

The Prison Strike Challenges Ableism and Defends Disability Rights

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This week, as what may be the **largest prison strike in US history** continues to unfold, disability rights groups have a historic opportunity to act in solidarity with striking imprisoned people and articulate the deep overlaps in our communities and in our struggles.

Some disability justice collectives and organizations have already amplified this **historic rebellion** to **highlight the ableism, sanism and audism** that are deeply rooted throughout the entire criminal legal system. However, disability rights and deaf rights organizations must do far more to effectively practice disability solidarity with the strike and help people understand **the nexus between racism, classism, ableism and incarceration**.

After centuries of disabled people being forced into all manner of institutions — asylums, nursing homes, poor houses, jails, prisons, etc. — disability communities are **acutely aware** of how institutions often serve as breeding

grounds for human and civil rights violations with very little, if any, visibility, accountability, or public scrutiny and outcry. Yet still, there is a palpable lack of ire from disability rights communities (not to be confused with **disability justice** communities, which refuse to solely rely upon the legal system for liberatory purposes) toward carceral-based institutions that steal disabled people in the name of “justice.”

Disabled people continue to be preeminent targets for state surveillance, violence and deprivation of rights and freedom. It should come as no surprise then, that despite comprising just 25 percent of the U.S. population, disabled people represent about **85 percent of those youth found in kid prisons**, and anywhere between 40-80 percent of the adult prison population — with no one actually having an accurate accounting of disability in our adult carceral system. As is true in every kind of institution, **disabled people in our nation’s prisons are prime targets** for violence, exploitation, isolation and other injustices.

As community builders who live, organize and advocate at the intersection of disability and numerous other marginalities, on the occasion of this historic prison strike, we call on disability communities to work in solidarity with imprisoned people, and we call upon those engaged in decarceration and

abolition work to remember to name and address disability amidst the ongoing struggle against systems of oppression.

The current prison uprising began on August 21, when thousands of imprisoned people in at least 17 states initiated a strike in response to an **uprising at Lee Correctional Institution**, South Carolina's largest maximum security prison. Over the course of seven hours, prison officials and medical personnel refused to intervene as violence erupted. August 21 strike organizers at **Jailhouse Lawyers Speak** lamented this tragic day and condemned the prison conditions and profiteering that led to the uprising, stating:

Seven comrades lost their lives during a senseless uprising that could have been avoided had the prison not been so overcrowded from the greed wrought by mass incarceration, and a lack of respect for human life that is embedded in our nation's penal ideology. These men and women are demanding humane living conditions, access to rehabilitation, sentencing reform and the end of modern day slavery.

This historic strike is scheduled to continue until September 9, the anniversary of the 1971 Attica uprising. There is still time for acts of disability solidarity.

How Disability Issues Relate to the 10 Prison Strike Demands

Most people are unaware of the unremitting disability-based injustices found within our legal and penal systems. This disability consciousness gap is likely due to the fact that the majority of society has come to understand disability through a lens of whiteness, wealth and other privileges that actively excludes the experiences of nonwhite, low-income people — namely people that have experienced or witnessed violence; those who come from or reside in communities that have endured generational trauma; and those who live in financial precarity.

Here are the 10 prison strike demands and just some of the ways in which each demand implicates disability:

1. Immediate improvements to the conditions of prisons and prison policies that recognize the humanity of imprisoned men and women.

Disabled people are the largest “minority” population in jails and prisons in large part because they are disproportionately represented in incidents of

police use of force, arrests and convictions. In addition, current conditions of confinement in jails and prisons create and exacerbate disability, especially because incarcerated people experience extreme abuse, medical neglect and isolation in our prisons.

Those who come in without disabilities are likely to experience disabilities while incarcerated that **often last** long after their release. Incarcerated people are often malnourished or ill because they are provided unhealthy and unsanitary food and forced to drink contaminated water or expired drinks. This often leads to imprisoned people resorting to **eating unhealthy**, sugar- and sodium-saturated foods sold at a premium in prison commissaries.

Similar to low-income neighborhoods, prisons are often built on **toxic or environmentally unsafe land**, having outdated water and sewage systems, both of which lead to various health conditions. Sufficient meals for those with dietary restrictions are difficult to come by, if and where they are available.

Solitary confinement is used to punish or “protect” imprisoned people, including disabled people and those who have suicidal ideations (often activated by conditions of confinement). Solitary confinement beyond two weeks is considered torture by the United Nations but on any given day, here in the US we have **80,000-100,000 being held in solitary confinement** — some for months, years or decades, even. In **some cases**, prison officials have

encouraged imprisoned people to commit suicide. Exercise is routinely prevented, as when held in solitary confinement, and access to fresh air and natural light is restricted. Overcrowded and unsanitary living conditions lead to the rapid spread of communicable and infectious diseases.

On top of all this, **health care contracts** are granted to corporations whose bottom line is profit, not quality, such that only the bare minimum is provided. Imprisoned people are therefore often forced to seek counsel and sue just **to receive life-saving** medical attention. Inhumane prison conditions are not unlike those conditions survived by disabled people who have been warehoused in other kinds of institutions, where, for example, psychiatric institutions would lock “patients” **in cages**.

Similarities between prisons and other institutions are not a coincidence. Victories in the struggle against the violent and unhealthy conditions of jails and prisons will save disabled people’s lives.

2. An immediate end to prison slavery. All persons imprisoned in any place of detention under United States jurisdiction must be paid the prevailing wage in their state or territory for their labor.

Capitalism demands that our value as people be determined in part by our capacity to produce. The goal of capitalism is to maximize profit, which has

always relied on the unpaid labor and exploitation of bodies — specifically, Black/Indigenous bodies. The ableist structure of the labor system allows people labeled as disabled to be paid **subminimum wages** or excludes them from employment opportunities altogether, while simultaneously disabling others through forced labor in harsh conditions for so little pay that they cannot care for themselves or their loved ones. These practices continue to serve as mechanisms of mass exploitation of disabled and negatively racialized people, shape-shifting over time to trap the most exploitable marginalized groups of each era — from enslavement, to convict leasing and prison labor, to migrant labor or sheltered workshops where disabled people are legally paid nothing or pennies on the hour.

3. The Prison Litigation Reform Act (PLRA) must be rescinded, allowing imprisoned humans a proper channel to address grievances and violations of their rights.

The PLRA **infringes** upon the civil rights of incarcerated people by, among other things, requiring exhaustion of the grievance process available within the prison prior to bringing a federal lawsuit. This requirement also applies to violations of the Americans with Disabilities Act. Jails and prisons have purposefully designed their grievance processes to be matrices of confusion, rendering them largely inaccessible by design. All tiers of grievance processes

must be completed in written English, making them nearly impossible for those who do not know or who cannot read or write English for any reason.

Disabled and deaf imprisoned people often need to receive accommodations in their jail or prison under long-standing federal disability rights laws, but they can rarely get through grievance processes — rendering it literally impossible to utilize laws that were specifically established to guard against disability-based discrimination found in every jail and prison across the nation. Jails and prisons are known for not explaining the grievance process to disabled people, claiming to not have necessary grievance forms, and discarding completed grievances. Imprisoned people often cannot afford to send forms to the necessary offices. All of this only further hamstrings imprisoned people from gaining access to legal remedies. In addition, the PLRA requires a showing of “physical injury,” which allows psychological, emotional and sexual violence in prisons to continue unabated. It has taken some deaf and disabled people *years* just to exhaust the administrative remedy process with the support of attorneys. Retribution from prison officials and staff for filing grievances is common, **adding to the harm** of the lengthy and more often than not completely inaccessible process.

Rescinding the PLRA would greatly benefit disabled people.

4. The Truth in Sentencing Act and the Sentencing Reform Act must be rescinded so that imprisoned humans have a possibility of rehabilitation and parole. No human shall be sentenced to Death by Incarceration or serve any sentence without the possibility of parole.

The front end of the criminal legal system consistently fails to provide reasonable accommodations and modifications when interacting and working with deaf and disabled people. That is to say, that law enforcement, prosecutors, defense attorneys, diversion agencies and the courts create a system whereby disability is criminalized and disabled people are punished. Sentences for disabled people are therefore disproportionately longer because of systemic ableism. Additionally, the longer a person stays in prison, the more likely they are to develop disabilities. Studies point to **exponential increases** in the prison aging population. Sentences to **death in prison** (also called, “life without parole”) are inhumane and must be fought regardless of age, but in the meantime we can also fight for age and disability to be taken into consideration determining eligibility for release, especially when evidence proves that prisons will not provide adequate care and accommodations for disabled and elder incarcerated populations.

5. An immediate end to the racial overcharging, over-sentencing, and parole denials of Black and Brown humans. Black humans shall no longer be denied parole because the victim of the crime was white, which is a particular problem in Southern states.

Disability-, race- and class-based oppressions are now and always have been inextricably linked. Notably, disabled people are disproportionately represented within every marginalized community that exists. This is especially true in communities beset by poverty, violence and deprivation of other vital and life-enhancing and sustaining resources (food, water, health and mental healthcare, education, living wages, etc.). An end to race- and class-based inequities within carceral systems would greatly benefit disabled people.

6. An immediate end to racist gang enhancement laws targeting Black and Brown humans.

As argued in relation to the fifth demand above, any decrease in or end to race- and class-based inequities within carceral systems will disproportionately benefit disabled people.

7. No imprisoned human shall be denied access to rehabilitation programs at their place of detention because of their label as a violent offender.

Prior to contact with carceral systems, many people have tried and failed to access addiction and mental health supports, for example. Due to the lack of access to services and supports, and adequate legal counsel for people with various disabilities — especially those who also are negatively racialized and have no income or a low income — disabled people are disproportionately among those labeled as “violent offenders.”

Relatedly, in **prisons across the nation**, deaf, blind and other disabled people are punished for not responding to auditory commands or following rules that were never conveyed to them in an accessible manner. Disabled people often experience mental and emotional crises from communication deprivation and other abuse. Additionally, disabled people in jails and prisons are **punished for behaviors** that are obvious symptoms of their disabilities. Thus, jails and prisons often have disciplinary records that label disabled people as “violent,” which merely reflect the state’s illegal disability discrimination. These records allow jails and prisons to continue to discriminate against disabled people by locking them in solitary confinement, and further preventing access to programming — even when programming is mandatory for release. All of this

leads to disabled people **spending more time in prison** than their abled counterparts.

8. State prisons must be funded specifically to offer more rehabilitation services.

Disability, trauma, violence and poverty **are all causes and consequences of each other**. Restorative and transformative practices should be implemented to support the needs of the people that have been harmed, such as the 85 percent of incarcerated women that have experienced sexual violence. The lack of these community-centered-and-led rehabilitative programs within prisons actually perpetuates the need to build more prisons. For people returning to our communities it becomes exponentially more difficult to assimilate into a society without the proper tools to cope with the acquired trauma from imprisonment. Incarceration without rehabilitation results in re-incarceration.

9. Pell grants must be reinstated in all US states and territories.

Intelligence is a **manufactured, racist-ableist concept** intended to reinforce fictitious ideologies around Black and Indigenous inferiority. Its measurement is an ever-shifting standard measured from whiteness that actively excludes marginalized communities from accessing information via law, physical

violence, geographical placement and incarceration. A particular kind of formalized education is almost requisite for access to even the most basic opportunities in the United States.

Denying access to education while incarcerated or not allowing for financial aid upon release is an evolution of anti-literacy laws, which denied enslaved African peoples the right to read and write. A similar arrangement transpires throughout auxiliary components of the prison system, specifically special education programs in low-income communities. Students are often denied education or provided with lower-quality education based on the label of disability and are thus denied a fundamental human right. Students labeled as disabled have the highest dropout **rates**, are punished the **most**, and are funneled into the prison system at **rates higher** than any other marginalized group. Once imprisoned, disabled and deaf people who already were deprived of education in traditional school settings often attempt to enter prison educational programming just to be told that their scores are too low for them to enter prison educational programs. This only perpetuates social inequity.

To the detriment of disabled people, education and prison systems alike are deciding who is worthy of an education. Learning is central to the processes of growth and rehabilitation. Rather than implementing programs to encourage

education, prison systems have focused on banning books deemed “too dangerous” or only allowing books from **selected companies** inside of prisons.

Accessible and high-quality education access, funding and programming in prisons would greatly benefit disabled people.

10. The voting rights of all confined citizens serving prison sentences, pretrial detainees, and so-called “ex-felons” must be counted. Representation is demanded. All voices count.

Disenfranchisement of disabled people and people with criminal convictions has always been **tied together** — in both law and social practice. For the state, deprivation of the vote for disabled, imprisoned and formerly imprisoned people is the ultimate checkmate. The devastating impact of incarceration is most prevalent in the same communities that experience the most pervasive voter suppression, including felon disenfranchisement, voter purging, strict ID requirements, closing down of polling places with little or no notice and **prison gerrymandering**. Voter suppression tactics have always disproportionately targeted disabled people; whether through guardianship laws, **inaccessible polling locations** and equipment, or institutionalization. The voting bloc of currently incarcerated and other institutionalized people (**and re-entrants**) could radically transform the landscape of our society for the better. More

importantly, incarceration status should not affect the right to have a say in the matters directly impacting them.

Restoration of voting rights for incarcerated, detained and formerly incarcerated people increases the disabled voting bloc as well.

The Time for Solidarity Is Now

Mass incarceration is a disability rights issue.

The failure of disability communities to act in solidarity with racial, economic and prison justice communities harms all marginalized communities.

Similarly, the failure of non-disability communities to name and address disability justice issues also harms all marginalized communities.

This massive undertaking in the name of human and civil rights is being led by incarcerated people spanning across every demographic (disability included), in solidarity with people on the outside. Many of the incarcerated people who are currently engaged in work stoppages, sit-ins, hunger strikes, canteen boycotts, and other forms of protest will face harsh retribution, including solitary confinement, deprivation of food, violence, denied visits and calls, the stripping of privileges and longer sentences. Those on the outside who act in solidarity risk a great deal less than our incarcerated comrades. Now is the

time to practice disability solidarity. There are four days remaining. It's time to assess what we each can do for justice's sake.