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Benevolent Feminism and the Gendering of Criminality: Historical and Ideological Constructions of US Women's Prisons

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Benevolent Feminism and the Gendering of Criminality:
Historical and Ideological Constructions of US Women's Prisons

By
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Submitted to Scripps College in Partial Fulfillment of the Degree of
Bachelor of Arts

Professor Piya Chatterjee
Professor Jih-Fei Cheng

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Introduction

*Going Into the Prison*¹

The guard growls, *What's this?!*
Poetry, I answer, *just Poetry*
He waves me through
with a yawn
that delights me
So I smuggle my words in
to the women
who bite them chewing starving
I'm honored to serve them
bring color music feelings
into that soul death
Smiling as I weep
for Poetry who has such a bad reputation
She's boring, unnecessary, incomprehensible
obscure, effete
The perfect weapon
for this sneaky old war-horse
to make a rich repast of revolution
—author unknown

The experiences of people incarcerated in American women's prisons, and the histories of the institutions themselves, have largely been ignored and overlooked in modern portrayals, understandings, and analyses of the US prison system. The above poem, first published in *Out of Time*, the newsletter for the organization "Out of Control: Lesbian Committee to Support Women Political Prisoners and Prisoners of War," highlights two main points of analysis with which this thesis engages: the institutional conditions and processes that silence and erase the

¹ Chrystos. *Fire Power*. Press Gang Publishers, 1995. First published in *Out of Time*, the newsletter for "Out of Control: Lesbian Committee to Support Women Political Prisoners and Prisoners of War."

experiences of incarcerated people, and the methods of resistance that developed to survive and combat them.²

Project Background

This thesis aims to connect and analyze primary sources that contain untold histories and experiences of people incarcerated in women's prisons in the US and Britain, from the Victorian period to the modern era. By exploring, compiling and sharing various secondary and primary texts as evidence, I hope to contribute to a better understanding of the historical and ideological constructions of the American women's prison as we know it today.

Some of the questions with which this project grapples include: What are the roles of religion, benevolence, and white femininity in the women's prison reform movement, and in constructs of criminality? What/where are the threads of queerness in the early histories of women's prisons, and how did the presence of sexuality and queerness inside carceral spaces influence the construction and configuration of modern women's prisons? What is the importance of analyzing this history for modern prison abolitionist rhetoric and activism?

In this thesis, I argue that analyzing and understanding the historical and ideological constructions of the modern women's prison are critical practices for theoretical and activist frameworks that seek prison abolition. Religion, benevolence, and early 19th century ideals of white femininity and womanhood produced a powerful discourse, even a guise, under which the processes of gendering and racialization, and the criminalization of queer, working class, and "unhealthy" bodies became institutionalized in the US prison system. Furthermore, recounting

² I include a number of other poems from formerly incarcerated people throughout this thesis in order to depict the importance of poetry and writing as a form of carceral resistance, and also to specifically engage with and highlight the art and voices of people incarcerated in women's prisons

and analyzing historical and contemporary acts of resistance by queer inmates of color in New York and Washington State women's prisons further exposes carcerality's foundation in (hetero)normativity. I focus on these histories in order to challenge and deconstruct modern ideologies of carceral feminism, gender-responsive prisons, benevolent feminism, and other reform efforts that work to maintain the presence of women's prisons and the power of the overall carceral state.

Methodology

I was inspired to work on this project in the summer of 2018, when I was working on writing an article about the history of women's prisons in Washington State. After starting my research, I quickly realized the dearth of published information on this topic. Secondary and scholarly sources noted that early experiences of incarceration in penitentiaries, reformatories, and women's prisons have been deliberately suppressed, and the few primary sources I was able to locate online contained only fragmentary mentions of the numbers of people and the conditions under which they were held. However, through the information and sources I *was* able to collect about Washington State, I found many parallels and patterns between these early histories and experiences, and those that are apparent in today's women's prisons. After these discoveries, I decided to expand the locations, timelines, and thematics of my project, because I believe that these historical and ideological understandings are crucial to any further analyses or actions that seek to change, challenge, or dismantle the contemporary US prison system.

One of the main tensions I am engaging through my research and analysis is the importance and role of benevolence—the intent to ameliorate pain or suffering that often had the opposite effect—within the larger movement towards constructing separate women's prisons. I

specifically look at how ideas and practices of carceral feminism and gender responsive prisons/justice are rooted in religiosity, benevolence, and early constructions of white femininity and genderings of criminality.

To address this topic, I focus on New York State and Washington State. Some of the earliest women's prisons and institutions in the US were constructed within New York State, and some of the most recent, in Washington State. However, as many of the motivations and manifestations of early incarceration are based on Victorian understandings of criminality, I also include analysis of some early documents from British reformatories.

In the summer of 2019, I received a Mellon grant from Scripps College and conducted archival research in New York and Washington. In New York, I visited the New York Public Library's and New York University's Special Collections, as well as a few local bookstores, such as Blue Stockings. At the public library, I found meeting notes, newspaper clippings, letters, memos, bills, prison visit reports, and event descriptions from the late 1800s to the mid 1900s from the New York Women's Prison Association and the New York Magdalen Benevolence Society.

In Washington, I went to the University of Washington and the Washington State Archives, and gathered a variety of other materials through the state's digital archives. I also found a number of secondary sources, such as Estelle Freedman's *Their Sisters' Keepers*, Eric Stanley's *Captive Genders: Trans Embodiment and the Prison Industrial Complex*, and Sara Harris' *HellHole: The Shocking Story of the Inmates and Life in the NYC House of Detention for Women*. These sources not only help me fill in historical and contextual gaps, but also provide critical theories with which to continue my analysis. Specifically, I draw on Mimi Kim's article,

“From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration”³ to define and theorize carceral feminism, the role of neoliberalism in pro-criminalization feminist strategies, and alternatives to women’s prisons and incarceration in general.

Literature Review

A main issue that I incorporate into my project is the criminalization of queerness, and experiences and instances of queer sex and relationships in early carceral institutions. In order to understand and conceptualize this, I turn to Regina Kunzel’s book, *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality*. In this text, Kunzel argues that sex inside early carceral institutions and spaces had an influential effect on the organizational and structural makeup of prisons, including not only their physical layout, but also the ways in which prisoners were confined and interacted with. Kunzel also argues that “constructions of sexuality in prisons, particularly regarding same-sex sexuality and desire, were deeply influenced by and also helped construct modern sexuality.”⁴

Continuing Kunzel’s argument, Eric Stanley and Nat Smith’s anthology, *Captive Genders: Trans Embodiment and the Prison Industrial Complex*, claims that “gender normativity and anti-trans and anti-queer violence are central logics of the US prison system that marginalize and oppress trans and gender-nonconforming people...the prison industrial complex helps produce gender normativity and heteronormativity.”⁵ Utilizing archival materials and analysis, I

³ Kim, Mimi E. “From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration.” *Journal of Ethnic & Cultural Diversity in Social Work* 27, no. 3 (2018): 219–33.

⁴ Kunzel, Regina G. *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality*. Chicago, IL: The University of Chicago Press, 2010.

⁵ Stanley, Eric A., and Nat Smith. *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. Edinburgh: AK Press, 2016.

trace the practices of anti-transness and anti-queerness back to the beginnings of the construction of US women's prisons, and demonstrate the ways in which they intersect with early productions of racialized and ableist criminalization. The archival language in the early materials I have collected is very coded, but nevertheless, comparing these sources to the works of Kunzel and Stanley helps decode the logistic roots of gender normativity, white supremacy, and heteronormativity within the US prison system.

To ground this theory in historical context and examples relevant to my overall thesis, I include some of my archival materials from early 1800s British Reformatories. In the British Society of Ladies for Promoting the Reformation of Female Prisoners' document, *Sketch of the Origin and Results of Ladies' Prison Associations*, notes and descriptions from visits to prisons demonstrate the presence of sex and sexuality—both heterosexual and queer—within these early carceral spaces. The reactions to these observations reveal the ways in which actions, behaviors, and even identities considered by the reformers to be promiscuous and deviant produced anxieties about the (in)stability of heterosexuality. Reformers, seeking to promote morality and purity through religious intervention, were instrumental in the implementation and construction of separate and gendered prisons, largely in part due to this fear of immorality and sexuality.

In *Criminal Intimacy*, Kunzel argues, “the prison as a single-sex space, in which same-sex sexuality was relatively common, challenged this essentialist and binary framework of distinct sexual types, blurring boundaries, confounding categories, and producing queerness as a primary feature of the prison.”⁶ Kunzel's argument about the connections between sexual relationships inside prisons and modern American sexuality helps me to make a larger argument

⁶ Kunzel, Regina G. *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality*. Chicago, IL: The University of Chicago Press, 2010.

about the importance of focusing on the history of the US women's prison—a profoundly gendered construction itself, dependent on the gender binary. Kunzel's analysis demonstrates how early carceral institutions have not only had a profound impact on modern women's prisons, but also on constructions of sexuality and understandings of gender and binaries that reach outside of physical prison walls.

In order to connect my archival sources from 19th century Britain to the women's prison movement in the US, I incorporate analysis from *Their Sisters' Keepers: Women's Prison Reform in America, 1830-1930*, by Estelle B. Freedman. Freedman's book articulates the story of Elizabeth Joseph Fry—an English prison reformer and Christian philanthropist, also known as the “angel of prisons.” With the support of other primarily white British women reformers and philanthropists, Fry became a central figure in the women's prison reform movement. In Elizabeth Fry's 1827 treatise, *Observations in Visiting, Superintendence and Government of Female Prisoners*, she outlined many of the principles that would later inspire the American women's prison reform movement. Her writing and rhetoric reached the US in the late 1820s through the publication of her book, as well as through newspaper articles and travelers' accounts.

This text, in conjunction with the quotes and analysis in Freedman's work, can be compared to the primary sources I have collected from New York and Washington States, in order to demonstrate the similarities in ideologies and language in regards to women's prison reform. In the first annual report of the “New York Female Benevolent Society,” issued in 1834, the same Victorian era religious rhetoric permeates throughout the descriptions of the organization's mission and work. Additionally, the language used to refer to US reformers and

the inmates is nearly identical to that used in the early British reports. Reformers and members of the society were labelled “a band of heroines of the gentler sex,” while those admitted to the asylum were referred to as “wretched females” and “outcasts.”⁷ Similar to the practices in British reformatories, inmates of the asylum were taught needlework, laundry, and other household duties. As both societies feared “idleness” and “licentiousness,” feminized labor came to be seen as the obvious solution.

Defining Terms and Concepts

Benevolent Feminism/The Guise of Benevolence

Benevolence: the quality of being well meaning; kindness; desire to do good to others; goodwill; charitableness.⁸

Throughout this thesis, I refer to the guise of benevolence and the benevolent feminism of British and American white women prison reformers, especially in regards to intentionality and assertions of innocence. I argue that claims of benevolence, in this context, were used by primarily white women reformers as a tactic of diversion away from critical discussions of race, class, gender, sexuality, and ability within the criminal justice system. By assertions of innocence, I refer to the ways in which these primarily white women reformers (in both the Victorian and contemporary periods) displayed their acts and claims of benevolence as a denial of any complicity in and responsibility for the violent and discriminatory constructions of carceral spaces. These claims to innocence constructed a binary between “innocent” reformers, previously unaffected and seemingly uninvolved with the prison system, and prisoners coded as

⁷ Magdalen Female Benevolent Society. “Missionary Labors Through a Series of Years Among Fallen Women.” New York, 1870.

⁸ “Benevolence.” Dictionary.com. Dictionary.com. Accessed November 21, 2019.

“guilty,” “wretched,” and “fallen.” This archival hyperfocus on the benevolence and innocence of prison reformers prioritized the experiences, ideas, and “good intentions” of reformers at the expense of people in prisons.

I define benevolent feminism as a movement beginning in the Victorian era produced primarily by white, middle class British and American women to “uplift” and enforce the conformity of primarily poor or working class, non-Christian, white women and women of color to the standards of white femininity, heterosexuality, religiosity, and productivity idealized and modelled by the reformers themselves. White women reformers justified their actions and involvement in prisons by labelling them as “well-intentioned,” thereby portraying themselves as innocent and superior. Benevolent feminism was inherently tied to participation in the carceral state. Similar to carceral feminism, benevolent feminists refused to acknowledge their own privileges and complicities within the developing system of mass incarceration, in part sparked and implemented directly through their own actions.

Carceral Feminism

“Relying on state violence to curb domestic violence only ends up harming the most marginalized women” —Victoria Law⁹

In my thesis, I draw from Mimi Kim’s and Victoria Law’s definitions and critiques of carceral feminism. In her article “From Carceral Feminism to Transformative Justice,” Kim defines carceral feminism as “a term signaling feminist reliance upon law enforcement as a dominant intervention strategy.”¹⁰ Kim explains that, “carceral feminism, a term more recently developed

⁹ Law, Victoria, et al. “Against Carceral Feminism.” Jacobin, 2014.

¹⁰ Kim, Mimi E. “From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration.” *Journal of Ethnic & Cultural Diversity in Social Work* 27, no. 3 (2018): 219–33.

to articulate the active mobilization of the criminal justice system as a response to sex trafficking, is now used more generally as a critique leveled against mainstream forms of feminism associated with gender violence.”¹¹ Similar to the early 19th century women’s prison reformers, carceral feminists work within the criminal justice and prison system in an attempt to combat gender violence; however, both frameworks fail to address or challenge the prison as a central location of gender violence.

According to Victoria Law, “carceral feminism describes an approach that sees increased policing, prosecution, and imprisonment as the primary solution to violence against women.”¹² In the 1970s and 1980s, carceral feminists filed lawsuits against police departments for their lack of response to domestic violence calls.¹³ In New York, Oakland, and Connecticut, these suits resulted in “substantial changes to how the police handled domestic violence calls, including reducing their ability not to arrest.”¹⁴ However, during these arrests, “women marginalized by their identities, such as queers, immigrants, women of color, trans women, or even women who are perceived as loud or aggressive, often do not fit preconceived notions of abuse victims and are thus arrested.”¹⁵

Additionally, in “Identities Under Siege: Violence Against Transpersons of Color,” Lori A. Saffin writes, “most of the victims of gender-based violence are people of color. Black and Latino/a individuals account for 85 percent of the known victims of gender-based violence.”¹⁶ Carceral feminism often overlooks and even justifies these disproportionate rates of

¹¹ Ibid.

¹² Law, Victoria, et al. “Against Carceral Feminism.” Jacobin, 2014.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Saffin, Lori A. “Identities Under Siege: Violence Against Transpersons of Color.” In *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. AK Press, 2011.

gender-based violence that overwhelmingly target trans people of color. Victoria Law also points to the fact that by focusing solely on criminalized responses, carceral feminists ignore and fail to address social and economic inequalities, police violence, and mass incarceration.¹⁷ By constructing models and notions of reform, rehabilitation, and justice that centered the experiences, wellbeing, and positionality of middle class, heterosexual, able-bodied white women, Victorian era women’s prison reformers and modern carceral feminists enabled and expanded a system of state-sanctioned discrimination rooted in criminalization and incarceration through justifications and claims to benevolence—and even “feminism.”

Gender Responsive Prisons, Incarceration and Justice

Gender-responsiveness within the criminal justice system is an ideology and practice developed in large part through carceral feminism and the work of academic feminists. Gender responsive justice works from the notion that “women and girls” in the criminal justice system have “special needs” that must be addressed within prison spaces and programming.¹⁸ Angela Davis, in *Are Prisons Obsolete?*, discusses the rise in gender-responsiveness and forced feminization and domestication in women’s prisons in the 1970s and 1980s, writing: “following the dominant model for women’s prisons during that period, Alderson’s regimes were based on the assumption that criminal women could be rehabilitated by assimilating correct womanly behaviors – that is by becoming experts in domesticity – especially cooking, cleaning and sewing.”¹⁹ As I demonstrate throughout the following chapters, these assumptions and practices are rooted in

¹⁷ Law, Victoria, et al. “Against Carceral Feminism.” Jacobin, 2014.

¹⁸ Evans, Karen. *Gender Responsive Justice: A Critical Appraisal*. S.l.: Taylor & Francis, 2019.

¹⁹ Davis, Angela Y. *Are Prisons Obsolete?*. United States: Seven Stories Press, 2011.

Victorian understandings of white femininity and womanhood that were used to both criminalize and “reform” those who did not fit within these constructions.

In 2003, the National Institute of Corrections (NIC) published a document titled “Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders,” authored by Barbara Bloom, Ph.D., Barbara Owen, Ph.D., and Stephanie Covington, Ph.D. In the introduction to the study and findings, the authors wrote:

The perception exists that working with women offenders is difficult, with the women said to be incredibly needy. It is our hope that this document will shed light on women offenders’ real needs and that those needs will be better understood from the perspectives of women’s criminal pathways and the realities of their lives.²⁰

The language of “difficulty” and “neediness” in this passage mirrors earlier women’s prison reformers’ portrayals of the “fallen woman” prisoner as desperate and in need of salvation through institutionalization and feminization. Furthermore, the claims on the part of the writers—three white women coming from positions of academic privilege and personal distance to the prison system—to have found and understood the “women offenders’ real needs,” produces a universalized depiction of the “woman offender” that erases individual experience and justifies the blanketing of domestication and feminization over the women’s criminal justice system.

This thesis attempts to challenge these contemporary and historical constructions of the universal “woman offender,” by decoding archival materials that do not directly address—but rather allude to—the demographics of people inside women’s prisons. Many of the archival materials that I found refer to all of the inmates in women’s prisons, reformatories and

²⁰ Bloom, Barbara, Barbara Owen, and Stephanie Covington. “Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders.” *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders*. National Institute of Corrections, 2003.

institutions as simply “female offenders” or “fallen women.” In my thesis, I want to focus specifically on how the people inside women’s prisons and institutions are racialized, gendered, classed, and embodied subjects. While in many cases the archives are referring to primarily low income, cis-gendered white women, I also want to be careful not to universalize the reformers and prisoners I am discussing as non-racialized/classed/gendered subjects in my own language and analysis. The following chapters pay close attention to the shifts in women’s prison demographics, from the incarceration of primarily poor and “tainted”²¹ white women—also racialized subjects—during the Victorian era, to the increased targeting and imprisonment of women of color in the contemporary period.

The NIC document also offered the following findings and suggestions for the improvement of gender responsiveness in women’s prisons:

Make the management of women offenders more effective...Enable correctional facilities to be more suitably staffed and funded...Decrease staff turnover and sexual misconduct...Improve program and service delivery...Decrease the likelihood of litigation against the criminal justice system...Increase the gender-appropriateness of services and programs.²²

These goals of effectiveness, funding, decreased litigations and turnover are similar to those of the New York Women’s Prison Association (WPA), which I discuss in chapters 1 and 2, and demonstrate the ways in which the proposed reforms provide more benefits for the institutions than the inmates within them. While the term “gender-responsive” was not used by the WPA or other prison reform groups during their time, the WPA archives nevertheless reflect similar

²¹ Anna Stubblefield. ““Beyond the Pale”: Tainted Whiteness, Cognitive Disability, and Eugenic Sterilization.” *Hypatia* 22, no. 2 (2007): 162-81.

²² Bloom, Barbara, Barbara Owen, and Stephanie Covington. “Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders.” *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders*. National Institute of Corrections, 2003.

narratives surrounding the necessity for gendered management, effectiveness, staffing, and “appropriateness” within the women’s prison.

Intersectional Gendered Language and Violence Within the Prison Industrial Complex and its Archives

“Gender seems to always escape the confines of the language that we use to capture it”²³ —Eric Stanley and Nat Smith

Feminist critiques of the construction of the “universal woman” did not begin to develop in the US until around the 1980s, and as such, the majority of the archives and materials I reference throughout this thesis promote this false construct. Unless otherwise specified, when the archival materials I am quoting mention “women” or “female inmates,” they are referring to white, working class women. I am aware that at points throughout this thesis, I slip into universalist language when describing the general histories and processes of the construction of women’s prisons. However, I am also careful and intentional about where I can bring out intersectional analyses of race, class, gender, and ability in my discussion.

Embedded in both the language of gender responsiveness, and the language used throughout the archives collected and examined in this project, is the reiteration and perpetuation of the gender binary. In both sites of analysis, inmates are continuously coded as either “male” or “female,” determining to which spaces they are confined. These uses of universalized and gendered language systematically and violently erase trans and gender non-conforming people within the criminal justice system through a presumption of cis-ness—and people of color

²³ Stanley, Eric A., and Nat Smith. *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. Edinburgh: AK Press, 2016.

through a presumption of whiteness. In the modern era, this is starkly represented by the fact that “trans women, particularly those of color, are disproportionately incarcerated in relation to non-trans people.”²⁴

Captive Genders: Trans Embodiment and the Prison Industrial Complex, a collection of essays from current and former prisoners, activists and academics edited by Eric Stanley and Nat Smith, discusses the ways in which the Prison Industrial Complex is both a product and producer of anti-trans/queer violence and gender normativity.²⁵ In one of the essays from *Captive Genders* titled “Being an Incarcerated Transperson: Shouldn’t People Care?,” Clifton Goring and Candi Raine Sweet articulate, “no one in the prison system really cares about us trans people, gays, or gender-non-conforming people; they say they do, but when it really comes down to it, the facts will always show that the majority of the prison believes this nasty saying that ‘only the strong shall survive and only the weak perish.’”²⁶

The gendered language of the British, Washington State, and New York State archives and gender-responsive, carceral feminist logics actively work to deny the existences of queer, trans, and gender-non-conforming people while simultaneously justifying their placement in violent spaces. As I discuss throughout this thesis, women’s prisons enforce a certain framework of white femininity upon their inmates; those who do not conform to these standards undergo further punishment, isolation, and violence.

In another essay from *Captive Genders* titled, “No One Enters Like Them: Health, Gender Variance and the PIC,” Blake Nemecek writes, “Gender-variant people who have done time

²⁴ Ibid.

²⁵ Ibid. 12.

²⁶ Goring, Clifton., and Raine Sweet, Candi. “Being an Incarcerated Transperson: Shouldn’t People Care?” In *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. AK Press, 2011.

are forced to accept varying amounts of violence as realities of completing their sentence. This takes different forms of active emotional/physical violence as well as ‘inactive’ violence like neglect or denial of necessary medical care.”²⁷ While specific and named examples of gender variance were not present in the New York and Washington State archives, these sources still exemplify forms of active and inactive violence as methods for controlling and dictating gender roles and expression (as I discuss in more depth in chapters 2 and 3).

According to the introduction of *Captive Genders*, the book aims to highlight “the historical and contemporary antagonisms between trans/queer folks and the police state.”²⁸ Through an archival examination of British and American women’s prisons and their initial constructions, my project works within a similar framework to draw historical connections between anti-trans/queer violence and the carceral state. The introduction to *Captive Genders* also notes that “gender self-determination also acknowledges that gender identification is always formed in relation to other forms of power and thus the words we use to identify others and ourselves are culturally, generationally, and geographically situated.”²⁹ Challenging the narratives of gender-normativity in the early women’s prison reformers’ logic and work, *Captive Genders* reignites and focuses on the historical and contemporary existence and resilience of queer, trans, and gender-non-conforming people within the prison system.

However, as much of my analysis is situated in the Victorian era, before the more modern terms of “trans,” “gender-non-conforming,” and “gender variant” were used and identified with, I want to be careful in my analysis to not assign gender identity labels that people may not have

²⁷ nemec, blake. “No One Enters Like Them: Health, Gender Variance and the PIC” In *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. AK Press, 2011.

²⁸ Stanley, Eric A., and Nat Smith. *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. Edinburgh: AK Press, 2016.

²⁹ Ibid.

self-identified with at the time. My analysis in chapters 1 and 2 therefore references more generally the construction of women's prisons and institutions based on notions of gender-normativity. I argue that these early conceptualizations and developments of carcerality created the system seen today in which violence and incarceration are enacted specifically and intentionally along the lines of (gender) normativity.

Additionally, I engage Cathy Cohen's critical analysis of queer theory and politics to examine the ways in which the women's prison acts as an institution that criminalizes and imprisons intentionally and specifically along lines of (hetero)normativity that intersect with race, class, and other proximities to power. Cohen argues, "if there is any truly radical potential to be found in the idea of queerness and the practice of queer politics, it would seem to be located in its ability to create a space in opposition to dominant norms, a space where transformational political work can begin."³⁰ I use "queerness" and Cohen's conception of queer politics in this thesis to refer not only to the presence and experiences of LGBTQ+ people in the criminal justice system, but also to the ways in which the prison, as an institution producing and prescribing heteronormativity, defines, divides and punishes people based on constructions of (non)normativity.

Cohen writes, "I am interested in examining the concept of 'queer' in order to think about how we might construct a new political identity that is truly liberating, transformative, and inclusive of all those who stand on the outside of the dominant constructed norm of state-sanctioned white middle- and upper-class heterosexuality."³¹ Cohen points to the ways in which heterosexuality, especially when intersected with race, is defined and experienced

³⁰ Cohen, Cathy J. "Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?" *GLQ* 3 (1997): 437-465.

³¹ *Ibid.*

differently across different groups of people.³² Heteronormativity, as defined by Cohen, is rooted in white supremacy.³³ As the US prison system is rooted in both heteronormativity and white supremacy, Cohen's conceptualization of queerness is increasingly relevant to an understanding of institutional and systemic processes of criminalization and incarceration. Cohen argues that "marginal group members, lacking power and privilege although engaged in heterosexual behavior, have often found themselves defined as outside the norms and values of dominant society."³⁴

For example, Cohen points to the stigmatization, demonization and criminalization of "single mothers, teen mothers, and primarily poor women of color dependent on state assistance."³⁵ For those—primarily people of color—who fall outside of the categories of white, heterosexual, and traditionally feminine, the prison functions as a site of punishment, isolation and erasure. In addition to criminalizing queer, trans, and gender-nonconforming people, the women's prison has been and remains a mechanism of "regulating the behavior and denigrating the identities of those heterosexuals on the outside of heteronormative privilege, in particular those perceived as threatening systems of white supremacy, male domination, and capitalist advancement."³⁶ In the following chapters, I demonstrate the many ways in which, throughout the history of women's prisons, heteronormativity, "white supremacy, male domination, and capitalist advancement" have dictated constructions of criminality. These practices of incarceration have produced the current system in which the carceral space disproportionately

³² Cohen, Cathy J. "Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics?" *GLQ* 3 (1997): 437-465.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

and increasingly fills with bodies coded as non-normative and disposable. It is therefore only through an antiracist, intersectional analysis of gender, queerness, ability, and class that the modern US women's prison can be fully historicized, understood, and inevitably deconstructed.

Chapter Overviews

In Chapter 1, “Unutterable Abominations, Unspeakable Acts, and Unmentionable Vices”³⁷: *Constructions of Criminality and Roots of Institutional Reform in Early 19th Century British Prisons*, I discuss the ways in which 19th century Victorian ideals and practices of discipline served as a model for the US women's prison movement. I examine reformism's roots in religion and benevolence, feminized labor and the fear of idleness, the imposed importance of marriageability and motherhood, the specific language of criminality and benevolence, and the transference of the women's prison reform movement from Britain to the US.

In Chapter 2, “The Abandoned Daughter, the Ruined Sister, the Degraded Wife, and the Guilty Mother”³⁸: *Victorian Era Carceral Constructs in New York and Washington States (1817-1930)*, I begin by providing background information on the construction of women's prisons and the women's prison reform movement in both states. The evidence and analyses from chapter 2 are primarily situated within the Victorian era, as outlined in the chapter title. However, I also include some examples of the ways in which settler colonialism³⁹ and the

³⁷ Kunzel, Regina G. *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality*. Chicago, IL: The University of Chicago Press, 2010.

³⁸ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

³⁹ “Anthropologist Patrick Wolfe uses the term ‘settler colonialism’ to define a network of consolidated power and the formation of a community by settlers without regard for the Native inhabitants. Accordingly, settlers are complicit in the forced removal of indigenous populations from the land they claim. By eliminating and alienating indigenous peoples and their cultural practices, a settler colonial society can then claim ownership over territory without engaging in actual struggles that center indigenous peoples and their needs.” Young, Kalaniopua. “From a

criminalization and forced domestication of Indigenous women in Spanish missions contributed to the foundation of the modern US women's prison.⁴⁰ I also examine the roles of religion and benevolence within these movements and constructions. Continuing on, I examine the racialization and segregation of inmates in New York State women's prisons and facilities. I also focus on the methods of control, surveillance, and discipline utilized by primarily white matrons, police women, and women superintendents. Specific attention is also given to the criminalization of sex work, the use of the prison as a means of confining "unhealthy," "diseased," and working class bodies, and the production of feminized labor.

Chapter 3, "They Can't Imprison Our Power": Contemporary Constructions of Criminality and Queer Resistance in New York State and Washington State Carceral Institutions (1960-1999), moves out of the Victorian period to demonstrate the significance within the modern women's prison of the themes and constructions discussed in chapter 1. I analyze the criminalization and suppression of labor organizing in Washington State in conjunction with the production and feminization of labor taking place within carceral spaces. I also look at issues of public health, physical prison spaces, and the presence and importance of sexuality and queer activism inside prisons.

Much of the archival literature and investigations into (homo)sexuality in women's prisons points to the abusive and violent nature of sexual relationships between not only inmates and guards, but also between inmates. While I do not want to overlook this reality, and the inherently violent nature of the prison space, I also want to focus my thesis on the many ways in

Native Trans Daughter" In *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. AK Press, 2011. Pages 87-88.

⁴⁰ This analysis will draw on the work of writers such as Charles Sepulveda, Anne McClintock, and Kalaniopua Young.

which relationships and intimacies between inmates can and have acted as sources of empowerment, resistance, and resilience.

Chapter 1:

“Unutterable Abominations, Unspeakable Acts, and Unmentionable Vices”⁴¹: Constructions of Criminality and Roots of Institutional Reform in Early 19th Century British Prisons

19th century British ideologies and practices of institutional regulation and the disciplining of women and youth provided a critical framework upon which modern US women’s prisons were constructed. In British women’s reformatories, penitentiaries, and prisons, promiscuity and “sexual deviancy” were criminalized and punished, feminized industrial labor was produced, and inmates were primed to fulfill the traditional and static gendered roles of wife, mother or servant. This framework was communicated and spread to the US through novels, newspapers, reports, and interactions between travelers, with the use of religious—specifically Christian—rhetoric, under the guise of benevolence.

In “You’re calling me a racist? The Moral and Emotional Regulation of Antiracism and Feminism,” a secondary text I engage throughout this project, Sarita Srivastava argues that “colonial and contemporary representations of virtue, honesty, and benevolence have been a historical foundation of whiteness, bourgeois respectability, and femininity...the history of Western feminist movements adds another layer of moral imperative to these historical constructions of racial innocence.”⁴² This chapter, as well as those that follow, applies this logic to the guises and strategies of benevolence, innocence, and femininity employed by both Victorian and contemporary white women reformers. Applying Srivastava’s work to the

⁴¹ Kunzel, Regina G. *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality*. Chicago, IL: The University of Chicago Press, 2010.

⁴² Srivastava, Sarita. “‘You’re Calling Me a Racist?’ The Moral and Emotional Regulation of Antiracism and Feminism.” *Signs: Journal of Women in Culture and Society* 31, no. 1 (2005): 29–62.

women's prison system exposes the foundations of "whiteness, bourgeois respectability, and femininity" as constructs that have been regulated and maintained through processes of criminalization and incarceration based explicitly along lines of race, class, gender, sexuality, ability, religion and immigration status. Portrayals and presentations of white bourgeois women as innocent, benevolent, and altruistic helped define criminality and deviance and coded it onto bodies that did not fit within their constructed norms of womanhood.

Benevolent feminism and prison reform have historically acted as proponents of the criminal justice system. In Britain and the US, middle to upper class white women reformers, seemingly confident in their own altruism and superior moral character, both called for and worked to legitimize new forms of gender-separated carceral spaces. Through the formation of committees, societies, and charitable institutions, the power and scope of gendered reform grew stronger and spread farther. Looking back to the complex histories of gendered prison reform in Great Britain allows for a deeper understanding of its influence and impact on US carceral spaces.

In this chapter, I begin by providing historical context and background information on the history of Victorian era women's prisons and reformatories in Great Britain, beginning in the early 1800s. The next several sections break down and analyze different examples of British Victorian constructions of criminality and reform, including: religion and benevolence; the feminization of labor and anxieties around idleness; the enforcement of domesticity through marriage and motherhood; the language of criminality; and the growth and transmission of the women's prison reform movement from Britain to the US.

History and Background

The London Female Penitentiary was established in 1807 in Pentonville, London. The institution, formerly functioning as a nunnery, was opened with the intent to rehabilitate “fallen women.”⁴³ The layout of the Penitentiary consisted of a reception ward, infirmary, laundry building, and multiple wings for housing inmates. The Eleventh Annual Report of the Committee of the London Female Penitentiary, produced in 1818, recorded that over the previous year, the institution received 169 applicants and admitted 79 inmates, placed 35 out in service, restored 18 to friends, dismissed five for “irregularity of conduct,” had eight leave on their own request, sent six to parishes, had four elope, and sent three to the hospital.⁴⁴ The average age of the inmates was 19.

Available in the report is a “statement from the commencement of the Institution in 1807, to the present period, of the total number of *objects* who have applied, been received, and disposed of.”⁴⁵ In an eleven year period, the Penitentiary had 2200 applications, 645 received inmates, 6 inmates married, 21 eloped, 14 died, and 173 put out to service.⁴⁶ The employment of the inmates primarily included household work, laundry, washing, ironing, cleaning, and making child bed linen, corsets, gloves, fancy work, spun thread, and knitted objects, all of which could be sold to financially support the institution. The majority of those confined in the institution were servants and single, primarily white working class women, who were deemed an “unhappy class of individuals.”⁴⁷ As marked in the report, the Chair of the Penitentiary was Charles Grant,

⁴³ London Female Penitentiary. *The Eleventh Annual Report of the Committee of the London Female Penitentiary, &c. &c. MDCCXVIII*. Printed by H. Teape, Tower-Hill, Sold by Hatchard, Piccadilly; and Gale and Fenner, Paternoster-Row. 1818.

⁴⁴ Ibid.

⁴⁵ Ibid. Emphasis added.

⁴⁶ Ibid.

⁴⁷ Ibid.

the Patron “His Royal Highness The Prince Regent,” the President “The Right Honorable Lord Carrington,” and the matron Mrs. Hopley.⁴⁸ The vice presidents consisted of a group of Lord Bishops, Lords, Chancellors, and other men from the ruling class.

Elizabeth Gurney Fry (1780-1845) was a prominent and influential figure in the British women’s prison reform movement. Fry came from a wealthy Quaker family “with deep commitments to both religion and antislavery.”⁴⁹ In 1811, after marrying Joseph Fry, a London merchant, and having “a conversion experience,” Fry became a minister.⁵⁰ Throughout her career, Fry was a “plain Friend,” which meant that she “dressed plainly and observed her religion strictly.”⁵¹ Fry’s interest in “the poor, sick and prisoners” was sparked after she heard the American Quaker William Savery speak.⁵²

According to the “Sketch of the Origin and Results of Ladies’ Prison Associations (1827),” in 1813, Elizabeth Joseph Fry—who quickly became an English prison reformer and Christian philanthropist, also known as the “angel of prisons”—visited the Prison of Newgate.⁵³ During her visit, she discovered two wards and two cells of about 190 square yards in which 300 women were imprisoned. In this compact area, people who had not been convicted were held together with those who had, and there was little to no system of classification. According to Fry, “the atmosphere of the rooms, the ferocious manners and expressions of the women toward each other, and the abandoned conduct of all around, were wholly indescribable.”⁵⁴ In 1816, Fry

⁴⁸ Ibid.

⁴⁹ “Elizabeth Fry.” Quakers in the World. Accessed November 27, 2019.

⁵⁰ Freedman, Estelle B. *Their Sisters Keepers: Women’s Prison Reform in America ; 1830-1930*. Ann Arbor, MI: Univ. of Michigan Press, 1989.

⁵¹ “Elizabeth Fry.” Quakers in the World. Accessed November 27, 2019.

⁵² Ibid.

⁵³ British Society of Ladies for Promoting the Reformation of Female Prisoners. *Sketch of the Origin and Results of Ladies’ Prison Associations : With Hints for the Formation of Local Associations*. J. And A. Arch, 1827. JSTOR. Accessed 15 Sept. 2019.

⁵⁴ Ibid.

began to make frequent visits to the prison, where she again found “many women playing at cards—others reading improper books; others again begging at the grating and fighting for the money; in short, that vice, and its attendant—misery, were still triumphant throughout the gaol” .

⁵⁵ Many of the inmates appeared to be suffering in “bodily health,” and lacked proper food, clothing, and exercise.

After speaking with the inmates, whom she referred to as “wretched beings,” Fry and her companions began to organize a “Female Committee,” and pushed for the hiring of a matron inside the prison. Shortly after, a school-room was obtained, in which the “Ladies Committee” and the convicted prisoners gathered to learn about sobriety and industry, “the pleasure and profit of doing right, and the happiness and peace of a life devoted to religion and virtue.”⁵⁶ Over the next few years, Fry and the “Ladies Committee,” later known as the British Society for Promoting the Reformation of Female Prisoners, continued to visit Newgate prison, as well as others across the country, pushing for reforms in the treatment and training of inmates.

In 1822, the Committee of the British Society for Promoting the Reformation of Female Prisoners produced its first report concerning “the situation of female convicts” to the subscribers and friends of the British Society. The first annual meeting was held in May in the “Friends’ Meeting House” in London. At the time of the report there were roughly 80-100 women in the penitentiary, including some children.⁵⁷ Unlike the London Female Penitentiary, this society was primarily composed of white women. The Patroness of the Committee was the Duchess of Gloucester, and one of the treasurers (and founders) was Elizabeth Joseph Fry. The

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ British Society of Ladies for Promoting the Reformation of Female Prisoners. *The First Report of the Committee of the British Society for Promoting the Reformation of Female Prisoners*. Printed by William Belch, 1, Staverton Row, Newington Butts, 1822.

members of the committee visited prisons throughout the region, and conversed with other “foreign Ladies” groups who were “pursuing similar means for rendering places of confinement, schools of industry and reformation to acknowledge the same kindness from their respective governments.”⁵⁸

In a letter from the Chaplain of a colony in New South Wales to the British Society for Promoting the Reformation of Female Prisoners from February 21, 1821, it was noted that “a house of accommodation is at length provided for the female convicts, and is opened this day.”⁵⁹ In his letter, the Chaplain wrote that he “consider[ed] the foundation stone laid this morning, for honor, happiness, and religion, to build upon.”⁶⁰ “Female convicts” were subsequently admitted into the New Penitentiary for “moral improvement,” as to no longer be “compelled to live in such scenes of human misery and vice as they have hitherto done.”⁶¹ Inmates in the penitentiary were taught industrious skills, including needlework and laundry. Each person confined was given a copy of the Bible, along with some religious instruction. Another letter included in the report, published by Thomas Reid, the Surgeon Superintendent of a convict ship, documented the presence of women on the ship. These inmates were watched over by Mrs. Governor Macquaire.

At around the same time in Liverpool, a “female turnkey” (a keeper of keys in a prison, or prison guard) was appointed—an action which the British Society hoped would be followed by the governors of “all prisons where women were confined.”⁶² Constant employment was also made a regulation of the Liverpool prison, producing “quietude, good order, and that subdued appearance which furnishes hope of gradual amendment, but tends to lessen the number of

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

committals, by operating as a terror to the most idle and profligate offenders.”⁶³ In the Borough Compter, where only one “female misdemeanant” was confined at the time, a machine for cutting flax was introduced with which the inmates would work. Upon leaving these prisons and reformatories, while some married or eloped, many of the inmates were brought into families as servants.

In the next section, I look more closely at the frameworks of criminality and reform rooted in the constructed benevolence and femininity of privileged, white, bourgeois and aristocratic women, such as Elizabeth Fry. It is important to underscore how these figures were instrumental in the ideologies of religiosity and benevolence that emerged during the Victorian era and flowed into and influenced the contemporary period. The construction of benevolence as inherently feminine created an ideology that justified the matronizing and even violent practices of women’s prison reform in both Britain and the US.

British Victorian Constructions of Criminality and Reform

Reform’s Roots in Religion and Benevolence

As the previous section suggests, white women reformers from aristocratic and dominant class backgrounds were intent on underscoring a certain kind of constructed benevolence and femininity, fundamentally connected to notions of religious virtue. Women reformers in the Victorian era strove to both engage and be associated with religious and feminine virtues. Their work therefore centered elements of truth, purity, religious text, and even godliness.

⁶³ Ibid.

I begin this discussion by looking closely at the important figure of reformer Elizabeth Fry. In her 1852 book, *Visits to Prisoners At Home and Abroad*, Matilda Wrench outlined the story of Elizabeth Fry, and how she began to promote reform and engage in committee work.

Wrench wrote:

It was surely a manifestation of God's will in his providence, that, having raised up such a woman as Elizabeth Fry to begin the work of female prison-reform in England, so many hearts should have been stirred in unison in the different nations of the earth at the same period. That she who was the first to give the impulse, was born in a land of Scriptural light and knowledge, and had herself drank deeply of the Gospel spirit of love and wisdom, was the means under God of establishing it everywhere on the firm basis of Scriptural truth.⁶⁴

Dramatically upholding Elizabeth Fry as a savior figure and sole leader of “female prison reform” not only painted all of her actions as altruistic and moral—and therefore indisputable—but also established the reform movement as inevitable. Wrench describes the upbringing and work of Fry as a “manifestation of God's will in his providence,” solidifying all the subsequent institutional and carceral change as not only necessary, but in direct alignment with the will of God.⁶⁵ The text's focus on Fry's religious training, having “herself drank deeply of the Gospel spirit of love and wisdom,” imparts a high level of credibility to Fry's ideas. Through this description, Wrench positions Fry as devoted, knowledgeable, and compassionate. There being no discussion of her specific motivations or connections to prison reform, the reader is left with the assumption that Fry's dedication and action—and those with whom she worked—were born solely from a place of innate and unfaltering benevolence.

⁶⁴ Wrench, Matilda, d. 1866, and England) British Ladies' Society for Promoting the Reformation of Female Prisoners (London. *Visits to Female Prisoners At Home And Abroad*. London: Wertheim and Macintosh, 1852. The Society was formed by Elizabeth Fry in 1817, of which Matilda Wrench was a member.

⁶⁵ *Ibid*.

Praise for benevolent people (essentially benevolent white women) and actions appears consistently throughout early records on British reformatories and prisons, manifesting in descriptions of charity, sympathy and compassion. However, exemplified in the analysis of these records, these actions and ideologies were deeply maternalizing. In the report of the London Female Penitentiary, it is stated that, “to the benevolent mind there are perhaps few objects that call forth into exercise its feelings with greater sympathy, than the unhappy class of individuals for whose benefit the London Female Penitentiary is established.”⁶⁶ The rhetoric and guise of benevolence not only uplifted reformers to levels of purity and godliness, but simultaneously denigrated people in prisons and jails to an even lower social and classed status. The board members of the penitentiary and the committees of reformers presented themselves as the only people willing to help people in prisons, and their sole hope of survival and salvation. For example, a passage in the “Sketch of the Origin and Results of Ladies’ Prison Associations” notes that:

A continued intercourse with these wretched beings however, the feeling they had shewn as mothers, and the conviction that the grace of God is open to all who really seek it, disposed Mrs. Fry and her companions to persevere, and they determined, if a Female Committee could be obtained to share their labor, and a Matron be appointed to remain night and day in the prison, they would at least make the experiment.⁶⁷

The continued language of “wretchedness” used to describe inmates further exposes the reformers’ bias and class positions, as they viewed themselves as morally and socially superior.

The examples of perseverance presented in this description are solely applicable to the reformers.

⁶⁶ London Female Penitentiary. *The Eleventh Annual Report of the Committee of the London Female Penitentiary, &c. &c. MDCCXVIII*. Printed by H. Teape, Tower-Hill, Sold by Hatchard, Piccadilly; and Gale and Fenner, Paternoster-Row. 1818.

⁶⁷ British Society of Ladies for Promoting the Reformation of Female Prisoners. *Sketch of the Origin and Results of Ladies’ Prison Associations : With Hints for the Formation of Local Associations*. J. And A. Arch, 1827. JSTOR. Accessed 15 Sept. 2019.

The struggles, experiences, ideas, and even needs of the inmates are effectively erased. By focusing on the actions and trials of the benevolent reformers, at the expense of those they were claiming to help, this rhetoric reflects the silencing of people held inside prisons and jails that is still prevalent in modern US women's prisons. In order to disentangle the realities and diversities of prisoners' experiences, it is critical to acknowledge and analyze whatever glimpses of prisoner agency are enveloped in the archival histories of women's prisons.

Reformers also heavily promoted religious values and virtues in these early institutions, through teaching scriptures, giving out bibles, and missionary and conversion work. According to the records of the British Society for Promoting the Reformation of Female Prisoners:

A foundation of morality and religion, may be laid in the minds of the convicts who are transported to this colony, upon which their children may build their happiness; and generations yet unborn, may by this means be conducted into the paths of virtue, and render this rising empire a blessing to all the heathen natives within its influence. I know numbers here who have become good wives and mothers.⁶⁸

This passage effectively exposes the underlying motivations of the British Society in instituting gender specific reform within carceral spaces. In this instance, the "female prisoners" were considered the most malleable, and their conversions the most efficient means of promoting Christianity. As the society mentions, by instilling their beliefs in the minds of the convicts, they could subsequently and easily expand their reach to future generations.

Significantly, Christianity was blatantly referred to as a "rising empire," seeking to "bless" and "influence" the "heathen natives." Referencing imperialist and racist religious ideology, this conflation of criminality with heathenism was critical to Victorian constructions of

⁶⁸ British Society of Ladies for Promoting the Reformation of Female Prisoners. *The First Report of the Committee of the British Society for Promoting the Reformation of Female Prisoners*. Printed by William Belch, 1, Staverton Row, Newington Butts, 1822.

criminality; anyone who did not subscribe to Christianity could be in danger of criminalization and institutionalization.

Within this framework, temptation and desperation were viewed as both sin and crime. In the London Female Penitentiary Records, the authors proclaimed, “into what an abyss of woe is the deserted female plunged, and to what a fearful state of misery does her frantic mind not unfrequently impel her in the moment of desperation!”⁶⁹ This rhetoric evokes a gendered stereotype of a “frantic female mind” susceptible to temptation and sin. This portrayal—commonly utilized in the Victorian period—reinforced suggestions that women were fundamentally erratic, irrational, and even hysterical. Within this line of logic, admittance to a penitentiary, prison, or colony became the most effective solution for providing structure, safety and guidance, with religious training to undo any perceived association with sin—including drunkenness, theft or larceny, disorderly conduct, or sex work. The members of the penitentiary went on to state that it was their “highest privilege to direct sinners to Him.”⁷⁰ The seemingly benevolent interventions prompted by the British Society, the Female Penitentiary, and other similar groups and organizations not only promoted religious conversion as a means of transcending criminality, but they also used these teachings to confine people to strict and gendered roles within the personal and public spheres of family and labor.

⁶⁹ London Female Penitentiary. *The Eleventh Annual Report of the Committee of the London Female Penitentiary, &c. &c. MDCCXVIII*. Printed by H. Teape, Tower-Hill, Sold by Hatchard, Piccadilly; and Gale and Fenner, Paternoster-Row. 1818

⁷⁰ *Ibid.*

Anxieties Around Licentiousness, Promiscuity, Morality and Sexuality

In conjunction with the religiosity of the women reformers, and the disciplines and structures placed upon the inmates, came a hyper attention to the boundaries of promiscuity and morality.

In Wrench's report of a prison visit to Newgate, she noted, "Many of these gentlemen had known Newgate before, and had witnessed scenes exhibiting perhaps the extreme of guilt and misery; they now found riot, licentiousness and filth exchanged for order, sobriety, and cleanliness."⁷¹

This rhetoric created a binary between promiscuity and morality that criminalized sexuality, the voicing of discontent, and non-normative appearance and presentation; this same logic was also widely used in the criminalization of prostitution and sex work, both in the early Victorian era, and, later, in the American women's prison movement. The prison administration co-opted the word "riot," typically associated with injustice and discontent, into a scene of "guilt and misery." This deflected blame away from the institution and increased their conceived necessity for control and forced silence. The distinction between filth and cleanliness alludes to another means of feminizing inmates, through the reinforcement of the feminine values of cleanliness and beauty with mandatory grooming and uniforming—practices which are discussed in subsequent sections.

In an 1826 report from a jail in Edinburgh, Scotland, included in Wrench's book, visitors to the jail found that, "as no control was exercised over their depraved propensities, and as [the inmates] were allowed to remain in total idleness, it is easy to conceive the scenes of quarreling, intemperate language, and other licentious conduct which prevailed amongst them."⁷² In the two previous passages, and throughout a number of other reports, the language of "licentiousness" is

⁷¹ Wrench, Matilda, d. 1866, and England) British Ladies' Society for Promoting the Reformation of Female Prisoners (London. Visits to Female Prisoners At Home And Abroad. London: Wertheim and Macintosh, 1852.

⁷² Ibid.

simultaneously withholding and revealing: it obfuscates the presence of sexuality and sexual expression inside the prison, but reveals the observers' anxieties about them.

In a 1787 report from Philadelphia conducted by travelling members of the British Association, the reformers observed that in the prison:

There was no labour, no separation of tried and untried, not even of those confined for debt, neither of sex, age, nor colour; the prisoners lay promiscuously on the floor...intercourse between the prisoners and persons without was hardly restricted...the most licentious and profane...it need hardly be added that there was no attempt at religious instruction.⁷³

Even though the inmates in this example were not physically separated by gender in the Philadelphia prison, they were so in many of the British prisons and jails mentioned throughout this section. Furthermore, while inmates were not yet divided into separate gendered facilities at this time, women prisoners were still held together in their own sections and cells. The descriptions of physical proximity, idleness and promiscuity available in these reports could reveal the presence of queer relationships—whether expressly sexual or not—within the carceral walls. Labeling people and actions as licentious created a practice of “talking around” the subject of queerness, potentially resulting from a lack of understanding and language, or a fear of deviant and immoral behaviors. As Regina Kunzel argues in *Criminal Intimacy*, “while [early 19th century] prison officials had a robust vocabulary at their disposal to articulate alarm about the corrupting contact between male and female prisoners, the linguistic conventions of the day were markedly limited when it came to identifying and condemning sex between women.”⁷⁴ Kunzel points to an “unnamability” and “refusal of specificity” when it came to discussing and documenting the presence of queer sex and relationships in prisons—reflecting the general social

⁷³ Ibid.

⁷⁴ Kunzel, Regina G. *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality*. Chicago, IL: The University of Chicago Press, 2010.

attitudes towards homosexuality as “unutterable abominations, unspeakable acts, and unmentionable vices.”⁷⁵

While the descriptions are too vague or euphemistic for complete knowledge of the relationships to which they allude, it is possible to engage with an analysis of queerness and its criminalization from them nonetheless. During the Victorian period, reformers and prison administrators concerned themselves primarily with maintaining order. Queerness was defined as not only outside of heteronormativity, but also as excess and disorder; it spilled over and out of all boundaries, including those of bodily regulation.

Queerness within this context was not necessarily confined to sex and sexual relationships, but included the erotic and the intimate. Audre Lorde, in the “Uses of the Erotic,” defines the erotic as:

A resource within each of us that lies in a deeply female and spiritual plane, firmly rooted in the power of our unexpressed or unrecognized feeling. In order to perpetuate itself, every oppression must corrupt or distort those various sources of power within the culture of the oppressed that can provide energy for change. For women, this has meant a suppression of the erotic as a considered source of power and information within our lives.⁷⁶

Administrative anxiety around intimacy (whether in sexual relationships, friendships, or in solidarity) and the erotic represented a concern with the potential of inmates rioting, unionizing or organizing against the prison structure. Lorde argues that “women so empowered [with the erotic] are dangerous.”⁷⁷ The “energy for change” referenced by Lorde as part of the power of the erotic suggests that, within the prison environment, mutual recognition of this potential for connection, solidarity, and energy could be utilized as a source of resistance against the

⁷⁵ Ibid.

⁷⁶ Lorde, Audre. *Uses of the Erotic: the Erotic as Power*. Tucson, AZ: Kore Press, 2000.

⁷⁷ Lorde, Audre. *Uses of the Erotic: the Erotic as Power*. Tucson, AZ: Kore Press, 2000.

institution. Concern with immorality, idleness and licentiousness therefore became not only a source of misrepresentation of the erotic as disorderly, but also a fear of its revolutionary potential. According to Lorde:

The erotic functions for me in several ways, and the first is in providing the power which comes from sharing deeply any pursuit with another person. The sharing of joy, whether physical, emotional, psychic, or intellectual, forms a bridge between the sharers which can be the basis for understanding much of what is not shared between them, and lessens the threat of their difference.⁷⁸

By attempting to control and discipline inmates with industrial and religious training, and isolating them from communal spaces and times of “idleness” in which the erotic, queerness, desire, joy and pleasure could potentially be recognized and expressed, reformers effectively reinforced the system of institutional oppression that they claimed to reform. However, as will be explored in forthcoming sections, even under all the layers of violence, regulation, and separation characteristic of the modern women’s prison, resistance, intimacy, and the erotic have become increasingly threatening to the very system which attempts to thwart them.

While non-normative intimacy was alluded to in these early reports, unregulated heterosexuality was also a source of concern for prison reformers and administrators. According to Elias Walker Vitulli in “Queering the Carceral: Intersecting Queer/Trans Studies and Critical Prison Studies,” “sexuality was constitutive of the modern prison, informing and determining its design, organization, architecture, modes of confining and scrutinizing prisoners, and relations between prisoners.”⁷⁹ For example, in an 1822 extract from a letter from the Chaplain of a penitentiary in New South Wales, sent to The Committee of the British Society for Promoting

⁷⁸ Lorde, Audre. *Uses of the Erotic: the Erotic as Power*. Tucson, AZ: Kore Press, 2000.

⁷⁹ Vitulli, Elias Walker. “Queering the Carceral Intersecting Queer/Trans Studies and Critical Prison Studies.” Review of *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality, Captive Genders: Trans Embodiment and the Prison Industrial Complex, Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law*. *GLQ: A JOURNAL OF LESBIAN and GAY STUDIES*, vol. 19, no. 1, 2010.

the Reformation of Female Prisoners, “the men and women are separated at night, as the men lodge in the town where they can, yet they have access to each other during the day; this evil is very great, but will be remedied in time.”⁸⁰ This letter demonstrates a moral anxiety around heterosexual relationships that has been apparent throughout the history of the prison, and used as a justification for the separation of the sexes.

Sexuality, both heterosexual and queer, played a role even in the early understandings of prison design and organization. Prisoners were originally separated based on the binary assumptions of male and female identities—the prisoners labelled as “female” were held in sections of the prison away from the “male inmates,” in order to prevent sexual relationships. Some examples include the separation of “male and female” prisoners during the night, silent rules that prohibited communication between inmates, and general anxieties about the cohabitation of inmates in close proximity to one another. The presence of queer sex and sexuality inside these supposedly sexless spaces complicated understandings of institutional structure and control. In order to better surveil and control sex and sexuality of all kinds, increases in guards, matrons, and religious teachers, increases in labor production, and the separation of inmates within individual cells were implemented—practices that would later be mirrored in American carceral institutions.

Victorian Era Criminalization of Black Women and Sex Workers

Victorian era racism and racist understandings of black women’s sexuality are critical factors in the history of women’s prisons. While not much information is present in the early British

⁸⁰ British Society of Ladies for Promoting the Reformation of Female Prisoners. *The First Report of the Committee of the British Society for Promoting the Reformation of Female Prisoners*. Printed by William Belch, 1, Staverton Row, Newington Butts, 1822.

reformatory and society reports on the demographics of the inmates, it can be inferred that many of them were white, working class, single women. However, in the late eighteenth and early nineteenth centuries, scientific racism arose as a major influencer of constructions of criminality. In Great Britain, Irish people were viewed as racially inferior, and therefore criminal. In his 1862 text, *Races of Britain*, John Beddoe, later the President of the Anthropological Institute, made the claim that the Irish and Welsh were of “Africanoid” descent.⁸¹ Poor Irish women were perceived as not only criminal, but also uncontrollable sexual—a perception connected to the sexualization of black women.

In “Black Bodies, White Bodies: Toward an Iconography of Female Sexuality in Late Nineteenth-Century Art, Medicine and Literature,” Sander L. Gilman analyzes the ways in which black women and sex workers were similarly pathologized, racialized, and hypersexualized in nineteenth century European imagination and social order. Gilman posits that, “by the eighteenth century, the sexuality of the black, both male and female, [became] an icon for deviant sexuality in general.”⁸² Gilman traces portrayals of black womens’ sexuality as deviant, to the forcible examination and exhibition of Saartjie Baartman (also known as Sarah Bartmaan or the “Hottentot Venus”) in 1810. He writes, “the ‘Hottentot Venus’ caused a public scandal in London inflamed by the issue of the abolition of slavery, since she was exhibited ‘to the public in a manner offensive to decency...the figure of Sarah Bartmann was reduced to her sexual parts.’”⁸³ Gilman argues that the physical appearance of Baartman was produced as “the central nineteenth-century icon for sexual difference between the European and the black” which

⁸¹ Wohl, Anthony. “Racism and Anti-Irish Prejudice in Victorian England.” Vassar College 4 Victorian Web: Literature, History, and Culture in the Age of Victoria.

⁸² Gilman, Sander L. “Black Bodies, White Bodies: Toward an Iconography of Female Sexuality in Late Nineteenth-Century Art, Medicine and Literature.” *Critical Inquiry* 12, no. 1 (1985): 204-42.

⁸³ Ibid.

labelled black women as “more primitive and therefore more sexually intensive.”⁸⁴ Victorian era portrayals and white supremacist logics of black women as inherently sexually deviant further justified their criminalization, incarceration, and abuse. Furthermore, these same social and institutional perceptions of black women as hypersexual and threatening to white heteronormativity/patriarchy persisted into the contemporary era, as evident in the extreme increase in the incarceration rates of black women across the US.

Gilman’s analysis also grapples with Victorian era portrayals and attitudes towards sex workers. He writes, “in the nineteenth century, the prostitute [was] perceived as the essential sexualized female. She [was] perceived as the embodiment of sexuality and of all that [was] associated with sexuality—disease as well as passion.”⁸⁵ Similar to the archives of the New York Women’s Prison Association from the early 19th century, Gilman points to a preoccupation with public health and the spread of STIs. This preoccupation revolved around attempts to eliminate STIs through “the institution of social controls...sexual control was thus well known to the late eighteenth and early nineteenth century.”⁸⁶ The prison, and in particular the women’s prison, was constructed and mass produced as a mechanism of this social and sexual control.

Additionally, Gilman discusses the ways in which black women and sex workers were pathologized in relation to one another. He writes, “the primitive is the black, and the qualities of blackness, or at least of the black female, are those of the prostitute...The perception of the prostitute in the late nineteenth century thus merged with the perception of the black.”⁸⁷ The hypersexualization of the black woman and racialization of the sex worker through this rhetoric

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid.

contributed to carceral logics that positioned both as threats to social order, productivity, and normative reproduction. As will be further discussed in chapters 2 and 3, prison reformers viewed sex work as a threat to the nuclear, heterosexual, middle class, white family—as they feared that men would succumb to the “temptations” and sexuality of the sex worker and become corrupted. In his article, Gilman also analyzes anxieties surrounding interracial sexual relationships, pointing to social fears and rejections of mixed race children—also considered, along with other children of color, to be deviant and delinquent in the logics of Victorian racism and primarily white, bourgeois women prison reformers.

Gilman’s “Black Bodies, White Bodies” also focuses on gynecological (mal)practices of examination and pathologization in regards to race and sexuality. Gilman writes:

Theodor Billroth’s standard handbook of gynecology, a detailed presentation of the ‘Hottentot apron’ is part of the discussion of errors in development of the female genitalia. By 1877 it was a commonplace that the Hottentot’s anomalous sexual form was similar to other errors in the development of the labia. The author of this section links this malformation with the overdevelopment of the clitoris, which he sees as leading to those ‘excesses’ which ‘are called ‘lesbian love.’’ The concupiscence of the black is thus associated also with the sexuality of the lesbian.⁸⁸

Not only does this handbook reproduce constructions of body normativity tied to femininity and whiteness, but this logic also demonstrates the social classification of queerness as “excess.” Billroth’s handbook defined and linked understandings of “excess” between non-normative bodies and non-normative sexualities. This equation of blackness and lesbianism created repercussions within the US prison system (to be discussed in the next chapter), both in the targeted criminalization of queer black women, and in portrayals of queer black women as threats to the stability and purity of white heterosexual women. The Victorian era

⁸⁸ Ibid.

hypersexualization and pathologization of black women and sex workers produced the twisted logics that justified their criminalization.

The lack of individualization and demographic details provided by the archival prison reports mentioned throughout this chapter, presents a universalized image of the people kept in “women’s sections” of prisons, jails and the “Female Reformatory.” While every board member of the society and reformatory are named at the beginnings of these reports, those held within the walls of the institutions are reduced to numbers and anonymous examples, creating a dangerous erasure of individuality and identity.

The Criminalization of “Cognitive Disability”

Racialized and gendered constructions of criminality intersected with the criminalization of what Anna Stubblefield refers to as the social construction of cognitive disabilities.⁸⁹ The gendered, racialized, and sexualized hierarchization of people as “feeble-minded,” “idiotic” and “moronic” developed in Europe as a eugenicist process of institutionalizing and eliminating groups of people deemed inferior under white supremacy. “Feeble-mindedness” emerged as a part of a ranking system of “mental deficiency” developed by Sir Charles Trevelyan in the 1870s, coinciding with the rise of eugenics. “By the end of the century, this term became enormously important to the eugenics movement as a catch-all diagnostic label for those considered less socially productive. Eugenicists argued that feeble-mindedness was an inherited condition that could be eliminated by preventing this group from reproducing.”⁹⁰ Feeble-mindedness also redefined the boundaries of mental disability to include standards of “social and sexual

⁸⁹ Stubblefield, Anna. “‘Beyond the Pale’: Tainted Whiteness, Cognitive Disability, and Eugenic Sterilization.” *Hypatia* 22, no. 2 (2007): 162–81.

⁹⁰ “Feeble-Mindedness.” The Eugenics Archives. Accessed November 27, 2019.

behavior.”⁹¹ Governmental responses to eugenesisist constructions of feeble-mindedness, and its perceived connections to social and sexual non-normativity, mainly included forced institutionalization.

Furthermore, according to Stubblefield, “By the early twentieth century...the racialized understanding of cognitive ability was used to signify not only the difference between white and nonwhite people but also the difference between pure and tainted whites. Tainted whites were ‘off-white’ (of Eastern European, Mediterranean, or Irish rather than Anglo-Saxon or Nordic descent), poor, or lacking civilization-building skills.”⁹² The logic of eugenics, in connection with feeble-mindedness, sexual deviance, and poverty, exacerbated white supremacist fears of non-normativity, resulting in the further criminalization of people based on their proximity to whiteness.

Ordering Labor: The Fear of Idleness and Forced Feminization

Idleness and leisure time inside carceral spaces were viewed by reformers as sources of evil and causes of continued crime and recidivism. Coinciding with the strict religious and gendered expectations placed on those held in “women’s sections” and reformatories, was the introduction of feminized labor. According to the “Sketch of the Origin and Results of Ladies’ Prison Associations,” when Elizabeth Fry first visited the Newgate prison, she found no work programs or “acceptable” means for passing the time. The report reads:

It soon became evident that this was the most serious evil and predisposing cause of every vice; the habits of those individuals who were disposed to idleness, became confirmed, and the industrious were soon contaminated; there was nothing good appointed to be done, and the mind therefore turned naturally to that which was bad:

⁹¹ Ibid.

⁹² Stubblefield, Anna. “‘Beyond the Pale’: Tainted Whiteness, Cognitive Disability, and Eugenic Sterilization.” *Hypatia* 22, no. 2 (2007): 162–81.

many who entered Newgate comparatively innocent, left it depraved and profligate, and whilst society, in theory, appeared to be punishing individuals for past offences, they were in fact not only providing leisure and opportunity to learn, but even masters to teach, the mode of committing more extensive and injurious crimes.⁹³

Defining idleness as the “most serious evil and predisposing cause of every vice” not only drew attention away from the actual, structural and systemic causes of crime, but also positioned prison labor as the obvious solution. This Victorian view of idleness “as evil and sinful” continues to underpin the enduring modern myths about “laziness” and its connections to poverty and criminality. “Laziness” has also acted as an essential classist construction of working class and colonial people. The replacement of idleness and leisure time with (gendered) labor and production in early British reformatories and prisons helped provide the framework and rhetoric that led to modern prison labor injustices.

The populations of early British reformatories and prisons were heavily defined by class. In the records of the London Female Penitentiary, it is written that “by far the greater number of these were servants, who had fallen into a sinful course arising from the temptations to which this comparatively defenceless class of the community are but too generally exposed...The unsuspecting servant but too frequently becomes the wretched victim of her own credulity, and of the most atrocious deception and villainy.”⁹⁴ Not only does this patronizing description denigrate people to a “defenceless class” and “wretched victims,” it glosses over the reasons for arrest. The penitentiary report includes in its records a number of examples of “reformation,” in which inmates were released as servants to wealthy families. In a letter to the reformatory, the

⁹³ British Society of Ladies for Promoting the Reformation of Female Prisoners. *Sketch of the Origin and Results of Ladies' Prison Associations : With Hints for the Formation of Local Associations*. J. And A. Arch, 1827. JSTOR. Accessed 15 Sept. 2019.

⁹⁴ London Female Penitentiary. *The Eleventh Annual Report of the Committee of the London Female Penitentiary, &c. &c. MDCCXVIII*. Printed by H. Teape, Tower-Hill, Sold by Hatchard, Piccadilly; and Gale and Fenner, Paternoster-Row. 1818.

author, W.B., wrote, “the servant we had from the Penitentiary has answered our expectation, and even beyond, and conducts herself with great propriety.”⁹⁵ In another case, “one young woman, who was a prisoner in one of the remote counties, [had] been living nine months in the family of a clergyman in the metropolis, where she [was] deemed an honest and well-disposed servant.”⁹⁶ As evident through these examples, the Penitentiary quickly became a space of reforming and producing more obedient and “well-disposed” servants.

Coinciding with the growth of industrialization, the specified occupational trainings provided inside prisons were geared towards producing higher levels of disciplined labor and efficiency. As people entered and exited the institution as servants or industrial workers, the reformatory very powerfully and effectively maintained class boundaries. The carceral space acted as a means of creating productive bodies that could be accessed and utilized by members of the upper and ruling class.

With the intervention of reformers in British institutions came the feminization of labor, behavior and appearance. Included in the records from the British Society for the Reformation of Female Prisoners is a letter from the Princess Mestchersky from St. Petersburg, from November of 1921, in which the Princess wrote:

Order, cleanliness, submission and labour, are introduced into all the four prisons which are under our inspection. Every morning on rising, the women are obliged to wash their hands and face and comb their hair; they are all dressed in the same manner, and wear white caps similar to what are worn by chamber-maids, the matron reads prayers to them every morning, and afterwards each one prays apart for herself; they then betake themselves to their respective occupations, and the most perfect tranquility throughout the rooms; they are not permitted to speak in a high tone of voice, not in an unbecoming manner; nor are they permitted to sing improper songs, or speak about unbecoming things.⁹⁷

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Wrench, Matilda, d. 1866, and England) British Ladies' Society for Promoting the Reformation of Female Prisoners (London. Visits to Female Prisoners At Home And Abroad. London: Wertheim and Macintosh, 1852.

According to this account, the day began with an “obliged” focus on cleanliness and beauty, followed by the implementation of uniformity and religious devotion. Labor typically included sewing clothing and bedding, doing laundry, cleaning, and other household duties. The limited opportunities and training for occupations outside of these categories defined the types of labor acceptable for inmates in women’s institutions.

Additionally, the regulation of tone and speech was a precursor of the full-on “silent rules” that were later implemented in reformatories and prisons in the US. The suppression of song and conversation, out of a fear of “improper” and “unbecoming” content, combined with the rigidity of all other aspects of life and labor inside the institution, represent early manifestations of forced feminization inside carceral spaces—historical practices that have produced repercussions in today’s women’s prisons.

According to Elias Vitulli in a review of “Out of Compliance: Masculine-Identified People in Women’s Prisons,”:

Lori Girshick explains that prisons are highly gendered spaces that mirror a hyper expression of traditional gender roles...Prisons also enforce gender conformity. For example, Girshick’s masculine-identified informants describe how the women’s prison in which they are housed provides clothing that is feminine in its cut and also requires its prisoners to wear panties (and considers boxers to be contraband). One of her informants, Cookie, calls this ‘forced feminization.’⁹⁸

“Forced feminization” is woven throughout the history of women’s prisons, both in Europe and the US. It is evident in the very separation and categorization of incarcerated people based on the male-female binary, and the gendered roles that were billed as “natural” and normal in

⁹⁸ Vitulli, Elias Walker. “Queering the Carceral Intersecting Queer/Trans Studies and Critical Prison Studies.” Review of *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality, Captive Genders: Trans Embodiment and the Prison Industrial Complex, Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law*. *GLQ: A JOURNAL OF LESBIAN and GAY STUDIES*, vol. 19, no. 1, 2010.

connection to that separation. As evident in Girshick's analysis, forced feminization—largely in response to the fear of idleness—remains a method of repression within the modern women's prison.

Enforcing Domesticity: Marriageability and Motherhood

Marriage prospects and preparation for motherhood represent two more essential pillars of the mission of domesticity in benevolent reform. According to the eleventh annual London Female Penitentiary documents, "The Committee have the pleasure to announce that within the last year no less than five certificates of marriage have been left with your matron."⁹⁹ Marriage was considered a great success for those who left the reformatory, not only for the married individual, but for the institution—it represented a sign of their ability to rehabilitate "fallen women" into proper wives and mothers. The pressure and allure of marriage also represented a means for disciplining and controlling sexuality—most explicitly heterosexuality. As those confined in the reformatory were deemed promiscuous and licentious, and were separated into men's and women's units for fear of sexual interactions, releasing people and seeing them enter into monogamous, official, heterosexual relationships marked a cause for celebration.

Members of the British Society and reform movements also sought to spread religious values and morality through the familial connections of marriage and motherhood. According to the notes of the British Society, "if we can improve the moral habits of the women, they will aid in improving the men."¹⁰⁰ Returning to the earlier religious arguments for the importance of

⁹⁹ London Female Penitentiary. *The Eleventh Annual Report of the Committee of the London Female Penitentiary, &c. &c. MDCCXVIII*. Printed by H. Teape, Tower-Hill, Sold by Hatchard, Piccadilly; and Gale and Fenner, Paternoster-Row. 1818.

¹⁰⁰ Wrench, Matilda, d. 1866, and England) British Ladies' Society for Promoting the Reformation of Female Prisoners (London). *Visits to Female Prisoners At Home And Abroad*. London: Wertheim and Macintosh, 1852.

crafting decent and moral mothers, improving the “moral habits of women” had the potential for influencing not only spouses, but future generations.

In another letter from the Marchioness Colbert de Baroll from 1821, regarding people released from the reformatory, it was suggested that “there is great advantage in scattering them, it is then much easier to hide their former conduct, which is important, as men do not look upon repentance with the same eye as Divine Mercy; sighs and tears have not the power here below to wipe away all sins.”¹⁰¹ This rhetoric perpetuated a distinction between those who had and had not been incarcerated. While the reformatories and societies claimed to restore people to previous or better versions of themselves, the implication of shame and the need to hide “former conduct” maintained the social and class levels between the reformers and the “reformed.” These anxieties based on the negative association with previous incarceration foreshadowed the discriminatory treatment of formerly incarcerated people in the contemporary era. This distinction also furthered notions of the inherent superiority of white women reformers—reformed or rehabilitated “fallen women” could supposedly never reach their levels of idealized, pure, unattainable womanhood.

The Language of Criminality and Benevolence and the Growth of the Women’s Prison Reform Movement

The language used throughout the records of the early British reform societies and penitentiaries created a binary between the women reformers and those whom they were attempting to reform—language and rhetoric that directly influenced early American reformers. Throughout the records, people held in prisons and reformatories were referred to as “depraved and polluted

¹⁰¹ Ibid.

creatures,” “an unhappy class of individuals,” “miserable outcasts,” “guilty creatures,” and those who “compromised the dignity of the female character.” Upon reform, they were referred to as either “pious mothers,” or “honest and well-disposed servants.” In comparison with the descriptions of morality, virtue, benevolence and godliness that were associated with Elizabeth Fry and her fellow reformers, the language used to describe the prisoners was startlingly harsh.

In addition to the language of Victorian criminality and benevolence, the assumptions and principles of reform initiated by Elizabeth Fry and other European reformers had a significant impact on the construction of women’s prisons in the US. According to Estelle Freedman in her book *Their Sisters’ Keepers: Women’s Prison Reform in America, 1830-1930*, two assumptions that were critical for the foundation of American women’s prison reform were that “women constituted a special category of prisoners...[and] women more than men had a responsibility to come to their aid.”¹⁰² These beliefs were reinforced by the language of differentiation between reformers and reformed, and constitutive of the forthcoming movement towards gender responsive justice and feminist approaches to criminality. Freedman quotes Susan Barney, when she writes, “when Elizabeth Fry, in 1815, rapped at the prison doors in England, she not only summoned the turnkey, but sounded a call to women in other lands to enter upon a most Christlike mission.”¹⁰³ In Elizabeth Fry’s 1827 treatise, *Observations in Visiting, Superintendence and Government of Female Prisoners*, she outlined many of the principles that would later inspire the American women’s prison reform movement:

[Fry] argued that female prisoners could be reformed, elaborated on the methods for doing so, and emphasized women’s responsibility to come to the aid of their fallen sisters. Combining the themes of sisterhood and female superiority, Fry wrote, “May the attention of *women* be more and more directed to these labors of love; and may the time

¹⁰² Freedman, Estelle B. *Their Sisters’ Keepers: Women’s Prison Reform in America ; 1830-1930*. Univ. of Michigan Press, 1989.

¹⁰³ *Ibid.*

quickly arrive, when there shall not exist, in this realm, a single public institution [where women]...shall not enjoy the *efficacious superintendence* of the pious and benevolent of THEIR OWN SEX!¹⁰⁴

Fry's writing and rhetoric reached the US in the late 1820s through the publication of her book, as well as through newspaper and travelers' accounts. Her emphasis on sisterhood, while meant to inspire other women to join in the cause of helping incarcerated people, is ironic, as the earlier mentions of language demonstrate that the reformers' perceived "female superiority" applies not only to the male prison administrators, but also to the prisoners themselves. The call to action delivered by Fry and other Victorian era reformers, imbued with religious rhetoric, gendered and racialized ideologies, and a fear of unregulated sexuality, was quickly taken up by American reformers. According to Srivastava, "the turn-of-the-century moral reform movement in North America, closely linked to first-wave feminism, echoed these constructions of femininity and gendered morality. By rescuing or studying immigrant, 'feeble-minded' or poor women, middle-class Anglo-Saxon Protestant women thereby emphasized their own supposed benevolence, superiority, and innocence."¹⁰⁵ The rhetoric of rescue was foundational to the guise of benevolence in both Victorian Britain and America, as well as the ideologies that defined poverty, crime, and criminality as individual choices, rather than results of systemic injustice and oppression. These principles and frameworks, demonstrated by early British reformatories and prisons, along with their understandings and constructions of criminality, were crucial to the development of the modern US women's prison, as can be demonstrated in the cases of New York and Washington State.

¹⁰⁴ Ibid.

¹⁰⁵ Srivastava, Sarita. "'You're Calling Me a Racist?': The Moral and Emotional Regulation of Antiracism and Feminism." *Signs: Journal of Women in Culture and Society* 31, no. 1 (2005): 29–62.

Chapter 2:

“The Abandoned Daughter, the Ruined Sister, the Degraded Wife, and the Guilty Mother”¹⁰⁶

Victorian Era Carceral Constructs in New York and Washington States (1817-1930)

Some of the earliest US women’s prisons were constructed in New York State in the early 1800s. Therefore, this chapter begins with an examination of the women’s prison movement in New York, in order to contextualize and understand the emergence of Victorian constructions of criminality in the US. The missionary practices and motivations of white women reformers in New York that initiated the reform movement and construction of separate women’s prisons were inspired by the work and writing of Elizabeth Fry.¹⁰⁷ Continuing into the late 19th century, American reformers were increasingly interested in the British practice of separate women’s institutions. According to Freedman, “as early as 1865 the Massachusetts Board of State Charities reported favorably on separation and the merit system for women in England,” and in 1872 several American reformers attended the first International Penitentiary Congress in London to discuss “women’s work” and the “principle of separate female institutions.”¹⁰⁸

With the British reformatory as a model, three main principles began to guide the US women’s prison reformers’ work in the mid-to-late 1800s: “the separation of women prisoners from men; the provision of differential feminine care; and control over women’s prisons by female staff and management.”¹⁰⁹ Theories about women’s criminality were also developing

¹⁰⁶ Magdalen Female Benevolent Society. “Missionary Labors Through a Series of Years Among Fallen Women.” New York, 1870.

¹⁰⁷ Freedman, Estelle B. *Their Sisters Keepers: Women’s Prison Reform in America ; 1830-1930*. Ann Arbor, MI: Univ. of Michigan Press, 1989.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

throughout the late 19th century. Between 1860 and 1890, a more “sympathetic portrait of female criminals” began to develop in the US through an increase in “fictional sympathy for the fallen and interest in their rehabilitation.”¹¹⁰ Within these narratives—including ones produced by Rebecca Harding Davis, Elizabeth Stuart Phelps, Bayard Taylor, and Elizabeth Beecher Stowe—fictionalized “fallen women” were often rescued by other (primarily white) women, who helped them “find Christian redemption and an honest means of support.”¹¹¹ As demonstrated throughout the rest of this chapter, these principles and theories legitimized benevolent reformism and justified the construction of the modern US women’s prison.

This chapter also analyzes the progression of the women’s prison movement across the US. The movement towards women’s prisons did not gain momentum in Washington State and other west coast states until the mid-to-late 1900s. While Washington did have a women’s reformatory for a few years in the early 1920s, the state’s first official women’s prison was not built until 1971. As there are very few published texts discussing the history of women’s prisons in Washington State, I believe it is important to analyze and understand this history, in order to combat the erasure of people incarcerated in reformatories, jails, and substandard sections of state prisons prior to the construction of the Washington Corrections Center for Women (WCCW), while also challenging the institution’s foundation and existence.

Washington’s first official women’s prison, the Washington Corrections Center for Women, was established in 1971 in the city of Gig Harbor. Like many other states, Washington held (primarily white working class or poor) women prisoners in random, often makeshift and substandard sections of state prisons prior to the construction of the Corrections Center. Before

¹¹⁰ Ibid.

¹¹¹ Ibid.

the 1960's and 70s, women represented a small percentage of the prison population, and were thus deemed unworthy of separate facilities and access to special programs or equipment. They were sometimes held in second story rooms of administrative buildings, or other small annexes throughout the existing prisons and jails. Occasionally, the inmates were supervised by the warden's wife or a hired matron, but they were often left alone and vulnerable to abuses and harassment from male staff and fellow prisoners. Many states, including Washington, established women's reformatories in the 1920s that preceded official women's prisons. However, due to lack of funding, the experiment failed in Washington.

I begin this chapter with two historical overview and background sections on the dates of construction and locations of women's prisons and reformatories in New York State and Washington State, providing context on the various facilities, groups, and individuals I reference throughout the chapter.

Next, I discuss the roles of religion, benevolence, and constructions of innocence in the New York women's prison reform movement. Using Sarita Srivastava's text, "You're calling me a racist?" I analyze the ways in which the rhetorical strategies and actions of the New York Women's Prison Association mirrored British reformers' constructions of themselves as models of morality and white womanhood.

The next two sections, "The Criminalization of Indigenous Women in Washington State" and "Racialization and Segregation in New York Women's Carceral Institutions," focus on manifestations of racism and racialization in both New York and Washington State carceral spaces. I focus specifically on the criminalization of Indigenous womanhood in Washington, and

segregation, narratives of delinquency, and examples of violent and differential treatment of white inmates and inmates of color in New York institutions.

The next two sections, “Feminizing Power” and “Promoting Feminine Qualities and Care,” analyze the feminization of power and the promotion of feminine qualities and care within New York institutions. I explore the changing working conditions of New York police women, parole officers, and matrons, and also the appointment of more (primarily white) women to positions of power within prison administrations and board rooms.

The following three sections, “Domesticating and Profiting From the Working Body,” “Feminization and Labor” and “Suppression of Labor Organizing and Sexual Abuse,” explore the domestication, feminization, and exploitation of labor inside women’s prisons. I also look at the use of the prison as a means of suppressing labor organization and unionizing, with examples provided from both states.

Next, in a section on “Public Health,” I discuss conceptions and anxieties surrounding health, sex work, and STIs, drawing comparisons between public health and prison health conditions in New York and Washington State.

The following section analyzes carceral discourses on delinquency, deviancy, and disability, exposing the ways in which ableism has been integral in the history of mass incarceration. In “Carceral Discourse on Delinquency, Deviancy, and Disability,” I provide a close reading of passages from the WPA archives in comparison with secondary sources from Anna Stubblefield and Laura Appleman focusing on the language of “feble-mindedness” and the racialization and gendering of disability and delinquency within the carceral environment.

The next section, “Sexuality and the Structuring of Women’s Prisons and Reformatories,” explores the effects of Victorian era constructions and discussions of sexuality in early 19th century Washington and New York reformatories and women’s prisons, followed by a discussion of carceral aesthetics and architecture.

The final section, “Violence in Early New York Women’s Prisons,” begins to analyze the presence and role of violence in historical and early US women’s prisons.

History and Background on New York Carceral Institutions

Prior to the construction of gendered institutions in New York state, (primarily black) women inmates were held in sections of state prisons and kept in inadequate, unsanitary, overcrowded, and violent conditions. In 1817, Auburn Prison opened in New York as the first Bastille-like penitentiary.¹¹² Conditions within the penitentiary were similar to those at the Bellevue Penitentiary in NYC, in which prisoners spent days in a common room sewing and washing clothing, with limited food, unsanitary conditions, and no system of classification.¹¹³ During the night, men were locked in separate cells, while the women inmates were confined together in a single attic room above the kitchen, with no matron, food sent up only once a day, and no provisions for privacy, exercise, or education.¹¹⁴ In an observation from Auburn’s chaplain in 1833, it was stated, “to be a male convict in this prison would be quite tolerable; but to be a female convict, for any protracted period, would be worse than death.”¹¹⁵

¹¹² A fortress-like prison; based off of the Bastille Prison constructed in France in the 1300s.

¹¹³ Rafter, Nicole Hahn. "Prisons for Women, 1790-1980." *Crime and Justice* 5 (1983): 129-81.

¹¹⁴ Ibid.

¹¹⁵ Rafter, Nicole Hahn. "Prisons for Women, 1790-1980." *Crime and Justice* 5 (1983): 129-81.

Mount Pleasant Prison was founded in New York in 1835, as the first and only women's penal institution established before the "great era of prison construction that commenced in the late 19th century."¹¹⁶ Based on the custodial model of prisons, Mount Pleasant had higher levels of security.¹¹⁷ According to Nicole Hahn Rafter in *Prisons for Women: 1790-1980*, because of overcrowding in the state prisons, Mount Pleasant was established for the "practical" purpose of accommodating more inmates.¹¹⁸ Officially opened in 1839, the facility included a nursery on the bottom floor, a workshop, and two punishment cells. Inmates spent most of their days working, primarily at sewing. Violent punishments for disobedience ranged from straitjacketing, solitary confinement, extended bread and water diets, gagging, and the "shower bath" (bombarding prisoners with water until they were close to drowning.)¹¹⁹ In 1859, overcrowding necessitated the addition of another 28 cells, and in 1865, the population reached around 200—nearly double the intended capacity.¹²⁰ That same year, after the closure of the institution, the state legislature ruled that women inmates would be sent to local penitentiaries, and many were transferred to the King's County Penitentiary.

The New York Magdalen Benevolence Society was organized in January of 1830, with the objective of "providing an asylum for female wanderers who were penitent, and were desirous to regain a virtuous position in society."¹²¹ However, within two years, the society and asylum were disbanded until in 1834, when the New York Female Benevolent Society was

¹¹⁶ Ibid.

¹¹⁷ The Custodial Model is the most popular prison model in the US, and is based on the notion that people are incarcerated to incapacitate them and prevent them from committing further crimes, in order to protect society. This model is considered the most punitive, and emphasizes security, discipline, and subordination. Javornik, Anthony, "Criminal Justice Majors: Are They Tougher on Crime?" (2017). Honors College Theses. 159.

¹¹⁸ Rafter, Nicole Hahn. "Prisons for Women, 1790-1980." *Crime and Justice* 5 (1983): 129-81.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Magdalen Female Benevolent Society. "Missionary Labors Through a Series of Years Among Fallen Women." New York, 1870.

re-formed. By April, 1836, the asylum contained nine individuals. Members of the Society visited penal institutions, penitentiaries, hospitals, the workhouse, and “disreputable abodes” in order to inform inmates, patients, and workers about the “benefits of the asylum, for those who desired to abandon a vicious life and to be reinstated in the confidence of their friends and of the community.”¹²² After these visits, the number of people in the asylum reached around 60, and continued to increase.

The women involved in the organization and maintenance of the asylum were referred to in the first report of the Society as “a band of heroines of the gentler sex.”¹²³ They were presumably all white women, from different Christian denominations, aided by a board of trustees, “gentlemen of position and influence, who by the generous contributions of the friends of humanity and religion, had purchased three-quarters of an acre of ground” on which to build the asylum.¹²⁴ In 1851, the group was incorporated as the New York Magdalen Benevolent Society, returning to its original name. According to the first annual report, applications for the asylum were frequently received from widowed mothers “on behalf of their daughters who resist parental authority,” exemplifying the embedded maternalism of reformatories and white women reformers.¹²⁵

The Women’s Prison Association (WPA) was founded in New York in 1854 with the goal of “promoting improvements in the treatment of women prisoners in New York and offering rehabilitation assistance to ex-offenders.”¹²⁶ Mrs. Sarah H. Emerson was the first director of the

¹²² Ibid.

¹²³ Magdalen Female Benevolent Society. “Missionary Labors Through a Series of Years Among Fallen Women.” New York, 1870.

¹²⁴ Magdalen Female Benevolent Society. “Missionary Labors Through a Series of Years Among Fallen Women.” New York, 1870.

¹²⁵ Ibid.

¹²⁶ Ibid.

WPA and the Hopper Home. The organization was located in the Isaac T. Hopper House, and was the oldest women's half-way house in the US. Originating as the "Female Department" of the Prison Association of New York (established in 1844), the WPA separated to form its own organization.¹²⁷ In its early years, the Hopper Home primarily served older white women struggling with alcoholism. Between the years of 1845 and 1864, the home held 2,961 women, found other placements for 1,083 of them, and deemed 480 "unworthy or without hope of being reclaimed."¹²⁸ Members of the association worked to promote reforms in the criminal justice system for women, and made prison visits to monitor their treatment. Partly due to their efforts, a bill was passed in 1888 requiring the hiring of police matrons to deal with women prisoners in state facilities. Between 1892 and 1901, the WPA promoted the establishment of a separate state reformatory for women, and in 1908 a State Farm colony was created and opened within the next several years. In 1887, a reformer and commissioner of the New York State Board of Charities named Josephine Shaw Lowell's "repeated calls for separate women's prisons resulted in the opening of the state's first reformatory in Hudson in 1887."¹²⁹ Within two years, the reformatory reached its capacity of 234, and again under the encouragement of Lowell, the state legislature opened two more reformatories: Albion in 1893, and Bedford Hills in 1901.¹³⁰

A key figure of the New York women's prison movement was the nonagenarian Mrs. Gibbons. In 1892, Mrs. Gibbons urged the establishment of Bedford Reformatory to the New York Governor. According to the WPA records, "the governor was overcome. He said the little

¹²⁷ Ibid.

¹²⁸ Freedman, Estelle B. *Their Sisters Keepers: Women's Prison Reform in America ; 1830-1930*. Ann Arbor, MI: Univ. of Michigan Press, 1989. No more information was provided as to where these 480 people were sent, but it could be implied that they were left to navigate the criminal justice system on their own, and potentially transferred back to state prisons and facilities.

¹²⁹ Law, Victoria. *Resistance Behind Bars: the Struggles of Incarcerated Women*. Oakland: PM Press, 2012.

¹³⁰ Ibid.

woman's earnest words convinced him of the wisdom of the plan, and he promised to sign the bill."¹³¹ In a newspaper article highlighting the opening of the Bedford Reformatory, it was described that Mrs. Gibbons, in order to fight for the construction of the institution, "made a pilgrimage to Albany to urge its establishment."¹³² After the opening of the reformatory, a tablet was unveiled on site in honor of Mrs. Gibbons. The tablet read: "to the memory of Abby Hopper Gibbons, to whose thought and effort this institution owes its existence. Give her of the fruit of her and let her own works praise her in the gates."¹³³

In December of 1901, the WPA produced a report on the State Reformatory for Women at Bedford. The Bedford Reformatory was constructed across 110 acres of land, and included an administrative building, laundry building, small hospital, a reception building with accommodations for 100 inmates, and four cottages each with the capacity for 28 inmates and 2 officers.¹³⁴ Of those employed at the institution, there were 13 women and 11 men, with a white woman superintendent. According to the report, any woman between the ages of 15 and 30 who was convicted by any magistrate of "petty larceny, habitual drunkenness, prostitution, or frequenting disorderly houses or houses of prostitution, or of misdemeanor, and who is not insane or mentally or physically incapable" would be sent to the Reformatory.¹³⁵ The limit of imprisonment was 3 years. Of those received, the majority were under the age of 21, and were generally arrested for sex work.

¹³¹ Ibid.

¹³² Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

After WWI, the clientele of the Hopper House shifted to include more younger people who had been convicted of prostitution and theft. During the same time, the WPA began to move away from older styles of rehabilitation, and towards rehabilitation through “domestic training.”

History and Background on Washington State Carceral Institutions

The Washington State Penitentiary was constructed and opened in 1887 in Walla Walla, Washington. At its foundation, the penitentiary did not come equipped with accommodations for women prisoners. However, after it was argued in the Penitentiary’s first report that it was unacceptable for the “male and female prisoners” to be incarcerated together, a separate facility for women was proposed. The cost for this facility was estimated to be about \$5,000 (in comparison to the \$35,000 allocated to the construction of a new cell wing in the main portion of the prison.)¹³⁶ In 1890, rooms on the second floor of the new building were set up to house the women prisoners, and by 1892, the Washington State Penitentiary population included five women.

The Third Annual Report of the State Penitentiary contained the first section dedicated to a “Women’s Department.” At the time of the report, in 1893, there were four women prisoners in the penitentiary, (three of them were women of color) with one serving a life sentence. The proposed cost of constructing a separate building was then set at \$8,000.¹³⁷ By 1894, the former hospital quarters had been remodeled into a wing for the women prisoners, of which there were still only four. The upgraded wing was expected to hold up to 10 more and have “improved”

¹³⁶ Report of Building Commissioners of the Penitentiary of Washington Territory. 1887. WCMss57, Box 9. Washington State Penitentiary Collection. Whitman College and Northwest Archives., Walla Walla, WA.

¹³⁷ White, O. C. Third Annual Report of the State Penitentiary of the State of Washington. 1893. WCMss57, Box 9. Washington State Penitentiary Collection. Whitman College and Northwest Archives., Walla Walla, WA.

sanitary conditions. Between 1895 and 1897, the population of prisoners in the wing oscillated between six and seven (one serving a life sentence for first degree murder, one a 20 year sentence, one a 10 year sentence, one a two year sentence, and one an 18 months sentence.)¹³⁸

Before 1869, the statutory provisions specifying the institutional care of women convicted of crimes consisted solely of confinement to state prisons, jails, or houses of correction. Spread out over the next thirty years was a national movement towards the construction and use of reformatories for women. The Women’s Industrial Home and Clinic was created as a penal institution in 1919 by the Washington legislature as a place for the “custody, training, and treatment of delinquent and diseased women.”¹³⁹

Sanctioned by Chapter 186 of the Session laws of 1919, Washington constructed the Washington Women’s Industrial Home and Clinic, its first and only women’s reformatory. The reformatory was constructed in Medical Lake from a remodelled group of buildings owned by the state. It was originally equipped to hold 68 inmates, and officially opened on September 1, 1920. On October 25, 1920, the Women’s Industrial Home and Clinic Board and Managers wrote a letter to the Governor asking for more funding to remodel the building and requesting more land to expand their occupancy to 150.¹⁴⁰

The reformatory was run by an all white women's advisory board that could be outranked by a male “chief of authority.” Those admitted consisted of: Class A offenders—convicted of felonies or crimes that would otherwise be punishable by imprisonment in state prisons, and Class B offenders—convicted of misdemeanors or crimes that would otherwise be punishable by

¹³⁸ Ibid.

¹³⁹ Washington State. *Washington Public Documents, Volume 2*. Vol. 2, The University of Michigan, 1920.

¹⁴⁰ Washington State. *Washington Public Documents, Volume 2*. Vol. 2, The University of Michigan, 1920.

imprisonment in jails or other correctional institutions.¹⁴¹ The only exceptions were those convicted of murder in the first and second degree, arson in the first degree, and robbery. Common convictions included: vagrancy, venereal disease, petty larceny, drug addiction, lewdness, prostitution, delinquency, unlawful cohabitation, grand larceny, burglary, disorderly conduct, breaking quarantine, runaway, assault, arson, and forgery. The majority of the inmates of the Industrial Home were white women; many were single or divorced (sometimes multiple times.) With the opening of the Industrial Home, Washington became the only state to admit youth between the ages of sixteen and eighteen to a reformatory instead of an industrial school for girls. The Washington reformatory, unlike many others, permitted detention beyond the span of three years, as determined by a board of experts. The intake procedure included both mental and physical examinations.

Though the legislature appropriated funds to continue the Women's Industrial Home and Clinic, the governor vetoed the appropriation and the institution was closed on April 1, 1921, due to lack of funding.

Following the closure of the Industrial Home, inmates were again sent to state and county jails. However, the process of closure caused some confusion and miscommunication. For example, on April 8, 1921, after the closure of the Women's Industrial Home and Clinic, Lettie Williamson was convicted of adultery in the superior court of Spokane County, and was sentenced to two years.¹⁴² With the closure of the women's reformatory, she was sent to the Spokane County jail. After her transfer to the jail, Lettie Williamson and her attorney applied for

¹⁴¹ Helen Worthington Rogers, *Digest of Laws Establishing Reformatories for Women in the United States*, 13 J. Am. Inst. Crim. L. & Criminology 382 (May 1922 to February 1923).

¹⁴² Kreider, Eugene G., et al. *Washington Reports ...: Cases Determined in the Supreme Court of Washington*, Volume 116. O.C. White, 1922.

a writ of habeas corpus; they argued that the 1919 act that created the Industrial Home dictated that women convicted of crimes must be sentenced to that institution. However, because the institution no longer existed, Williamson and her attorney proposed that the state had no appropriate place to send women and that those convicted should be released from custody. After deliberation and some dissent, the court ruled that Lettie should be taken before the court in which she was first convicted, and that if the lower court took no further action, she should be discharged. On April 30, Auttie Canary, having previously been convicted of grand larceny, attempted to apply for a writ of habeas corpus but was denied by the court and transferred to the state prison.

On April 25, 1921, Lucile Brown was convicted of vagrancy in a King County Court, and was sentenced to time in the Washington Women's Industrial Home and Clinic. Following her hearing, she was kept in the county jail, awaiting transfer to the Industrial Home; however, after seven days, no one came to move her, and she applied for a writ of habeas corpus¹⁴³. She was granted a court hearing, and then denied. Instead, it was ordered that Mrs. Jackson Silbaugh be appointed to guard Lucile Brown and transfer her to the Industrial Home. Mrs. Silbaugh took Lucile to the Women's Industrial Home, but found no one there upon arrival, and returned her to the county jail. The Superintendent of the Home, Margaret Gillam, had told Mrs. Silbaugh that the Home had closed, and that she would not take Lucile into her custody.¹⁴⁴ Margaret Gillam was then taken to court for failure to act on her responsibilities, but was found not guilty.

From Washington State jail and prison records dating from the 1870s to the 1950s, people were commonly incarcerated in women's prisons, reformatories and facilities for:

¹⁴³ Ibid.

¹⁴⁴ Ibid.

venereal disease, “insanity,” bootlegger, grand larceny, possession of liquor, disorderly conduct, burglary, runaway, alcoholism, assault, “delinquent child,” forgery, polygamy, manslaughter, adultery, horse stealing, murder, being a jointist, unlawful possession of narcotic drugs, possession of narcotics with intent to sell, perjury, arson, abduction, incest, “criminally insane,” aiding a prisoner to escape, joy riding, auto theft, “carnal knowledge of minor child,” indecent exposure, bigamy, drunk and disorderly, disorderly conduct, possession of liquor with intent to sell, carnal knowledge, concealing an escaped prisoner, prostitution, robbery, kidnapping, petit larceny, rape, abortion, attempted robbery, “mentally irresponsible,” incest, extortion, family neglect, and attempted suicide.¹⁴⁵

Many of the occupations of those arrested and incarcerated in women’s prisons and reformatories during this time included (but were not limited to): beauty parlor operator, telegraph operator, telephone operator, clerk, waitress, bookkeeper, housemaid, housekeeper, house wife, nurse, “travel sales lady,” maid, hotel keeper, presser, “domestic,” actress, cook, seamstress, dress maker, needle work, house work, stenographer, laundress, “farm girl,” doctor, chambermaid, musician, servant, artist, rest keeper, teacher, school teacher, filing clerk, physician, nurse assistant, fortune teller.¹⁴⁶

Throughout the 1960s and 70s, seven women’s prisons were constructed in Western states due to the overcrowding and degradation of women’s wings in the main prisons. The seventh prison to be built was Washington’s Corrections Center for Women (WCCW), which opened in 1971.

¹⁴⁵ “Corrections Department, Penitentiary, Convict Records. Washington State Archives, Digital Archives. Accessed November 28, 2019.

¹⁴⁶ Ibid.

Since the opening of the state's first prison in 1887, with its one woman inmate, the population of Washington women's prisons and institutions has increased dramatically. In July of 2018, the Washington Corrections Center for Women, with a capacity of 764 inmates, had an Average Daily Population (ADP) of 1,002. Resources and accommodations such as healthcare (both mental and physical), education, vocational training and even adequate space, have remained insufficient and limited throughout the history of women's prisons in the state. The realities and voices of people inside women's prisons—especially those who identify as queer, trans, gender non-conforming, disabled, and/or people of color—continue to be overlooked and underrepresented.

Religion, Benevolence and Constructed Innocence in New York Women's Reformism

As in the case of the early 19th century British Society and Reformatory, American white, middle and upper class women reformers were inspired and motivated by Christianity and beliefs in their own benevolence and righteousness. When the New York Magdalen Benevolent Society was formed, missionary and conversion work were central functions of the organization. According to their first report, through the work done in the asylum, "individuals were reclaimed and souls converted."¹⁴⁷ The report continued, stating that their efforts were "opening a great and an effectual door for the preaching of the gospel to the wretched outcast, and providing an asylum where the abandoned daughter, the ruined sister, the degraded wife, and the guilty mother may find one door that opened for their deliverance."¹⁴⁸

¹⁴⁷ Magdalen Female Benevolent Society. "Missionary Labors Through a Series of Years Among Fallen Women." New York, 1870.

¹⁴⁸ Ibid.

Not only did the rhetoric of this report position missionary work above individual rehabilitation, it also strictly defined the society's targeted clientele as gendered and classed subjects. Conflating "deliverance" with rehabilitation allowed the institution to dismiss the actual systemic and structural causes of incarceration. The goal instead became to restore "wretched outcasts" to a certain kind of dominant femininity that was closely tied to whiteness and religiosity: a femininity considered acceptable and perpetuated by the white women reformers and the larger patriarchal, colonial, white-supremacist system under which people were and are still impoverished, dispossessed, criminalized and incarcerated.

From the "ruined" mothers, daughters, and wives taken into the asylum, the Benevolent Society claimed to sculpt "happy wives and affectionate mothers."¹⁴⁹ They wrote, "by this association many a victim of misfortune and crime has been rescued from infamy and the jaws of perdition¹⁵⁰, restored to their homes, their parents, their friends. Some have...been found at the feet of Jesus, clothed and in their right mind."¹⁵¹ The language of soul conversion and salvation from eternal damnation uplifted the society's reformers to a godly, moral, and altruistic status similar to that of Elizabeth Fry.

Interestingly, both the Magdalen Society and Matilda Wrench were publishing on their work at the same time they were engaging in it. Their texts therefore acted as direct and immediate justifications for the savior work in which Fry and the Benevolent Society participated, reiterating their positionalities as truly benevolent and rigorously moral. The

¹⁴⁹ Magdalen Female Benevolent Society. "Missionary Labors Through a Series of Years Among Fallen Women." New York, 1870.

¹⁵⁰ (in Christian theology) a state of eternal punishment and damnation into which a sinful and unpenitent person passes after death.

¹⁵¹ Magdalen Female Benevolent Society. "Missionary Labors Through a Series of Years Among Fallen Women." New York, 1870.

wording of the end of the previous quotation, "clothed and in their right mind," alludes to the perceived immorality and even "mental deviance" of both incarcerated people and people who did not conform to Christianity.¹⁵² The language of clothing and putting people in "their right mind" suggests that the process of religious conversion produced a stable, "healthy," regulated, "clean" body that was safe to release back into their constructed, gendered role of wife, mother, or worker.

Included in the first annual report of the Benevolent Society are a number of cases which exemplify the "reformation" of individual inmates. In one such example, a young woman was quoted as saying, "when I entered the Asylum, I could not read, but now I can read the Bible...My husband has provided a home for me, and has promised forgiveness for the wrong I have done him."¹⁵³ In another example of young woman admitted to the asylum, the report indicates, "Subsequently to her admission, while reflecting upon her recent history, she exclaimed with profound emotion, 'oh, what reason have I to bless this day I entered this refuge for the fallen! How mercifully has the Almighty snatched me from destruction, and placed me with benevolent and Christian friends, by whom I am taught to read the sacred Scriptures and to understand them. I have also been led to see myself a helpless, vile, ruined sinner, without a shadow of goodness.'¹⁵⁴ In addition to the fact that the report only provided examples in which inmates expressed gratitude and reflected positively on their experience, the language of both quotations demonstrates the underlying goals of bolstering the reputation of the institution and rooting deviance and criminal behavior in a lack of religious morals. The overall language and

¹⁵² Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

¹⁵³ Magdalen Female Benevolent Society. "Missionary Labors Through a Series of Years Among Fallen Women." New York, 1870.

¹⁵⁴ Ibid.

rhetoric in the Magdalen report resonated with and directly reflected the ideologies of Elizabeth Fry and the early British women's prison reform movement, demonstrating the expansion of Victorian constructions of criminality across the US.

Shifting to the reports from the New York Women's Prison Association, the emphasis on benevolence and good intentions remains clear. According to the WPA records on Mrs. Gibbon's efforts:

But it is in this Reformatory that we have the full fruition of her labors in the field of practical benevolence. Here, truly, 'Mercy and truth are met together; righteousness and peace have kissed each other'. Mrs Gibbons always had an abounding sympathy for those unfortunate young women whom society proscribes and brands with the repulsive title 'fallen...good morals, christ like, when these unfortunate were hailed before the criminal courts, she visited their accusers who were without fault to cast the first stone. She had faith in the power of love. This Reformatory is founded on justice and mercy exercised in that Divine spirit which characterized all the acts of the Master towards those whom the world deems fallen beyond redemption.¹⁵⁵

Mrs. Gibbons was upheld in the WPA reports in very similar ways to how Elizabeth Fry was portrayed in the records of the British Society. The romanticization of Gibbon's efforts and their results obscured any realistic observations of the reformatory that would point to its punitive nature and problematic, violent future.

Drawing on similar descriptions and constructions of white women feminists as righteous and sympathetic, Sarita Srivastava writes:

Expressions of empathy and care help to construct and maintain a self-image of the good feminist. In feminist moral philosophy, displaying empathy and care for the other is generally characterized as a desirable expression of the caring and political connection among women, as well as of egalitarian relations...Empathetic expressions often revolve around an individual's moral self-image rather than organizational change.¹⁵⁶

¹⁵⁵ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

¹⁵⁶Srivastava, Sarita. "'You're Calling Me a Racist?' The Moral and Emotional Regulation of Antiracism and Feminism." *Signs: Journal of Women in Culture and Society* 31, no. 1 (2005): 29–62. Srivastava's piece is relevant

In this case, because the quotation is not from Gibbon's personal perspective, the text demonstrates not only Gibbon's empathy and good-nature, but that of all the reformers who shared in her ideologies and work. The emphasis on empathy and "the power of love" seemingly exonerated Gibbons and her fellow reformers from their complicity in maintaining a system of violent and targeted criminalization and incarceration and helping to construct the gendered confines in which those who entered their system were forced. Describing the inmates as "unfortunate" and "fallen" reinforced the binary between reformer and "reformed" constructed in the rhetoric of Victorian era criminality. In seemingly direct opposition to the conflation of deviance and immorality with guilt and criminality, the reformers—being themselves on the outside of the prison system—could be coded as non-criminal, and therefore innocent and pure within the eyes of the law and the ideals of womanhood.

In another example from a newspaper article about the construction of the Bedford Reformatory included in the WPA archives, the description of the institution stated:

The buildings as they stand, with the corps of good women on duty and the cheerful and even happy faces of the inmates, show that their labors were not in vain. The institution is in beautiful running order, with self-sacrificing women in charge of the various departments...the whole atmosphere of the reformatory is one of kindness, good intentions and fine accomplishment. It is not a prison, but a reformatory, pure and simple.

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Highlighting the beauty of the facility, and the cheerful, happy faces of the inmates, and labelling the institution a reformatory concealed the realities of institutional containment, surveillance and discipline integral to Bedford. Good intentionality was a central pillar of benevolent feminism.

The realities of women's prisons, and the voices and experiences of the people inside them, are

to this discussion because she is discussing the connections between contemporary liberal white feminists with their counterparts in the 19th century.

¹⁵⁷Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

consistently overshadowed in the archival records by descriptions of the “good intentions,” kindness and sacrifices of white women reformers. Claiming the authority to describe the “whole atmosphere” of the prison as “fine” and “good” from the position of someone with the ability to freely enter, exit and control the space produced a dangerous erasure of the agency of inmates, and acted as a means of self-congratulation.

The Criminalization of Indigenous Women: From Spanish Missions and the Monjerio to Washington State Carceral Institutions

In order to understand the criminalization of Indigenous women in both Washington State carceral spaces, and in the larger US context, it is necessary to look back to and analyze the ways in which this process was a direct consequence and mechanism of colonialism. Between the 1760s and the 1840s, twenty-one Spanish missions were constructed in California. Within many of the missions were monjerios, or “dormitories,” where primarily younger and unmarried Indigenous women were held. As argued by scholars such as Charles Sepulveda, the monjerio functioned as a prison for these women, and the mission as a method of controlling and domesticating both land and people. Sepulveda notes that, while people had been living in California for over 10,000 years, the monjerio was the first prison.¹⁵⁸ Additionally, in “From a Native Trans Daughter,” Kalaniopua Young exposes the lasting legacy of the mission system on the prison system by writing, “since the 1840s, white Christian missionaries from the US have

¹⁵⁸ Sepulveda, Charles. “Our Sacred Waters: Theorizing Kuuyam as a Decolonial Possibility.” *Decolonization: Indigeneity, Education & Society* 7, no. 1 (2018): 40–58.

used surveillance to discipline gender, sexual, and family-making practices among indigenous peoples. Unfortunately such penal operations continue unabated today.”¹⁵⁹

In “Our Sacred Waters: Theorizing Kuuyam as Decolonial Possibility,” Sepulveda explores the space and use of the monjerio as a “tool of domestication and colonization; to make Native women useful for the Spanish project of establishing settlements in California.”¹⁶⁰ Under the mission system, by the age of six or seven, Indigenous children were separated from their families and locked in the “all female barracks called monjerios.”¹⁶¹ Sepulveda notes that, in order for these young women and children to be domesticated, they were cut off from their culture, which taught them about “sacredness, the power of land and water, and responsibility to the earth.”¹⁶² Through this separation and process of domestication, the Spanish colonizers enforced “a gender binary profoundly felt by both those who were queer and whose gender was outside of Spanish/Christian categorization,”¹⁶³ representing an attempt to control and change native sexuality. Sepulveda cites Antonia I. Castañeda (1997) who wrote:

The domestication of “women’s procreation, was driven as much by material interest as by doctrinal issues.” In order to expand the Spanish empire in the eastern Pacific, “California needed a growing Hispanicized Indian population as both a source of labor and as a defense against foreign invasion...the domestication of women into the Spanish world and economy was essential for an expanding empire.”¹⁶⁴

The monjerio, as described by Sepulveda and Castañeda, served as not only a method of domestication, but as a source of labor for the development of capitalism. As I demonstrate in

¹⁵⁹ Young, Kalaniopua. “From a Native Trans Daughter.” In *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. AK Press, 2011.

¹⁶⁰ Sepulveda, Charles. “Our Sacred Waters: Theorizing Kuuyam as a Decolonial Possibility.” *Decolonization: Indigeneity, Education & Society* 7, no. 1 (2018): 40–58.

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Sepulveda, Charles. “Our Sacred Waters: Theorizing Kuuyam as a Decolonial Possibility.” *Decolonization: Indigeneity, Education & Society* 7, no. 1 (2018): 40–58.

this thesis, both these principles are intrinsic in the British and US Victorian era and modern women's prison.

Much like early Victorian era prisons, the monjerio was an extremely unsanitary space. Sepulveda points to the connection between the “close confines and lack of fresh air,” and the increased spread of disease.¹⁶⁵ The architecture of the monjerio included barred windows, dungeons, buckets for bathrooms, and small dimensions that have been compared to those provided on African slave ships during the trans-Atlantic slave trade.¹⁶⁶ The mission system also “institutionalized the spread of infection through sexual violence.”¹⁶⁷ The use of sexual violence against Indigenous women within the monjerio and the mission has been widely overlooked and ignored by historians and scholars reporting and conceptualizing this era. Additionally, according to Sepulveda, one of the diseases during the Mission period responsible for a large number of Indigenous deaths was syphilis—an STI that would later be largely associated with criminality and institutionalization. The monjerio and the violent containment of Indigenous women during the Spanish colonial and Mission period are necessary sites of further exploration and analysis for understanding not only the complex history of the criminalization and (continued) institutionalization of Indigenous women, but also the many ways in which the modern US women's prison is rooted in and even furthers the project of settler colonialism.

Built and opened prior to the construction of the McNeil Island Penitentiary in 1875 and the Walla Walla Penitentiary in 1887, the Seatco Prison in Bucoda, Washington is often overlooked in discussions and narratives around the history of prisons in Washington State. The

¹⁶⁵ Sepulveda, Charles. “Our Sacred Waters: Theorizing Kuuyam as a Decolonial Possibility.” *Decolonization: Indigeneity, Education & Society* 7, no. 1 (2018): 40–58.

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

territorial institution was opened privately between 1874 and 1887, and has been described by historians as “hell on earth” and a “contract prison of evil.”¹⁶⁸ Also predominantly erased from this history was the presence of the first woman incarcerated in a Washington State prison.

According to a “Perspective” article from the spring of 1971, “at the first territorial penitentiary, the Seatco contract prison of evil memory, the first female prisoner was admitted in the early 1870s. An unfortunate Indian woman...with her three children...was confined to a shack outside the main building for more than two years.”¹⁶⁹ Mary Philips, at the age of 50, was arrested for manslaughter in Port Townsend, Washington¹⁷⁰—the historic land of the Klallam Tribe, who called the area Kah Ta.¹⁷¹

After the creation of the Washington Territory in 1853, the first territorial governor, Isaac Ingalls Stevens, “set about clearing much of the land of its indigenous inhabitants.”¹⁷² The Klallam, Chimakum and Skokomish tribes were forced off of their lands and into limited reservations in the January 1855 Treaty of Point No Point.¹⁷³ In 1871, nearly all of the Indigenous people remaining in Port Townsend were forced out, as the white settlers burned their homes and towed away their canoes.¹⁷⁴ The violent colonial dispossession of the native tribes in Washington, and across the US by white settlers, was fueled and reinforced by constructions of Native American criminality. In “Inventing the Savage: The Social Construction of Native American Criminality,” Luana Ross suggests that “crime and the labeling of criminals

¹⁶⁸ Plog, Kari. “Hell on Earth: A Forgotten Prison That Predates McNeil Island.” KNKX. Accessed November 28, 2019.

¹⁶⁹ “Treatment Center.” *Perspective*, 1971.

¹⁷⁰ “Corrections Department, Penitentiary, Convict Record, 1877-1888 - Sarah Elizabeth Seibert.” Washington State Archives, Digital Archives. Accessed November 28, 2019.

¹⁷¹ Caldbeck, John. “Port Townsend — Thumbnail History.” Port Townsend — Thumbnail History, 2014.

¹⁷² *Ibid.*

¹⁷³ *Ibid.*

¹⁷⁴ *Ibid.*

[was] in the eye of the colonizer while control of the colonized [had] long been the objective.”¹⁷⁵

Criminalization and incarceration were and are continuous tools and processes of colonization.

According to Ross, the labeling of Native Americans as “savage,” and therefore deviant, initiated this process of criminalization and the use of the prison as a means of controlling and removing Native people from their land. Ross continues to argue that the “disparate treatment of Native Women labeled criminals has become a part of an institutionalized approach in the criminal justice system today.”¹⁷⁶

According to Ross, “Native women are overrepresented in prison populations and in maximum security and isolation cells, and are labeled as deviant often because of characteristics that are attributed to being ‘Native’ in a system that has no understanding, training, or interests in being burdened with the rights or needs of indigenous people.”¹⁷⁷ While Mary Philips was the only woman incarcerated in Seatco at the time, the number of Indigenous women in prisons has increased dramatically since. According to a report compiled by the Lakota People’s Law Project from 2015, Indigenous women are incarcerated at six times the rate of white women.¹⁷⁸ The holding of Mary Philips in a shack outside of the main prison building for two years reflected not only the anxiety surrounding imprisoning people of different genders in close proximity to each other, but also of Ross’ argument about the disproportionate isolation of Indigenous women within the prison.

¹⁷⁵ Ross, Luana. *Inventing the Savage: the Social Construction of Native American Criminality*. Austin: University of Texas Press, 2000.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

¹⁷⁸ Flanagan, Jake. “Native Americans Are the Unseen Victims of a Broken US Justice System.” Quartz. Quartz, April 28, 2015.

Indigenous womanhood did not fit within the confines of Victorian and colonial constructs of femininity, and was therefore defined under settler colonialism as deviant, criminal, and in need of control. According to Ross, “acceptable behavior for women is defined in the prison culture from a majority viewpoint, painting Native women as deviant on the canvas of prison walls.”¹⁷⁹ Additionally, Ross states that the majority of Indigenous women imprisoned today are mothers, “which draws additional scorn from judges, prison staff, and state social workers. Their status as Native mothers and the stigma attached to both race and gender often result in longer sentences, and placement of their children in foster care or termination of parental rights.”¹⁸⁰ In the Seatco case, Mary Philip’s children were not separated from her, but confined with her in the prison, presenting an additional layer of punishment placed upon the children of incarcerated parents. This can be seen as an example of the regulatory nature of the prison over family structures, especially in regards to motherhood.

However, in response to and in defiance of the institutionalized and racialized oppressions faced by Indigenous women in the US prison system, Ross points to sources of resistance and empowerment within the carceral space. She writes, “many imprisoned Native women from reservation communities share with Ross what keeps them going—the voice and memory of their children, their communities, their families, and their cultures, which provide them with their greatest hope.”¹⁸¹ These sources of hope disrupt the erasure and silencing historically produced within the women’s prison system. The activation and continuance of Indigenous voices, memories, communities, and cultures within the punitive spaces that attempt

¹⁷⁹ Ross, Luana. *Inventing the Savage: the Social Construction of Native American Criminality*. Austin: University of Texas Press, 2000.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

to suppress them, demonstrates again the power and potential of intimacy, connection, and the erotic.

Racialization and Segregation in New York Women’s Carceral Institutions

The racialization of criminality, driven by the rhetoric of Victorian era racism and the history of slavery in the US, produced a general shift in the demographic make-up and treatment of inmates in women’s reformatories and prisons in the late 1800s. Prior to the Civil War, between 1831 and 1859, the majority of women prisoners in the US—primarily in slave states—were white¹⁸² and of these prisoners, 45% were convicted of larceny (after the war, white women were rarely imprisoned for larceny in former slave states.)¹⁸³ According to Victoria Law in her book “Resistance Behind Bars: The Struggles of Incarcerated Women,” “in non-slave states,¹⁸⁴ incarceration was the primary means of controlling black bodies. Even before the Civil War, black women were arrested and convicted at higher rates than their white counterparts. Between 1797 and 1801, 44% of women imprisoned in New York State were black.”¹⁸⁵ Black women were very often arrested and incarcerated for breaking societal expectations of femininity: drinking, engaging in pre and extra marital sex, contracting an STI, or “keeping bad company.”¹⁸⁶ After the war, these numbers continued to increase, in some places creating and in others exacerbating the disproportionate incarceration of black women—and other women of color—in comparison to white women. In the rise of the Jim Crow era, carceral institutions transitioned

¹⁸² At this time, Black women were effectively incarcerated in the slave plantation: a system that is arguably one of the models of modern carcerality.

¹⁸³ Law, Victoria. *Resistance Behind Bars: the Struggles of Incarcerated Women*. Oakland: PM Press, 2012.

¹⁸⁴ Prior to the Civil War, New York State was a free state, and the Washington Territory had laws that prohibited slavery.

¹⁸⁵ Law, Victoria. *Resistance Behind Bars: the Struggles of Incarcerated Women*. Oakland: PM Press, 2012.

¹⁸⁶ Law, Victoria. *Resistance Behind Bars: the Struggles of Incarcerated Women*. Oakland: PM Press, 2012.

from spaces meant to reform and enforce white femininity, to those that further criminalized and imprisoned bodies of color that did not fit within the gendered, racialized, and classed ideals constructed and upheld by those very institutions.

Growing anxieties surrounding race within the New York reformatories and women's prisons can be observed in the early records of the Women's Prison Association. Many reports from the early 1900s specifically called for segregated incarceration, including a statement from a WPA member which read, "there is a great need for such a Home for colored feeble minded girls."¹⁸⁷ While this home was never actually constructed, this racist and ableist rhetoric continued throughout various meetings and reports.

For example, in the minutes to a March 9th, 1926 meeting, it was noted that "Mrs. Falconer urged that we do something in regard to the matter of colored delinquent girls, so that we would be prepared when others who are interested in this problem called upon us for support."¹⁸⁸ Inspired by this suggestion, in April of the same year, the WPA subscribed \$100 towards the "Study of the Pre-Delinquent Colored Girl," conducted primarily by Miss Powell. Of the study, it was stated, "in our city the need of a study of the delinquent and pre-delinquent negro children is being strongly felt, in order to make provision for them. Present provision is inadequate."¹⁸⁹ The language of the "pre-delinquent" became a means of criminalizing black youth prior to any actual engagement in perceived or constructed "delinquent" behavior. Within this racist rhetoric, the white women reformers presented the notion that there was something

¹⁸⁷ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

essentially deviant within the intersections of Blackness and youth, reinforcing narratives that conflated Blackness with criminality.

In addition to the anti-Black rhetoric prevalent in these records, the meeting notes also included anti-immigrant logic. It was stated: “the lack of respect for their parents by children of immigrants, whose influence is lost by their remaining foreign longer than the children. A natural consequence is an absence of respect for the laws of the land by the children.”¹⁹⁰ This racist logic presented immigrants as unlawful and criminal, perpetuating violent stereotypes that expanded outside of the prison space. The equation of respect for parents with respect for the law further alludes to the paternalistic/maternalistic nature of the prison system; it placed the role of the reformer—already positioned as morally superior—as someone who must surveil and correct family structures that diverted from the constructed ideals of heteronormativity, respectability, and productivity.

In another instance of anti-immigrant logic, the WPA, also an active organization in the Social Purity Movement, wrote in 1906:

If promiscuous immigration is to continue, it devolves upon the enlightened, industrious, and moral citizens, from selfish as well as from philanthropic motives, to instruct the morally defective to conform to our ways and exact from them our own high standard of morality and legitimate industry...Do you want immoral women to walk our streets, pollute society, endanger your households, menace the morals of your sons and daughters? Do you think the women here described fit to become mothers of American citizens? Shall foreign powers generate criminals and dump them on our shores?¹⁹¹

The classification of immigration as promiscuous alludes to the (hyper)sexualization of immigrant women, “through which they are always already circumscribed as undesirable and/or

¹⁹⁰ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

¹⁹¹ Ibid.

inappropriately desirable.”¹⁹² The anxiety around the perceived possibility of “immoral women” walking the streets, polluting society, and endangering households, justified their incarceration in the name of public safety and familial morality. Immigrant women’s parental ability was questioned because it did not fit within the confines of white femininity and motherhood. The anti-immigrant logic of the WPA exposed the prison as a mechanism of stigmatization that targeted, labeled, and controlled bodies deemed undesirable, dangerous, immoral, or other.

Practices of racialization and discrimination in New York State were not isolated within the prison walls. They were, and continue to be, manifested throughout the entire criminal justice system. In 1924, Grey Court was opened as a facility for confining incarcerated women. The court was run by 21 white women selected from the Correctional Hospital, and three matrons, who were in charge of roughly 90 inmates.¹⁹³ In the records of the WPA, it was noted that “colored women”¹⁹⁴ mostly did not have lawyers to represent them in the court. As a result, within the following year, 94 people were sent to the workhouse—all but seven of whom were women of color—and 155 people were sent to the hospital—most of whom were white. These statistics dramatically demonstrate the differing functions of the criminal justice system that were directly tied to race. In this example, white women were deemed “patients,” and were sent to a facility for care and treatment,¹⁹⁵ while women of color were used for labor and production, their bodies viewed as more conveniently exploitable.

¹⁹² Goldman, Dara E. "Border Patrol and the Immigrant Body: Entry Denied: Policing Sexuality at the Border." *Discourse* 26, no. 3 (2004): 190-196.

¹⁹³ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

¹⁹⁴ *Ibid.*

¹⁹⁵ At the time, containment in a hospital could also be invasive and violent.

Around the same time in the early 1900s, segregation between white and black inmates was increasingly prevalent in New York women's prisons and institutions. In 1913, Margaret Otis conducted a study on the presence of lesbian relationships inside women's prisons and reformatories, and observed:

The relationships forged between white and black female inmates led to the decision to segregate them in separate cottages and to keep them apart 'both when at work and when at play.' This was the case as well at the Bedford Hills prison for women...following an investigation in 1914 that revealed 'a disquieting pattern of 'unfortunate attachments' between black and white women in the reformatory.'¹⁹⁶

Anxieties surrounding interracial queer relationships and intimacy, specifically between white and black inmates in women's prisons, revealed concern regarding the preservation of white femininity and heteronormativity. The labelling of these relationships as "unfortunate attachments," and the physical segregation in response, represent further hierarchizations of criminality correlating to race, gender and sexuality. This passage suggests that, while anxieties around the presence of queer sex and intimacy between primarily white inmates certainly sparked extreme amounts of institutional retaliation, the specific presence of black lesbianism within the women's prison space was viewed as an even deeper and more dangerous threat to the preservation and disciplining of white femininity.

Feminizing Power: Working Conditions and Roles of New York Police Women, Parole Officers, and Matrons

In addition to promoting construction and reform from outside of the physical institutions, (primarily white) women also played important roles inside prisons and reformatories, through

¹⁹⁶ Kunzel, Regina G. *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality*. Chicago, IL: The University of Chicago Press, 2010.

the positions of matrons, police women, and superintendents. A major endeavor of the Women's Prison Association was to increase the numbers and authorities of (primarily white) women in these positions. According to a 1905 letter from the WPA to the State Civil Service Commission in Albany:

Out of over 40,000 arrests of women during the years of 1903 and 1904, only about 4,000 were investigated by women probation officers of the seven magistrates' Courts of Manhattan and the Bronx, less than 1,000 were placed under them, and 243 were placed in charitable institutions and homes where they under as much restraint as they would have been in the workhouses.¹⁹⁷

The WPA continually emphasized the importance of women holding positions of power within the criminal justice system, in order to “look out for” and care for women inmates—performing a certain kind of feminized, white, bourgeois maternalism. As the number of women matrons, patrol officers, and superintendents was incredibly small, they were often overworked and under compensated. In comparison to the bourgeois status of the WPA members, these “workers of order” were most likely from the working and lower middle classes. Around the same time, at the hospital, jail and penitentiary on Blackwell Island, there were 315 women patients and inmates—nearly three times as many as were typically held in county jails.¹⁹⁸ According to the WPA records, the matrons on the island often expressed their discontent at having to serve overtime, consume bad food, and have charges brought against them by the superintendent.¹⁹⁹ The WPA noted that the “nervous unhappy condition of the matrons was showing its influence on the girls, for they paid very little attention to the matrons' orders.”²⁰⁰

¹⁹⁷ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

¹⁹⁸ Ibid.

¹⁹⁹ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

²⁰⁰ Ibid.

At the East 67 Street jail, two police women were forced to work 10-14 hour shifts, and while on duty, care for lost children, search prisoners, and examine dead bodies.²⁰¹ Other jails, workhouses, and penitentiaries failed to provide heating or bathrooms for the women matrons. To combat the small numbers of women matrons and police women, the WPA proposed the establishment of a police station run “by and for women,” in which 20 (primarily white) women members of the force would work.²⁰² Additionally, the station would provide a school for police women and candidates for new positions as parole officers (however, it is unclear in the archives if this station was actually constructed and opened.)

Inadequate conditions, overcrowding, overwork, and the lack of amenities available for both matrons and inmates demonstrated a general indifference on the part of the state for the wellbeing of working class women. These injustices were taken up by groups such as the WPA as evidence for the necessity of prison reform and moves towards gender responsive justice. However, the state-sanctioned gendering and separation of inmates, as well as the hiring of matrons, produced superficial claims of progress and benevolence.

Promoting Feminine Qualities and Care: Placing New York Women in Positions of Power

The rhetoric behind appointing (primarily white) women to positions of authority within the New York State criminal justice system relied heavily on the stereotypes of women as essentially motherly, caring, and knowledgeable on the subject of domesticity. In 1882, an act was introduced by Hon. Eratus Brooks that would authorize the appointment of at least two women as trustees or managers of “State charitable, correctional, reformatory or eleemosynary²⁰³

²⁰¹ Ibid.

²⁰² Ibid.

²⁰³ of, relating to, or supported by charity

institutions that have custody and care of females or children of either or both sexes.”²⁰⁴ The rationale behind the act promoted by members of the WPA stated that “the failure of the State to avail itself, in the management of its institutions, of women’s superior knowledge of domestic economy, entails a direct pecuniary loss, and an administration not as perfect as it otherwise would be.”²⁰⁵ The financial insecurity of penal institutions in this time period necessitated the involvement of “women’s superior knowledge of domestic economy;” this change in tactic directly coincided with the rise in industrial training and labor performed by inmates. Promoting a “domestic economy” inside prisons and reformatories transitioned them from spaces of “rehabilitation” to spaces of production and profitability.

Another justification for the hiring of women in prison administrations was stated by the WPA:

To deprive women suffering from either mental or bodily disease, in public institutions, of the benefits accruing from having their sex represented in the board of management, is an arrogant assumption of power, often eventuating to unintentional cruelty...To deprive children of that counsel which is based on a mother’s experience, and of that faithful interest which comes from the motherly instinct.²⁰⁶

The emphasis on “motherly instinct” and “a mother’s experience” reinforced the portrayals of white women reformers as benevolent and altruistic, while simultaneously infantilizing women and children inmates as weak and helpless; it also reinforced the notion that a woman’s main role—determined by biology—was to be a mother. The WPA referred to the primarily male prison administrators as “arrogant assumers of power,” thereby positioning themselves not only

²⁰⁴ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

²⁰⁵ Ibid.

²⁰⁶ Ibid.

as non-complicit in their abuses, but also as the solution to them. However, the phrase “unintentional cruelty” also relieved the male prison administrators of full culpability.

After the 1882 act’s initial introduction, Governor Cornell cited a single instance “in which an unsuccessful effort was made to find two ladies to take the appointment of trustees of a state institution” to undermine it.²⁰⁷ He argued, “it would be difficult to find fit women to serve in boards of trustees of institutions where women and children are cared for.”²⁰⁸ The WPA attempted to refute the claim, arguing that “there are thousands of modest women of high character, intelligence, and ability who would gladly serve humanity in the capacity of guardians of the weak and wicked members of their own sex and of children.”²⁰⁹ The reformers also attempted to draw attention to the fact that “women are already doing good service in the administration of orphan and insane asylums and hospitals, some of which are managed wholly by women,” but the governor eventually vetoed the act.²¹⁰

The language utilized throughout the rebuttals of the WPA was reminiscent of the rhetoric of the Victorian era reformers. Highlighting modesty and “good service” in the name of “serving humanity” uplifted the status of the primarily white women guardians while simultaneously emphasizing benevolence as their sole motivation. It should also be noted that these moral guardians of order differed from the actual *guards* of order working within the institutions. Guards, matrons, and other staff members within prisons and reformatories most likely came from working class backgrounds, drawing a clear classed distinction between the

²⁰⁷ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

²⁰⁸ Ibid.

²⁰⁹ Ibid.

²¹⁰ Ibid.

reformers calling for institutional order, and the workers actually providing that labor inside the carceral space.

Domesticating and Profiting From the Working Body in New York State

Perpetuating British Victorian constructions of criminality in relation to labor, the New York women's reformers groups expressed similar anxieties about idleness and work that did not conform to their conceptions of "women's work." In the first report of the Magdalen Society, it was argued that "idleness [was] the prolific cause of vice."²¹¹ It was therefore the Society's aim to "have all the inmates of the Asylum usefully employed. Intellectual, moral, and religious instruction [was] also supplied...vocal and instrumental music [was] also practised."²¹² One of the main objectives of the Society was the promotion of industrious habits, in order for inmates to "qualify for reputable and remunerative employment" and to "regain a position of respectability and usefulness in the community."²¹³ These examples demonstrate the capitalist nature of reform. Idleness was viewed as unproductive, uncontrollable and therefore a threat to capitalism and industrialization.

The importance placed on "useful" and "remunerative" employment exposes the construction and monetization of working bodies as resources to be controlled and exploited under capitalism. The people inside reformatories and prisons were only redeemable, respectable or valuable if they could prove themselves "useful" and productive.

²¹¹ Magdalen Female Benevolent Society. "Missionary Labors Through a Series of Years Among Fallen Women." New York, 1870.

²¹² Ibid.

²¹³ Magdalen Female Benevolent Society. "Missionary Labors Through a Series of Years Among Fallen Women." New York, 1870.

Needlework and sewing were specifically emphasized in the records of the Magdalen Society and the WPA as respectable employments for women. At the Hopper Home run by the WPA, the superintendent of the home would “give each girl received a test of her knowledge of domestic work; each was tried in laundry and other various forms of house work.”²¹⁴ According to the report, “those who have never been instructed in the use of the needle, [were] taught practically its importance and usefulness...for the manufacture of such articles of wearing apparel as may be requisite in the Institution, or for friends offering a remuneration.”²¹⁵ Clothing produced by inmates was typically sold in order to economically support and benefit the institution. Most of the time, inmates did not receive compensation for their work, or cuts of the profit, a practice which is today reflected by the extreme exploitation and detrimental working conditions under which inmates throughout the US are subjected.²¹⁶

The rise in industrial training and domesticity within carceral institutions led to a new understanding of criminality and rehabilitation. In the 52nd Congress of the American Prison Association held in Detroit, which was attended by members of the WPA, it was noted that “if crime is the result of lack of education and training for industry, then penology is a problem of education rather than of punishment.”²¹⁷ Furthermore, it was proposed that “county jails and penitentiaries for women should be abolished, physical and mental classifications before

²¹⁴ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

²¹⁵ Magdalen Female Benevolent Society. “Missionary Labors Through a Series of Years Among Fallen Women.” New York, 1870.

²¹⁶ Garment production in women’s prisons, in both the US and the U.K. has continued into the contemporary period. For example, in 1995, the garment manufacturer Third Generation contracted sewing work to a prison in South Carolina. Victoria’s Secret, along with other companies, bought the apparel through Third Generation, that was made by inmates at the Leath Correctional Facility. Yahr, Emily. “Yes, Prisoners Used to Sew Lingerie for Victoria’s Secret - Just like in Orange Is the New Black Season 3.” The Washington Post. WP Company, April 27, 2019.

²¹⁷ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

commitment should be established, there should be industrial colonies for rehabilitation and custodial farms for repeaters.”²¹⁸

While the rhetorical move away from punishment was proposed and generally supported, in practice, violent methods of discipline and punishment remained pervasive in both New York prisons, and carceral institutions across the country. The “physical and mental classifications before commitment” that were proposed represented a concern not for the health and wellbeing of the inmate, but for their potential productivity and “usefulness.” Another suggestion presented at the Congress argued:

With the classification of our social institutions, penitentiaries are fast becoming unnecessary, and the question of abolishing them has already arisen. There is no reason why the penitentiaries situated near our large cities should not be turned into great houses of industry where habitual misdemeanants may receive scientific treatment and industrial training.²¹⁹

Coinciding with the larger industrialization of the US in the late 1800s and early 1900s, this logic exposes the roles of women’s prisons and reformatories in the project of industrialization. During their time spent in these carceral institutions, inmates were primed and expected to enter the (highly gendered) workforce, where women typically found work in domestic service, textile factories, and piecework. Additionally, the mention of “scientific treatment” alludes to the variety of attempts made to “cure” delinquency and criminality, which I discuss in the following section.

Institutional domesticity and productivity also took the form of colonies and cottages—carceral spaces that attempted to mirror domestic spaces, such as the home and the neighborhood. According to Regina Kunzel in *Criminal Intimacy*, the cottage plan was “an

²¹⁸ Ibid.

²¹⁹ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

architectural embodiment of the notion that criminal women could be reformed through domestic training and had its origins in the women's reformatory movement of the 1870s."²²⁰ During this time, "colonies" typically mirrored neighborhoods, and were constructed in rural areas, often including farm land. Cottages usually were built outside of but in close proximity to reformatories, and were modelled after small houses. According to Dr. Bernstein at a meeting of the WPA, "the colony houses and neighborhoods [were] proving a great success."²²¹ Within the colony, there were seven domestic houses, three industrial houses, and four training houses, with 406 people in them, 38 on parole working, 61 on parole in the homes, and 27 on parole at the Hopper Home.²²² Dr. Bernstein argued that "this was the ideal life for the girls as they are under supervision almost constantly."²²³ The creation of the colony as a home-like, friendly environment and the "best life for the girls" again represents the guise of benevolence in covering up projects of feminization and domestication within the carceral state. The use of the term "colony" also explicitly draws the connection between carceral spaces and legacies of colonialism. Furthermore, modelling the colonies off of homes and neighborhoods acted as a means of preparing people for the domestic space and acceptable work spaces.

Huntington Cottage was another example of the domestication of gendered carceral spaces in the 1920s. Huntington Cottage, a part of the Bedford Reformatory, was reserved for "those of the best character and conduct, for the purpose of making the girls realize the

²²⁰ Kunzel, Regina G. *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality*. Chicago, IL: The University of Chicago Press, 2010.

²²¹ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

²²² Ibid.

²²³ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

desirability of being promoted for good conduct.”²²⁴ According to notes from visits from members of the WPA, the doors were left unlocked and the inmates were allowed to arrange their own rooms as they liked.²²⁵ The general environment was described as “homelike and pleasant,” and the inmates were occasionally taken on “pleasure trips,” such as drives and sleigh rides—direct precursors to the more “open” women’s prisons today.²²⁶ In contrast, in the Reception Building, the inmates were locked in their rooms at night and made to wear blue cotton gown uniforms to distinguish them from the cottage inmates.

The inmates throughout the reformatory were taught various “female employments,” such as housework, sewing, and quilting. In the meetings notes from December 1921, it was noted that “some girls are making excellent progress, and several had married well.”²²⁷ The rewarding of proper behavior exposed the purpose of the cottage as a means of molding young people to constructed ideals of femininity and womanhood. Disguising the prison as a home forced inmates to participate in conventional gendered roles.

Feminization and Labor in Washington State Carceral Spaces

The historic exploitation of inmate labor in women’s sections and prisons in Washington State dates back to the first years of the Walla Walla Penitentiary. In the third annual penitentiary report, the warden stated that the “women’s department” had become a permanent part of the prison, and therefore necessitated improvements and accommodations in order to “utilize their labor and keep them separated from the other inmates.”²²⁸ This section of the report suggests that

²²⁴ Ibid.

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ Ibid.

²²⁸ White, O. C. Third Annual Report of the State Penitentiary of the State of Washington. 1893. WCMss57, Box 9. Washington State Penitentiary Collection. Whitman College and Northwest Archives., Walla Walla, WA.

the main arguments for the improvements of and accommodations for the “women’s department” were rooted in an attempt at increasing benefits for the institution. The permanence of the department was legitimized by the proposal to “utilize” and profit off of inmate labor, as investing in improvements would require institutional resources. The justification for these expenses was therefore not described in terms of rehabilitation, but rather in terms of usefulness and productivity.

Labor and production continued in Washington State carceral spaces with the implementation of industrial training and work in the Washington Women’s Industrial Home and Clinic. Similar to the cases of New York and the British Reformatory, inmates in the Washington reformatory were instructed in sewing, laundry, and house work, and produced articles of clothing and bedding to be sold by the institution. Looking back to the list of common occupations held by Washington inmates prior to incarceration, most could be classified as traditionally “women’s work.” The industrial training provided by the reformatory therefore acted as both a mechanism of punishment for those failing and straying from industrial, service, and house work, and a means of retraining workers to return to their gendered roles.

Suppression of Labor Organizing and Sexual Abuse in the Spokane Jail

Elizabeth Gurley Flynn was one of the very few women from the early 1900s who was able to record her experiences in the Washington State prison system. Flynn, a white woman, was an organizer for a socialist group, the Industrial Workers of the World, and fought for workers’ rights. She was part of the effort to launch a peaceful protest, also known as the Free Speech Fight of 1909, in Spokane on November 2nd of that year. Many of the organizers and

participants in the protest were arrested, as was Flynn a few days later. The protesters had come intending to overflow the jails and to experience the horrific conditions and treatment to which prisoners were subjected. According to an article in the Spokane Press titled "Human Bedlam in the City Bastille," over 20 protesters were packed into 6-foot-by-8-foot cells, called "sweat boxes," where they often "passed out or became feverish from the heat."²²⁹ In the Spokane county jail, men, women, and even a few young boys, were beaten and starved by the police. Following the initial arrests, Spokane police brought in 19-year-old Flynn on charges of conspiracy for inciting violations of the city's public speaking ban.

Flynn spent the night in jail, sharing a cell with two other women arrested on different charges. In her account of the night, she described witnessing the other women being taken out in the middle of the night to visit the men on the first floor. Upon her release, she shared her story in the December 10th edition of the *Industrial Worker* newspaper and accused the jail of being a "municipal brothel" and of prostituting its women prisoners. She wrote, "The jailers are on terms of disgusting familiarity with these women, probably because the latter cannot help themselves or don't care... They are unconscious of their degradation and solicit no sympathy."²³⁰ Police retaliated by attempting to destroy the issue before distribution, but it is reported that eight copies survived. In the December 15 issue of the *Industrial Worker*, Flynn published a manifesto titled "Story of my Arrest and Imprisonment." Flynn wrote, "the whole performance bore the earmarks to me of a putrid state of morals inside the county jail of Spokane. Taking a woman prisoner out

²²⁹ Scott, Chey. "1909: Muckraking Gal Tossed Into The Clink, Exposes Spokane Jail Depravities And Abuse." *Inlander*. *Inlander*, April 23, 2019.

²³⁰ *Ibid*.

of her cell at the dead hours of night several times to visit sweethearts looked to me as if she were practicing her profession inside of jail as well as out!"²³¹

While Elizabeth Flynn's account was significant in its attempts to expose the abusive and violent realities faced by inmates inside the Spokane jail, her attitudes towards sex work mirrored those of the British reformers and the WPA. Flynn portrayed the sexual encounters between the guards and the inmates as almost consensual and transactional, and not as an extreme abuse of power and exploitation on behalf of the guards. Furthermore, her use of the term "sweethearts" to describe the guards undermined her claims about the jail as abusive, and the guards as hostile. Her exclamation that the women inmates were "practicing [their] profession inside of jail as well as out" conveyed her view of the people to whom she was referring as potential sex workers. Her argument that the incarcerated women "[did] not care" or "[could not] help themselves," suggests a continued link between criminalization and hypersexualization. Flynn argued that the women should "solicit no sympathy," distancing herself and her fight for workers rights from the subjects of sexuality and sex work—which were prominent sources of unionizing later in the century. Referring to their "degradation," Flynn harkened back to the ideals of Victorian womanhood and purity, suggesting that sex, whether coercive or not, diminished and disrupted constructed notions of femininity and womanhood. While her overall story exposed the use of the prison as a means of suppressing labor organizing, Flynn's refusal to show sympathy and solidarity with the other inmates dangerously divided the support for unionization and labor rights, as her failure to recognize the legitimacy of sex work,

²³¹ Ibid.

and the presence of sexual assault within the jail, erased the potential connections between movements and experiences.

Agnes Thelca Fair was among the other people held in the jail at that time, having been arrested on November 5, 1909. She recounted being confined in a dark cell by herself, and then being sexually harassed and assaulted by guards who were attempting to question her about the union. The use of sexual harassment and assault within the context of interrogation exemplifies invasive and intimidating penal practices that act as a means of stripping inmates of bodily autonomy under the guise of rehabilitation and discipline.

Furthermore, according to the organization “Revolting Lesbians,” in their publication “Political Women Prisoners in the US,” sexual harassment, coercion and intimidation, as well as promises of preferential treatment, have historically been used to manipulate inmates.²³² The organization posited that, “similar to the response to rape victims in the free world, there is a tendency among correctional officials to blame the victims of sexual harassment. Most often the charges are denied.”²³³ According to a political prisoner named Susan Rosenberg serving a 58-year sentence, “sexual threats and sexism as a weapon are rampant in the prisons as a whole...it is encouraged and applauded by the administration and the guards.”²³⁴

The use of sexual harassment, violence, and coercion has been present in the US women’s prison system since before women’s prisons were constructed, as exemplified by Elizabeth Flynn’s account. The weaponization of sexual threats and sexism in women’s prisons again disrupts the notions of gender responsive and separate spaces as rehabilitative and

²³² Revolting Lesbians. *Political Women Prisoners in the US*. Bay Area, CA: Revolting Lesbians, 1988.

²³³ Ibid.

²³⁴ Ibid.

benevolent. While the anxieties that inspired the creation of separate facilities focused on potential sexual relationships and abuse between inmates—viewed as dangerous, uncontrollable, and immoral—the unregulated control given to prison guards and administration over the bodies of prisoners allowed for both the continued perpetuation of sexual violence, and its institutionalized cover-up.

Public Health: The Criminalization of Syphilis and Sex Work in New York

The WPA reports from the 1880s into the early 1900s demonstrate a growing concern among prison reformers about sex work as a threat to their ideals of morality, public health, and family structures. Debate also began to surface around government regulation, and the violent practices of examination and confinement that accompanied it. In an 1883 address of the New York Committee for the Prevention of State Regulation of Vice and the 3rd International Congress of the Federation for the Abolition of Government Regulation of Prostitution, numerous arguments were presented in opposition to the government regulation of sex work. Prior to this assembly, the British Contagious Diseases Acts had passed in 1864, in an attempt to prevent the spread of venereal diseases within the armed forces.²³⁵ The new legislation allowed British police officers to arrest people whom they suspected of being sex workers. Once arrested, they were forcibly checked for STIs, and if they tested positive, they were locked in a hospital for up to three months, or until cured.²³⁶

In Ohio in 1883, under the Municipal Board of Health, “a system of registration, with the compulsory medical examination of women prostitutes, was proposed, and those found to be free

²³⁵ Hagemann, Karen. “The British Contagious Diseases Acts (1864, 1866, and 1869).” *Towards Emancipation?* Accessed November 28, 2019.

²³⁶ *Ibid.*

from disease would be given certificates of the fact.”²³⁷ This proposition was met with indignation, and “through efforts of earnest Christian women, including several women physicians, with the cooperation of the pastors of the city, the scheme had been, for the present at least, defeated.”²³⁸

While the processes of medical examination, and the punishment that followed positive STI screenings were examples of state sanctioned violence and control, these were not the challenges voiced or exposed by the primarily white “earnest Christian women” in defiance of the practice. Instead, the WPA used the debate over the legalization of sex work to promote “the cause of morality and social purity...for the building up of righteousness and a true Christian civilization throughout the world.”²³⁹ Reformers, including members of the WPA, feared the legitimization of sex work that they viewed as accompicing government regulation. Sex work was perceived by these groups as an “evil which has threatened to overtake us,” and a “crime to innocence,”²⁴⁰ mirroring the Victorian rhetoric that demonized sexuality, immorality, and promiscuity associated with pre and extra marital sex.

According to notes from a meeting of the New York Committee of the International Federation to Promote the Abolition of State Regulated Vice, “no human enactment which contradicts God’s higher law can result in anything but evil. The proposition to regulate, to license, dignify, and protect social vice by civil law, contradicts the higher law.”²⁴¹ Calling on

²³⁷ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ Ibid.

religious virtues and practices, this logic painted sex work as un-Christian, and therefore criminal.

The scope of these arguments became extremely gendered, when the WPA argued that “such legislation is cruelly unjust towards women. It proceeds upon the presumption that prostitution is a necessary, if not a normal, condition of a certain number of women; and this not for themselves, but for man’s gratification. This assumption strikes at all womanly purity.”²⁴² The rhetorical strategy utilized in this passage of seemingly raising oppositions to sex work on the behalf of the sex worker, exposes the framework and complex of benevolence as a guise for bodily control and order. The members of the WPA supposedly fighting on behalf of their constructed ideals of “womanly purity” did so in a way which criminalized and degraded the people they were claiming to help.

This criminalization manifested largely through perceptions about the relationships between sex workers and their clients. The WPA reports claimed that sex work “invite[d] men to sin, and offer[ed] a premium to lustful indulgence...luring [primarily white] men to ruin.”²⁴³ These lines represent a near moral panic around the potential breakdown of the heteronormative, nuclear, domestic family. While under this logic, men were unable to resist temptation, and therefore became “ruined” for their middle class women counterparts, blame and criminalization were placed primarily on the part of the sex worker.

While much of the discussion surrounding the regulation of sex work centered on arguments of morality, there existed another anxiety in relation to STIs and public health.

²⁴² Ibid.

²⁴³ Ibid.

According to Dr. Emily Blackwell M.D. of New York, who spoke at a WPA meeting (from the early 1880s) and gave an explanation of the proposed regulatory act:

The proposed Act contains three clauses. The first makes it a penal offense to be instrumental knowingly in communicating any contagious disease including syphilis; the second renders it penal to harbor any person capable of communicating such disease; the third gives Health Boards power to remove such persons to a hospital for treatment whenever they judge it necessary for public safety; this might render compulsory the transfer to a hospital of every case of contagious disease and render any one liable to penalty who failed so to transfer any tenant, resident, friend, relative, or child, so affected.²⁴⁴

The surplus of power for the criminal justice system proposed by this Act, as well as the arbitrary nature of its enforcement allowed for an increase in racialized, gendered, and classed profiling, arrests, and harassment, as is discussed in the next chapter.

Public Health vs. Prison Health in Washington State

While anxieties surrounding public health contributed to increases in the criminalization and incarceration of people deemed “unhealthy”—as a means of protecting white, middle class heteronormativity and productivity—in many cases, little to no concern was shown for the health of the people inside carceral institutions. This neglect of health and wellness was demonstrated in the first official state prison, built in Walla Walla in 1887. According to the annual reports of the first few years, the (primarily women of color) inmates were confined in rooms that were separated from the prison hospital only by board partitions, making them more susceptible to illness and disease due to their proximity to the hospital patients.²⁴⁵ Hospital wings within the

²⁴⁴ Ibid.

²⁴⁵ Report of Building Commissioners of the Penitentiary of Washington Territory. 1887. WCMss57, Box 9. Washington State Penitentiary Collection. Whitman College and Northwest Archives., Walla Walla, WA.

prison were also used as places of confinement, especially for people incarcerated for having “venereal diseases.”

In the Washington Women’s Industrial Home and Clinic, Dr. J.D. Windell was hired as a genitourinary and gynecological specialist. According to a letter sent to the governor by the board of managers, Windell reportedly “got results” through his medical practice and methods of discipline.²⁴⁶ This combination of reproductive healthcare and punishment demonstrated the beginnings of invasive and inadequate medical care in women’s prisons. The implication of “getting results” through medicine and discipline alludes to the experimental nature of gynecology in prison, and the transformation of inmates into available subjects to be studied and experimented on.

According to Anastazia Schmid, an artist, activist and scholar currently incarcerated at the Madison Correctional Facility in Indiana, during the 19th century development of gynecology, “captive women were the prime candidates for experimental gynecological surgeries due to their invisibility, and due to the voicelessness of their social position.”²⁴⁷ Violent and painful experimentation was performed on enslaved women during the mid-1800s,²⁴⁸ and on incarcerated women throughout the later part of the century. The medical experimentation and torture of prisoners in women’s prisons included medical rape and induced abortion, demonstrating what Schmid refers to as the “fear and obsession with women’s bodies and

²⁴⁶ Washington State. *Washington Public Documents, Volume 2*. Vol. 2, The University of Michigan, 1920.

²⁴⁷ Schmid, Anastazia. “Crafting the Perfect Woman: How Gynecology, Obstetrics and American Prisons Operate to Construct and Control Women.” *Abolition Journal*, February 10, 2019.

²⁴⁸ See “Black Subjectivity and the Origins of American Gynecology” by Rachel Zellas for more on this subject

sexuality at the heart of gynecology.”²⁴⁹ These practices, especially that of forced abortion, also reveal the connections between gynecology, eugenics, and institutional and medical racism.

Carceral Discourse on Delinquency, Deviancy, and Disability

“Delinquency” and disability presented additional sources of anxiety for New York reformers, resulting in a number of speculative and attempted “cures” and preventative measures. In April of 1922, a report presented in the WPA materials titled “The Prevention of Delinquency in School” posited, “the cure of Delinquency is difficult if not impossible, but prevention is another matter...Bedford Hills filled in the same way with girls who had been unable to make the adjustment with the environment and life in which they found themselves.”²⁵⁰ The report contained numerous critiques of the education system, asking the question “why is it that this huge machine for education is so functioned as to produce such a supply of misfits?”²⁵¹

According to the WPA’s records, in 1918, there were “47,000 boy and girl ‘truants’ from schools, all ‘heading for delinquency’ ...examples given of a deaf boy and of a girl with bad home conditions, which are frequent causes of delinquency. Feeble mindedness is another cause.”²⁵² These explanations placed blame on the individual students and their families for failing to conform or perform. Citing “truancy,” disability, and “feeblemindedness” as precursors to delinquency defined these children as problems to be dealt with and “fixed.”

²⁴⁹ Schmid, Anastazia. “Crafting the Perfect Woman: How Gynecology, Obstetrics and American Prisons Operate to Construct and Control Women.” *Abolition Journal*, February 10, 2019.

²⁵⁰ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

²⁵¹ *Ibid.*

²⁵² *Ibid.*

The term “feeble-mindedness” appears throughout the WPA records, and even within the archives of the British Reformatory. In the article “Beyond the Pale: Tainted Whiteness, Cognitive Disability, and Eugenic Sterilization,” Anna Stubblefield deconstructs the involuntary institutionalization and sterilization of people labeled feeble-minded as a central tactic of the US eugenics movement.²⁵³ According to Stubblefield, in the US between the years 1927 and 1957, around 60,000 people categorized as either feeble-minded or insane were forcibly sterilized at state institutions “in the name of eugenics.”²⁵⁴ 60% of those were women, and a majority were white and poor.

In the article, Stubblefield argues, “the concept of feeble-mindedness was based upon a racialized conception of intelligence, according to which white people supposedly had normal and above normal cognitive ability, while members of other races supposedly had subnormal cognitive ability.”²⁵⁵ The categorization of people based on their perceived intelligence directly related to the education system, and the WPA example in which students were marked as “feeble-minded” and therefore delinquent. The racialization of the concept of feeble-mindedness was also evident in the New York State calls for specific attention and institutionalization for young people of color labeled feeble-minded. In the April 18, 1922 report, “Prevention of Delinquency in Schools,” it was argued that there was “a great need for such a Home for colored feeble-minded girls.”²⁵⁶ This rhetoric represents a constructed correlation between

²⁵³ Stubblefield, Anna. “‘Beyond the Pale’: Tainted Whiteness, Cognitive Disability, and Eugenic Sterilization.” *Hypatia* 22, no. 2 (2007): 162–81.

²⁵⁴ *Ibid.*

²⁵⁵ Stubblefield, Anna. “‘Beyond the Pale’: Tainted Whiteness, Cognitive Disability, and Eugenic Sterilization.” *Hypatia* 22, no. 2 (2007): 162–81.

²⁵⁶ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

feble-mindedness and blackness that worked to label young black women as deviant or pre-criminal and therefore in need of institutionalization.

Stubblefield also explains the ways in which constructions of feble-mindedness were gendered. She writes, “Feble-mindedness, once it was linked to tainted whiteness, became gendered. As a sign of whiteness, feble-mindedness was linked to moral depravity. In women, but not in men, moral depravity was primarily equated with sexual promiscuity.”²⁵⁷ In the same 1918 WPA report, it was written that “50% of women prostitutes are mental defectives, and institutions for delinquents and feeble minded are closely allied.”²⁵⁸ The equation of sexual promiscuity and deviance with feble-mindedness, and the criminalization, institutionalization, isolation and even sterilization of people labelled “mental defectives,” “delinquents,” and “prostitutes” exposes the relationship between eugenicist rhetoric and the prison. According to Stubblefield, this relationship and rhetoric expanded well into the rest of the century. Stubblefield writes, “Eugenic sterilization of supposedly mentally deficient white people gave way to widespread coercive sterilization of black, Puerto Rican, Mexican, and American Indian women in the 1960s and 1970s.”²⁵⁹ The correlation between sterilization and institutionalization—in which isolation is inherent—positions the carceral space (including prisons, reformatories, and asylums) as prime locations of eugenicist practices that target specific populations—based on race, gender, class, sexuality and ability—for removal from society.

²⁵⁷ Stubblefield, Anna. “‘Beyond the Pale’: Tainted Whiteness, Cognitive Disability, and Eugenic Sterilization.” *Hypatia* 22, no. 2 (2007): 162–81.

²⁵⁸ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations..

²⁵⁹ Stubblefield, Anna. “‘Beyond the Pale’: Tainted Whiteness, Cognitive Disability, and Eugenic Sterilization.” *Hypatia* 22, no. 2 (2007): 162–81.

Furthermore, these examples hint at the ways in which children and adults with disabilities were criminalized. According to Laura Appleman in her article “Deviancy, Dependency, and Disability: the Forgotten History of Eugenics and Mass Incarceration,” the historical institutionalization of people with disabilities is often overlooked and erased in discussions of mass incarceration.²⁶⁰ Appleman argues, “until we fully understand our long history of forcibly institutionalizing the mentally ill, the cognitively and physically disabled, and the ‘socially undesirable,’ we will remain ill-equipped to address the problem of mass incarceration.”²⁶¹ The equation of disability with delinquency and criminality exemplified in the WPA records was reflective of the larger movement in the US towards the use of asylums as carceral institutions. According to Appleman, “beginning in the mid-nineteenth century, life in the asylum took a drastic turn for the worse. Public psychiatric hospitals became flooded with patients, turning these ‘moral treatment’ centers into ‘human warehouses.’”²⁶² Similar to the ways in which the WPA believed they could “cure” and/or prevent delinquency through engagement with the prison system, the increase in the construction of and admittances to asylums corresponded with a growing “belief in the curability of mental illness [and disability] by confinement in an appropriate asylum.”²⁶³ Appleman argues that the American treatment of disability has always involved the isolation and quarantine of people “deemed irredeemable members of the polity.”²⁶⁴ By defining so many children—especially low income and children of color—as delinquent, pre-criminal, and in need of institutionalization, and citing specific

²⁶⁰ Ibid.

²⁶¹ Appleman, Laura. “Deviancy, Dependency, and Disability: the Forgotten History of Eugenics and Mass Incarceration.” *Duke Law Journal* 68, no. 3 (2018).

²⁶² Ibid. 430

²⁶³ Ibid. 431

²⁶⁴ Ibid. 436.

examples of disability as a causes of delinquency, the WPA records mirror this logic of irredeemability and disposability. Pointing again to the inseparability of ableist and carceral logics, Appleman asserts that “this power to detain, contain, and control the disabled developed ‘not as an exception to the norms of criminal justice but parallel to it.’”²⁶⁵

Also in 1918, Judge Hoyt of the Childrens’ Court reported that he “felt that there was a great need for a detention home for girls of color.”²⁶⁶ Although it is unclear whether or not this project was continued, again, the racist and segregationist rhetoric criminalized young women of color further and portrayed them as in need of even more intensive and specified reformation. The rhetorical strategies of the WPA produced a model of the innocent and ideal child as white, middle class, able-bodied and minded, and obedient, therefore defining those outside this mold as deviant and potentially delinquent.

Instead of addressing or critiquing the problems with the education system, the WPA focused their efforts on rehabilitating and reforming young people who had already been caught up in the juvenile justice system. After the residents of the Isaac T. Hopper House completed their religious and industrial training and found permanent homes, the Hopper House would hold graduation ceremonies. In a report from a graduation on June 7th, 1923, “the First Director then explained to the girls that with the discharge, they became Citizens, and all rose and sang ‘My Country ‘tis of Thee.’”²⁶⁷ The modeling of the discharge ceremony on school graduations demonstrates the ways in which industrial training and the domestication, industrialization and gendering of labor were disguised as education and rehabilitation.

²⁶⁵ Ibid., 436

²⁶⁶ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

²⁶⁷ Ibid.

Furthermore, the distribution of “citizenship” and the singing of “My Country ‘tis of Thee” were imbued with patriotism and nationalism, in an attempt to legitimize the reformers’ actions to a wider audience. In the second graduation exercise on January 29th, 1924, around 75 people were present, including those being released, their friends, employers, and many Board members of the Home.²⁶⁸ During the ceremony, Dr. Bernstein, in charge of the house at the time, gave a “friendly speech to all the company,” followed by the serving of ice cream and cake. The spectacle of a large audience, and the fact that the ceremony centered the voices and efforts of the reformers and not the supposedly “reformed,” exposed the graduation as a facade of benevolence.

Additionally, constructions of women’s criminality occurred not only along the lines of race, gender, and socioeconomic status, but also in conjunction with the intersections between sexuality and (dis)ability. According to Robert McRuer in his book, *Crip Theory: Cultural Signs of Queerness and Disability*, homosexuality and disability share a “pathologized past” through which both able-bodiedness and heterosexuality are not only connected, but also “masquerade as nonidentit[ies]” and the “natural order of things.”²⁶⁹ The women’s prison acts as a physical and rhetorical manifestation of this interconnectedness, as a space which labels queerness and disability as non-normative, unproductive, and therefore deviant and disposable. McRuer notes that, “because of changing economic, political, and cultural conditions at the turn of the millennium, the relations of visibility in circulation around heterosexuality, ablebodiedness,

²⁶⁸ Ibid.

²⁶⁹ McRuer, Robert, and Bérubé Michael. *Crip Theory: Cultural Signs of Queerness and Disability*. New York: New York University Press, 2006.

homosexuality and disability have shifted significantly.”²⁷⁰ *Crip Theory* traces the association of deviancy with disability and homosexuality from industrialization to neoliberalism.

McRuer defines the intersection between privileged and normalized ability and sexuality as “able-bodied heteronormativity.” According to McRuer, in the 1900s, the Oxford English Dictionary (OED) defined *heterosexual* as “pertaining to or characterized by the normal relations of the sexes; opp. to *homosexual*.”²⁷¹ Similarly, the OED defined *able-bodied* as “having an able body, i.e. one free from physical disability, and capable of the physical exertions required of it...ability to work; robustness.”²⁷² Able-bodiedness and heterosexuality were defined as “normal” and in direct opposition to homosexuality and disability. Furthermore, able-bodiedness was considered “normal” and therefore preferred because it implied an “ability” to participate in normative, industrialized labor. The intersections between disability and queerness, and the ways in which both were criminalized and contained together, demonstrate the ways in which the historic and modern women’s prison promoted “able-bodied heteronormativity.”

Sexuality and the Structuring of Women’s Prisons and Reformatories

Similar to the early 19th century British archival materials, the reports from the WPA and other New York carceral institutions from the late 1800s to early 1900s engaged in a simultaneous dismissal of and obsession with sexuality. The New York Magdalen Benevolent Society referenced the presence of “licentiousness” amongst their inmates as “a vice fearfully threatening to deluge our highly-favored country.”²⁷³ The WPA records are filled with anxieties around

²⁷⁰ Ibid.

²⁷¹ Ibid.

²⁷² Ibid.

²⁷³ Magdalen Female Benevolent Society. “Missionary Labors Through a Series of Years Among Fallen Women.” New York, 1870.

promiscuity, immorality, and deviant sexual behavior, yet never explicitly provide concrete examples of sexual relationships within carceral institutions. However, according to Regina Kunzel in *Criminal Intimacy*, anxieties around the co-institutionalization of “male and female inmates” expanded beyond the potential for physically sexual acts. Kunzel writes, “Nineteenth-century prison officials were especially anxious to curtail opportunities for intercourse of any sort between male and female prisoners. Mere conversation between male and female inmates was understood to be ‘a monster evil,’ inevitably ‘corrupting and pernicious.’”²⁷⁴ Reformers and administrators feared that cohabitation with male inmates would not only lead to extramarital sexual relationships and sexual deviance, but also to the corruption of the general femininity of the inmates that they were attempting to cultivate. This anxiety equated criminality and criminal potential with masculinity—the “cure” for which was a complete denial and separation from these influences that could only be achieved through an isolation of the sexes.

As in the cases of the British Reformatory and the New York prisons discussed earlier, constructions and anxieties surrounding sex and sexuality dictated the physical layouts and structures of Washington State prisons. According to a Commissioner’s Report from the first three years of the Walla Walla Penitentiary, “The dictates of humanity forbid the promiscuous incarceration of male and women prisoners.”²⁷⁵ It was therefore proposed that a separate building be constructed, which was viewed as an immediate necessity. The report proposed that the separate prison building would include all the necessary accommodations (cells, kitchens, dining

²⁷⁴ Kunzel, Regina G. *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality*. Chicago, IL: The University of Chicago Press, 2010.

²⁷⁵ White, O. C. Third Annual Report of the State Penitentiary of the State of Washington. 1893. WCMss57, Box 9. Washington State Penitentiary Collection. Whitman College and Northwest Archives., Walla Walla, WA.

rooms, baths, and workrooms) and should be watched over by a hired matron.²⁷⁶ The perceived necessity to control and prevent “promiscuity” between prisoners influenced the move toward gendered and physical separation within the prison space. This process of institutionalized gendering extended beyond the prisoners and to the design and appearance of the prison itself.

In Washington State, the reformatory movement coincided with and inspired a general change in carceral architecture. Rejecting the custodial model of prisons, the Washington State Industrial Home and Clinic and the Washington Corrections Center for Women attempted to mirror “college-campus” and “home-like” aesthetics and architecture. The “transformation” of the prison space from one of punishment to rehabilitation, portrayed and publicized largely through descriptions of physical layout and structure, is another instance of the guise of benevolence as a means of concealing the inherent racist, gendered, and violent functions of the prison.

While the Washington state reformatory, also known as the Washington Industrial Home and Clinic, was only open for a little over a year, the descriptions of its development, mission, and facility emphasized domesticity and feminization in similar ways to the New York cottages and colonies, and the British Reformatory. Esther Bosley, a Washington social worker, was the driving force behind the creation and funding of the Industrial Home. She asserted that there was a statewide need for a correctional school for “delinquent” adult women. Esther Bosley organized support from state social welfare agencies, while her daughter, Reah, drafted a bill. This bill was presented to the legislature and passed with appropriation for funding for two years.

²⁷⁶ White, O. C. Third Annual Report of the State Penitentiary of the State of Washington. 1893. WCMss57, Box 9. Washington State Penitentiary Collection. Whitman College and Northwest Archives., Walla Walla, WA.

²⁷⁷ The work of Esther and Reah Bosley demonstrated another example of how white women acted as the driving forces behind the construction of separate gendered carceral facilities. The phrase “correctional school for delinquent adult women” was code for a penal institution.

In a letter from October 25, 1920 to the Governor of Washington, the Women’s Industrial Home and Clinic board of managers described the mission of the reformatory as one of “care, treatment, training, and reformation.”²⁷⁸ The reformatory opened at Medical Lake was formerly a custodial school, but was remodeled to hold 68 inmates. The buildings were described as “strictly fireproof and modern...We have fifteen acres in garden, fruit and berries.”²⁷⁹ Treatment included “fresh air, hard work, regular hours, good plain food, discipline, self-government, the test of responsibility, industrial and religious training...to send these women out with spiritual vision, renewed strength and skill to take their places as homemakers or to supply the great need for women in industry.”²⁸⁰ While the letters and reports of the institution continuously emphasized the use of “modern” methods of rehabilitation and care, these practices directly mirrored Victorian era reformers’ ideologies of benevolence, religious morality, industrial labor, and forced feminization. The descriptions of the reformatory’s treatment model expose the underlying projects of religious conversion, enforced gender roles, heteronormativity, and feminized and productive labor continually present within the supposed “new and improved” carceral space.

Early prison spaces and internal layouts were also influenced by and even segregated in response to general anxieties surrounding interracial queer relationships. Margaret Otis’ 1913

²⁷⁷ Bragg, Lynn. *More than Petticoats: Remarkable Washington Women*. 2nd ed., Rowman & Littlefield, 2010.

²⁷⁸ Washington State. *Washington Public Documents, Volume 2*. Vol. 2, The University of Michigan, 1920.

²⁷⁹ Ibid.

²⁸⁰ Ibid.

publication, “the first documentation of romantic and sexual relationships between female inmates,” focused heavily on and contributed to the anxieties surrounding interracial queer relationships and sex.²⁸¹ According to Regina Kunzel in *Criminal Intimacy*, “among the striking features of Otis’s account was her identification of white inmates not as the passive recipients of black inmates’ advances but as fully reciprocating partners who sometimes even initiated those ‘unfortunate attachments.’”²⁸² While Otis’s observations did not specifically fall in line with other reports that labelled homosexuality as overwhelmingly violent and abusive, her account still clearly disapproved of these relationships. Kunzel continues, stating that “Otis explained that relationships between them were structured by a gendered erotics of racial difference, speculating that ‘the difference in color, in this case, takes the place of difference in sex.’”²⁸³ This logic furthered the masculinization and hypersexualization of black women, prevalent both inside and out of the carceral space. As masculinity was more closely tied to criminality than femininity, this masculinization of black women also traced a connection to their perceived criminality. Anxieties specifically surrounding the sexual relationships between black and white inmates again pointed to a concern with the preservation of white femininity; black lesbianism was therefore understood as corrupting. Otis also argued, “in this interpretation, white women were not really lesbians, for they were attracted to men, for whom Black women temporarily substituted.”²⁸⁴ This interpretation attempted to reconcile and preserve the conceived stability of white women’s heterosexuality. Otis’ account not only denied the reality of queerness inside

²⁸¹ Kunzel, Regina G. *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality*. Chicago, IL: The University of Chicago Press, 2010.

²⁸² Ibid.

²⁸³ Ibid.

²⁸⁴ Ibid.

women's prisons, but also placed further blame and criminalization on black women in order to further protect the idealized notion of the white heterosexual woman.

Violence and Resistance in Early New York Women's Prisons

As the Women's Prison Association conducted frequent visits to prisons in New York, their records, while not complete or inclusive, included instances of violence in the newly developed state women's prisons and institutions. In Albion in 1893, and Bedford Hills in 1901, the reports noted that "even in these reformatories, women did not escape punishments that amounted to torture."²⁸⁵ While this statement attempts to portray reformatories as less punitive and more restorative, it still is effective in its language of punishment as torture, and therefore unjust and inhumane.

In 1919 and 1920, according to the WPA, inmates in Bedford Hills who were perceived as "refractory or hysterical...were handcuffed with arms behind the back, and with a second pair of handcuffs fastened to the gratings so that their weight was on the toes or ball of the foot. While in this position their heads were forced down into a pail of water. The management contended that this was treatment, not punishment."²⁸⁶ The management's claim that this state endorsed violence was "treatment" was representative of the widespread practice of institutions, administrations and states attempting to conceal and cover up the horrific conditions and tortures implemented under their direct knowledge and control.

²⁸⁵ Women's Prison Association of New York records. Manuscripts and Archives Division. The New York Public Library. Astor, Lenox, and Tilden Foundations.

²⁸⁶ Ibid.

In 1919, the Bedford Board of Managers received an anonymous letter exposing a number of extreme abuses meant to restrain “unruly inmates.”²⁸⁷ Two such practices referred to were “stringing up,” in which an inmate was “suspended from the floor with either her feet or the tips of her toes touching the ground and her hands behind her back—and ‘ducking,’ a practice similar to modern waterboarding.”²⁸⁸ The letter claimed that both disciplinary practices were commonplace, and while official records from the time are limited, it is also likely that these forms of punishment were disproportionately applied to black inmates “targeted for disciplinary violations.”²⁸⁹

Prison violence has persisted, permeating the entire history of women’s prisons, and has been met with numerous resistance and organizing efforts on the part of prisoners and their allies. In response to the inherent, persistent, and hidden injustices of the prison system, one of the many methods of resistance and resilience that inmates turned to was poetry. For example, in 1918, Lynette Murphy, a young black woman held at Bedford Hills for “incorrigibility,” was transferred to a disciplinary building at Bedford for “improper actions with another [white] girl.”²⁹⁰ In her isolation cell, Murphy wrote the following poem on toilet paper, addressed to the friend from whom she was forcibly separated:

sweetheart in dreams
I’m calling
I love you best of all
when shadows of twilight are falling
I miss you most of all
sunshine of joy in your
smile I can see
in each winking star

²⁸⁷ Walker, Hannah, "From a Whisper to a Rebellion: Examining Space, Race, Sexuality, and Resistance within the Confines of the Bedford Hills Correctional Facility" (2017). Women's History Theses and Capstones. 33.

²⁸⁸ Ibid.

²⁸⁹ Ibid.

²⁹⁰ Ibid.

your face I can see.
You'r all of my heart
so don't let us part
Sweetheart I'm calling you.

While I was unable to locate more poems written by people in women's prisons from the Victorian era, the following two poems, published in the women's prison newsletter "Through the Looking Glass," capture what I perceive to be timeless and revelatory expressions (although individual and by no means all-encompassing) of experiences in women's prisons.

Anger

Anger is the stuff that stiffens my spine
Raises my head, and brings forth
All my defiant determination.
It brings on needling words
To probe at wounds
That I have made.
Anger brings on all my cunning
And breeds a discomfoting stare.
Anger can diminish to
A screaming, weeping wretch,
Despising all who look at me.
This is the anger bred of teasing.
Anger can lift my chin
And straighten my back
And make my mind work
As it has never before worked,
And this is the anger bred from pride.

—Melissa A. Dergel, TTLG, Vol. 6, No. 4, 1981²⁹¹

Time

I ache for my freedom
My nostrils flare and I sense the vileness

²⁹¹ Rowe, Donna. "From the Inside Out: Women Writers Behind Prison Walls" (2004). Department of American Studies.

That twist these cell bars
I tune in...I tune out.
Time gets no easier
Time heals no historical events
Old larcenies
Old lies
Old mistakes...are all magnified
Festering over like the open-unkempt sores that they are
Nothing is forgotten
Nothing is forgiven
Nothing is gained ...except time...

- Yasmeen Jamal, TTLG, Vol. 10, No. 2, 1985²⁹²

²⁹² Ibid.

Chapter 3:

“They Can’t Imprison Our Power”²⁹³: Contemporary Constructions of Criminality and Queer Resistance in New York State and Washington State Carceral Institutions (1960-1999)

In this chapter, I move my analysis into the contemporary period—which I define as the 1950/60s onward—while still locating my discussion primarily in New York and Washington States. I make this rhetorical and archival transition in order to demonstrate the ways in which the Victorian era practices and constructions of criminality, incarceration, and reformism led to dramatic increases in women’s prisons and the growth of mass incarceration. I also provide examples of resistance behind bars, specifically organized by queer inmates of color.

Mass incarceration in the US increased rapidly from the 1970s on. Between 1980 and 2016, the number of people incarcerated in US women’s prisons, jails, and institutions increased by more than 700%, from approximately 26,378 in 1980 to 213,722 in 2016.²⁹⁴ According to the Prison Policy Institute, the rate of growth in the women’s prison/criminal justice system has been “twice as high as that of men since 1980,” and the imprisonment rate for black women has been twice as high as that of white women.²⁹⁵ These general trends are also exemplified in the specific cases of Washington State and New York over the past several decades. When dealing with such large numbers, it is critical that individual experiences, and the historical roots that produced them are not overlooked. While the prison system, and specifically the women’s prison system, has gone through numerous changes since the early 19th century, the underlying principles of

²⁹³ Rowe, Donna. “From the Inside Out: Women Writers Behind Prison Walls” (2004). Department of American Studies.

²⁹⁴ “Incarcerated Women and Girls, 1980-2016.” *Incarcerated Women and Girls, 1980-2016*. The Sentencing Project, 2018.

²⁹⁵ Ibid.

forced feminization, racialization, labor exploitation, and the criminalization of non-normative sexualities, bodies, and occupations continue to critically define and structure the modern US women's prison.

Neoliberalism, beginning in the 1970s and 80s, was instrumental in the structuring and privatization of the modern women's prison. According to Stephen Dillon in "The Only Freedom I Can See: Imprisoned Queer Writing and the Politics of the Unimaginable," a chapter of the book *Captive Genders*, under the system of neoliberalism, unions, social services, and environmental, labor, health, safety regulations, price controls, and any barriers to "free trade" were dismantled.²⁹⁶ Additionally, state owned institutions, including prisons, were beginning to be privatized. Similar to the logic of mass incarceration, subjection to "premature death" from homelessness, poverty, illness, over-work, addiction, or incarceration were viewed as the results of "isolated, individual choice," rather than systemic processes of discrimination.²⁹⁷ Dillon argues:

In the 1970s, the United States...facing political insurrection and debilitating economic crisis, did what it had always done: systematically identify, coercively control, and violently eliminate foreign and domestic 'enemies.' The US prison regime emerged to discipline portions of the working poor considered 'surplus' or incorrigible to new precarious, low-wage, service work; to neutralize and contain potentially rebellious populations; and to reaffirm the authority of racially gendered state and corporate power. In the late 1970s and early 1980s, criminalization became the weapon of choice in dealing with the globalization of capital and the resistance it engendered.²⁹⁸

In this thesis, my aim has been to demonstrate how the logics and practices of Victorian era British and American reformers, administrators, and proponents of women's prisons,

²⁹⁶ Stanley, Eric A., and Nat Smith. *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. Edinburgh: AK Press, 2016.

²⁹⁷ Ibid.

²⁹⁸ Ibid.

underpinned constructions of criminality that normalized neoliberal-era politics of privatization, disposability and mass incarceration.

Along with the shutdown of social services, came the deinstitutionalization and depathologization of mental illness and queerness—homosexuality was removed as a mental illness from the DSM in 1973. Patients with mental illnesses in state and public hospitals were released to community facilities or families without supervision.²⁹⁹ With little to no institutional support, many people with mental health problems, including and in addition to people of color, people with disabilities, trans people of color, sex workers, people with HIV/AIDS, drug users, and those who could not gain access to the formal work economy, were forced out onto the streets, and subsequently criminalized and targeted by police violence and incarceration. Reports of increasing numbers of people with mental illnesses in prisons and jails began appearing in the 1970s,³⁰⁰ and studies on the topic have also demonstrated strong associations between histories of psychiatric hospitalization and homelessness, and also homelessness and criminalization.³⁰¹ The prison therefore began to replace the psychiatric hospital and other similar institutions, as a means of containing and controlling bodies viewed as non-normative, deviant, “unhealthy,” or undesirable.

The feminist anti-violence movement also began in the early 1970s and coincided with the growth of the carceral state and the early development of carceral feminism.³⁰² As neoliberalism shifted the focus of the criminal justice system away from rehabilitation and

²⁹⁹Aderibigbe, Yekeen A. “Deinstitutionalization and Criminalization: Tinkering in the Interstices.” *Forensic Science International*. Elsevier, December 22, 1999.

³⁰⁰ Slate, Risdon N., Jacqueline K. Buffington-Vollum, and W. Wesley. Johnson. *The Criminalization of Mental Illness: Crisis and Opportunity for the Justice System*. Durham, NC: Carolina Academic Press, 2013.

³⁰¹ Ibid.

³⁰² Kim, Mimi E. “From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration.” *Journal of Ethnic & Cultural Diversity in Social Work* 27, no. 3 (2018): 219–33.

towards crime prevention, mainstream feminists began to call for the criminalization of gender violence.³⁰³ In “From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration,” Mimi Kim defines carceral feminism as “a term signaling feminist reliance upon law enforcement as a dominant intervention strategy.”³⁰⁴ Kim further argues that, “carceral feminism, a term more recently developed to articulate the active mobilization of the criminal justice system as a response to sex trafficking, is now used more generally as a critique leveled against mainstream forms of feminism associated with gender violence.”³⁰⁵ These definitions expose the direct collaboration of the feminist anti-violence movement with the carceral state. According to Kim:

In the mid-1970s, the prominent case of Joan Little, a young African-American woman who faced the death penalty for the killing of a jail guard in self-defense as he sexually assaulted her in her jail cell, prompted widespread protest, including women in the anti-violence movement. Joan Little’s case provided a vivid example of how the targeting of women of color by the criminal justice system tied directly to subjection to sexualized state violence. Such cases of women of color, victims of interpersonal and state violence, including that of Inez García and Yvonne Wanrow, were widely publicized throughout the mid- to late 1970s, but did not lead to an overarching analysis of race, gender, and state violence with the vigor to reverse trends that effectively strengthened policing.³⁰⁶

As I argue in this chapter and in my conclusion, a main critique of carceral feminism is its primarily white feminist approach and attachment to the criminal justice system. Because of this attachment, carceral feminism often ignores the conditions of people—especially women of color, trans, and gender non-conforming people—inside prisons. Carceral feminism often fails to recognize and call out police violence, and the inherent violence of the prison system,

³⁰³ Ibid.

³⁰⁴ Ibid.

³⁰⁵ Ibid.

³⁰⁶ Ibid.

specifically ignoring intersections of race, class, gender identity, ability and immigration status.

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The “pro-woman” claims made by carceral feminists attempting to combat violence against women—defined within this logic as primarily white, middle class, heterosexual women—can be compared to the rhetoric and practices of the Victorian era British and American white woman reformers. In both cases, ideals of benevolence, and visions of white women saviorism resulted in clearly racialized, gendered, and classed distinctions between those who were worthy of care, support, and rehabilitation, and those who could be ignored, silenced, and imprisoned.

This chapter draws connections between the Victorian era and the modern period. First, I compare the criminalization of sex work and the incarceration of people with STI’s in early 1900s New York to the impacts and consequences of the “American Plan” (1910s-1960s) and the institutionalization of people perceived to be sexually immoral.

Next, I discuss public health and health care inside prisons, specifically focusing on the inadequate and abusive carceral health care practices in the Washington Corrections Center for Women. The following section, “Feminization and Labor in Washington State’s First Women’s Prison,” also focuses on the first ten years of the WCCW, discussing the feminization of labor and the reinforcement of gendered roles of production reminiscent of conditions in British Reformatories. The next section, “A Prison is a Prison: Carceral Aesthetics and Architecture,” analyzes descriptions of the carceral aesthetics and architecture of the WCCW modelled off of

³⁰⁷ Kim, Mimi E. “From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration.” *Journal of Ethnic & Cultural Diversity in Social Work* 27, no. 3 (2018): 219–33.

the notions of benevolence and femininity embedded in Victorian ideals of gender responsiveness and reform.

Moving back to New York State, the next section, titled “The August Rebellion: Institutional Violence, Organized Resistance and Carceral Feminism,” focuses on the 1974 August Rebellion as a means of analyzing the prevalence of violence inside women’s prisons—an issue exacerbated by the legitimization and expansion of the women’s prison system.

The final two sections, “Queering the Carceral” and “Queer Resistance and (In)Visibility,” analyze changing discourses on queerness inside the prison, engaging with sources such as Sara Harris’ 1967 book, *HellHole: The Shocking Story of the Inmates and Life in the NYC House of Detention for Women*, and a 1988 publication titled “Political Women Prisoners in the US” produced by the organization “Revolting Lesbians.” I use these texts, as well as my archival sources from New York and Washington, to demonstrate the ways in which queer relationships, desire, and intimacy are suppressed and targeted within carceral institutions, but also act as forms of resistance and power in the face of their attempted erasure.

The “American Plan” and the Continued Criminalization of Sex and Sex Work

The late 1800s New York proposal to criminalize and institutionalize any individual having, or “harboring” someone with an STI, was a precursor to the federal government’s “American Plan,” which lasted from the 1910s to the 1960s. Similar to the Contagious Diseases Act in the United Kingdom, under the American Plan, tens of thousands of people—primarily women—were arrested and forcibly examined for STIs. Those who tested positive were imprisoned in penal

institutions for anywhere from a few days to several months.³⁰⁸ According to Scott Stern in his article “America’s Forgotten Imprisonment of Women Believed to be Sexually Immoral,” people were often injected with mercury, or forced to ingest arsenic-based drugs (common treatments for syphilis during this time.)³⁰⁹ If they misbehaved, or “failed to show proper ladylike deference, these women could be beaten, doused with cold water, or thrown into solitary confinement.”³¹⁰

Under the law, police could arrest and detain anyone, as long as they had “reasonable suspicion,” which allowed for unregulated and drastic abuses of power, in which people were arrested for little to no reason, and even coerced and pressured into sex with police officers under threat of arrest and confinement.³¹¹ “Reasonable suspicion” also allowed for the higher targeting and abuse of women of color and immigrant women, and especially those engaged in sex work. For example, in “Identities Under Siege,” Lori A. Saffin articulates the constant policing and surveillance of trans people of color working in sex work, demonstrating the intersections of race, class, gender, and sexuality in the criminalization of sex and sex work. Saffin writes:

With few sources of social support compounded by economic inequality, sex work becomes, perhaps, the *only* means for survival. This not only puts queers of color at high risk for violence, such as exploitation, rape, robbery, and physical threats, but also endangers their health from increased exposure to HIV and STIs...queers of color—specifically transgender women—who are poor and who work as sex workers are under constant surveillance from police and frequently subject to ongoing harassment and violence.³¹²

The surveillance, policing, incarceration and violence against queer and trans people of color working within the sex work industry has continued beyond the time and scope of the “American

³⁰⁸ Stern, Scott W. “America's Forgotten Mass Imprisonment of Women Believed to Be Sexually Immoral.” History.com. A&E Television Networks, March 27, 2019.

³⁰⁹ Ibid.

³¹⁰ Ibid

³¹¹ Ibid.

³¹² Saffin, Lori A. “Identities Under Siege: Violence Against Transpersons of Color.” In *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. AK Press, 2011.

Plan,” as a legacy of the racialized and gendered logic of “protecting” public health. Both the 1883 New York Act and the “American Plan” produced oppressive and violent actions inspired by the religious, gendered, and racialized constructions of criminality perpetuated by Victorian and American prison reformers. These laws hypersexualized and racialized criminality, as the women’s prison was used again as a means of regulating sexuality and producing an illusion of order.

Carceral Health Care in the Washington Corrections Center for Women

“‘Prisons and jails were never set up to do healthcare, and by and large, healthcare is being provided by for-profit corporations,’ all of those imprisoned are viewed as potential coins in the funding well”—blake neme³¹³

Overcrowding in prisons and jails greatly exacerbated already insufficient and inadequate carceral medical practices. After 1971 and the opening of the WCCW, the inmate population grew rapidly, and overcrowding quickly became a major issue affecting the quality of life of the inmates, especially in regards to accessible health care. In 1992, Alice Payne was appointed superintendent of the WCCW. At the time, there were 240 inmates, but by 1999, that number had already risen to 735, in a facility that was meant to hold only 680.³¹⁴ Overcrowding, combined with already inadequate resources, led to poor and abusive healthcare practices that are still visible today in the facility. In 1994, after an inmate died due to medical neglect, a case was filed on behalf of WCCW prisoners who suffered from the institution’s poor medical care.³¹⁵ Despite a

³¹³ neme^c, blake. “No One Enters Like Them: Health, Gender Variance and the PIC” In *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. AK Press, 2011.

³¹⁴ Ready, Trisha, Chase Burns, and Nathalie Graham. “Bad Medicine.” *The Stranger*. Accessed November 29, 2019.

³¹⁵ *Ibid.*

court ruling that the administration improve its conditions, treatment of inmates and access to medical care remained inadequate. The inmates and their attorney took the administration to court again in *Hallett v. Payne*.³¹⁶ Plaintiffs Shannon Hallet, Yvonne Wood, Gail Ray, Cindy Stewart, and Rena Skilton, acting on behalf of their fellow inmates, challenged superintendent Alice Payne and Health Care Manager Donna Morgan in court for their refusal to acknowledge requests for medical care and their continued retaliation with punishment instead of treatment.³¹⁷ The judge ruled that within the next few years, the health services of the WCCW must address and improve health care issues including but not limited to: health education, mental health services, medication management, training for correctional officers, suicide prevention, prenatal care, dental services, gynecological services, and training for health care staff.³¹⁸ Despite this ruling in favor of the plaintiffs, the administration avoided making real and lasting improvements, and instead barely brought conditions up to level with men's prisons.

The WCCW's inaction demonstrated the failure of court-ordered reform to reduce the harm and violence perpetuated by the US prison system. Connecting back to the work and ideologies of the British Reformers and the WPA, the appointment of white women to the positions of Superintendent and Health Care Manager failed to institute an atmosphere of care and compassion. The direct culpability of these two women in the case of the WCCW exposes not only the corrupting influences of power and control over bodies, but also the facade of white feminine morality: according to the logic of the early 19th century women's prison reformers, the mere presence and actions of (primarily white) women reformers and administrators, with their focus on uplifting "fallen women," could transform the prison from a space of punishment

³¹⁶ Ibid.

³¹⁷ Ibid.

³¹⁸ Ibid.

and violence to one of restoration and salvation. However, as evident from the case of the WCCW, the history of benevolent reform, from Great Britain to New York to Washington State, paved the way for the rapid construction and overcrowding of women's prisons across the US. These new women's prisons, claiming to provide gender responsive restoration and benevolent practices, actively produced harsh, abusive environments that limited resources and programs for recovery and rehabilitation.

Feminization and Labor in Washington State's First Women's Prison

The pattern of feminized labor in Washington State carceral spaces continued with the construction and opening of the Washington Corrections Center for Women. In 1978, just seven years after the facility opened, a Governor's Interagency Committee on the Status of Women published a report on "The Needs and Concerns of the Women of Washington State," which included a section on working conditions in the WCCW and other state jails and prisons. The committee found that "state correctional institutions do not provide adequate education and vocational training programs for female offenders, particularly for non-traditional jobs."³¹⁹ The report argued that the very few correctional programs which had been developed for people inside women's prisons had a "paternalistic" approach aimed at promoting "good wives and mothers, rather than self-sufficient women."³²⁰

The Council also held public hearings to contribute to its report, in which people testified that they were concerned about the "eventual employability of female offenders, indicating the

³¹⁹ Governor's Interagency Committee on the Status of Women: *The Needs and Concerns of the Women of Washington State*, vol. 2: *The Problems* (Olympia, WA: Washington State Women's Council, 1978)

³²⁰ *Ibid.*

employability of the woman is the one factor which will reduce recidivism.”³²¹ The programs at the WCCW at the time only provided education and vocational training programs for “traditionally female and low paying jobs.”³²² Vocational training programs often included housekeeping, cosmetology, food services, nurses aide and secretarial training. The emphasis on employability as the “one factor” that would reduce recidivism marked a move away from the Victorian ideal of religion as the primary means of salvation from criminality, while still maintaining the strict gendered roles and confines presented under the British constructions of criminality. The limitation of educational and vocational training to specific tasks and roles defined as feminine (and therefore acceptable and respectable) directly followed the gendered logic of the Victorian era and the early prison reformers’ project of producing and restoring good mothers, wives, and workers.

However, as exemplified by the Governor’s report, the limited educational and vocational knowledge provided within the prison created more obstacles than success stories for those released from prison. In a 1976 study of community-based programs representing 6,200 people formerly incarcerated in women’s prisons and facilities, a lack of job skills was the greatest single problem encountered, by 84%.³²³ A lack of education was the second most important difficulty, with arranging child care, readjusting to family life, and coping with prejudice all listed as the third most significant problems.³²⁴

With the rise of privatization and the prison industrial complex, came the increase in rates of recidivism. Private prisons especially benefited from keeping numbers of inmates—and

³²¹ Ibid.

³²² Ibid.

³²³ Ibid.

³²⁴ Ibid.

potential workers—high, and increased recidivism rates proved an effective means to this end. Ineffective and feminized vocational and educational training was thus another instance of the guise of benevolence, appropriated by the US prison industrial complex.

“A Prison is a Prison”: Carceral Aesthetics and Architecture

After the closure of the Washington Women’s Industrial Home, Washington prison reformers furthered their calls for separate gendered facilities based on their observations of the inadequate, overcrowded, and under-supervised conditions of the “women’s wings” in the state prisons. A pamphlet from the Elaine Day LaTourelle Papers³²⁵ titled “Treatment Center: Perspective” from the Spring of 1971, described the women’s section of the Washington State Penitentiary from 1966:

The view from the women’s section of the Washington State Penitentiary at Walla Walla is not an inspiring one. Through barred windows you look across the prison yard to the grim red brick tower which is the execution chamber. Conditions inside aren’t inspiring either. Many more residents have been crowded into the women’s quarters than they were designed for three decades ago. There are facilities for adequate recreation, vocational training and work programs for male prisoners. Such facilities are almost entirely lacking for women unfortunate enough to be convicted of a felony and sentenced to prison in Washington.³²⁶

The “Perspective” piece also highlighted the experience of one of the first women to be committed to the penitentiary, who served one year for grand larceny. According to the article, “she served her term in virtual isolation in a garret room over the dining hall between the two cell wings...the same treatment was accorded delinquent and dependent girls in earlier years.”³²⁷

Detailed descriptions of the deplorable conditions for people in state prisons, and the failure of

³²⁵ LaTourelle was an organizer and charter member of the National Organization for Women (NOW) Seattle chapter, and served as president in 1972.

³²⁶ “Treatment Center.” *Perspective*, 1971.

³²⁷ *Ibid.*

the institutions to adequately provide for them fueled the move towards gender responsive prisons and justice. While images such as the “grim red execution building” in the middle of the yard and the continuous solitary confinement could have been interpreted as reasons why no person should be held behind bars, the underlying logic of the reform movement was that this caging was acceptable and necessary as long as the genders were separated.

In response to these findings, a 1966 referendum was approved to provide a “new and separate women’s correctional institution.”³²⁸ The state’s first correctional facility for women was opened in 1971 and called the Purdy Treatment Center for Women. According to “Perspective:”

The absence of terms like prison or penitentiary in the title reflect both the appearance and the philosophy of the institution: Tall evergreen trees fringe the new...brick and concrete buildings. Benches and tables dot a landscaped and paved inner courtyard. On a slope about the center proper a modern apartment complex is bordered by flowerbeds and forest. It could be a small community college campus or a pleasant retirement village.³²⁹

The term “treatment” instead of “prison” in the title, suggests an attempt on the part of the administration to set themselves apart from traditional models of penal institutions, and brand their facility as progressive and restorative. However, the use of “treatment” also continued the pathologization of criminality, mimicking the WPA and British reformers’ attempts to “cure” notions of delinquency and deviancy. “Treatment” equated criminality with illness, which had been a foundation of its construction since the early 19th century—this rhetoric was also reminiscent of the practice of incarcerating people with STIs. In the early years of Purdy, inmates were called “residents,” and guards, “counselors.”³³⁰ The administration’s manipulation

³²⁸ Ibid.

³²⁹ Ibid.

³³⁰ Interviews: Women in Prison. KRAB Lesbian Feminist Radio, 1974.

of language represented a false projection of a new form of rehabilitation that claimed to move away from punishment and towards “treatment.”

Furthermore, the focus on the aesthetics and connections of nature and design suggest an attempt to portray the forced enclosure of people as natural and non-violent. Diverting the reader’s attention away from the cells, bars, and layers of concrete that formed cages—referred to as apartments by the administration—the report instead paid attention to the presence of flowerbeds, forests, and gardens. Comparing the prison to a college campus or retirement community intentionally overshadowed the fact that people were and are sent to Purdy by the force of the state and actually denied access to those claimed amenities and spaces.

The first superintendent of Purdy was Mrs. Edna Goodrich. According to the “Perspective,” Goodrich was “charged with making the \$44.1 million investment pay off in salvaged lives and reduced crime.”³³¹ The rhetoric of salvaging lives and reducing crime positioned Goodrich and Purdy as necessary mechanisms of benevolence and public safety. Shortly after its opening, Purdy was referred to repeatedly as “one of the nation’s most enlightened correctional institutions,” largely due to Goodrich’s “philosophy, experience and rare combination of idealism and old-fashioned common sense.”³³² Uplifting Purdy to the status of an “enlightened” institution utilized the same rhetoric of benevolence evoked by reformers such as Fry.

Upon opening, Purdy offered special programs for inmates on work release, and allowed and encouraged them to visit with their families and children.³³³ The institution claimed to reject the custodial tradition typical of prisons, and attempted to provide rehabilitative programs and

³³¹ “Treatment Center.” *Perspective*, 1971.

³³² *Ibid.*

³³³ *Ibid.*

“to be sensitive to the special needs of women,” furthering the logic of gender responsive justice.

³³⁴ Although its programs were more varied than those of the other Western states, WCCW’s programs continued to emphasize interests and skills traditionally associated with femininity and womanhood, such as arts and crafts, cosmetology, and office skills.

According to an episode from the KRAB FM Lesbian Feminist Radio from April 29, 1974 on the topic of “Women and Prison,” just three years after opening its doors, the atmosphere of Purdy became more and more repressive. Recent changes in the F unit (maximum security unit) reclassified the area for “intensive observation,” removing all carpeting, stripping cells of everything but a mattress, springs, and toilet, and locking inmates in their cells for 20 hours a day.³³⁵ Time outside was no longer permitted, there were no recreation rooms or activities, the food was cold, the majority of the guards were men, programming was extremely limited, and a new “hole” (administrative segregation) unit was created with 5-6 cells with boarded up windows, in which people were locked for 23 hours a day with no contact with other inmates, and no programming at all.³³⁶

The applauded exterior of the prison, an aesthetically sophisticated and “modern” display of institutional benevolence and feminized incarceration, diverted attention from the internal practices of bodily regulation, control, and punishment. Building up the physical prison space as a “pleasant,” campus/neighborhood/home-like environment furthered the erasure of the experiences, voices, and resistances of the people forcibly held inside. This feminization of architecture and the relationship between nature and prison also mirrored colonial logics that

³³⁴ Ibid.

³³⁵ Interviews: Women in Prison. KRAB Lesbian Feminist Radio, 1974.

³³⁶ Ibid.

feminized land for the justification of colonialism and the construction of missions and monjerios.

According to Anne McClintock in “The Lay of the Land: Genealogies of Imperialism,” a chapter from *Imperial Leather*, “knowledge of the unknown world was mapped as a metaphysics of gender violence—not as the expanded recognition of cultural difference—and was validated by the new Enlightenment logic of private property and possessive individualism. In these fantasies, the world is feminized and spatially spread for male exploration.”³³⁷ The colonial rhetoric of “discovery” and exploration was therefore inherently linked to understandings and constructions of gender as both binary and hierarchical—which I argue were also constructed and embedded in processes of criminalization and gendered imprisonment. McClintock also argues that the feminization of “terra incognita” was a “strategy of violent containment.”³³⁸ The Spanish mission system and the monjerio can be analyzed as examples of this strategy of “violent containment,” as they were used to not only criminalize and imprison Indigenous people, but were also used to claim, extract the resources from, alter, and contain land—a process of layered containment that has persisted into the modern day, and is reflected by the space of the modern women’s prison. The descriptions of the more modern women’s prisons reflect this similar logic and expose the continuance of settler colonialism as a project of building spaces that enforce and institutionalize white femininity and domesticity.

In 1979, the magazine/newsletter “Through the Looking Glass,” a publication in Seattle, WA from 1976 and 1987, produced an op-ed piece on Purdy, in which they argued, “Washington state’s model prison, Purdy, seems to be straying further and further from being the

³³⁷ McClintock, Anne, 1954. *Imperial Leather: Race, Gender and Sexuality in the Colonial Contest*. New York : Routledge, 1995.

³³⁸ Ibid.

‘rehabilitative facility’ that it never was in the first place.”³³⁹ The piece exposed the prison for not providing its inmates with clothing, returning people from work-release for inexplicable reasons, overcrowding, and its overuse of administrative segregation.³⁴⁰ The abuses exemplified by these reports demonstrated the inherently violent nature of the prison. Purdy’s attempts to distance itself from this classification, through the changing of its name, to its fabricated, gentle exterior, were completely dismantled by the fact that, as voiced by “Through the Looking Glass,” “a prison is a prison.”³⁴¹

The August Rebellion: Institutional Violence, Organized Resistance and Carceral Feminism

Bedford Hills in New York is a significant example of the institutionalized and systemic practice of violence and torture in women’s prisons in the US. In the newsletter “Off Our Backs,” from a volume of “Through the Looking Glass” in 1976 , it was stated that “Bedford Hills Correctional Facility, located in Westchester, New York, has been and continues to be one of the most racist, sexist and openly dangerous prisons in which to ‘do time.’”³⁴² Another significant example of the extremity of carceral violence, and the attempted erasure of inmate resistance, was the 1974 uprising of women prisoners in Bedford Hills, led primarily by black lesbian inmates, also known as the August Rebellion. “Dyke, a Quarterly,” published in New York between 1975 and 1979, provides an in-depth overview and analysis of the Bedford struggle. According to an article titled “History of the Bedford Struggle” published in the Quarterly, the rebellion began in

³³⁹ Interviews: Women in Prison. KRAB Lesbian Feminist Radio, 1974.

³⁴⁰ Ibid.

³⁴¹ Ibid.

³⁴² Rowe, Donna. “From the Inside Out: Women Writers Behind Prison Walls” (2004). Department of American Studies.

November of 1973, when Jan Smith and Afeni Shakur of the South Bronx Legal Services assisted Bedford women in organizing a day of solidarity with the families and friends of the people incarcerated in the Bedford Hills Correctional Facility.³⁴³ On the morning of February 3, 1974, Carol Crooks, one of the black women inmates who had been instrumental in the organization of the Solidarity Day, requested to be seen by a nurse for a migraine. When the guards refused to take her to the nurse until the night shift, “Crooksie’s response was one of panic from the pain. She pushed by the guard who was blocking her door and said she would find someone else to help her.”³⁴⁴ The situation escalated when “five female guards” “converged on Crooksie, and when they laid their hands on her, she fought back.”³⁴⁵ The warden at the time, Janice Warne, called Sing-Sing for help, and an armed force of guards from that institution, as well as from Greenhaven, arrived and forcible locked up all of the Bedford inmates, preventing any of them from helping Crooks.³⁴⁶ Carol Crooks was beaten by eight armed guards and “dragged by the neck across the prison courtyard in full view of the other inmates...they pulled her clothes off and threw her naked into a stripped cell.”³⁴⁷

After being held in solitary confinement for multiple days without medical care, Crooks was convicted on five counts of assault and sentenced to an additional 2-4 years on top of the 15 she had been previously sentenced to for manslaughter.³⁴⁸ No charges were brought up against the guards for physically abusing and assaulting her. After continued assaults and the violent treatment of Crooks, on August 29, 1974, a group of prisoners went to the Warden to ask that

³⁴³ Women Against Prison. “Dykes Behind Bars.” *Dyke, A Quarterly*, 1975.

³⁴⁴ Ibid.

³⁴⁵ Ibid.

³⁴⁶ Ibid.

³⁴⁷ Ibid.

³⁴⁸ Ibid.

Carol be released from segregation.³⁴⁹ The inmates were promised an answer by the end of the day, but were instead locked in their cells 3 hours earlier than usual for the night, and denied any answer or response. According to the article:

Infuriated, the women refused to lock in and were viciously assaulted. These same women, now known as the Bedford 28 although 70 women fought back, found the tear gas canisters the guards had left behind the night before and kerosene which was intended to be used on the inmates, and fought all night. They held parts of two buildings and some of the grounds for at least four hours when they were finally subdued by State Troopers and guards from Sing-Sing and Greenhaven.³⁵⁰

The August Rebellion was the first women's prison riot in the history of the State of New York. In the aftermath, 25 people were admitted to the prison hospital, 28 were put in segregation and 40 were locked in their cells.³⁵¹ Eight of the women were sent from Bedford Hills to "Matteawan State Hospital for the Criminally Insane." According to the Quarterly, "the State pretended they were sent to Fish-kill, a new prison facility for women who had been tested and found to be 'slow learners'. This was a State lie: Fishkill turned out to be Matteawan, an insane asylum which no longer contained women but instead had 900 men who had been judged by the State to be criminally insane."³⁵² Carol Crooks was one of the people sent to Matteawan. In a later court case on the transfer of inmates from Bedford to Matteawan, the Bedford women testified that, while in the Matteawan facility, the only way the male patients could get to some of their activities was to walk through the women's ward, which caused the women to become "terrified of being raped."³⁵³

³⁴⁹ Ibid.

³⁵⁰ Ibid.

³⁵¹ Ibid.

³⁵² Ibid.

³⁵³ Ibid.

The majority of the Matteawan women were women of color. None of them were given any psychological or mental test before being transferred to the asylum, but the (in)sanity of the women prisoners was subsequently assumed by the state solely based on the fact that they were in an “Insane Asylum.”³⁵⁴ According to the “Dyke Quarterly” article, “From February to April, 1975, the Matteawan Six fought bravely for their lives against this mindfucking white male bullshit in the courts...Judge Knapp accepted Shafer’s white male testimony over the Black and Puerto Rican women’s and over the documented evidence.”³⁵⁵

The organization Women Against Prison formed in October of 1974 after the eight women were sent to Matteawan. The group organized a number of lesbian feminists to visit the facility every week. In addition to meeting with the women and going over legal procedures and attempts to return them to Bedford, the group also taught Sociology, Latin American history, and feminism.³⁵⁶ According to Women Against Prison:

We told them about the lesbian feminist movement which really cheered them up because four of the Matteawan Six and over half of the Bedford 28 are lesbians. Which means that the women who are leading and inciting solidarity and political struggle against the State of New York inside the prisons are dykes, Third World dykes—prisoners of war, POW’s captured before white dykes even realized we were fighting a revolution, a Lesbian Revolution.³⁵⁷

The organization of Women Against Prison came at a necessary time, when the mainstream feminist and lesbian movements, the media, and the majority of women—primarily white women—in governmental positions of power chose to actively turn their backs on the violence and human rights abuses occurring inside the state institution. The story of the August Rebellion

³⁵⁴ Ibid.

³⁵⁵ Ibid.

³⁵⁶ Ibid.

³⁵⁷ Ibid.

also demonstrates the complicity of primarily white women prison guards and superintendents in violence against people incarcerated in women's prisons.

Harkening back to the WPA's calls for more women matrons and decision-makers as nurturing and restorative presences within the prison, this case exposes the hopelessly corrupting power of the carceral space—changing the gendered demographics of institutional control did little to combat mistreatment and abuse.

Queering the Carceral: Changing Discourses and Practices Around Sexuality in New York State

In comparison with the early records of the WPA and the Victorian reformers, the materials from the mid 1900s in New York demonstrate a dramatic increase in the discussion of and fixation with sexuality and sex inside prison spaces. In *HellHole: The Shocking Story of the Inmates and Life in the NYC House of Detention for Women*, published in 1967, Sara Harris examines lesbianism in the House of Detention during the 1960s. The House of Detention opened in 1934, and was at the time “applauded as the ‘model prison,’ hailed by newspapers as ‘more of a luxury hotel than a prison’ and by prison experts as ‘a great step forward in penology—an experiment to prove once and for all that a jail may be used for rehabilitation and not merely punishment of wrongdoers.’”³⁵⁸ In direct opposition to these claims, Harris begins her text with descriptions of the extreme violence and abuse that was pervasive throughout the prison.

Harris conducted a number of interviews with people who had been held in and worked at the institution. In an interview with the Warden of the time, Warden Lindsay stated that

³⁵⁸ Harris, Sara. *Hellhole : The Shocking Story of the Inmates and Life in the New York City House of Detention for Women*. Tower, 1967.

“homosexuality is bound to be present in any institution where the sexes are segregated...Neither the administration nor the staff of the House of Detention can be blamed because they have not been able and doubtless never will be able to stamp homosexuality out of the jail.”³⁵⁹

This commentary on the perceived inevitability of homosexuality in sex-segregated spaces portrayed queerness as situational and structurally conceived, rather than an identity and spectrum. The emphasis on this situational queer presence in institutions and jails, and descriptions of “homosexuality as violent” and dangerous, perpetuated the fallacy of non-heteronormative sexuality as criminal and disorderly.³⁶⁰ However, according to Regina Kunzel in *Criminal Intimacy*, “the essence of the problem of prison sex was less the practice of homosexuality among prisoners than its implications for the nature of *heterosexuality*. Indeed, much of what was at stake in the anxiety over homosexuality in prison concerned its potential to reveal heterosexual identity as fragile, unstable, and, itself, situational.”³⁶¹ As the administration and guards agonized over the presence of queerness, and tried futilely to regulate and “stamp it out,” they unconsciously repeated Victorian era reformers’ conceptions of non-normative sexual expression, pleasure and intimacy as excess, and an ongoing threat to social control and the desired stability of heterosexuality.

In another interview conducted by Harris, one formerly incarcerated interviewee explained:

In Hudson, the gay girls never had any trouble making the straight ones gay because, really, when a girl makes love to you, there’s a little bit of a mother in it. And, you know, every girl needs a mother and especially in a place like Hudson. So the girls in Hudson

³⁵⁹ Ibid.

³⁶⁰ Ibid.

³⁶¹ Kunzel, Regina G. *Criminal Intimacy: Prison and the Uneven History of Modern American Sexuality*. Chicago, IL: The University of Chicago Press, 2010.

made each other gay...they're looking for security. And they didn't get it from their mothers at home...or she wouldn't even be interested in the gay life to begin with."³⁶²

The maternal and loving nature of this description, along with the desire for intimacies that were previously unfulfilled, is reminiscent of Audre Lorde's conceptualization of the erotic as rooted in "the power of unexpressed or unrecognized feeling."³⁶³ In this glimpse inside the prison and its complex non-normative relationships, a powerful bond was formed, one which was lacking on the outside. This passage represents the incredible connection between the maternal and the erotic within the prison space. Defying descriptions of homosexuality as violent and disorderly, this manifestation of the erotic demonstrates the underlying power of queer desire and intimacy that resisted being "stamped out."

The rhetoric of being "made gay" or "turning people gay" inside prisons was present throughout the interviews with both former inmates and administration and staff members. While in some cases, the prison was painted as a space of sexual awakening, in most of the quotes from the House of Detention, it was viewed as a space of sexual temporality, exploitation, and moral ruin. Harris' text describes how the language of the prison categorized people as either "confirmed" or "practicing" lesbians.³⁶⁴ According to another interviewee on the "practicing lesbians," "no matter how seriously in love they are with women while they are in the jail, [they] will revert back to heterosexuality once men come on their horizon again."³⁶⁵ Similar to dominant modern American perceptions of sexuality in general, prison sexuality was largely viewed as a binary between homosexuality and heterosexuality. People within the prison also appeared to feel contempt towards those who identified as bisexual, calling them "bisexual

³⁶² Ibid.

³⁶³ Lorde, Audre. *Uses of the Erotic: the Erotic as Power*. Tucson, AZ: Kore Press, 2000.

³⁶⁴ Ibid.

³⁶⁵ Ibid.

bitches.”³⁶⁶ Furthermore, administrators and reformers considered the possibility of queerness extending outside of the prison boundaries as in direct opposition to rehabilitation and reform.

According to one prison administrator, “it is because of them that homosexuality in the House of Detention despite the compassion one must feel for many of its participants must be watched for and worried over as one of the most reprehensible practices to which some new inmates in the jail are exposed...the femmes may be ruined for a life of heterosexuality.”³⁶⁷ Anxieties surrounding “exposure” to queerness mirrored earlier concerns among Victorian reformers about the lack of categorization of people held in prison spaces together: “hardened criminals” would supposedly “corrupt” those arrested for lesser crimes who were viewed as more innocent and capable of rehabilitation. Perceived threats of exposure therefore directly equated queerness with notions of criminality and corruption.

Furthermore, the specific emphasis on ruining “femmes for a life of heterosexuality” exposes the underlying purpose of the women’s prison as an institution created to maintain and produce femininity and heteronormativity. The production of femininity through institutional reform actively upheld the gendered constructions of criminality as masculine—in this case associated more heavily with butchness—and innocence as feminine. Engagement and participation in queer relationships, while of great concern to the institution and reformers, was also viewed as inevitable within the space. As argued by Kunzel, the constructions of sexuality that formed within the prison were both influenced by, and had a significant impact on understandings of modern American sexuality outside of the carceral space.

³⁶⁶ Ibid.

³⁶⁷ Ibid.

Queer Resistance and (In)Visibility in Washington and New York State Prisons

As in the case of New York State, the untapped revolutionary potential of queer inmates, and especially queer inmates of color, in Washington State prisons has been ignored and suppressed not only by prison administrations, but also by a majority of mainstream social movements. In April of 1974, KRAB FM Lesbian Feminist Radio³⁶⁸ conducted interviews with a lesbian support group about the Washington State Purdy Prison. In the discussion, the group described the prison administration's attitude towards lesbian relationships as dismissive, stating that when Purdy first opened, the administration claimed that there were no lesbian relationships within the institution.³⁶⁹ According to the support group, three years after this statement, the administration's attitude towards lesbians was, "yeah we got some, and that's about it."³⁷⁰ This outward denial of the presence of queerness within the prison was reminiscent of the early 19th century British reformers' inability to discuss and accept the presence and legitimacy of queer desire and pleasure.

After constructing a separate prison space, in part, to eliminate sexual relationships between inmates, and after being named the most "enlightened prison" in the US, it is possible that the administration of Purdy viewed the continued presence of queerness within their walls as a failure to regulate and control sexuality and femininity. However, despite institutional dismissal and discouragement of queerness—in the form of memos, surveillance, and punishments in response to displays of affection—queer relationships, as discussed by the lesbian support group during the early years of the prison, remained a source of resistance and community. The members of the lesbian support group noted that, in regards to the institution's

³⁶⁸ A Seattle based non-commercial, educational radio station running from 1971-1982.

³⁶⁹ Interviews: Women in Prison. KRAB Lesbian Feminist Radio, 1974.

³⁷⁰ Ibid.

discouragement of lesbianism, “relationships seem to be in spite of all of that—a source of strength and warmth.”³⁷¹

However, while prison administrators attempted to hide the presence and perseverance of queer community inside the prison, queer activists and allies both inside and out organized to combat this erasure, spread awareness, and provide support for the individuals affected. In an article from the February 16, 1980 edition of the *Gay Community News Paper*, writers and activists argued:

Gay prisoners are the most oppressed segment of the gay community. There can be no gay liberation as long as a segment of our communities is daily subjected to state-inspired homophobic terrorism. Help gay prisoners to organize for self-defense. Work to build an organization of revolutionary gay people on the streets too. The prison struggle is important because it tends to cut across the lines of race, sex, and class, and thus works to unify the movement as a whole.³⁷²

The article’s call to action also presented a critique of the modern feminist and gay rights movements for failing to engage with issues of incarceration and include prisoners in their agendas and leadership roles. Alluded to—but not specifically stated—in the article was a discussion of the intersections of race and sexuality within the prison space, in which queer, trans, and gender-non-conforming prisoners of color experienced increased levels of violence and oppression. As argued by the *Gay Community News Paper*, the prison as a space of queer struggle and resistance was and is still situated at the intersection of all forms of oppression; it was intentionally constructed and utilized as a means of control and confinement for all non-normative bodies. The prison therefore became a space of potential connection and organization for all social movements for liberation.

³⁷¹ Ibid.

³⁷² Burns, Richard. “Gay Prisoners Organize.” *Gay Community News*, 1980.

In May of 1988, the organization “Revolting Lesbians,” centered in California, published a text titled “Political Women Prisoners in the US.” One of the sections of the publication focused on the experiences and oppression of lesbians in prison. Within this discussion, the authors named the imposition of invisibility as “one of the forms of oppression lesbians face in society in general,” and also within systems of incarceration.³⁷³ Invisibility was also a major form of oppression against inmates of color, and especially queer and trans people of color in the prison system. According to Hannah Walker in “From a Whisper to a Rebellion,” “at the intersection of some black women’s experiences and some queer, perhaps mostly black, women’s experiences lies the inescapable fear of the ‘incorrigible’ girl.”³⁷⁴ Walker also points to the ways in which the resistance efforts of primarily black queer women in Bedford Hills—organizing against unfair and disproportionate work assignments, and feminizing dress codes in the 1920s, 1950s, and 1970s—have been predominantly covered up and erased from official prison records and reports.³⁷⁵ These efforts, many times including peaceful protests, were often described in media and administrative reports as “riots,” erasing the causes for resistance from the narrative and further criminalizing and punishing the organizers. The imposition of invisibility was also evident in the Purdy administration’s external attempts to ignore the presence of queerness, but respond to it internally with isolation and punishment.

The imposition of invisibility also manifested through the censorship of literature. According to “Political Women Prisoners in the US,” “prison authorities try to make us invisible to each other as well as to the world at large. For many years, lesbian and gay prisoners could not

³⁷³ Revolting Lesbians. *Political Women Prisoners in the US*. Bay Area, CA: Revolting Lesbians, 1988.

³⁷⁴ Walker, Hannah, "From a Whisper to a Rebellion: Examining Space, Race, Sexuality, and Resistance within the Confines of the Bedford Hills Correctional Facility" (2017). *Women's History Theses and Capstones*. 33.

³⁷⁵ *Ibid.*

receive gay literature.”³⁷⁶ The censorship of literature was reminiscent of the practices of feminization and domestication implemented in the early 19th century British Reformatories. During the Victorian era, inmates in women’s reformatories and sections of prisons were either illiterate, prohibited from reading, or only allowed and taught to read the Bible. Restricting and controlling the literature and information provided to prisoners was therefore utilized as a means of feminization and religious training—the only information allotted to people in women’s reformatories was religious rhetoric that reinforced their domesticity, suggesting that access to other forms of knowledge was viewed as unnecessary and even dangerous. Restricting gay and lesbian literature in modern women’s prisons followed the same logic; administrations sought to prevent the practice of sexuality and queerness by limiting access to knowledge and stories in order to control and reinforce white heteronormativity and feminized gender roles.

Visible displays of queerness were also strictly disciplined and punished. According to the text by “Revolting Lesbians,” “in prison, the lesbiophobia rampant in society at large is intensified. Lesbians who are more ‘out’ or more visibly butch run the greatest risk of being targets of harassment and violence, both from prison authorities and other inmates.”³⁷⁷ This risk also extended outside of the prison, as butch lesbians, and especially butch lesbians of color, tended to “do more time and harder time than other women.”³⁷⁸ Additionally, whenever people were caught being sexual inside the prison, “the more obvious dyke [was] then subject to increased scrutiny for the rest of her time.”³⁷⁹ All of these risks, violences, hypervisibilities and punishments continue to be harsher for queer and trans people of color within the modern

³⁷⁶ Revolting Lesbians. Political Women Prisoners in the US. Bay Area, CA: Revolting Lesbians, 1988..

³⁷⁷ Ibid.

³⁷⁸ Ibid.

³⁷⁹ Ibid.

criminal justice system—also exemplified in the previous chapter by the fact that black lesbians engaged in interracial queer relationships received more scrutiny and punishment than their white counterparts.

The correlation between visible queerness, butchness, race, harassment and violence represents the underlying refrain of the women’s prison as a space of forced feminization—specifically based on constructed notions of white femininity. Within the women’s prison space, masculine-presenting people are viewed as more deviant and criminal, and queer people of color are perceived as more masculine (and therefore more deviant.) The dual constructions of criminality as masculine and innocence as feminine upheld by the women’s prison—and the white women reformers instrumental in its creation—directly resulted in increases in targeted and institutionalized violence as a means of gendered and racialized control and heteronormative production.

Another erasure that occurred not only through the efforts of prison administrations, but also through the limited scopes of external social movements—primarily feminist and gay rights movements—was that of resistance and organizing inside prisons. According to “Revolting Lesbians,” “countless imprisoned lesbians have struggled to improve their conditions and the conditions of other women prisoners.”³⁸⁰ However, very few of these struggles have been documented or discussed within mainstream media and movements; “this is even more true of poor and working-class lesbians and dykes of color.”³⁸¹ As “Revolting Lesbians” have noted, lesbian resistance inside prisons consisted of anything from refusals to feminize appearances and

³⁸⁰ Revolting Lesbians. Political Women Prisoners in the US. Bay Area, CA: Revolting Lesbians, 1988.

³⁸¹ Ibid.

behaviors, to legal suits that have “set precedents increasing prisoner’s right throughout the country to organize both inside and out.”³⁸²

Mainstream feminist and gay movements, and even prison-based movements, have historically failed to include women of color. According to Assata Shakur in “History is a Weapon: Women in Prison: How It Is With Us,” published in the *Black Scholar* in April 1978, “there is no connection between the women’s movement and lesbianism. Most of the women at Riker’s Island have no idea what feminism is, let alone lesbianism. Feminism, the world’s liberation movement and the gay liberation movement are worlds away from women at Riker’s.”³⁸³ Shakur also pointed to the inability of the black liberation movement to reach the women of Rikers. She wrote, “the black liberation struggle is equally removed from the lives of women at Riker’s. While they verbalize acute recognition that america is a racist country where the poor are treated like dirt they, nevertheless, feel responsible for the filth of their lives.”³⁸⁴ While some organizations and allies did endeavor to support prisoners, the failures of the feminist, gay, and black liberation movements to include people in women’s prisons in their agendas meant that, for the most part, inmates had to find and provide their own forms of resistance. Additionally, according to Breea Willingham in “Black Women's Prison Narratives and the Intersection of Race, Gender, and Sexuality in US Prisons,” “what is even more troubling is that despite the fact that African American women make up the largest percentage of incarcerated women, they are also the most invisible prison population, because their voices are often ignored.”³⁸⁵ While there are a number of more recent publications that highlight and explore the particular experiences

³⁸² Ibid.

³⁸³ Assata Shakur, 'Women In Prison: How It Is With Us', *The Black Scholar* 9 (1978): 8-15.

³⁸⁴ Ibid.

³⁸⁵ Willingham, Breea C. “Black Women’s Prison Narratives and the Intersection of Race, Gender, and Sexuality in US Prisons.” *Critical Survey* 23, no. 3 (January 2011).

and voices of black women prisoners in the US, black women, and especially queer/trans black women remain underrepresented in the already limited discussions of women's prisons and their histories.³⁸⁶ As exemplified in the case of the August Rebellion, and the years of organizing and resistance preceding it, queer black women have also been central and influential in organizing prison resistance.

In the 1980s, Veronica Compton,³⁸⁷ a lesbian prisoner at Purdy in Washington State serving a life sentence, fought to apply the state gay rights ordinance to inside of the prison, through filing a number of grievances.³⁸⁸ Compton and her partner had been written up various times for "homosexual behavior." As these injustices were not being addressed by any groups on the outside at the time, Compton took it upon herself to expand the rights provided to people outside of prisons to those on the inside. In another case, other lesbian inmates at Purdy worked with a feminist prisoner support group called "Women Out Now" to form a Gay Activists Alliance inside the prison in the late 1970s.³⁸⁹ Through the work of the group, two lesbian inmates were granted furloughs to "establish contacts in the lesbian community to assist them in transitioning in life outside."³⁹⁰ In addition to filing grievances, working with existing organizations, and forming support groups within the prison, inmates utilized writing and poetry as a powerful tool for combating their erasure. In the following untitled poem from 1977, published in "Through the Looking Glass," the poet, indicated as anonymous, expresses and revitalizes the power and resilience of people inside women's prisons.

³⁸⁶ See *Inner Lives: Voices of African American Women In Prison* by Paula Johnson.

³⁸⁷ Race unknown.

³⁸⁸ Ibid.

³⁸⁹ Ibid.

³⁹⁰ Ibid.

POEM: Untitled

My body
A prison cell. I was taught to be
My own guard, to keep myself
In isolation,
Alone and afraid,
Powerless.
The prison is not of my making.
Those who lock me up

Would have thought I choose to be here
Voluntarily committed.

They have made my body into a cage,
My home an exercise yard,
My life, a maze to run like a rat for food.

I have weapons.
I can see, I can think,

I love women, love myself,
Join with others to unlock, to make
revolution. I survive, I am learning
to build and to destroy

All are crimes
To my keepers.

Those of us still on this side of their walls,
Free to come and go they say,
They lock us in our bodies,
Our jobs, our fears and hates.

Cell by cell, we unlock.

They can't imprison
Our power.
Slowly, one by one,

We lock ourselves

Together.
They never will have
The key to us.

- Anonymous, TTLG, Vol. 2, No. 6, 1977³⁹¹

³⁹¹ Rowe, Donna. "From the Inside Out: Women Writers Behind Prison Walls" (2004). Department of American Studies.

Conclusion:

From Archives to Abolition

“Recognizing the power of the erotic within our lives can give us the energy to pursue genuine change within our world, rather than merely settling for a shift of characters in the same weary drama” —Audre Lorde³⁹²

The modern US women’s prison cannot be understood, examined or dismantled in isolation from or without specific attention to its historical roots in colonialism, heteronormativity, white femininity, domesticity, sexual control and racial violence. This thesis traced the evolution of the womens’ prison, from Victorian England to the United States, from colonial missions and the monjerio, gendered confinement in attics, hospital wings, and overcrowded cells, cottages and colonies, reformatories and penitentiaries, to the construction of the modern US women’s prison as a purportedly integral, necessary, inevitable institution within the criminal justice system. Closely examining this archival roadmap to the contemporary women’s prison provides a critical lens through which to argue for prison abolition: from the early colonial period to the enduring settler colonialism of our contemporary moment, the construct of the women’s prison and the practice of gendered incarceration has inflicted the same rigid and violent principles of forced domestication and feminization, racialization, ableism, and the criminalization of non-normativity.

As evident throughout this history, numerous and significant structural, administrative, spatial, and institutional reforms have been implemented over the years, culminating in the current fictitious image of the “gender-responsive,” “restorative,” and “effective” US women’s

³⁹² Lorde, Audre. *Uses of the Erotic: the Erotic as Power*. Tucson, AZ: Kore Press, 2000.

prison. However, as I have demonstrated, the values, functions, atmosphere, and constructions of these modern women's prisons perpetuate the harms and violences of the carceral spaces and institutions that came before them. This analysis supports the call for abolition over reform; reform has and always will fail to challenge and change the institutionalized violences and oppressions of the US prison system.

One of the final lines of the essay "The Uses of the Erotic," by Black lesbian feminist Audre Lorde (quoted above), speaks to the tensions between reform and abolition, and between restoration and transformation. When considering Lorde's writing, prison abolition calls for a "genuine change within our world." Lorde's assertion challenges the constant recapitulation to prison reform. That is, Lorde's argument that we must embrace rather than shun the erotic demands that we turn away from simple "shifts [in] the cast of characters in the same weary drama" when we constantly reform and restructure the prison and criminal justice system. As I have mentioned throughout this thesis, the erotic lies in the acts of resistance, connections, queer desires, pleasures, voices and existences themselves of people in women's prisons and carceral spaces. It is therefore a crucial practice of a prison abolitionist framework to look back at the histories of incarceration in and beyond the US and to highlight the voices and experiences, not only of the millions of people currently incarcerated around the world, but also those imprisoned throughout the complex history of prisons and imprisonment.

A Decolonial, Feminist, Queer, Transformative Prison Abolition

“Abolition is about breaking down things that oppress and building up things that nourish. Abolition is the practice of transformation in the here and now and the ever after” —Eric Stanley and Nat Smith³⁹³

Throughout this thesis, I have demonstrated the ways in which the US women’s prison has and continues to function as a project of white supremacist, colonial, heteropatriarchy and social control. I have also argued that knowledge of the history of the modern women’s prison, dating back to the colonial and Victorian eras, is a necessary component of any prison abolitionist framework. Many antiracist and feminist scholars and activists have theorized, imagined, and even implemented alternative and transformative practices for rehabilitation that challenge and divert energy, money, and people away from the prison industrial complex. While it is not within the scope of this project, nor within my own ability and positionality to produce concrete answers and solutions for the criminal justice system, I do want to engage with and draw connections between different theories and actions—both historical and contemporary—that are working towards prison abolition, and that relate back to my archival findings and analyses.

The modern prison abolition movement has its roots in anticarceral feminism. At the beginning of chapter 3, I discussed the onset and problematics of mainstream carceral feminism as a continuation of benevolent feminism and reformism. In her newly released book, *All Our Trials: Prisons, Policing, and the Feminist Fight to End Violence*, Emily Thuma traces the history and impact of the anticarceral feminist and anti-violence movement, led primarily by queer women of color inside and out of prisons, that developed during the same time period as

³⁹³ Stanley, Eric A., and Nat Smith. *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. Edinburgh: AK Press, 2016.

carceral feminism (during the 1970s and 80s). Thuma writes, “anticarceral feminist politics grew in the cracks of prison walls and at the interfaces between numerous social movements, including those for racial and economic justice, prisoners’ and psychiatric patients’ rights, and gender and sexual liberation.”³⁹⁴ Thuma discusses the organizing and resistance efforts of “women whose social locations and practices placed them beyond the pale of dominant notions of feminine respectability and state protection and in the way of state harm: those who were black, indigenous, Latina, immigrant, poor, gender and sexual outsiders, labeled crazy or mad, or involved in the sex trade.”³⁹⁵ Anticarceral feminists shifted and challenged the focus of the mainstream carceral feminist movement by centering the voices and experiences of those most effected by the carceral state, and fighting for their immediate and continued freedom. Similarly, as the authors of *Captive Genders*—a modern prison abolitionist text—write, “building a trans and queer abolitionist movement means building power among people facing multiple systems of oppression in order to imagine a world beyond mass devastation, violence, and inequity that occurs within and between communities.”³⁹⁶

In Mimi Kim’s article on carceral feminism, she points to the importance of language within the divides between reform and abolition, and carceral feminism and transformative justice. Kim writes, “transformation, as opposed to restoration, also explicitly recognizes that interpersonal forms of violence take place within the context of structural conditions including poverty, racism, sexism, homophobia, ableism, and other systemic forms of violence...while the term restoration implies the desire to return to such conditions, transformation requires moving

³⁹⁴ Thuma, Emily L. *All Our Trials: Prisons, Policing, and the Feminist Fight to End Violence*. Urbana: University of Illinois Press, 2019.

³⁹⁵ Ibid.

³⁹⁶ Stanley, Eric A., and Nat Smith. *Captive Genders: Trans Embodiment and the Prison Industrial Complex*. Edinburgh: AK Press, 2016.

beyond.”³⁹⁷ While “restoration” and “rehabilitation” are now used in projects of restorative justice and alternatives to incarceration, they also largely reflect the language of the early Victorian and even contemporary women’s prison reformers, and their attempts to “restore” “fallen women” to the constructed ideals of white femininity and womanhood. The “moving beyond” of transformation, referenced by Kim, can therefore be applied not only to the practices of rehabilitation and transformative justice that fight to replace the current prison system, but also to the social constructions and orders through which people are otherized, criminalized, and punished. Dismantling the US prison system cannot be accomplished without a complimentary deconstruction and transformation of notions of normativity and deviance. The logic and language of transformation locates the carceral state as a subject of the past, connecting futurity with abolition and liberation.

Another important element in the history of the carceral state, inextricably linked to prison abolitionist rhetoric and action, is that of the connection between the prison and settler colonialism. As examples in this thesis have shown, women’s prisons in the US originated through tactics of forced feminization and domestication that specifically targeted and criminalized Indigenous women. In response and opposition to the settler colonial project of the US carceral state, a decolonial methodology³⁹⁸ is a critical part of any prison abolitionist framework. In “Decolonization is not a Metaphor,” authors Eve Tuck and K. Wayne Wang argue:

For writers on the prison industrial complex, il/legality, and other forms of slavery, we urge you to consider how enslavement is a twofold procedure: removal from land and the

³⁹⁷ Kim, Mimi E. “From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration.” *Journal of Ethnic & Cultural Diversity in Social Work* 27, no. 3 (2018): 219–33.

³⁹⁸ Tuck and Wang define decolonization as: the repatriation of Indigenous land and life; it is not a metaphor for other things we want to do to improve our societies and schools. Tuck, Eve, and K. Wayne Yang. “Decolonization Is Not a Metaphor.” *Decolonization: Indigeneity, Education & Society* 1, no. 1 (2012).

creation of property (land and bodies). Thus, abolition is likewise twofold, requiring the repatriation of land and the abolition of property (land and bodies). Abolition means self possession but not object-possession.³⁹⁹

Tuck and Wang point to the multidimensional nature of the prison, especially in regards to its relationship to land, and environmental and bodily possession. The prison, as a mechanism of settler colonialism, turned land and people into resources and property for extraction and exploitation (through prison labor especially.) Tuck and Wang's argument therefore situates decolonization and prison abolition as inseparable and reliant upon one another, as both are entangled in both history and present.

Similar to the ways in which prison abolitionist frameworks present potential interventions and alternatives to the current prison system, rather than static answers or fantasy futures, a framework of decolonization, according to Tuck and Wang, acknowledges and accepts its own incommensurability. They write:

Reconciliation is concerned with questions of what will decolonization look like? What will happen after abolition? What will be the consequences of decolonization for the settler? Incommensurability acknowledges that these questions need not, and perhaps cannot, be answered in order for decolonization to exist as a framework.⁴⁰⁰

Incommensurability and unknowability present the future as un-claimable, in line with the framework of decolonization. Reconciliation and incommensurability are also therefore critical foundations for prison abolition. Studying and engaging in the history helps inform and work towards abolitionist and decolonial futures. Tuck and Wang argue that “decolonization is not an ‘and’. It is an elsewhere.”⁴⁰¹ Prison abolition, similar to and in conjunction with decolonization, is also neither a metaphor nor an ‘and.’ Rather, it is a necessary reality and potential future that

³⁹⁹ Ibid.

⁴⁰⁰ Tuck, Eve, and K. Wayne Yang. “Decolonization Is Not a Metaphor.” *Decolonization: Indigeneity, Education & Society* 1, no. 1 (2012).

⁴⁰¹ Ibid.

reaches beyond and transforms its historical constructions, and looks “elsewhere” for critiques, ideas, and challenges—primarily to the work, activism and voices of those most marginalized and opposed to the systems of white supremacy, capitalism, settler colonialism, and heteropatriarchy.

Archives, Memory and Resistance

“Suddenly I am aware of the body as both archive and archivist—in a crucial sense, it gathers its own materials”—Julietta Singh⁴⁰²

In the spring of my first year at Scripps, I took a class called “Why Punish” for my Core Two requirement. In this class, we read theoretical texts on utilitarianism and retributivism, as well as abolitionist texts, such as Angela Davis’ *Are Prisons Obsolete*. Another main part of the class consisted of three visits to the California Institute for Women (CIW), where we participated in writing workshops. We began these workshops with ice breakers, and then moved on to free writing and sharing based on a variety of prompts offered by our professor and another professional writer. This workshop offered me a very personal yet brief and incomplete view of life inside a women’s prison. While the people we got to know and work with in the workshop often expressed their delight and appreciation of us sharing the space with them, the power dynamics were omnipresent. As (primarily white) visiting students from a wealthy higher education institution, we had the ability to walk in and out of their space. Our professors gave us the option to take a tour of CIW to learn more about the different facilities and overall structure, which I did not participate in, both because I was unavailable, and because I believed that that

⁴⁰² Singh, Julietta. *No Archive Will Restore You*. Punctum Books, 2019.

crossed a line in how we as students attempting to engage with prison abolitionist frameworks should physically interact with the prison and the people inside of it.

On our last day in the workshop, instead of following writing prompts, we all sat in a circle and had an open conversation in which both students and the members of the writing group shared their experiences with incarceration. I felt extremely appreciative that most of the members of the writing group felt comfortable sharing their stories with us, but again, in this conversation and class, the power dynamics of mobility and emotional labor went mostly undiscussed, and it was not until I took another class focusing on incarceration (*Beyond Bars: Against Mass Incarceration*) that I truly began to grapple with my positionality and privilege in that particular space, and with the politics and problematics of inside-out programs in general.

In one of the initial meetings, I remember volunteering to stand up and read a poem I had written, out loud for the group. The poem was about my great-grandmother, who has since passed away, and specifically about some of my early childhood memories that I shared with her, and will carry with me for the rest of my life. I remember feeling very nervous to stand in front of the room of people and read my own work in front of them. After I finished reading, I was met with smiling faces, and words of encouragement from those sitting around me. I felt happy with the results, and proud of myself for sharing, but also “weird” and critical of the fact that I could feel so happy and proud in a space that my classmates and I could not only walk away from, but that the rest of the group could not—as they were literally imprisoned in the space that we shared and left (which also happened to be a classroom.) I have so many mixed and conflicting feelings about this experience: gratitude and amazement at being able to meet the people I met and hear the beautiful and vulnerable stories and poems that they shared with us; anger at the fact that a

tour of the prison was even offered; frustration with myself for not being more critical of the position of observer I played within a program that was structured mainly to enhance my own knowledge of the prison system. However, one of the many things that I did gain from this experience was an interest in and recognition of the importance of reading, learning, and engaging more with the writing of people inside women's prisons, thus leading to my inclusion of poetry throughout this thesis.

When I was in New York conducting research for this thesis, I came across the book *No Archive Will Restore You* by Julietta Singh, from which the quote at the beginning of this chapter comes. In this book, Singh combines memoir, theory, poetry, and fragment to explore and trace the connections and relationships between the body and the archive. Singh engages with ideas of both the body archive, and the archive of the body. While archives of the body are more typically associated with the understanding of the archive as a collection of materials that historicizes and documents bodies throughout time and space, Singh defines the body archive as:

an attunement, a hopeful gathering, an act of love against the foreclosures of reason. It is a way of knowing the body-self as a becoming and unbecoming thing, of scrambling time and matter, of turning toward rather than against oneself. And vitally, it is a way of thinking-feeling the body's unbounded relation to other bodies.⁴⁰³

Finding this book in the midst of conducting archival research changed the way I thought about and interacted with the archives I was accessing.

Sitting alone in a back room of the New York Public Library's Special Collections, I spent many hours flipping through and reading hundreds of pages of typed, handwritten, and sometimes scribbled meeting notes, letters, memos, newspaper articles, bills, financial reports, prison visit descriptions, journal entries from Elizabeth Gurley Flynn, and more. Sometimes,

⁴⁰³ Singh, Julietta. *No Archive Will Restore You*. Punctum Books, 2019.

when I reached into the crammed boxes of archival materials, the pages would break a bit in my hands from the simple movement of being pulled from their box and placed on a table. Often times, in both New York and Washington State, the inmates to which the archives were referring were either unnamed, numericalized, or given one sentence or even one word descriptions that characterized them as either “unruly” or “manageable.” Reading Singh’s book and personal experience with archives helped me to notice and engage with, not only all the material and information in the archives, but also with all that was not said, not included, unavailable, or lost. As noted in the title of the book, “No Archive Will Restore You,” Singh’s text helped me to be critical about the materials with which I was engaging, both in who they were written by, but also in finding meaning and significance in all that they did not contain.

In my individual experience with the archives, and the collective experience of sharing stories and poetry in the CIW writing workshop, I found both of Singh’s conceptualizations of the body archive and archive of the body to be deeply relevant. By sharing our own writing and listening to the stories and poems of the other writers, we in the workshop shared pieces of our own body archives, acting in that moment as both archives and archivists. While archives can never be truly restorative or complete, piecing together the histories, images, and knowledge they contain presents a powerful and erotic potential for resistance, that is further enhanced, activated and inspired by the recording and sharing of one’s own archive.

The following three poems, authors unknown, were published in a collection of poetry and writing called “no title at all is better than a title like that,” created by people incarcerated in the California Institute for Women in 1974:

Prison is about isolation—
from truths, from encounters of feeling
and pleasure, from the accomplishment of dreams.

The cells which make up our human bodies;
The cells which make up the prison bodies;
The cells making up our social bodies;
The earthly cell as a portion of the
heavenly body;
These can never be divided from affecting
one another⁴⁰⁴.

Prison is about the eternal attempt—
to call out and be heard,
to reach out and be felt,
to act out and be seen⁴⁰⁵.

Prison is about the loss of and the
search for familyhood, togetherness, and love.⁴⁰⁶

⁴⁰⁴ Women incarcerated at California Institute for Women. No Title at All Is Better than a Title like That! Vol. 1. Santa Cruz, CA, 1974.

⁴⁰⁵ Ibid.

⁴⁰⁶ Ibid.

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