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JANUS FACED LEVIATHAN:
CALIFORNIA'S PRISONS AND UNIVERSITIES
AS TWO FACES OF STATE POWER

*[T]he police, the courts, and the prison are, upon close examination,
the somber and stern face that the Leviathan turns everywhere toward
the dispossessed and dishonored...*

*Loic Wacquant*¹

INTRODUCTION

How is the state embodied? Where can we find it? As a network of power the state may evade our effort to approach it physically, but as built form the state often presents itself to us in more tangible ways. Capital cities, military infrastructures, state hospitals, high way networks and airports are all sites of the contemporary state in most societies that can be approached, sometimes visited, and occasionally attacked.

The prison and the university are two of the more significant ways that states have sought to become embodied. Unlike the more symbolic edifices of the state, the prison and the university exercise a substantial and continuing investment of power over a select groups of residents who are physically concentrated within a particular space and set of buildings.²

In prisons and universities, the state embodies itself in a form that is simultaneously addressed to the general public while being targeted at two select groups of citizens who stand as weirdly inverted but parallel groups, one offered up as the most deserving of reward and opportunity, and the most promising citizens of the state, college and graduate students; and the other as the most deserving of punishment and the most worthless and dangerous citizens of the state, prisoners. Unlike the case of children, and of adults rendered incompetent by diseases of the body or the mind, the state does not stand toward these citizens, prisoners and students, as *in loco parentis* but rather in a special and sometimes intense form of judgment.³

This essay examines these two rival faces of the state as they have been presented in California from statehood to the present.⁴ Table 1, provides some comparative statistics on the size and population of the prison and university systems, relative to the state population. Considering the scale as well as the substantive visions of each system, we can differentiate three phases. In the first, that runs roughly from the mid 19th century until World War I, the prison and the university were roughly of the same scale, consisting of only one or two sites, and managing fewer than 10,000 subjects. During this phase they had few links and, in effect, faced away from each other.

In the second phase, which begins in earnest after World War II, and lasts through the 1970s, both systems enjoy rapid growth (relative to the past), but universities become much larger and operate a different scale than prisons. New links were created as prisons were put under an ambitious new Department of Corrections and the universities into a comprehensive master

plan. University based academics got more involved in the Department's aspiration to achieve rehabilitation through scientific evaluation of methods. The upgrading of prisoners as state subjects that began with the rehabilitative ideal, went along with a modest convergence between the status of students and prisoners, but also a huge expansion in the scale of the student population, while prison populations remained relatively constant relative to the states growing population.

In the third phase, the era of "mass incarceration,"⁵ which took shape in the 1980s and continues today, prisons grew wildly..prisons and the university were largely severed....prisoners and students were downgraded.

**Table 1: California Prisons and Public Universities
1852-2010**

	Prisons	Prisoners	University of California campuses	UC students	California State University campuses	CSU Students	Ca. Pop. (mils)
1875	1	883 ⁷	1	200 ⁸	1		.86
1900	2	2,242 ⁹	2	2,500 ¹⁰	4		1.5
1920	2	4,883 ¹¹	3	13,860	7	2,721	3.4
1950	7	11,598	3	44,332	11	30,502	10.6
1970	11	21,000	9	109,033	19	241,599	20.00
2000	32	160,655	9	183,355	21	360,000	33.4
2010	33	162,821	10	234,484	22	437,000	37.3

PHASE I: BUILDING INSTITUTIONS: SAN QUENTIN AND BERKELEY

The prison and the state university emerged at around the same time, in the early decades of the 19th century, but the prison spread more quickly to become a general phenomenon. After rival models of the penitentiary were built in Pennsylvania and New York in the 1820s, the practice spread across many parts of the United States, Europe and South America by the end of the century.⁶ Most states in this era just created one penitentiary receiving inmates from local jails all over the state who had been convicted and sentenced to state prison. Some states build a second prison in response to rapidly growing populations, but there was not, as yet, a concerted effort to build or fill prisons or to differentiate among prisoners (both would come later).

The penitentiary began with a fairly high status model of the prisoners as someone in need of undergoing a personal spiritual and mental transformation, to be achieved largely on their own, through complete isolation, meditative work in solitude, and religious instruction.⁷ Very quickly, however, the penitentiary model that spreads is one characterized by a lower status model for prisoners, as in need of forcible disciplining to industrial norms of hard collective labor, including the abandonment of any effort to isolate and keep anonymous the identity of prisoners, and little effort to promote spiritual or mental transformation.⁸ By the time of the 13th Amendment in 1866, Congress exempts prisoners uniquely from the otherwise comprehensive ban on slavery or involuntary servitude.

The first public universities also developed in the early Republic with the University of North Carolina in 1795, the

University of Virginia in 1819, and the University of Michigan in 1817 (twenty years before statehood). These were generally built to provide classical education to the state's elite along the lines of the great private colleges, like Harvard and Yale. After the Civil War, public universities developed rapidly in response to the Morrill Acts of 1860 and 1890, which guaranteed to each state substantial grants of federally held public lands (based on their congressional representation) for purposes of building and or financing the creation of state colleges and universities. Initially their mission was to promote specifically agriculture, engineering, and sciences.

Throughout this period, the prison and the public colleges and universities were of roughly comparable scale; with most states having one, or at most two penitentiaries, and one or at most two universities, with a larger number of state colleges intended to train teachers for the public school system. The institutions, however, had little direct contact. Prisoners received little education and certainly no college level training. Colleges and universities lacked significant curriculum or much of a research interest related to prisons and prison staff had no need for college level education.

In California was admitted as a state in 1850 and almost immediately began construction of a state prison along the shores of the San Francisco bay. "It was the state's first public work" according to historian Kevin Starr, coming before even the construction of the capital.⁹ San Quentin prison was opened in 1852,¹⁰ modeled on the "congregate" prisons like Auburn in New York, the prison consisted of a large cell block and workshops in which the prisoners were to be worked in common under a system of enforced silence, for the profit of

private contractors who leased the prison and its inmates during the first decade of operation. San Quentin was expected to hold only a few hundred prisoners, but by 1875 it held nearly nine hundred. California built a second prison at Folsom in 1880 in response to chronic overcrowding at San Quentin and the state's rapid population growth. San Quentin held the state's small female prisoner population until 1933 when the first women's prison was built near Tehachapi.¹¹ There was little interest in rehabilitation or penitence in the San Quentin model. Prisoners were to be worked hard and held in a harsh secure environment designed to prevent escapes.¹²

The University of California was formed in Oakland in 1868 out of the merger of a private college based on the Harvard and Yale model, and schools of agriculture, mining, and engineering school founded on the land grant model.¹³ It was moved to Berkeley in 1873 with about 200 students. Physically the campus began small, with two buildings constructed in 1873 and 1875 respectively (South and North Hall), with a gradual accumulation of a few other buildings, until a burst of expansion with twenty some building in the first two decades of the 20th and a bunch more in the 1920s.¹⁴ A new campus to serve southern California, located in Los Angeles was opened in 1914.

No substantial links existed between San Quentin and Berkeley during most of the first century of California statehood. There was little curriculum dealing with criminal justice at Berkeley, other than the training of lawyers at the school of jurisprudence, and a few undergraduate classes on police science by Berkeley's innovative police chief, August Volmer.

PHASE II. THE DEPARTMENT OF CORRECTIONS AND THE MASTER PLAN FOR HIGHER EDUCATION

Many states engaged in expansion of their prison systems in the first decades of the 20th century in response to immigration driven population growth and crime waves associated with prohibition from 1919. But despite some reform rhetoric about rehabilitation, the prisons remained anchored in the model of congregate work and discipline developed at Auburn before the Civil War.¹⁵ The Great Depression and World War II would freeze the growth of prisons for a generation, when new resources began to flow in the aftermath of the war (and in anticipation of a potential post-war crime wave) it was with a new federally infused focus on rehabilitation through scientifically tested methods. Most states rapidly expanded their prisons in order to realize the goal of more individualized penal strategies that could target the different sources of criminality. Prisoners were increasingly framed as suffering from treatable conditions and capable of being reclaimed by the application of new techniques, many of them shaped by the experiences of World War II with initiatives to improve traumatized and or poorly performing workers and soldiers in a war economy of huge labor scarcity. Relative to population, the scale of imprisonment remained roughly consistent with pre-war patterns and overall somewhat down.

Universities had enjoyed robust growth during the economic boom of the 1920s, but stalled with the Great Depression and World War II. After the war, fueled in large part by federal college scholarships for veterans, and a huge increase in federal support for basic science research, universi-

ties began a massive expansion. Traditional state universities were supplemented by converting many small teacher colleges into universities providing a comprehensive range of four-year bachelor degrees and a range of masters programs. The rate of students soared from a tiny fraction of the high school graduating class to a quarter or more.

Universities became far more heavily involved with prisons, providing research to fulfill the scientific evaluation of rehabilitative programming, some graduate training for penal officials, and some college programming for prison inmates. Prisoners were increasingly able to take college courses on an extension basis, a trend greatly accelerated by the Higher Education Act of 1965 which made federal grants available to low income students including prisoners.

At the end of World War II, enriched by a boom in war time industry and population growth, California set about creating a new Department of Corrections and reshaping its penal regime around rehabilitation through education, therapeutic programming, and scientific evaluation. The Department was created by the legislature on the urging of Governor Earl Warren in 1944 and Richard McGee, a young advocate of reform in the federal prison system was appointed the first director.¹⁶ To the three prisons build between statehood and World War II, (plus one built during the war for younger offenders) California added eight new prisons between 1946 and 1961, most designated as correctional institutions and targeted at distinct types of inmates.²³ This new growth, however, was aimed at achieving better results not necessarily confining more prisoners. The overall scale of imprisonment grew from around 11,000 prisoners in 1950 to around 21,000 prisoners

in 1970s, nearly 200 percent, roughly the same as the state's overall population growth.

This era saw even more rapid expansion of the university system following adoption of the new Master Plan for Higher Education in 1960,¹⁷ which called for expansion of higher education within three tiers. The university of California system was to conduct research and maintain graduate as well as undergraduate training for the most accomplished graduates of California high schools. The others were to be offered post-secondary education either through admission to a system of four-year colleges, and an even larger system of two-year community colleges. Successful graduates of community college would be assured admission to a four-year program at one level or the other. In order to implement the master plan, California authorized six new campuses and dozens of new state university campuses. From around 75,000 state college and university students in 1950, California higher education grew to around 350,000 in 1970, an increase of nearly 500 percent.

In California this was a time of growing closeness between prisons and universities. Encouraged by parole policies and a rehabilitative strategy known as “bibliotherapy” prisoners at San Quentin and other state prisons became more like students; spending a great deal of time reading literature, history and philosophy from substantial prison libraries. Indeed, with the example of death row inmate Caryl Chessman, who succeeded in delaying his execution for a decade and becoming world famous by publishing popular books about his struggle, prison inmates produced large numbers of texts aimed at publication.¹⁸

To provide some substance to its growing premise of evidence based rehabilitation, the Department of Corrections turned to universities to provide research expertise. In 1954, Berkeley opened a Criminology School, mandated to help improve correctional technique as well as policing. Throughout the 1960s and 1970s, Criminology School graduates and graduate students would play a key role in testing therapeutically designed rehabilitative programming.¹⁹

The convergence between the institutions was also embraced by a rising generation of student radicals. The college New Left, which had first captured national attention during the Free Speech Movement at Berkeley in 1964, embraced prisoners at San Quentin as a vanguard for radical social change in America.²⁰ San Quentin prison leader George Jackson, who might have been a poster-child for rehabilitation, instead became an icon for revolution. He had come to prison in 1960 a high school dropout and service station robber. By the time he died in a dramatic hail of bullets during a still unexplained take over of part of the prison, Jackson had become an internationally famous political theorist with a renowned book,²¹ and a large following among liberals and radicals in California. With Jackson's death in 1970 the union of radical prisoners and students reached its peak and would carry on for much of the decade until the student movement began to wane more generally in the late 1970s.

The period that began after World War II with an energetic expansion of universities, and ambitious efforts to reshape the prison around education and scientific rehabilitation, ended with a sense of failure and crisis. Students and prisoners, the two special subjects of state power, had converged only to

greatly embarrass the state that had invested so much in them. In the aftermath of violent protests at both Berkeley and San Quentin in the late 1960s and early 1970s, the state would begin retrenchment in university investment and period of expansive but punitive investment in prisons that would create a new penal philosophy of harsh punishment and incapacitation known as “mass incarceration.”

PHASE III. MASS INCARCERATION

In the 1980s state prison systems across the country began unprecedented period of rapid growth that would last for the next twenty-five years. Prompted by growing political mobilization for tougher approaches to crime and more use of prison prosecutors who possess significant discretion through their charging decisions began to send more marginal offenders to state prison rather than probation. These policies were ratified and intensified by a wave of new legislation increasing penalties for all manner of crimes and mandating long sentences for violent crime and repeat offenders. The US rate of imprisonment was increased by nearly five fold between 1975 and 2005 (with considerable variation between states and among regions).²² The expanding prisons were increasingly justified as providing punishment and incapacitation rather than for rehabilitation.

During the same period growth in the size of public university systems came to an end and the generosity of public support for students declined as fees and tuition increased. The overall proportion of American’s 25-29 with a college degree or higher, having grown rapidly in the 1960s and 1970s, leveled off in the 1980s and 1990s at about 25 percent.²³ A study by the Justice Policy Institute during the height of the prison

boom in the 1990s, showed that nationally, spending on corrections by states had gone up by 30 percent, while state spending on higher education had gone down by 18 percent between 1987 and 1995.²⁴

The tougher attitude toward the role of prisons and the status of prisoners also meant a reduction in the engagement between prisons and universities. Without the emphasis on rehabilitative programming there was little reason for prison systems to welcome the involvement of students and faculty researchers and many of them shut themselves off to inquiry by empirical researchers on prisons. The political demand for prisons to be and be seen as tougher discouraged the promotion of college education options for prisoners, and in 1994 Congress barred the use of federal Pell grants to support college fees for prisoners, ending in practice most access other than for those prisoners able to afford distance learning programs on their own.²⁵

California embraced mass incarceration with vigor beginning with the administration of Governor George Deukmejian (1983-1991), and continuing during the administrations of his successors Pete Wilson (1991-1999) and Gray Davis (1999-2003) building twenty-two new prisons between 1984 and 2005 and more than quadrupling its rate of imprisonment. Relative the nation as a whole, California moved from the low incarceration sector, with a 1980 incarceration rate close to the Midwest regional average, to the high incarceration sector of states, with a 2009 imprisonment rate closer to the Southern average.²⁶

Rehabilitation had been officially abandoned as a purpose of imprisonment with the Determinate Sentence Law of 1976.²⁷ The new prisons were built with a deliberate indifference to rehabilitative programming, with designed in space for programming limited to less than twenty-five percent of prisoners, a potential never realized because of chronic overcrowding in the system.²⁸ Never before in the state's prior history had prisons been promoted as a primary expression of the state, and in a form stripped of any of its earlier ambitions to prepare prisoners to successfully reintegrate into California communities following imprisonment.

From the late 1970s on the public university system in California found itself in a long period of stagnation and decline battling to retain significant public resources, rather than to expand.²⁹ Between 1980 and 2010 only one small UC Campus, long promised to the much-neglected central valley region, was opened at Merced in 2003, and four campuses were added to the California State University System. Given that California's population grew by sixty-five percent between 1980 and 2009, this meant a dramatic reduction in public education opportunity for California residents. Fees, first introduced in California in the 1970s (prior to that admission for in state residents had been essentially free) began to rise rapidly in the past decade.

With prisons increasingly promoted as no-frills institutions of punishment and containment, the previous emphasis on research and thus links to the state's academic community virtually ended. California prisons eliminated their historic encouragement of prisoner intellectual growth and prison based education programs shrank (with external ones collapsing in

most cases after the 1994 withdrawal of Pell grants). The retrenchment arguably began first on the academic side, with the closing of UC Berkeley's criminology school in 1976. With an era of educational cut backs begun and the official abandonment of rehabilitation as a goal for California imprisonment there was little nexus for research involvement of graduate students and faculty in California prisons.³⁰

Inside the universities, prisons and their inmates virtually disappeared as a subject of research.³¹ While the state was committing itself to an extraordinary experiment in the consequences of incarceration on a mass scale, the social sciences appeared to lose all interest in the causes of persistence or desistance from crime. The parole system, once a site for intense practical experimentation in rehabilitation, became a revolving door to incarceration with nearly 70 percent of those supervised returning to prison before the end of their parole period.³²

The waning of the era of student radicalism also brought an end to the informal interest of students in the fate of prisoners who became largely invisible. As a student activist on the Berkeley campus between 1977 and 1987, I witnessed virtually no significant organizing around the issue of prisoners' rights or prison conditions. The prisoners of South Africa's apartheid system were of far more interest to California students in the 1980s than the vast and increasingly racially organized prison system. The two expressions of state power now seemed increasingly invisible to each other even as they were coming into more direct conflict for the state's financial support.

CONCLUSION: LEVIATHAN IN CRISIS

The first decade of the 21st century saw the pace of prison level off, and in a few states begin to actually decline modestly. The increasing costs of maintaining such large and aging prisoner populations was clearly beginning to be felt across the country (now much exacerbated by the Great Recession which took place at the end of the decade). Mass incarceration itself began to emerge as a problem, first for social scientists and increasingly for some public officials as well.³³ The enormous size of prison systems, the absence of any credible efforts at rehabilitation (and the disastrously high recidivism rates associated with contemporary prisons), and especially the racially disproportionate impact of incarceration, have led to an increasing interest in and criticism of prisons.³⁴ But despite this, the political power of tough on crime policies showed little sign of waning and politicians in most states have moved very cautiously in considering any roll back in sentences.

The 1990s saw increasing concern in the United States about diminishing access to higher education, but even as a college degree came to be seen as essential to steady employment, there was little support in the states for expanding public universities. With state revenues dramatically reduced by the Great Recession and its aftermath, students and parents around the country face unprecedented costs for public higher education.³⁵

Ironically, the continuing crisis of public universities and the beginnings of a prolonged crisis of prisons seems to be driving renewed connections between the prison and the university, along previous paths and in new directions. The growing criticism of prisons and the increasing anxiety about the difficulty

of obtaining college level education have together promoted a growing sense of rivalry between prisons and public universities. For the first time the percentage of state funds allocated to prisons relative to universities began to emerge as a political problem. Perhaps motivated by this sense of trade-off, student interest in prisons has begun to grow rapidly. In the late 1990s, a new social movement focused on mass incarceration began to emerge largely from among university students. A conference titled "Critical Resistance" was held at Berkeley in September of 1998 and drew thousands of participants (most of them students) and a new organization of that name was founded with the explicit goal of shrinking what it called "the prison industrial complex."

After decades of emphasizing custody and punishment, prisons are slowly and cautiously re-emphasizing rehabilitation but without much visible evidence of investment. Despite the continued absence of federal Pell grant funding for prisoners, a variety of state and private initiatives to promote prisoner college education began to grow in the last decade.³⁶ These new programs were typically small, organized by university students and faculty with a growing sense of mission to combat mass incarceration.

California has experienced the growing problematization of prisons as a fiscal and legal crisis of major proportions as several class action lawsuits have coalesced to expose massive structural deficits in the provision of constitutionally required health care.³⁷ The situation has been exacerbated by chronic overcrowding driven by California's rigid sentencing laws, especially the extreme Three-Strikes law. This led to a new fed-

eral court order in 2009 for a reduction in the prison population by at least 40,000 inmates.³⁸

Despite this intense legal pressure and the fact that the state is also suffering from a massive fiscal deficit, there has been political reluctance to embrace any substantial reworking of California prison sentences. In the summer of 2010, the state did adopt some reforms designed to shrink the number of technical parole violators returning to prison, but more ambitious proposals by the governor to create a sentencing commission authorized to revise California sentencing law were rejected.

The grave fiscal situation has meant a period of unprecedented increases in students' fees and substantial cut backs on staff and faculty in the public universities leading to some of the largest student demonstrations seen in decades. Ironically student and faculty interest in prisons is growing rapidly and is by no means limited to a sense of competition for state resources.³⁹ For many student activists, unlike in the 1980s, opposing mass incarceration is a new civil rights movement. At the same time public universities are forging new research centers focused on crime and prisons for the first time in decades. Increasingly they are finding a welcome from the state's Department of Corrections and Rehabilitation which under enormous pressure from the courts to reduce populations is once again showing an interest in rehabilitative programming that can reduce the state's epic recidivism rate.⁴⁰

Despite these important signs of re-convergence of interests between prisons and universities, there is also a growing politics of rivalry between these two faces of the state. Former

governor Arnold Schwarzenegger used his final “state of the state” address to bemoan the fact that prison spending had overtaken spending on state universities and proposing a constitutional amendment to guarantee the superiority of university spending:

“Thirty years ago 10 percent of the general fund went to higher education and 3 percent went to prisons” Schwarzenegger said. “Today almost 11 percent goes to prisons and only 7½ percent goes to higher education. Spending 45 percent more on prisons than universities is no way to proceed into the future.”⁴¹

At the same time, both Schwarzenegger and his successor, Edmund “Jerry” Brown (elected in 2010 to a third term as governor, having served two previous ones in the 1970s and early 1980s) continued to appeal the federal court case requiring shrinkage of the prison population. This suggests that the comparison between spending on prisons and higher education is largely a matter of rhetoric and that a political commitment to restructuring California’s harsh sentencing system, is not yet at hand.

Such a rhetorical initiative linking prisons and universities ought to be rejected by the growing anti-mass incarceration movement in California and nationally. Until serious efforts are made to rebalance California’s prison heavy approach to public safety, and specifically reform our rigid and incarceration promoting sentencing system any reductions in prison spending are likely to come from precisely those education and rehabilitative programming opportunities that have only recently begun to grow. Indeed, this may be the right time to reject the

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enduring binary between a state that expresses itself in a higher education or prisons.

The prison and the university in the 19th and 20th centuries represented faces of a state eager to demonstrate its importance in facilitating the creation of an affluent society. Today the state seems faced with a prolonged period of crisis in which it is unlikely to seek to embody itself in such romantic and ambitious ways. The end of mass incarceration, if it can be achieved, is unlikely to signal a new era of investment in higher education. Instead both prisons and universities will face long term pressures to reduce reliance on state expenditures. With the state's once world class infrastructure of highways, water systems, and energy grids now in shambles, and its once dominant economy increasingly returning to low wage labor and primary resource extraction, the state desperately needs new investments of resources and political attention to go into primary urban infrastructure and K-12 education.

NOTES

- 1 Loic Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Duke University Press, 2009), xviii
- 2 Capital cities (or more precisely the capital “campuses” that states have built to house their government offices) are denser built environments to be sure and house many state employees but they are largely hidden behind the spectacle spaces of sovereignty, legislative chambers, executive office buildings, and courts. Highways also represent large infrastructures (although the opposite of densely arrayed) and they have state employees, like state police officers, that often enjoy considerable status, but they are very limited in the relationship they have to the broader public, and do so in way that is generalized to everyone who comes upon the highways, albeit in the fragmentary ways that highways intersect our lives.
- 3 College students were in loco parentis until the 1960s. See, Jonathan Simon, “In the Place of the Parent: Campus Life Risk Management and the Government of Campus Life, *Social & Legal Studies*” (1994) 3: 15
- 4 The other institution worthy of consideration in this regard is the state mental hospitals or asylums. In California, hospitals held a far larger population than the prisons until the 1970s. They can be distinguished in the fact that they are limited to people with a diagnosed mental illness while the prison and the university are open to all citizens and residents subject to their individual qualifications. Other important public institutions, like schools, police stations, and jails, were generally built and paid for by county level government.
- 5 Sociologists of punishment define mass incarceration as a distinct turn in the history of the prison marked by a quantum increase in the scale of imprisonment, and the refocusing of imprisonment from individuals to whole categories of people. See, David Garland, Introduction, in *Mass Imprisonment: Social Causes and Consequences* (Sage, 2001), 1
- 6 David J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Little Brown, 1971); Michel Foucault, *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan (Pantheon, 1977)

- 7 Michael Meranze, *Laboratories of Virtue: Punishment, Revolution and Authority in Philadelphia, 1760-1835* (UNC Press, 1996)
- 8 Thomas Dumm, *Democracy and Punishment: Disciplinary Origins of the United States* (University of Wisconsin Press, 1987)
- 9 Quoted in Ron Russell, "Hidden Treasure," *SF Weekly*, July 23, 2003
- 10 California's Correctional Facilities (California Department of Corrections and Rehabilitation, n.d.), 2
- 11 Ibid.
- 12 Benjamin Justice notes that rehabilitation and education did not become even rhetorical aspirations at San Quentin until the 1880s. See Benjamin Justice, "A College of Morals": Educational Reform at San Quentin Prison, 1880-1920, *History of Education Quarterly*, Vol. 40, No. 3 (Autumn, 2000), pp. 279-301, 281
- 13 History of UC Berkeley, 19th-century: Founding UC's flagship campus, <http://www.berkeley.edu/about/hist/foundations.shtml>
- 14 Ibid.
- 15 See Charles Bright, *The Powers that Punish: Prisons and Politics in the Era of the "Big House," 1920-1950* (University of Michigan Press, 1996)
- 16 *He Got Things Done: A Profile on Richard McGee*, California Department of Corrections and Rehabilitation, Office of Training and Professional Development, 2002.
- 17 Officially known as the Donahoe Higher Education Act of 1960, the Master Plan brought the University of California, the California State University system, and the community colleges together into a unified strategy to provide college education to all qualified students in California. See John Douglass, *The California Idea and American Higher Education: 1850 to the 1960 Master Plan* (Stanford University Press, 2007)
- 18 Eric Cummins, *The Rise and Fall of California's Radical Prison Movement* (Stanford University Press, 1994)

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- 19 Jonathan Simon, *Poor Discipline: Parole and the Social Control of the Underclass, 1890-1990* (Chicago: University of Chicago Press), 95
- 20 Cummins, *Rise and Fall of California's Radical Prisoner Movement*
- 21 George Jackson, *Soledad Brother: The Prison Letters of George Jackson* (1970)
- 22 Sourcebook of criminal justice statistics Online <http://www.albany.edu/sourcebook/pdf/t6282009.pdf> Table 6.28.2009
- 23 *Educational Attainment in the United States, 2003* (US Census Bureau, US Department of Commerce, 2004), 2, figure 1.
- 24 Tara-Jen Ambrosio and Vincent Schiraldi, "From Classrooms to Cell Blocks: A National Perspective," Justice Policy Institute, February 1997
- 25 Violent Crime Control and Law Enforcement Act of 1994. See, Daniel Karpovitz and Max Kenner, *Education as Crime Prevention: The Case for Reinstating Pell Grant Eligibility for the Incarcerated* (Bard Prison Initiative)
- 26 Sourcebook of Criminal Justice Statistics, table 6.28.2009
- 27 The DSL was influenced by just deserts ideas and declared that the purpose of prison was "punishment." The intent however, was not to grow the prison population and the original sentences in the law were quite modest. However the politics of mass incarceration which took off after the DSL law quickly pushed up sentences as retributive considerations were replaced by deterrence and incapacitation as the primary goals of prison. See, Simon, *Poor Discipline*, 114-5
- 28 The failure even to provide for maintaining the physical and mental health of the prison population has been found to violate the 8th Amendment by a series of federal courts and the state is now under a historic court order to reduce the size of its prison population. See *Brown v. Plata*, 131 S.Ct. 1910 (2011).
- 29 This really began even before the prison buildup, under Deukmejian's predecessor, Governor Edmund "Jerry" Brown.
- 30 I was able to get access to California prisons and parole offices in 1985 to conduct research for my dissertation at UC Berkeley largely on the strength of the personal relationship between my doctoral supervisor,

Sheldon Messinger, and various parole administrators that had been students of his during the era of the criminology school (which he was the final dean of). Those administrators were palpably nervous about having a graduate student conducting research inside the department. The Department's own research division, once a thriving center for rehabilitative program evaluation had shrunk to a single employee who kindly helped me draw samples and locate documents but whose own research mandate was practically non-existent.

- 31 See, Jonathan Simon, *The Society of Captives in the Era of Hyper-Incarceration*, *Theoretical Criminology*, August 2000 vol. 4 no. 3 285-308
- 32 Simon, *Poor Discipline*
- 33 The renewal of scholarship began in the 1990s. See, Franklin Zimring and Gordon Hawkins, *The Scale of Imprisonment* (Chicago: University of Chicago Press, 1991); Stuart Scheingold, *The Politics of Street Crime: Criminal Process and Cultural Obsession* (Philadelphia: Temple University Press, 1992); David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University of Chicago Press, 2001)
- 34 See, Bruce Western, *Punishment and Inequality in America* (New York: Russell Sage Foundation, 2006)
- 35 Both the University of California and the California State University systems have announced substantial fee increases for the coming academic year, on top of several past years of increases. The University of California increase was 8 percent, on top of a 32 percent increase the year before, see, *UC Regents Increase Fees, Financial Aid*, Press Release, November 17, 2010, <http://www.universityofcalifornia.edu/news/article/24527> . The California State University system was poised to raise fees by 12 percent, on top of a 10 percent increase last year. See, Claudia Melendez Salinas, *CSU Mulls 12 Percent Fee Increase*, *Monterey County Herald*, July 19, 2011, http://www.montereyherald.com/education/ci_18427530
- 36 Some states, like Texas, had never abandoned efforts to providing college curriculum to at least some prisoners.

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- 37 See, *Coleman v. Wilson*, 912 F. Supp. 1282 (1995) *Plata v. Davis*, 329 F.3d 1101 (2003).
- 38 *Plata v. Schwarzenegger, Coleman v. Schwarzenegger*, Three-Judge Court, NO. CIV S-90-0520 LKK JFM P; NO. C01-1351 THE. In May 2011, the Supreme Court upheld the order which maintains the pressure on the state at a time of continuing fiscal crisis. See, *Brown v. Plata*, 131 S. Ct. (2010).
- 39 Having taught a large undergraduate course on prisons since arriving back at Berkeley as a faculty member in 2003, I noticed a substantial upsurge in student interest in the subject at the end of the decade.
- 40 Governor Schwarzenegger, who in fact added the word “rehabilitation” to the Department’s name, promoted direct links between the state prisons and the University of California which created a Center for Evidence Based Corrections at UC Irvine with millions of dollars in state support.
- 41 Schwarzenegger wants to mandate more spending on higher education than prisons, Southern California Public Radio, January 6, 2010, Schwarzenegger wants to mandate more spending on higher education than prisons