

## THE SHOCK DOCTRINE IN TEXAS PRISONS

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*This article is an analysis of the torture tactics and repressive methods used in administrative segregation prisons across Texas, and generally in the United States. To highlight these matters and how they're applied, Foster draws a parallel with Naomi Klein's book The Shock Doctrine: The Rise of Disaster Capitalism.*

*The Shock Doctrine* is a book that documents the brutal economic tactics pioneered by University of Chicago professor Milton Friedman, the “grand guru of the movement of unfettered capitalism.”<sup>1</sup> During the second half of the twentieth century, Friedman’s approach to economics became orthodoxy in almost every corner of the globe. It has been described as “neoliberalism,” “free market,” “laissez-faire capitalism” and “globalization,” but the term that would stick in the minds of most people is “shock therapy.”

As described by Klein, “shock therapy” works as follows: in the aftermath of a crisis, people in power impose a “rapid-fire transformation of the economy – tax cuts, free trade, privatized services, cuts to social spending and deregulation.”<sup>2</sup> This “capitalist makeover” is conducted with such speed and scope as to “facilitate the adjustment” to free market capitalism.<sup>3</sup> In other words, Friedman’s market model “exploit[s] crisis and disaster” to advance capitalism.<sup>4</sup>

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<sup>∞</sup> Kenneth Foster is the author of a book of poetry called *A Voice from the Killing Machine*. Mr. Foster was wrongly sent to death row in 1997 under a draconian Texas legal statute called the Law of Parties. Charged with three others, Kenneth was forced to go to trial with the admitted shooter. Though the admitted shooter pled guilty to acting on his own and with no help or direction from the others, they were convicted together nonetheless (mainly due to extraneous offenses). Both men were sentenced to death: Kenneth’s death sentence mainly came down to driving the car. Unfortunately, the shooter was executed on July 19, 2006. In 2005, Kenneth received a ray of hope when his federal judge threw out his death sentence, but in October 2006 the Fifth Circuit vacated that judgment. All appeals from that point onward were denied. In May 2007 Kenneth received a date of execution for August 30, 2007. At this point, an international grassroots campaign – led by the Campaign to End the Death Penalty and Kenneth’s family and friends – was launched.

From May 30 to August 30, an intense public outcry was heard. Going down to the wire (Kenneth was taken to the death house at the Walls unit and came within six hours of his scheduled murder) Governor Rick Perry commuted Kenneth’s sentence to life after the Board of Pardons and Paroles recommended the same in a six-to-one vote. The ruling was unprecedented and the *first* ever commutation made by Rick Perry.

It was an amazing victory for the Anti-Death Penalty Movement. This commutation undeniably shows how the death penalty can be abused, and the hard truth is there have been other men sentenced to die under the Law of Parties who did not make it and perhaps should have. Kenneth was just one who fought day in and day out to be heard; he built a support base and refused to give up. Though Kenneth is no longer on death row, he must serve a full forty years before becoming eligible for parole. He and his supporters remain relentlessly fighting for his freedom. Mr. Foster would like to thank the editors at *The Harbinger* and his wife Celandria. You can contact him and learn more at [freekenneth.com](http://freekenneth.com).

<sup>1</sup> NAOMI KLEIN, *THE SHOCK DOCTRINE: THE RISE OF DISASTER CAPITALISM* 4 (2007).

<sup>2</sup> *Id.* at 7.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 9.

“Shock therapy” has been applied both economically and physically. I will focus on the latter, but let me first talk about the former, because the economic shock doctrine allowed the physical shock doctrine to thrive.

As Klein explains, in the 1950s, the CIA funded the experiments of Dr. Donald Ewen Cameron at McGill University in Canada.<sup>5</sup> Cameron was a psychologist who at one time was the President of the American Psychiatric Association, president of the Canadian Psychiatric Association and president of the World Psychiatric association.<sup>6</sup> Cameron pioneered electroshock therapy: he delivered electric jolts to his patients’ brains with the goal of breaking their minds down, creating a “clean slate” upon which to write.<sup>7</sup> For example, after shocking his female patients, he played them a tape recording that repeated, “[Y]ou are a good mother and wife and people enjoy your company” on a loop.<sup>8</sup>

This research made an impression on the CIA, particularly the use of electrical shocks, not just to inflict pain, but with the goal of erasing structured personalities so others could be created.<sup>9</sup>

As Klein points out, there is a relationship between this physical “shock therapy” and the economic “shock therapy” championed by Friedman, who once said:

Only a crisis – actual or perceived – produces change. When that crisis occurs, the actions that are taken depend on the ideas that are lying around. That, I believe, is our basic function: to develop alternatives to existing policies, to keep them alive and available, until the politically impossible becomes politically inevitable.<sup>10</sup>

Political deceit, governmental repression, and other pressures induced crises, giving Friedman and his “Chicago Boys” the chance to introduce their policies. Among the victims were Chile, Poland and Eastern Europe, and countries of the Middle East.<sup>11</sup>

While reading about the tactics perpetuated on the citizens of these countries – shock therapy in both economic and physical forms – I couldn't help but to get a lump in my throat, as I recognized many of them taking place right here today, in Texas prisons.

## THE TORTURE CHAMBERS

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<sup>5</sup> *Id.* at 32.

<sup>6</sup> *Id.* at 30.

<sup>7</sup> *Id.* at 32.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 33-38.

<sup>10</sup> MILTON FRIEDMAN, CAPITALISM AND FREEDOM XIV (1962).

<sup>11</sup> For a more in-depth discussion on Friedman’s strategy and its international impact, see KLEIN, *supra* note 1.

There are around thousands of prisons and jails in the U.S. and nearly 2.3 million people filling them, as of 2020.<sup>12</sup> Estimates of the numbers of prisoners held in solitary confinement vary, running as high as 80,000 at any given point in time.<sup>13</sup>

In Texas, there were 152,000 prisoners in the state as of the middle of last year, the most of any state in the country. Some 8,100 of them are held in “administrative segregation,” according to the Solitary Watch website: “They are held in isolation in cells that measure 6-by-9-feet for 23 hours a day, with one hour to exercise in a small, fenced yard. More than 2,000 of them have a diagnosis of serious mental illness or a developmental disability.”<sup>14</sup>

Then there are the supermax prisons, like the federal supermax in Florence, Colorado, where conditions of isolation surpass anything you could imagine. The shapes and sizes and architectural designs vary, but the one thing common among them all is not just punishment, but the attempt to humiliate and completely break the mind and spirit.

Administrative Segregation (Ad Seg) induces such states with sensory deprivation. There is no human contact in Ad Seg. Not all Ad Seg prisoners are violent offenders. A person could be placed in Ad Seg for possession of drugs or even a cell phone while incarcerated. Nevertheless, they are cuffed and leg-shackled everywhere they go. Slots in the doors at some of these prisons are made at thigh level, so when being cuffed the prisoner, regardless of age, weight, or health, must squat down and throw his arms out the narrow slot behind him for cuffing.

There are no TVs, no in-cell arts or crafts to indulge in, and no educational programs to promote rehabilitation. The only activity is to sit and rot. The prisoner must find ways to keep from mental decay. If he looks to the administration for help, he’s as good as dead – mentally, spiritually, and maybe even physically.

In Texas prison units like McConnell, there are no intercoms to call officers – no buttons to press for emergencies. To gain an officer’s attention, inmates must pound and kick the cell doors, which is commonly ignored unless it is done continuously. Inmates who have suffered from seizures, diabetic attacks, or other conditions have often been left to lie on the floor for hours. This banging, yelling, screaming, and pounding is part of the sensory overload that wreaks havoc on the mind.

While the supermax prisons are the most extreme form, Ad Seg prisons also create a living nightmare for those who are subjected to their oppressive tactics. What are we breeding in prisons like this?

In the Abu Ghraib prison in Iraq, U.S. forces carried out a wide range of interrogation procedures based on the Guantánamo Bay model, including deliberate

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<sup>12</sup> Wendy Sawyer & Pete Wagner, *Mass Incarceration: The Whole Pie 2020*, PRISON POLICY INITIATIVE (Mar. 24, 2020), <https://www.prisonpolicy.org/reports/pie2020.html> [<https://perma.cc/GPA6-P8EG>].

<sup>13</sup> Andrea Fenster, *New Data: Solitary Confinement Increases Risk of Premature Death After Release*, PRISON POLICY INITIATIVE (Oct. 13, 2020), [https://www.prisonpolicy.org/blog/2020/10/13/solitary\\_mortality\\_risk/#:~:text=These%20preventable%20deaths%20aren't,the%20community%20directly%20from%20solitary](https://www.prisonpolicy.org/blog/2020/10/13/solitary_mortality_risk/#:~:text=These%20preventable%20deaths%20aren't,the%20community%20directly%20from%20solitary) [<https://perma.cc/YT98-CRHC>].

<sup>14</sup> *FAQ*, SOLITARY WATCH, <https://solitarywatch.org/facts/faq/> (last visited Feb. 3, 2022) [<https://perma.cc/J93Y-6TL6>].

humiliation, exploiting fears, sensory deprivation, and sensory overload – all of which exist in Ad Seg prisons in America.

The impact is obvious. As a sergeant with the 82<sup>nd</sup> Airborne said of Abu Ghraib, “If he’s a good guy, you know, now he’s a bad guy because of the way we treated him.”<sup>15</sup> So, what do we think will happen when these tactics are used on the 2.3 million prisoners in the U.S.? Who do we think returns to society?

These torture chambers, AKA prisons, are built around the vision of what can only be described as “behavior control.”<sup>16</sup> The goal is not only to fully control the prisoners by breaking their will, but to control people throughout society by making an example of some.

Torture is as American as apple pie. But to our double-tongued political representatives, torture isn’t torture, but “coercive interrogation,” and abuse isn’t abuse, but “softening up.”<sup>17</sup>

The CIA have long been perpetrators of such methods, having even produced handbooks like the infamous *Kubark* manual for U.S. personnel and other governments to follow.<sup>18</sup> These methods are designed to induce, deepen, and sustain “shock,” which opens prisoners to suggestion and to make them comply.<sup>19</sup>

Whether consciously engineered or unconsciously mimicked, the similarities exist. And nothing is being done to change them. Regardless of where they are implemented, human beings will respond to the kind of conditions caused by shock therapy in the same way: insanely, suicidally, and self-destructively.

None of this should surprise any reader, as this is part of the history of the U.S. government. From Latin America to Vietnam, from the Middle East to right here in the U.S., with the Native Americans to the Black Panther Party, the U.S. government has been behind coups, assassinations, massacres, deliberately introduced diseases, covert warfare and much, much more.<sup>20</sup>

That legacy continues in places we don’t see and don’t hear about. Sometimes, however, these places are a lot closer than we realize. As you read this, know that the facts are at the touch of your fingertips. Google it – but when you read it, don’t just walk away. Organize – because as Howard Zinn stated, “when we organize with one another, when we get involved, when we stand up and speak out together, we can create a power no government can suppress.”<sup>21</sup>

#### AT HOME AND ABROAD

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<sup>15</sup> KLEIN, *supra* note 1, at 370.

<sup>16</sup> The American Psychological Association defines “behavior control” as “the use of conditioning, therapeutic techniques, or other methods to steer individual or group behavior in a desired direction.” *Behavioral Control*, AM. PSYCH. ASS’N <https://dictionary.apa.org/behavior-control> (last visited Mar. 25, 2023) [<https://perma.cc/XTA4-VAT4>].

<sup>17</sup> *Id.* at 16.

<sup>18</sup> *Id.* at 39-46.

<sup>19</sup> *Id.*

<sup>20</sup> For further reading, see ALFRED W. MCCOY, *IN THE SHADOWS OF THE AMERICAN CENTURY: THE RISE AND DECLINE OF US GLOBAL POWER* (2017); HOWARD ZINN SPEAKS (Anthony Arnove, eds., 2012).

<sup>21</sup> Howard Zinn, *If History is to be Creative*, HOWARDZINN.ORG <https://www.howardzinn.org/collection/if-history-is-to-be-creative/> (last visited Feb. 3, 2022) [<https://perma.cc/5V3X-A7Q7>].

The Bush administration approved a series of special interrogation and incarceration practices as part of the “War on Terror” to deal with suspected terrorists. But we find the same conditions in Texas prisons. I will describe the parallels below.

First: The Guantánamo Bay prison camp used isolation and deprivation of light at some points, and at other times, overloading prisoners’ senses with light and pounding sounds.<sup>22</sup>

Pretty much all Ad Seg cells mimic this. Our cells are barricaded by steel. The fronts of the doors are covered by steel mesh and plexiglass. The cells have large lights that illuminate your cell for counts, feeding, or officer interaction with inmates. Your senses are starved of stimulation. Your only contact is with concrete, steel or bright lights. To put pictures on your wall is an infraction of the rules.

Second: CIA manuals on interrogation state that “windows should be set high in the wall, with the capability of blocking out light.”<sup>23</sup>

At Texas Ad Seg prisons like the McConnell, Connally, Polunsky, Telford and Michael Units, the windows are built in exactly this fashion – practically at the ceiling. This helps put prisoners in a deep disorientation and shock to force them to make concessions against their will.

Third: José Padilla, arrested in May 2002 at Chicago’s O’Hare airport for allegedly intending to explode a “dirty bomb,” was taken to a Navy prison in Charleston, S.C. He was subjected to tiny cells, his eyes were covered with black goggles, his ears were blocked with heavy headphones, and he was forbidden to have a clock or radio.<sup>24</sup>

Similarly, cells at Ad Seg prisons are relatively small, and while we don’t have goggles or headphones forced on us, we face visual and audio deprivation from steel cells. Our outside recreation yards have thirty- or forty-foot-high walls, where the only thing to be seen is the sky. Prisoners in Levels two and three housing (punitive levels) are denied radios and sometimes calendars. This creates disorientation and draws a wedge between the prisoner and human activity.

Fourth: In her book, Naomi Klein quotes prisoners of the CIA or U.S.-allied regimes who were subjected to rats and roaches in their cells. According to Klein, the Italian Muslim cleric Hassan Mustafa Nasr was kidnapped off the streets of Milan by a group of CIA agents and was rushed to Hosni Mubarak’s Egypt, where he lived for 14 months in a cell with no light and where, he states, “rats and roaches walked across my body.”<sup>25</sup>

There’s not a prison I’ve been in (three thus far) that have not had rats and roaches. Ants pile into cells in astronomical numbers. Prisons built in rural areas also attract skunks, bees, and other insects. But the rats and roaches are the most common occupants of the cells.

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<sup>22</sup> KLEIN, *supra* note 1 at 44.

<sup>23</sup> *Id.* at 40.

<sup>24</sup> *A Mother’s “Last Chance” at Justice: José Padilla Torture Case Brought Before Human Rights Tribunal*, ACLU (Dec. 11, 2012) <https://www.aclu.org/blog/national-security/torture/mothers-last-chance-justice-jose-padilla-torture-case-brought-human> [https://perma.cc/7NB3-VXKL].

<sup>25</sup> KLEIN, *supra* note 1 at 45.

Fifth: A torturer for the government in Honduras once described the practices that the CIA trained him to use, and among them was to purposely serve bad food.<sup>26</sup>

In U.S. prisons, whenever there is a budget crisis in the state – which seems like always – prison food is always targeted first. This isn't just an Ad Seg issue – it affects every prisoner. Especially since September 11 and the ongoing wars that ensued, prison food has declined in size and quality.

For example, before 2001, prisoners used to receive a small dessert on each lunch tray. That has trickled down to one a week. Portions have generally declined to kiddie size, especially during thirty-day lockdowns. More stews are served, which is just a slop of potatoes, peas, carrots, and alleged beef, floating in a greasy sauce – these and noodle meals are served four to six times a week. There are no fresh fruits or vegetables, only the same overcooked or undercooked vegetables daily.

Real milk is also a thing of the past – only powdered milk is served in Texas Department of Corrections. Ironically, under Chile's horrendous dictator Augusto Pinochet, one of the junta's first move in cutting "luxury items" was to eliminate school milk programs.<sup>27</sup> Obviously, Texas sees milk in the same light: a luxury.

When human beings are subjected to the vilest of conditions, what can be expected of their mental and behavioral state? We can avoid reality, but we cannot avoid the consequences of reality.

#### THE PSYCHOLOGICAL ABYSS

At Guantánamo Bay, a section called D Block was reserved for detainees in permanent delusional states. These were people who, after extensive use of torture, were exhibiting behavior consistent with extreme psychological trauma – talking to non-existent people, hearing voices, etc.<sup>28</sup>

Naomi Klein quotes James Yee, the former U.S. Army Muslim chaplain on Delta Block, describing these prisoners. "I'd stop to talk to them," Yee said, "[A]nd they would respond to me in a childlike voice, talking complete nonsense. Many of them would loudly sing childish songs, repeating them over and over. Some would stand on their steel bed frames and act out childishly."<sup>29</sup> Sabin Willett, a lawyer who represented several Guantánamo prisoners warned that if the situation continued, "[Y]ou're going to have an insane asylum."<sup>30</sup>

In some Texas Ad Segs, I believe it's at that same point. While on death row, I lived in an Ad Seg cell for seven years. I've witnessed some of the above behaviors and worse, and I also see them going on in McConnell's Ad Seg.

In death row Ad Seg housing pods, I've witnessed men cover themselves in feces, mutilate themselves with razors and commit suicide. I've seen men completely stop talking to other inmates and even stop showering.

Certain inmates suffer from extreme mental illness, and yell and scream all day. Some, as Yee described of the Guantánamo prisoners, make baby noises. One inmate

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<sup>26</sup> *Id.* at 38.

<sup>27</sup> *Id.* at 84.

<sup>28</sup> *Id.* at 45.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

would tap, using a cup on his door, the theme music to the TV show *Green Acres* for hours at a time each day.<sup>31</sup>

Another recurring theme in Ag Seg prisons is inmates trying to get an officer's attention by yelling, "I'm gonna kill myself," over and over. Since McConnell's Ad Seg is not equipped with intercoms, inmates must scream and yell. When ignored, inmates must kick on the steel door, which echoes like thunder rolls.

Other inmates suffering from psychological illnesses ramble for hours at a time. They talk about electronic devices planted in their rectums, how their food has been poisoned, the poisonous gas is being sprayed in their air vents. Many times, I've heard government or Masonic conspiracies fill their talking.

José Padilla, the man who was taken to the Navy prison in South Carolina, had these kinds of conditions forced on him for 1,307 days, and by the end, as his lawyer told the court, "The extended torture of Mr. Padilla has left him damaged, both mentally and physically. The government's treatment of Mr. Padilla has robbed him of personhood."<sup>32</sup>

What was forced upon Padilla is calmly, subtly, and consistently being administered to men and women in Ad Seg prisons across America. Some prisoners will never leave Ad Seg, and so the 1,307 days that Padilla endured will easily be surpassed. So will the trauma he suffered.

#### SURVIVING

In *The Shock Doctrine*, Naomi Klein writes:

When prisoners are asked how they survived months or years in isolation and brutality, they often speak about hearing the ring of distant church bells, or the Muslim call to prayer, or children playing in a park nearby. When life is shrunk to the four walls of the prison cell, the rhythm of these outside sounds becomes a kind of lifeline, proof that the prisoner is still human, that there is a world beyond torture.<sup>33</sup>

For those of us who keep our sanity, each has a different testimony as to how we survived. For some who moved up to less restricted housing, it may have been a radio or just a calmer environment. Maybe it was visits. But for those who had none of these, I cannot say. Perhaps it's as Nietzsche said: "He who has a why to live for can bear almost any how."<sup>34</sup>

The path to survival isn't a blueprint that can be written down and passed along. With each day, the blueprint blows away in the sands and must be rewritten. For those of us who "hold on," we attach to something: a picture of our children, a life-changing book, prayer, meditation, exercise . . . something! We grasp and hold on for dear life. We either find a way or make one.

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<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 44.

<sup>33</sup> *Id.* at 37.

<sup>34</sup> FRIEDRICH NIETZSCHE, TWILIGHT OF THE IDOLS (1889).

But as for what I've seen in Texas prisons, the only difference I know between what we're told went on at Guantánamo or Abu Ghraib or other overseas interrogation centers and what we experience is no electroshock. But don't hold your breath and say it will never happen. The Texas Department of Corrections already utilizes pepper spray, gas canisters and stripping inmates of clothes, property, and visits as punishment.

According to Klein, Milton Friedman's vision of "shock therapy" centers on the "speed, suddenness and scope of the economical shifts would provoke psychological reactions in the public that facilitate the adjustment."<sup>35</sup> Through this, shocked societies often gave up things they would otherwise fiercely protect – just as prisoners enduring the same conditions would give up the names of comrades, denounce faiths and be rendered a pile of putty, easily molded by their interrogator.

Worlds where I live, where Padilla lived, where Yee worked, are flourishing. They are not movie scenes or pages in a book. They are real, they are serious, and they are deadly. What I've pointed out is simply an observation from a man who is, despite prison, determined to live, thrive, and survive, because I believe in what Howard Zinn once wrote:

Revolutionary change does not come as one cataclysmic moment, but as an endless succession of surprises, moving zigzag toward a more decent society. We don't have to engage in grand, heroic actions to participate in the process of change. Small acts, when multiplied by millions of people, can quietly become a power no government can suppress; a power that can transform the world.<sup>36</sup>

Do you believe?

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<sup>35</sup> Klein, *supra* note 1, at 7.

<sup>36</sup> Howard Zinn, *The Optimism of Uncertainty*, NATION (Sept. 2, 2004), <https://www.thenation.com/article/archive/optimism-uncertainty/> [<https://perma.cc/T9UQ-MVZK>].