislative art,”
arguing that organizing around legislative work did in fact contribute to changing the
social/political fabric.

I consider these questions, about what counted as radical or worthwhile, both in
connection to the campaign’s aesthetic projects, and in connection to the campaign’s initial
legislative strategy, in light of the fact that the prison was eventually shut down. Our pursuit of
reform, even as we wished for closure, wound up contributing to the conditions of possibility for
closure. In fact, I believe that Tamms Year Ten’s opportunistic, flexible orientation, which
embraced artistic activism, and also direct negotiations with the state, refutes the assumption that
there is an impasse between abolition and reform.

What follows is an exploration of the role of the artistic work of the cultural campaign. I
focus on the art elements of the campaign, since its immediate use-value occasionally came into
question among some volunteers, in part because its tangible impact on policy was difficult to
see. I focus on a particular event, namely, a prayer vigil at the Bald Knob Cross in southern
Illinois. The event was organized as part of the conceptual project, “Photo Requests from
Solitary” and through that event, I explore questions about “potentiality” within the political
rhetoric of the Tamms activism.

Extending this dissertation’s previous discussion of the non-deliberative agency of
Tamms prisoners’ bodies, this chapter puts Giorgio Agamben’s uses of the term “potentiality,” together with a discussion in New Materialisms, in which Diana Coole and Samantha Frost make the case for a “materialist ontology,” suggesting not just an analogy but a continuity between political forces and the material world. Citing “the butterfly effect,” in which a flapping of wings in one hemisphere can, through an unfolding chain of events, cause a hurricane in another, they frame politics, through “material productivity,” as analogous to a chaotic weather system.

According to such a view, specific outcomes seem difficult to target or reproduce, precisely because they emerge from dynamic systems, which Frost and Coole admit, challenges our “sense of material agency,” and suggests “limitation of humans' agentic efficacy” (14). Their substitution of dynamic “material production” for an outdated image of sovereign agency over the material world certainly suggests less control over outcomes than most activists wish for. Yet new materialist attention to swirling, not intended, and yet nonetheless agentic forces sheds light upon the political potential of atmospheric, imprecisely untargeted rhetoric, which Tamms Year Ten’s art activism demonstrates, can create unplanned but advantageous effects.

Tamms Year Ten’s 2009 “Rally Against the Editorial Board” event provides a representative example of the whimsy that characterized many of the artistic elements of the campaign, and insofar as that whimsy challenges assumptions about what is and is not effective, particularly within prison activism, it speaks to the reform versus abolition impasse. At the “Rally Against the Editorial Board,” several adults, dressed absurdly, bare-legged in togas, attempted to carry unwieldy “stone tablets” painted with corrections of mistaken views published by the Chicago Tribune editorial board. At this same event, picketers carried signs and floated large helium balloons printed with talking points, and there was also a “photo booth” set up on the sidewalk, where passers-by and protesters could have their photos taken with two protesters
dressed in “Big Head” costumes. The “Big Head” costume resembled Humpty-Dumpty in a business suit, and perhaps these read as generic figures of “the man,” or as vaguely relevant to our commentary on the Chicago Tribune’s stance on Tamms. But mostly the “Big Heads” functioned as one more element in the busy spectacle. As I demonstrate below in a discussion of a prayer vigil organized on behalf of a prisoner, the additive, excessive, quirkier, artistic elements of Tamms Year Ten activities, often challenged the jealously guarded, prioritizing demands of “effectiveness” among all who organized and attended campaign events. At some point, one had to ask if this whimsy was worth the time investment.

That frequently perverse take on the effectiveness of the artistic production of Tamms Year Ten also speaks to the radicalism versus reform dialectic in prison reform. Both positions employ narrowly utilitarian paradigms of deliberative agency and effectiveness: both sides demand force, potency, and results. On the one hand, a reform orientation risks taking a narrowly utilitarian path in the name of realized results, and may sacrifice the potential value of standing up for, or asking people to imagine an unpopular ideal. A purist abolitionist stance, on the other hand, actually excludes reform as potentially contributing to the conditions of possibility for decarceration, or closing prisons. As I argue explicitly at this chapter’s end, the artistic production of Tamms Year Ten circumvented that imaginative impasse by pointing towards a slightly different, promising paradigm for thinking about activism: we opened up a space in which non-deliberative, atmospheric effects could also play a part.

IV. Atmosphere and Potential: The Bald Knob Cross

In the fall of 2010, the Tamms Year Ten campaign and a group of photographers sent all the prisoners in Tamms a form to fill out, inviting them to request a photo, and promising to fulfill the request. Prisoners requested photos of the neighborhood they grew up in, landmarks from
their childhoods, pictures of loved ones, and even pictures of Tamms Year Ten. Some prisoners asked for pictures of themselves—sometimes in special settings out in the world, and sometimes, as they explained, because they don’t know what they look like anymore. One prisoner asked for a photo of a horse in cold weather. Under “special instructions,” he asked that the photo: “If possible, [be] taken in a cold environment so that clouds of hot breath can be seen.” But one prisoner, Willie Sterling, requested something more complex. He wanted us to assemble a large group of people at a Christian monument in southern Illinois. The monument is called the Bald Knob Cross, located approximately six hours away from Chicago in the southern tip of Illinois, overlooking the valley where Tamms prison is located.

At the time, Willie Sterling was designated as a C# prisoner, meaning that he was sentenced in the 1970’s and given an indeterminate sentence, with the idea that he would one day be paroled. However, after Illinois switched to determinate sentencing in 1978, the tough-on-crime climate meant that very few C# prisoners actually won parole. His request asked for a photo of:

The bald knob cross in the Southern area of Illinois with someone of the Christian faith going there praying for me with the Grand Cross in the picture praying that I am released from Tamms [Supermax Correctional Facility] and that I make parole. I’ve been locked up 36 long years, and time in Tamms is hindering my chances of making parole! I am asking for corporeal intercessary prayers for my release from Tamms by this personal Bald Knob Cross and the chain will cause my family and others to go there too. Be sure to include the Bald Knob Cross in the picture and to pray for my release from Tamms and to make parole.

Additional instructions: Be sure to kindly include the “Bald Knob Cross” in the picture and to pray for my release from Tamms and to make parole. My family and church will also finish linking the chain of this event to symbolically start praying me out of Tamms. Please join in too!

Persistently offering prayers combined with solemn earnest efforts and devoted work to change things. God plus Tamms Year Ten is a dynamic team! (Sterling)

In Sterling’s written photo request to Tamms Year Ten, based on a faith that it could actually be realized, he reached towards impossible potential. With the understanding that to actually achieve this massive undertaking, in order to materialize this transcendent project, Sterling
proposed to add even more energy and manpower, by means of his family, community and church. His request reached towards transcendent intervention through intensification of the spectacle, by bringing more people together, to increase the potential, or to increase the chances of the hoped for intercession.

Despite the apparent impossibility of what Sterling was literally asking for, a plan took shape to fulfill this request, though there was actually a practical target in sight too: we would eventually feature all the prisoners’ photos in public shows to raise awareness about supermax confinement nationwide. We discussed holding gallery shows in state capitals, and doing outreach in communities and churches. In fact, Sterling’s articulation of his request tapped into the movement organizing potential of the larger project. The photographer who wound up taking his photo described Sterling’s request as having set into motion “coalitions of understanding larger than a single snapshot meant to be enjoyed in the privacy of a supermax cell.” Prayer is not just prayer in such a scheme. It is linked in Sterling’s imagination to the mobilization of “a dynamic team.”

It turned out that we had just two weeks to organize the Bald Knob Cross photo—we suddenly found out that Sterling’s parole hearing was scheduled in just two weeks, and we had to move to fulfill his request before he was actually transferred or released. As one of the five or so organizers, along with the prisoner’s family, I attest that the event logistics resembled an unfolding Rube Goldberg cascade, involving mistakes and delicate timing, multiple carloads of anxious and uncomfortable people, and onerous negotiations with the Illinois Department of Corrections (IDOC). In the weeks leading up to the event, a few of us worked with the prisoner’s sister and niece, who were active members of their church, to craft an elaborate and lovingly produced program (a copy of which was provided to IDOC administration). We also coordinated
visitation at Tamms, as well as transportation and lodging for thirteen participants who traveled from the Chicago area.

In the end, we managed to create a deeply affecting event. Family members of Tamms prisoners spoke. The proprietor of the Bald Knob Cross spoke with sympathy for the mothers, father, uncles, aunts, sisters, brothers and spouses of prisoners who had traveled to the monument and said that his heart was open. Members of the family of the prisoner who requested the photo sang gospel songs and lead prayers, and there was a prayer litany for all prisoners in solitary:

**Leader:** To the forgiving God who redeems our fallen lives, the lives of others, and the life of a fallen world:

**All People:** Redeem us forgiving God, as we commit ourselves to overcoming policies that confine others to solitary isolation.

**Leader:** To the empowering God who calls us to be agents of change and restoration:

**All People:** Empower us to change your fallen world so that isolation becomes solidarity, and out of mistreatment and abuse will come restorative compassion and redeeming justice. (Greenfield)⁹²

There was also a prayer for prisoners with mental illness, and in the name of helping “isolation become solidarity,” there was a prayer for correctional officers, which was read out loud by a family member of a prisoner. One participant with an incarcerated brother said that she often interacts with guards, and commented that she found it painful but cathartic to pray for their wellbeing along with that of her brother’s. At one point near the end of the program, participants were asked to form a line, and turn and put their hands on the shoulders of the person directly in front of them and everyone repeated, “You are not alone. You are not alone.” One mother of a Tamms prisoner commented in the darkness when the event was over and people were heading down the mountain, “This was exactly what I needed, and I didn’t even know.”

Incidentally, Willie Sterling had actually been transferred out of Tamms the day before we held the vigil. (He was later paroled, on July 27, 2012.) The IDOC had known about the event—whether they were undermining or simply cooperating with our efforts, his release happened in light of weeks of intense negotiations with the IDOC about every detail of our plans.
And yet the hope of his actually being transferred had been nowhere in sight as we organized. Certainly, among the diverse group who worked on the event, the white artist contingent were mostly not religious, and viewed the fulfillment of the photo request very much in terms of its instrumentality—as an organizing event, as part of the larger photography and movement building project, and as a means to get a good photo for the prisoner who requested it.

Indeed, the photographer captured a haunted image, taken shortly before dark, with the white Bald Knob cross springing up from the ground and dominating the frame, and a small cluster of people huddled on the lower left.

One of the people I tried to recruit to help with organizing the event was a long-time advocate for Tamms prisoners in the Carbondale area. He had kept in touch with a number of men at Tamms, and had been involved with a group of local people who had themselves
organized prayer vigils outside the prison over the years. At first, he expressed enthusiasm about
the Bald Knob Cross vigil, but expressed skepticism about the photo shoot. Even so, he said he
would do what he could to get other potential local supporters on board, and would ask his
church to participate. Yet I received a phone call a few days later, with the message that after
talking it over with others who were involved with the Tamms cause locally, he had a change of
heart. He said that the prisoner was asking for impossible things—not only things that were a big
imposition on organizers, but that were literally impossible to will into being, namely the bodily
intervention of God and transfer out of Tamms. He and another concerned local sought to
persuade us that we would be better off calling legislators, or doing something with a more
practical target in sight.

I took his point. Undeniably, the effort required to carry out the Bald Knob photo-shoot
felt herculean, and stood in my own mind for the irrational and excessive rhetoric produced by
the Tamms Year Ten campaign: we added artistic activism to legislative reform, because who
knew what would work, and when we organized the Rally against the Rditorial Board, we threw
in everything but the kitchen sink, and Willie Sterling’s own photo request extended that same
additive, excessive impulse. Indeed, at night, reflecting on the eventful day after the vigil was
over, I wondered if the Bald Knob Cross event had represented a performance of organizing of
agency for its own sake—a demonstration of our superhuman organizing capacities. The
immediate audience for such a demonstration would have been ourselves—look what we are
capable of doing! Yet in actual fact, our audience was also the Illinois Department of
Corrections.

The IDOC were a felt presence in every stage of the planning and implementation
process; the dozen or so family members of Tamms prisoners that attended the vigil also visited
Tamms that weekend, and Tamms staff processed all of those family visitation requests, talking to us about the nature of our visit in the process. I made a few phone calls to the woman in charge of visitation paperwork at the prison, asking polite questions, hoping the administration would go ahead and grant visitation for a few of the family members whose paperwork, despite having been Fed-exed to Tamms, had not been processed in time for their paperwork to be approved, as required, two weeks in advance. After two weeks of discussion with IDOC higher-ups, Laurie Jo Reynolds persuaded them to allow all of family members who had requested visitation during the vigil trip to visit their loved ones at Tamms. During those negotiations, the IDOC and Tamms officials were briefed on every detail of our plans and were provided a copy of the printed program, which had included the prayer for correctional officers. Even if they were not fully moved by the prayer for “isolation to become solidarity,” or if they were not inspired, through “restorative compassion and redeeming justice” to become “agents of change and restoration,” the negotiations with the IDOC constituted an investment in opening a space of possibility. When we arrived at Tamms in the morning, the guards who searched our cars had been briefed, and one of them even expressed praise for our efforts to help family members visit. The family members who visited regularly reported that the guards were uncharacteristically welcoming and chatty that morning. The guards wished us luck, as the photographer (Rachel Herman), Laurie Jo Reynolds, and I headed to the local town to volunteer for charity.

* * *

At the same time that the Bald Know Cross vigil employed plenty of consciously crafted, targeted, deliberative rhetoric, certainly, as the man above from Carbondale demonstrated, the event also elicited questions of its irrationality, having to do with the amount of effort that it took to pull it all off, coupled with uncertain payoffs. Yet clearly, the rhetoric of the event was
atmospherically useful—as an organizing tool, and as rhetoric that might impact Tamms staff and the IDOC.

The rhetoric of the Bald Knob Cross event employed targeted, deliberative, and even reason-giving persuasive rhetoric, as well as affective, non-rational, atmospheric rhetoric—yet its rhetorical force emerged from its affective dimensions. Certainly, insofar as the artifact that came out of the event was a photograph rather than a policy, and insofar as the prisoner’s request itself set into motion “coalitions of understanding larger than a single snapshot,” the vigil functioned as an embodied demonstration rather than a reason-giving, or textually persuasive argument. For instance, though the prayer vigil program was provided to the IDOC, and certainly for persuasive purposes, its text was not attempting to change anyone’s point of view.

Instead, as a demonstration, the event’s rhetoric compelled respect regardless of reason. One had to feel, in connection to the Bald Knob Cross event, the same kind of inherent respect that the human mind feels in looking at an outsider artist’s intricate, miniature city constructed entirely out of matchsticks: even if one’s fundamental reaction is rational objection, just the same, one helplessly respects the effort, planning and devotion involved. As a piece of rhetoric, the Bald Knob Cross prayer vigil represented action that had, perhaps above all, an aura of a lot of labor. The work of it was the proof of its sincerity—the event harnessed the power of that which requires a lot of work. Eliciting that sense of helpless respect for careful labor represents just one element in an unquantifiable atmosphere of potential effects influenced by the Bald Knob Cross vigil.

The atmospheric payoffs discussed so far, whether they command respect or not, serve to bind participants together, or boost our spirits, all represent dimensions of the event’s rhetoric that were actualized through affect. Yet I am interested not only in the event’s affective rhetoric,
but also in the rhetorical potentiality of the event, namely the unrealized rhetorical effects of all
kinds, affective and otherwise, implicitly involved in the Bald Knob Cross event. If material
rhetoric broadens the scope of traditional rhetoric to include material phenomena, this argument
performs a similar gesture, to register and include potentiality—or the clearing of a space where
spontaneous, unplanned, beneficial effects can take shape.

V. Engagement with Dynamic Incoherence

The concept of “potentiality” is the cornerstone of Agamben’s search for a new politics. Yet note
that if any evocation of political “potentiality” quite clearly gestures towards the future,
Agamben’s method looks into the past for its sources. As he explains in *The Signature of All
Things: On Method*, “In genealogical inquiry, the access to the past that has been covered over
and repressed by tradition is made possible by the patient work” of deconstruction, and that
process of “meticulous genealogical inquiry” is done “in order to work on it…and detail it to the
point where it gradually erodes, losing its originary status” (101). He argues, precisely, that the
past does not determine the future—origins provide a signature, or staining influence, but he
suggests that by looking into the past and deconstructing it, we don’t merely reinforce and
conserve origins, but instead, uncover “the moment of arising.” I take it that he means to
emphasize creative potential, or rhetorical invention, over and above the conservative influence
of the past; we uncover whatever unrealized possibilities were sacrificed through action.

Genealogy actually represents “the exact reciprocal face of the eternal return,” he says (102).

Genealogical inquiry can be liberatory:

> It does not will to repeat the past in order to consent to what has been…. On the contrary,
it wills to let it go, to free itself from it, in order to gain access beyond or on this side of
the past to what has never been, to what was never willed…. Only at this point is the
unlived past revealed for what it was: contemporary with the present. It thus becomes
accessible for the first time, exhibiting itself as a "source." (102)
Fundamentally, he argues, that which was not actualized in any moment of history, but might have been, nonetheless exists. The “road not taken” not only exists, it has to be taken account of, both because it is in some sense present and relevant, and also as a promising resource.

This conception of potentiality, as a rich source for a future politics, touches importantly on this dissertation’s concern for prisoners, and this chapter’s concern with reform. When Agamben urges us to deemphasize facts, or history that has been realized as fact, he not only suggests mining the past for its unrealized potential; he also speaks to our assumptions about what counts as human. Against traditional efforts to categorically define what counts as human, he says, “[H]uman beings are…beings that cannot be defined by any proper operation, that is, beings of pure potentiality that no identity or vocation can possibly exhaust” (MWE). Here and elsewhere, he opposes that notion of potentiality to identity, or to any kind of operation, work, action, or actualized fact of history. In opposing potentiality to fact, he argues that "the single ways, acts, and processes of living are never simply facts but always and above all possibilities of life, always and above all potentiality” (MWE, 4 [14]). Closer to the terms of this dissertation, we can say that human life is never strictly a matter of one’s official record. Or instead of respecting above all, what people have done, we also need to take into account their potential. Agamben’s notion of potentiality says that a person is also more than their attributes and the history of what they’ve done. Accordingly, he says that a serious consideration of potentiality "obliges us not only to fundamentally reconceive the relation of potentiality to act, between the possible and the real," but that doing so is our best hope for a new politics (as cited in de la Durantaye). If a person is more than their attributes, then we must learn to value what is not present, and understand the usefulness of that which has been assumed to be not at all useful.

I see the Bald Knob Cross event as Agambenian insofar as it challenges us to take
seriously, not only that which is useful, but also the usefulness of what may not yet have been actualized. On one level, after the vigil was over and we all collapsed to rest before our trip to Tamms the next morning, the event struck me like a beautiful display of empty agency—a flexing of our organizing muscles. Action was certainly taken: we all got into cars, martialed equipment, had an itinerary. Hauling all those people from Chicago into Southern Illinois, and up the hill to the Bald Knob Cross did not happen by means of telepathy. Yet at the same time, the Bald Knob Cross event stands for doing things that are apparently futile, such as, petitioning for the release of a prisoner who, it turned out, had already been released. Meanwhile, according to some, the event also stood for the futility of petitioning the Lord for this prisoner’s release. In fact, the event’s rhetorical power came from its defiance of apparent futility—we were simply obliging the wish of this prisoner, when the benefits that would have accrued from doing so could easily have been regarded as irrelevant. We had no reason at the time to see the event as having any measurable effect on what seemed then like remote possibilities, namely closing Tamms, or getting this prisoner out of Tamms. Yet it’s possible the event in fact did contribute to the rhetorical weather systems that gathered force and accomplished both of those goals.

Fundamentally, the Bald Knob Cross vigil was a demonstration. We demonstrated through force of our gathering together that we represented a group of people who didn’t want to have people in Tamms. The vigil demonstrated that this group at any rate, stood against a thing that depended upon society’s buy-in: “You who are depending on us being bought in, know that this group of people right here demonstrates that not everyone is bought in.” Such a demonstration lets potentiality speak for itself, and in the case of the Bald Knob Cross event, it says: “We are gathered. We sorrow. We are taking a picture and praying.” The effects of such demonstrations are not nothing, even if they are not direct. Yet I suggest that the vigil potentially
impacted and may yet affect countless unintended forces, including the people who were present at the event, as well as people who were not, including other prisoners.

Such an argument positions itself against critics of Agamben who have protested that his over-diagnosis of sovereignty precludes systemic change. For instance, in “Social Indeterminacy or Bare Life,” Ernesto Laclau positions “uncertainty” against the determinism that he believes he finds in Agamben, arguing, “There is a molecular process of partial transformations which is absolutely vital as an accumulation of forces,” but which Agamben purportedly overlooks in his single-minded focus on the all-saturating corruption of a politics of sovereignty (17). Yet, if molecular transformation stands for political potential, such transformation remains perfectly compatible with Agamben’s critique of contemporary sovereign systems. To derive despair from Agamben is to place total emphasis upon actualized political and rhetorical results, and to de-emphasize the dimension of the potential. Diana Coole and Samantha Frost’s analogies from the material world to describe political transformation, by contrast, may appear discouragingly chaotic on the one hand, but also encouragingly “emergent” on the other. One implication is that transformations are already potentially in the works on the molecular level, within incoherence:

Even when vast numbers of atoms are assembled in the kind of macrostructures we experience in the “condensed matter” of the perceptible world, their subatomic atomic behavior consists in the constant emergence, attraction, repulsion, sion, fluctuation, and shifting of nodes of charge: which is to say that they demonstrate none of the comforting stability or solidity we take for granted. (11)

If what we refer to as a molecule, is not necessarily the stable entity that our vocabulary for such phenomena suggests, this dissertation suggests something about political phenomena. The invisible, molecular potentiality embedded in the Bald Knob Cross vigil may well reside in its having shaken hands on some level with the IDOC, and in the resolve of the mother of the Tamms prisoner being strengthened and her despair being allayed, as well as in the placing of hands on each other’s shoulders, and the repetition of “You are not alone.” Such rhetoric may
strengthen the movement or the current in the overall ecosystem of human life. If one were to take this molecular figure for potentiality within activism somewhat strictly, it would insist upon the invisible, or the not present; registering potentiality within the transformative political and rhetorical field means including that which cannot be seen by the naked eye. The sense is not only that there is potential in a molecule to act as a catalyst for some other molecule near it, but that there is a large emergent ecosystem of which the activist is a part.

VI. Clearing a Space: Receptivity to What is Already There

Understanding politics as being like an ecosystem, in which the activist cooperates with and resists emergent forces, raises legitimate questions about the role of deliberation. One might legitimately ask—since everything in this scheme potentially has effects, what’s the point of talking about them? Yet this argument’s thrust does not suggest that activists can simply behave at random. Instead, when we behave as activists, we need to have respect for and open doors within the entire rhetorical field, which still means proceeding in the best apparent direction: deliberation stays the same under these terms of the argument. Yet if politics can be conceived on a molecular model, or as an engagement with dynamic incoherence, and as part of that scene, advantageous but un-targeted serendipity occurs, it suggests that activism need not always proceed under color of ideological purity.

As I argue through analysis of one final artistic performance below, it would be a mistake to think that as an activist the presentation consists strictly of the appeal/s that you make intentionally: your rhetoric is what you present on purpose, but also potentially, an uncountable number of things that take place off stage. In these final pages, I consider a one-time performance that took place on a stage, given on November 2, 2013, at the Creative Time Summit, where Laurie Jo Reynolds, two former Tamms prisoners, and the mother of a Tamms
prisoner, accepted the Leonore Annenberg Prize for Art and Social Change. The performance was given after Tamms had already closed, so its contribution could only have been atmospheric rather than directly targeted—contributing to the growing national suspicion of prolonged solitary confinement. In its incorporation of extraordinary unplanned elements, the performance demonstrates the importance of creating an overall atmosphere of striving and possibility in an ecosystem of uncertain effects.93

First, Reynolds talks the audience through a series of slides, discussing Tamms Year Ten, while explaining the ongoing issue of prolonged solitary confinement. Three others then join her on the stage: Reginald Akkeem Berry, who spent eight years in Tamms; Darrell Cannon, who spent nine years; and Brenda Townsend, whose son spent over fourteen. Reynolds introduces them and their pending performance, describing it as “a simple act of endurance.” She explains that Akkeem, Darrell and Brenda were all about “to stand for a period of time, one minute for each year that they spent in solitary confinement in Tamms,” with Brenda standing in for her son, Herman, still incarcerated at the time, at Pontiac Correctional Center. They stand in silence on the stage, for what seems like a very long time—the intended power of which is that even just five minutes represents an excruciating amount of time to stand still, in silence. One’s mind is meant to reel: if this is uncomfortable after five minutes, it is symbolically similar to the solitude that Tamms prisoners endured for years and years. Throughout the performance, Brenda touches her face and wipes away tears.
After approximately seven minutes, Darrell breaks his silence, whispering with apparent concern towards Brenda. She waves him off and they go back to silence. But after a certain point, Brenda turns her back, overcome, and the entire audience in the auditorium rises in solidarity.

Eventually, Darrell and Akkeem leave the stage—their time is up, but the audience stands in silence with Brenda until her fourteen minutes is done.

This performance of silence and the audience’s unforeseen reaction captures something larger within the activism of Tamms Year Ten that may be difficult to recognize or take stock of, because of our assumptions about activist rhetoric as active, intentional, and politically effective, mostly insofar as it points in a direction—producing results, or changing minds. Here instead, we can say that many elements of the event “talk” by means of silence (and togetherness), and in unexpected ways. In precisely the same way in which, as I discuss in the previous chapter, prisoners’ involuntary bodily affects plug into the sympathies of receptive audiences, Brenda’s did also; the thing that was least intended turned out to be the most powerful. Whether it was going to do anything to its audience at all, whether it was going to galvanize those who were potentially empathetic into being actively helpful to the project of ending solitary confinement in U.S. prisons—these were unknowable and not exactly targeted. In fact, the performance’s silence
epitomizes its intuitive, uncontrolled investment in a general direction: instead of making arguments or trying to change minds, it allowed the audience to project into the space that had been created by that silence. And yet it was not just silence, but silence with Brenda. The audience standing demonstrated that they had already, to some extent, been “with” Brenda before entering the auditorium. The performance simply allowed that demonstration to occur.

The clearing of a space for potential actions differs from the expectation that activist rhetoric must change minds; rather, it puts into action what was already there. The performance does not compel someone to do something or to change their values, but is based on the assumption that the audience already has the value (even if they think they don’t). Such a performance proceeds from the assumption that we are not necessarily radically different and at cross-purposes, and instead, gears itself towards reminding people to do something that they already want to do. Certainly, insofar as the audience response was spontaneous, it was not known what standing there in that manner was going to do to people’s ideas or values.

When everyone in the audience of the Creative Time performance stood up, there was no way to engineer the situation on purpose so that that would happen, but one could set up a situation in which it could potentially happen. In that sense, this argument has suggested that there’s something that lies in between deliberative and non-deliberative rhetoric—a third rhetorical mode that is not precisely targeted, but it is pointed intuitively in a direction in order to create a space where advantageous forces can spontaneously come together. It is like clearing a field to see what kind of flora will grow, which is a very different thing from gardening. You cultivate an ecosystem, or clear a space and remain receptive to what was already potentially there.
The art activism of Tamms Year Ten teaches us the value of opening a space where advantageous forces might coalesce, but might not. Such rhetoric is alarmingly flexible. Certainly, rhetoric deployed in this way is even less easily manipulated than speech, so anyone who worries about well-intentioned reforms being co-opted for increased punitive ends has even more reason to worry. Therefore, to be clear: I am not saying that we must wait around for happy atmospheric effects, nor that softening hearts is sufficient. Instead, I have suggested that we need opportunistic willingness to engage at many levels, rather than ideological purity. In other words, the discourse of ideological purism proceeds as though it already knows the outcome of its actions, a view that is challenged by the art activism, because it encourages us to make room for outcomes that we cannot imagine in advance.

This argument intends to strengthen our resolve to do the equivalent of art activism, to include in our activist strategies, the pursuit of intangible things like what happened when people stood with Brenda. It is enlightening to see that such things exist and to see that they might be really important, given that our everyday intuitions might counsel a more purely intentional or direct approach. Our everyday intuition is that you drive a nail into the wall by hitting it with a hammer, but the Bald Knob Cross vigil and the Creative Time performance represent another way of proceeding, which treats the whole world, including inert material that’s potentially irrelevant, as possible allies. This position contradicts the purist confidence that you already know what’s good for your cause, and you must target just those things.
I use the term atmospheric instead of Rickert’s term “ambient” to evoke weather, or the notion of “the perfect storm.” The figure of a storm suggests atmospheric forces coalescing in this context and potentially conflicting ones. My point is that there were both targeted and untargeted forces as well as unpredicted effects.

Ironically, AFSCME is the same labor union representing correctional officers in Illinois, who fiercely resisted Quinn’s plan to close Tamms, arguing (against the IDOC Director) that Tamms was necessary for the safety of correctional officers, and above all, that Tamms jobs should be preserved. As members of Tamms Year Ten repeatedly pointed out, all Tamms staff were offered jobs elsewhere in the state system.

Prayer written by Reverend Dr. Larry Greenfield, Executive Minister, American Baptist Churches of Metro Chicago.

The entire performance can be viewed on YouTube under the heading “Creative Time Summit | The Leonore Annenberg Prize: Laurie Jo Reynolds with John Forté.”
<https://www.youtube.com/watch?v=BaOWPuevJD8>
Works Cited


Sterling, Willie III. “Photo Requests From Solitary.” Tamms Year Ten. File.
CONCLUSION: VISIBLE AND INVISIBLE CAUSALITY

On January 4, 2013, the doors at Tamms C-Max, the Illinois supermax prison, were officially closed. In light of the analysis presented so far, which has been focused upon rhetorical/political causality in the making of Tamms and the activism to reform or close it, this conclusion seeks to crystalize implications for rhetoric and activism and suggest avenues for future development of those claims. Beginning with an analysis of the microforces that helped create the conditions of possibility for the creation of the supermax in Illinois in the early 1990’s in the first place, this dissertation also examined the non-deliberative bodily rhetoric of Tamms prisoners, and the atmospheric, non-targeted effects of artistic rhetoric in the campaign to close Tamms, arguing that these rhetorics represent an under-appreciated element of activist rhetoric in the case of the campaign against Tamms. These non-deliberative, non-targeted, or not obviously or immediately forceful bodily and affective rhetorics, wound up playing an important role in the field of microforces that coalesced as an agentic “swarm,” (Bennett), “weather system” (Coole and Frost) or “perfect storm” to close Tamms. These metaphors help to forward an understanding of political/rhetorical causality as non-locatable, and agency as distributed, shared, and incoherent in making Tamms and closing it. Looking for the agentic possibilities for systemic change through these metaphors opens up under-appreciated avenues for imagining such change.

Grounded in participant observation of the movement to close Tamms, my study has analyzed the role of the non-deliberative bodily rhetorics of Tamms prisoners as part of anti-Tamms activism. Many prisoners who were transferred to Tamms already had mental illness, or developed disturbed behaviors while they were there—compulsively inflicting extreme acts of self-mutilation, attempting suicide, or smearing feces on the surfaces of their cells. Former prisoners who joined the campaign against the prison upon release explained that prisoners in
long-term solitary confinement often resort to such extreme behaviors, simply in order to experience sensation. These former prisoners who testified publicly in order to explain what the experience of prolonged isolation was really like would often cry while attesting to language’s inability to capture that experience. My analysis has characterized these non-volitional bodily acts as under-recognized, non-deliberative rhetoric, which nonetheless played a role in Tamms’ closure, particularly insofar as prisoners’ bodily rhetoric was later deliberately harnessed by activists who were in a position to make the public case for change.

In a related argument, I describe the non-deliberative, affective rhetoric of art and artists in the Tamms activism in terms of its political potentiality, which participates in incoherent rhetorical and political weather systems, which can cohere in the right circumstances and contribute to more substantial change. That description of the complex political weather systems of causality and rhetorical potential that helped to create Tamms and close it speaks to the possibility for small or even invisible actions potentially contributing to more substantial political change in the future, depending upon circumstances.

During the prison’s planning phase, and after it opened in 1998, critics of Tamms objected to conditions for prisoners and raised questions about the prison’s conditions of indefinite solitary confinement. Throughout the 1990’s, a variety of groups articulated concerns, and in some cases, litigated against isolation by design at Tamms, including the Campaign to End the Marion Lockdown; John Howard Association; Uptown People’s Law Center; Roderick MacArthur Justice Center; and the Tamms Committee. These groups expressed concern about the psychological effects of social isolation, especially for Tamms prisoners experiencing mental illness, and objected to transferring prisoners to Tamms under the dubious justification that they represented the prison system’s so-called “worst of the worst.” Critics made the related point that
the system lacked evidence-based due process in sending prisoners to Tamms. At the same time, since there was no system by which the prisoners could “earn their way out,” after ten years of operation, one-third of Tamms’ population had been there since it opened in 1998.

Tamms’ problems were understood not only by critics but also the prison’s administrators when Tamms opened. In an orientation for new employees at Tamms, for instance, just prior to opening, the prison’s chief designer and first Warden addressed humanitarian objections to the prison, and introduced psychiatric staff as helping to address those concerns to avoid legal and humanitarian conflicts (Welborn). Yet since those problems remained unresolved ten years later, a group of advocates formed the Tamms Year Ten campaign, to renew public accountability for the prison on the ten-year anniversary of the prison’s opening. As part of an ongoing collaboration between families of Tamms prisoners and an expanding coalition of “concerned citizens,” I volunteered with the group, working to reform or close the prison.

Though its opportunistic tactics constantly shifted, the campaign followed two consistent strategic paths: the campaign organized artistic and cultural events to galvanize current and potential supporters, including elected officials, community leaders, voters, volunteers, and the media, and at the same time, sought to directly influence decision-makers. The campaign’s direct work with policy makers represents its more obviously deliberative mode, while the artistic or cultural projects engaged more affective, bodily, and non-deliberative rhetorical modes. These two sides of the Tamms organizing guide the dissertation’s focus upon non-deliberative rhetoric as an underappreciated part of the overall picture of agentic political action.94

Between 2008 and 2009, in collaboration with a group of lawyers who had previously litigated on Tamms, the Tamms Year Ten campaign organized a Tamms reform bill. Grassroots volunteers lobbied and won over twenty-eight legislative co-sponsors for the bill in the Illinois
House, and many other potential votes. In the months leading up to a vote on the bill, activists continuously expanded its constituent base in order to encourage the legislators who had already signed on, while working closely with coalition allies to win even more support. During that period, the campaign asked both Human Rights Watch and Amnesty International to write to the Illinois Department of Corrections and Governor Quinn, especially given the “abundant body of evidence that isolated confinement of the kind that exists at Tamms can have catastrophic effects on the seriously mentally ill, leading to exacerbation of their illness and sometimes to self-mutilation and suicide” (2009). During those months, several news pieces also exposed the problems at Tamms, including an article in the New Yorker focusing on human need for social contact, featuring a former Tamms prisoner (“Hellhole”); and in 2009, the Belleville News Democrat published an investigative series (“Trapped in Tamms,”) which received national attention and accolades. This process of lobbying lawmakers and engaging the media registered on the radar of the then-Governor of Illinois, Pat Quinn.

On the last day of the legislative session, in May of 2009, Quinn held a press conference introducing Michael Randle as his choice for Director of the Illinois Department of Corrections (IDOC), and announced that reforming Tamms was a top priority. Randle met with Tamms Year Ten on his first day on the job, and as representatives of the IDOC repeatedly emphasized (as evidence that reform at Tamms was being taken seriously) Randle spent his first day on the job touring the prison. In September of 2009, Randle published a “Ten Point Plan” for reform at Tamms, which contained previously unavailable data on Tamms prisoners, and outlined ten promising reforms, including allowing, for the first time, phone calls between prisoners and their families, access to group religious worship, reassessment of each prisoner’s length of stay, a step-down program with human contact (including possible games of basketball) for those slated
for upcoming transfer out of Tamms. In December of 2010, Federal Court Judge G. Patrick Murphy underscored the need for the “Ten Point Plan’s” promised due process hearings, describing the prison’s harsh conditions as sensory deprivation (*Westefer v. Snyder*).

Even so, advocates argued a year after Randle published the “Ten Point Plan,” that its proposed reforms had still not been implemented. Within his first year as Director, Randle was replaced by Gladyse Taylor, who briefly served as Illinois’ first African American woman Director of Corrections. Activists and legislators met with Taylor during her tenure to discuss the stalled “Ten Point Plan,” and an Illinois State Representative from the Humboldt Park neighborhood in Chicago emerged from the meeting in an influential role.

Representing a predominantly Puerto Rican neighborhood with many vocal constituents active in the Tamms Year Ten campaign, Legislator Arroyo had a history of speaking with outrage about Tamms during hearings. During the meeting with advocates and Taylor, he said he was tired of hearing from despairing constituents with family at Tamms, and was fed up with waiting for change. As head of the House Appropriations Committee, he moved to simply cut the prison’s funding, and for the next two years, Tamms Year Ten organized under the slogan, “Reform Tamms, or Cut the Funding!” Later in 2011, Salvador “Tony” Godinez took over as Director of Corrections, and went on to make the case that Illinois did not need the supermax to maintain security; crucially, during the contentious months preceding Tamms’ closure, Godinez testified to the legislative Commission on Government Forecasting and Accountability that Tamms had only twenty-five prisoners sufficiently dangerous to require added security if held at an alternative maximum security prison.

In response to the Governor’s announced plan to close Tamms, the correctional officers’ union, the American Federation of State, County and Municipal Employees (AFSCME),
mobilized their own protests, maintaining not only that Tamms was necessary for the security of the prison system, but insisting on preservation of its jobs (though all Tamms staff were offered jobs elsewhere). With the Democratic Senator in the Tamms district up for re-election, and pressure mounting from the union, legislators moved to reinstall Tamms in the 2013 budget. Yet despite such vociferous opposition, Quinn line-item vetoed Tamms from the 2013 budget, which his own party had installed and voted for.

Though press coverage of Quinn’s decision to close Tamms consistently emphasized the need to address the state’s unprecedented pension crisis, he made the decision after having been made aware of a growing grassroots movement and international complaints against the prison; the previously invisible problems at the prison had been made relevant and visible through controversy. It was in that context that Quinn appointed Michael Randle to serve as Director of Corrections. Randle came from outside the Illinois correctional system, and importantly, had a background in prisoner rehabilitation, both of which signal Quinn’s pursuit of reform. Quinn also announced that reviewing Tamms would be the new Director’s priority, setting into motion a process of reviewing the prison itself, and promising in the “Ten-Point Plan” to review each prisoner’s placement, which culminated in unprecedented numbers of prisoners being transferred out of Tamms in the months preceding the prison’s closure. The state’s fiscal problems dominated the narrative when Quinn decided to close the prison, yet we can say that he did not make that decision in an informational vacuum, excluding all but fiscal considerations. He knew all about the motivated grassroots, who were making credible attacks on the prison on humanitarian grounds.

In emphasizing Quinn’s involvement and the activism’s influence upon him, I do not make narrow claims for a singular, precise, or measurable causality by the activism in the
process that closed Tamms. Doing so would contradict the perspective on rhetoric and activism pursued throughout this dissertation. In fact, the dissertation resists the danger in only acknowledging the power of activism after the fact, when power figures and the levers of policy register it, in their terms. Rather, from examining social isolation itself, together with the distributed agency that made Tamms and closed it, an alternative image of activism emerges. In answer to the question, what do rhetoric and activism look like when agency is not imagined as a matter of free, individualized intention, the story of Tamms and its activism suggest instead, that agency is distributed and shared. Insofar as agency is relational in this story, agency is not always chosen, controlled, or ideologically coherent. I therefore describe the Tamms activism as participating in the complex scene of potential and actualized political forces, which wound up coalescing in a particular moment to close Tamms.98

Though the Tamms Year Ten campaign toggled back and forth between attempting to directly influence legislators and policy on the one hand, and artistic/cultural projects on the other, this dissertation has not focused on the official, legal, legislative, practical, and obviously forceful policy rhetoric summarized above. Instead, in both argument and method, the chapters use rhetorical field methods (Middleton, Senda-Cook, Endres) to register the biopolitical microforces involved in the scene of policy-making, much of which operated under the official political radar. This study’s fieldwork registers the under-recognized, affective and non-deliberative elements of rhetorical agency, and thereby also engages the discourse of material rhetoric. Yet at the same time, the argument challenges our emphasis in rhetorical theory, particularly in “material rhetoric,” upon agency itself, understood as forcefulness, material effects in the world, intentional agency, or rhetorical effectiveness.99 Thus, on the one hand, I have argued in the dissertation’s first chapter, that incoherent, biopolitical microforces gave rise
to Tamms, without what I call sovereign causality or coherent governmental rationale, and I thereby place the making of Tamms in the context of the historical shifts that characterize the neoliberal era—an era frequently understood as increasingly indifferent to democratic agency. Yet on the other hand, in arguing that the non-deliberative bodily rhetoric of Tamms prisoners and the affective, non-deliberative, non-practical rhetoric of artists contributed in unpredictable ways to the closing of Tamms, I make out a positive case for “microforces,” insofar as they contributed to the demise of Tamms and materially impacted policy at the state level.

In making visible invisible political causality through affective bodily and artistic rhetoric, I have also suggested that the emphasis in rhetoric upon effectiveness, or intentional, forceful, deliberative agency, also connects to a rhetorical/political nexus that informs our systems of punishment through sovereignty and will. The first chapter shows the rhetoric of sovereignty being elicited and put into action in the historical context that made Tamms, even as Tamms itself represents punishment in the aftermath of sovereignty, writ large. That argument pivots on the paradox that Tamms came into being without coherent, sovereign agency, but policy makers explained themselves as though they in fact had a coherent plan. I call that the rhetorical residue of sovereignty, a narrative that emphasizes intention or freely choosing, which continues to saturate conventional uses of “agency” and influences scholarly considerations of the term. No such sovereign sense of agency made Tamms; instead, an incoherent network of agentic forces, ideologies, interests and politics made Tamms. The dissertation’s second chapter connects that deeply embedded residue of sovereignty, to our ongoing habits of metaphysical belief, namely that neither language nor justice are arbitrary. I argue that we harbor the intuition of an already existing order, and that intuition includes the impulse that the ultimate crime or criminal must be given the maximum punishment. That is precisely the person for whom the
maximum possible punishment seems appropriate. Within this moral math, the “worst of the worst,” represents the outlier case, the extreme to which the ultimate punishment is assumed appropriate. I argue that the telos of that intuition helped to drive the extremity of punishment in the supermax.

Since we do continue to think in terms of sovereignty, or coherent, intentional, chosen governmentality, and cannot shake the sense that we are choosing what we choose, part of the task of this dissertation has been to explain why that is and why it can hardly be otherwise in the current political/rhetorical environment, while also raising questions, not only about the implications for punishment, but also about the implications for activism. Thus, one question implicit in these chapters, which observe the ongoing rhetoric of sovereignty in a post-sovereign age, first in the activist politics that made Tamms, then in our practices of punishment, as well as in the mobilization of progressive activism, emerges as follows: Without the desire for vengeance, is it possible to mobilize at all? My hope is that the dissertation suggests that the world would be a better place if people were able to mobilize politically, without an enemy, or without a rhetoric of sovereignty. That challenge to sovereignty in activist rhetoric also challenges the over-valuation of deliberative agency in rhetorical study and suggests that it might make a great deal of difference if we respected rhetorical potential, along with materialized, actualized rhetorical results. Our only question should not be, “Rhetoric, what have you done for me lately?”

I’m challenging the assumption that legislation and agency in the existing world, as demonstrated on the stage of the visible, in the theatrically or obviously present world, is the only effective or valued thing. As I have argued previously, rhetorical scholars naturally prize and privilege deliberative agency, because what people need to know is what is capable of
causing social change, and we want whatever that is to have been intentional, meaningful and repeatable. It is in precisely such terms in which Ruth Ley, an historian of psychiatry, voices concern regarding growing scholarly interest in affect scholarship. She objects to affect theory as fundamentally “anti-intellectual,” because it posits affect as “independent of, and in an important sense prior to, ideology—that is, prior to intentions, meanings, reasons, and beliefs” (437). Ley’s concern regarding the threat posed by affect to the priority of intention overlaps with related concerns in political and rhetorical discourse—namely that wherever there is no intentional agency there is no hope.

Though this dissertation’s critique of the residue of sovereign agency owes much to Lisa Guenther’s philosophical work on solitary confinement, Guenther represents an important example of scholarly work that perpetuates the sense that wherever there is no agency, there is no hope. When I argue that the non-deliberative bodily rhetoric of prisoners became forceful in collaboration with activists outside the prison, I employ Guenther’s resistance to an overly individualized sense of what agency is. My arguments also share Guenther’s intuition that a radically individualized conception of human agency influences the form that punishment has taken in the supermax: prisoners are left to their own radical separateness, and the fact that they deteriorate socially and mentally in such conditions attests to our fundamentally social being (Currie; Rhodes; Gawande). Yet Guenther rejects Agamben’s vocabulary of bare life to describe the conditions in which supermax prisoners live, precisely because, she argues, the bareness intended by the supermax is merely a fantasy; the supermax never manages to annihilate human relationality. Specifically, Guenther asserts that Giorgio Agamben fails to account for “ethical-political resistance” (258). That objection insists upon a virtuous, politically participatory bios—or deliberative agency on the part of supermax prisoners, despite their being radically socially
isolated. Certainly, plenty of supermax prisoners do retain ethical-political resistance. Yet I have argued, a vision of agency which emphasizes virtue and dignity by attributing deliberate and targeted action on the part of a subject is as if specifically designed to exclude supermax prisoners, whose logos and ethos have less authority among mainstream audiences. The assumption implicit in Guenther’s high valuation of (deliberative) agency is shared by many other critics of both Foucault and Agamben. That assumption is that wherever there is no intentional agency (or resistance) on the part of subjects, there is no hope.

Our practical, intuitive, everyday assumptions naturally tend to regard the unintentional as irrelevant, because most of us are in fact trying hard to get things done, and yet this dissertation operates from the perspective that there doesn’t actually always need to be intentional agency for things to be effective. Furthermore, foreclosed opportunities and misconceptions arise from assuming that precision and intention are the things that count. Because of an idealized interpretation of the dignified, deciding agent, whose dignity derives from the ability to make sovereign choices, we treat strategic agency as our only savior. And because non-strategic action, non-deliberative agentic potential, uncontrollable communication between bodies, and unplanned serendipity cannot be precisely targeted, they all seem less urgently relevant. Consequently, we may not be able to see the significance of that which is not to the greater glory of the actor. Thus, in a Tamms Year Ten meeting, a person speaking from that perspective might say (as some did) why are we wasting our time taking a photo when we could be talking to state officials? That mindset says, aim carefully, because the archer is the only way that we can possibly get that apple off that person’s head. Yet if we took non-deliberative agentic potential more seriously, because it has the potential to function rhetorically, a broader experimental spirit could be pursued in politics.
Having power without necessarily knowing what you’re doing: that is the agency (or agentic capacity) that is overlooked, because of an unnecessarily limited understanding of what can become effective rhetoric, given the right circumstances. If the prayer vigil that I describe in my final chapter functioned strictly in order to shame officials into acknowledging the humanity of Tamms prisoners, that would have counted as the traditional kind of rhetoric that is being resisted here. Yet self-mutilation or smearing feces, or getting choked up, as many former Tamms prisoners do when they recall feeling themselves deteriorating psychologically—these differ from conventional rhetoric. We might be tempted to exclude such actions from our sense of what counts as agentic, or from rhetoric, because they are not deliberate and they are not done because the rhetors knew what the effects will be. Certainly, the Bald Knob Cross prayer vigil and the other aesthetic spectacles deployed by the Tamms Year Ten campaign did have goals that were targeted; there was always the distant goal of closing the prison, but it was never clear how these actions were going to effect change. Instead, these inter-personal, affective, and non-deliberative rhetorical modes come through channels that can’t be traced or quantified. In other words, we are in the habit of fetishizing an image of rhetoric that calls the shot, then sinks it into the corner pocket; yet much of the activist rhetoric observed here provides a corrective, because it was unwilled, had no clear target, and was accidental. It is tempting to dismiss such potentially forceful rhetoric as having little or no effect. (Someone could be forgiven for saying what kind of agency is that?) Yet overprizing that version of capacity, understood as forceful, competent, intentional and effective, is frequently the misreading of capacity.

Let me be clear. I too emphasize practicality and achieving results—we can’t help but do so. Everyone who invested precious time in the Tamms activism naturally practiced a hardnosed calculus regarding likely results on each project undertaken. Yet there were surprises in hindsight
regarding what was effective and what wasn’t. For instance, the leader of a re-entry organization for former prisoners called the Saints of Humboldt Park commented that he and former prisoners expressed skepticism about the campaign’s artistic projects. But he later said with amusement that he came to believe that the campaign had to be lead by “The Poetry Committee,” because it provided a non-threatening, stealth attack. This dissertation has connected that understanding of art and artists in the Tamms activism to the term potentiality, as an alternative way of imagining social change. If, as David Garland argues in his analysis of the shift in corrections in the last part of the 20th century, history is not the replacement of the old by the new but the intertwining of both, Giorgio Agamben’s sense of potentiality is similar: Agamben suggests that things remain possible, even if conditions are not conducive to their realization, and that sense of potentiality encourages this dissertation’s resistance to imagining political rhetoric exclusively as a matter of effectiveness in the given world, or exclusively as action, production, brute force, or a matter of linear and visible causality (Attell). I am saying that too often we only recognize the force of rhetoric if its agency is theatrically forceful or visible, but poetry and art also registered covert impact.

One problem with the narrow sense of rhetorical “agency” being challenged here, generally assumed to be associated with human subjects, is that it is not obvious that a politics founded on the coherent, choosing human subject must absolutely be preserved in order for there to be social change. It may well be true that a liberal politics founded on choice-making, freedom and rights depends upon such a notion of agency. Yet, what about imagining the possibility for some other politics?103

I suggest that we may be better able to gesture towards such a politics through non-deliberative rhetoric, precisely because it is fleeting and unformed. As I have argued in this
dissertation’s final chapter, the art activism of the Tamms Year Ten campaign elicited powerful, not at all intended, but nonetheless visible effects within the campaign, but also may participate in still yet unrealized effects, depending on future circumstances. Like the bodily rhetoric of Tamms prisoners, the Bald Knob Cross vigil had unlooked-for effects on participants as well as on staff at Tamms. Likewise, when former Tamms prisoners stood on stage with a mother of a Tamms prisoner in a full auditorium in silence and the audience spontaneously rose to their feet in support of the mother who had begun to cry, that rhetoric was powerful, yet not at all predicted. And importantly, it was not a direct attempt to force or persuade anyone of anything. These examples of non-deliberative, but nonetheless political rhetoric address the person who is already potentially sympathetic, and strengthens that potential sympathy between people by subtle and indirect means. Such rhetoric does not address the angry Correctional Officer posting as a troll in the online comment streams on the Tamms issue. And it does not expect “agency” from anyone; it simply requires a certain energy that’s already potentially present between people. Such rhetoric doesn’t seem to lift a finger, yet it has great results.

I have argued that there is naturally a thirst for sovereign-over when it comes to analyzing or quantifying rhetorical agency, yet the non-deliberative bodily acts of Tamms prisoners and the artistic aspects of the Tamms activism activated un-actualized potential, which challenges an excessively sovereign sense of agency. Admittedly, the term’s flexibility poses a problem within this discussion. It functions as a placeholder, which we use after-the-fact to describe that which turns out to have been effective in helping to enact change; in other words, our thirst for repeatable strategy installs after the fact, a sense of intentionality that may or may not have been present. Thus, if by agency we just mean to refer to actions taken by Tamms Year Ten, those actions can be described in terms of agency. Yet not all of the actions of Tamms
prisoners or the Tamms Year Ten campaign count as agency in the sense of the sovereign
decision, which is the lesson of the campaign’s artistic endeavors: we did what we did without
always pursuing the most apparently effective channels. Here, we can compare the potential
power of such non-deliberative rhetoric to the power to make a cat yawn by yawning oneself: it
is not true that one can simply make a cat yawn unless the cat already needed to yawn. Through
that same means, namely triggering a sympathetic yawn in another being, affective, bodily and
artistic rhetoric spoke to potential supporters, partly as inter-corporeal sympathy. People joined
the Tamms Year Ten campaign who already had in them the potential for activist commitment:
the yawn was already in their mouths.104 To be clear, I am not saying this approach to thinking
about rhetoric is going to save us, but I do suggest that thinking about rhetoric in these terms
may make a difference in practice. For instance, if non-deliberative rhetoric works as I have
outlined, agency is collective, and agentic potential exists not only in its most obviously forceful
sources, but also in the most vulnerable and easily erased forms.

Insofar as this dissertation has defended microforces and argued that doing the obviously
forceful thing is not the only way to enact radical change, I have also resisted the prison activist
discourse that has suggested that working for prison reform is counter-productive, and that only
working for prison abolition can productively achieve the abolition of prisons. The experience of
the Tamms Year Ten campaign suggests that various forms of stealth rhetoric or agentic
microforces can in fact contribute to something larger: in the case of the Tamms Year Ten
campaign, working for prison reform helped to create the conditions of possibility in which the
prison was actually shut down. In fact, the story of Tamms Year Ten demonstrates that the way
activism actually takes place, as part of the complex scene of microforces, is in important ways,
not a matter of choice. Even so, this argument does not suggest that there is no agency or that
nothing can be done intentionally in the name of social change. Instead, it posits a slightly
different way of imagining strategy itself: strategic change proceeds with tentativeness, or with a
sense of cautious responsibility for all that is potentially agentic, rather than with certainty or
righteousness.
Notes

94 In this sense, this dissertation can be understood as contributing to an understanding of the ambient background out of which Aristotle’s taxonomy of rhetorical proofs crystalize, including deliberative, forensic, and epideictic.


96 See endnote 16, Introduction.

97 Randle was pushed out after reactivating an earned good-time program, and a small number of those released went on to commit crimes.

98 See Karen Barad’s use of “smearing” of determined or indeterminate states in Meeting the Universe Halfway: Quantum Physics and the Entanglement of Matter and Meaning; see also William Connolly’s, Fragility of Things: Self-Organizing Processes, Neoliberal Fantasies and Democratic Activism, Chapter 4.

99 See, for instance, constitutive rhetoric in Charland, “Constitutive Rhetoric: The Case of the Peuple Québécois,” which stabilizes rhetoric in its emphasis upon constitutive effects.

100 See Jeffrey Nealon, who asserts, there’s nothing but agency in Foucault. Yet he comes to recognize, that assertion fails to quell concerns that Foucault’s vision of biopolitics does not include a sense of agency. What such critics really want, Nealon realizes, is “an authentic” sense of agency, free of the imprint of power. See interventions from Cooper; Emirbayer and Mische; Gaonkar; Geisler; Leff; Greene; McLish and Bacon; Palti; Shaw.


102 See also agency as ambient in Rickert.

103 For instance, Jeffery Nealon considers the ways in which Foucault’s work elicits the question, “How does one account for individual or collective action in the absence of notions like ‘progress’ or ‘freedom’?” Foucault Beyond Foucault: Power and Its Intensifications Since 1984 (Kindle Locations 1279-1280). Kindle Edition.

Works Cited


Training Video. George Welborn. 5 Jan. 1998. DVD.

APPENDIX

UNIVERSITY OF ILLINOIS
AT CHICAGO

Office for the Protection of Research Subjects (OPRS)
Office of the Vice Chancellor for Research (MC 672)
203 Administrative Office Building
1737 West Folk Street
Chicago, Illinois 60612-7227

Approval Notice
Continuing Review

December 8, 2014

Nadya Pittendrigh, MFA,MA
English
601 S Morgan Street
M/C 162
Chicago, IL 60612
Phone: (773) 241-4155

RE: Protocol # 2009-0933
“Biopolitics and the Supermax”

Dear Ms. Pittendrigh:

Your Continuing Review application packet was reviewed and approved by the Expedited review process on December 8, 2014. You may now continue your research.

Please note the following information about your approved research protocol:

Please note that this research did not have Institutional Review Board (IRB) approval beginning at 12:01 a.m. on 15 November 2014 and until IRB approval was again granted on 8 December 2014. Any research activities conducted between those dates were done without IRB approval and were not compliant with UIC’s human subject protection policies, The Belmont Report, UIC’s Assurance awarded by the Office for Human Research Protection (OHRP) at HHS, and with the federal regulations for the protection of human research subjects, 45 CFR 46

This research has been reviewed and approved by a prisoner representative at an expedited level as it is open only for data analysis and active interventions or interactions with prisoners are closed.

Protocol Approval Period: December 8, 2014 - December 8, 2015
Approved Subject Enrollment #: 45 (limited to data analysis for 26 subjects)
Additional Determinations for Research Involving Minors: These determinations have not been made for this study since it has not been approved for enrollment of minors.
Performance Site: UIC
Sponsor: None
Research Protocol:
   a) Biopolitics and the Supermax; Version 4; 07/25/2013

Recruitment Material:
   a) N/A – research limited to data analysis only

Informed Consent:
   a) N/A – research limited to data analysis only

Your research continues to meet the criteria for expedited review as defined in 45 CFR 46.110(b)(1) under the following specific categories:

(6) Collection of data from voice, video, digital, or image recordings made for research purposes., (7) Research on individual or group characteristics or behavior (including but not limited to research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies.

Please note the Review History of this submission:

<table>
<thead>
<tr>
<th>Receipt Date</th>
<th>Submission Type</th>
<th>Review Process</th>
<th>Review Date</th>
<th>Review Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/24/2014</td>
<td>Continuing Review</td>
<td>Expedited</td>
<td>12/08/2014</td>
<td>Approved</td>
</tr>
</tbody>
</table>

Please remember to:
   • Use your research protocol number (2009-0933) on any documents or correspondence with the IRB concerning your research protocol.
   • Review and comply with all requirements on the OPRS website under:
     "UIC Investigator Responsibilities, Protection of Human Research Subjects" 
     (http://tigger.uic.edu/depts/ovcr/research/protocolreview/irb/policies/0924.pdf)

Please note that the UIC IRB has the prerogative and authority to ask further questions, seek additional information, require further modifications, or monitor the conduct of your research and the consent process.

Please be aware that if the scope of work in the grant/project changes, the protocol must be amended and approved by the UIC IRB before the initiation of the change.

We wish you the best as you conduct your research. If you have any questions or need further help, please contact OPRS at (312) 996-1711 or me at (312) 996-2014. Please send any correspondence about this protocol to OPRS at 203 AOB, M/C 672.

Sincerely,

Sandra Costello
Assistant Director, IRB # 2
Office for the Protection of Research Subjects

cc: John Huntington, English, M/C 162
    Ralph Cintron (faculty advisor), English, M/C 162
VITA

Nadya Pittendrigh
nadya.pittendrigh@gmail.com
773-241-4155

Research Interests/Teaching Areas
Community-based literacy and pedagogy; service-learning and engaged learning; situated writing; multimodal composition; writing about writing; rhetorical theory; embodiment; new materialism; ethnography; criminal justice; restorative justice; rhetorical/political transformation; poetry and social change; the poetic tradition.

Education
B.A. English, University of Montana, Missoula, Montana. 1994
M.F.A. English (Creative Writing), University of Arizona, Tucson, Arizona. 1998
M.A. English, University of Illinois at Chicago. 2004
PhD English. University of Illinois at Chicago. 2015

Academic Positions
Instructor, Summer Enrichment, University of Illinois at Chicago, 2002-2004
Teaching Assistant, First-Year Writing Program, University of Illinois at Chicago, 2004-2010
Grammar Czar, First-Year Writing Program, University of Illinois at Chicago, 2004-2005
Assistant Director, First-Year Writing Program, University of Illinois at Chicago, 2004–2005
Tutor/Mentor to Student Teachers, Early Childhood and Urban Education, University of Illinois at Chicago, 2006–2015
Visiting Lecturer, First-Year Writing Program, University of Illinois at Chicago, 2012–2015
Lecturer, Public Health, University of Illinois at Chicago, 2015-2016

Publications

Awards & Certifications
Balanced and Restorative Justice Training in Peace Circle Facilitation. Depaul University. April, 2015. Chicago, IL
Certificate of Training for Support of English Language Learners, University of Illinois at Chicago, 2013. Chicago, IL
Distinguished Teaching Award for First Year Writing, University of Illinois at Chicago, 2013. Chicago, IL
Freshman Read Teaching Award, University of Illinois at Chicago, 2013. Chicago, IL

Teaching
Professional Genres and Academic Inquiry, University of Illinois at Chicago, 2004–2015
Understanding Rhetoric, University of Illinois at Chicago, 2007, 2014
Public Speaking, School of Public Health, University of Illinois at Chicago, 2015
Advancing At-Risk Students
Summer Enrichment for Underprepared Students, University of Illinois at Chicago, 2002–2004

Poetry
Introduction to Poetry as Literature, University of Illinois at Chicago, Chicago, IL. 2008

Administration
Assistant Director, First-Year Writing Program, University of Illinois at Chicago, 2004–2005
Program Co-Designer, Community Oriented Writing, University of Illinois at Chicago, 2004–2007
Partner Liaison, Chicago Civic Leadership Program, University of Illinois at Chicago, 2006–2008

Service
Organizer, Supervisor of Service Learners and Volunteers, Poetry Committee and Tamms Year Ten Campaign. Chicago, IL. 2006–2011
Writing Coordinator, Prison Neighborhood Arts Project. Chicago, IL. 2012–2013

Professional Presentations
“Making Visible Invisible Suffering: Affective Rhetoric in the Campaign to Close Tamms Supermax Prison.” Conference on College Composition and Communication, Tampa, FL, 2015
“Metacognition in the Composition Classroom.” First-Year Writing Program Conference, University of Illinois at Chicago, 2015
“Scholarship and the Classroom: The Instructor as Model Learner.” Mile 8 Teaching Workshop Series, University of Illinois at Chicago, 2014
“The Materiality of Imprisonment.” Rhetoric Society of America, San Antonio, TX, 2014
“Non-Deliberative Agency in the Movement to Close Tamms.” Rhetoric Society of America, San Antonio, TX, 2014
“Corporeal Intercessory Prayers: Art’s Potentiality in Prison Reform.” Conference on College Composition and Communication, Indianapolis, IN, 2014
“Ultimate Terms & Ultimate Punishment.” Conference on College Composition and Communication, St. Louis, Missouri, 2012
“Biopolitics and the Supermax.” Rhetoric Society of America, Minneapolis, Minnesota, May 29, 2010
“Why Teach Rhetoric in the Composition Classroom,” First-Year Writing Program Opening Conference, University of Illinois at Chicago, 2010
“Teaching in the Community Oriented Writing Program.” Mile 8 Teaching Workshop Series, University of Illinois at Chicago, 2007
“Community Oriented Writing.” First-Year Writing Program Opening Conference, University of Illinois at Chicago, 2007
“Taking First-Year Writing Off Campus.” Mile 8 Teaching Workshop Series, University of Illinois at Chicago, 2006
“Approaches to Grammar in the Writing Classroom.” Mile 8 Teaching Workshop Series, University of Illinois at Chicago, 2003
“Sentence-Level Work in the Writing Classroom.” First-Year Writing Program Opening Conference, University of Illinois at Chicago, 2003

References
Ralph Cintron, Associate Professor of LALS and English, University of Illinois at Chicago, 312-413-2736, rcintron@uic.edu
Ann Merle Feldman, Former Director, First-Year Writing Program, University of Illinois at Chicago, 773-294-7892, ann.merle.feldman@gmail.com
Gerald Graff, Professor of English and Education, University of Illinois at Chicago, 312-413-9364, ggraff@uic.edu