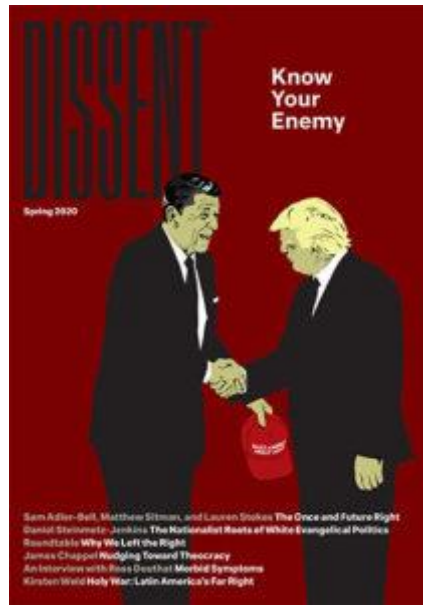


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“I Hope Our Daughters Will Not Be Punished”

From a solitary cell in Texas, Kwaneta Yatrice Harris writes letters documenting the torturous conditions, despite the risk of retribution.

Justine van der Leun · June 29, 2020



Kwaneta Yatrice Harris

In a solitary cell in a central Texas prison, as a global pandemic and protests raged, Kwaneta Yatrice Harris was eating cold bologna sandwiches on the better days. On the worst days, she was given nutraloaf, also known as discipline cake: a rectangle of meat, potatoes, margarine, syrup, liquified egg, and anonymous vegetable.

The food was slid through the door of a windowless room the size of a walk-in closet where Harris has been held since 2015. Eventually, she will be returned to a general population unit to serve the rest of her sentence, the estimated end of which is in 2058, when she will be eighty-six. Throughout her time in prison, Harris, like many incarcerated people, has been subject to questionable disciplinary cases brought by guards, including, most recently, the offense of “aiding” me to telephone her under a fraudulent name. She did not do this, but she is still being penalized. Punishments vary: nutraloaf is one of them; more time in solitary is another.

Like most people in women’s prisons, Harris has endured worse. I first wrote to her in March 2019, while conducting background research, and we have been corresponding ever since. She has noted that she and those in her unit “sleep, shower, toilet, and groom in camera-free spaces” overseen by male officers. “Black women’s bodies were playthings for slave masters and now are playthings for white prison guards,” she wrote. “Violence against us is not only tolerated, but it’s routine.” She had seen, she told me, a young woman, straight out of a juvenile facility, tackled by six guards, and other “girls . . . slammed so hard it appears they ‘bounce’ off the concrete.”

In jails and prisons, there are no unmonitored phones. There's no internet, no social media, no amateur videos. State violence remains hidden. "Oh, how I wish the [correctional officers] wore body cams," Harris wrote. "If [the public] only knew the horrors inflicted. . . . I bet the prisons wouldn't be as filled."

The over 230,000 women and girls incarcerated in the United States have singular stories but share common backgrounds. Studies suggest that nationwide, 60 percent of women incarcerated in federal prisons have a history of sexual or physical abuse, and in some state prisons, as many as 94 percent of the female population has been physically or sexually abused before entering the criminal justice system. A 2015 Human Rights Project for Girls report showed that the vast majority of girls in the juvenile justice system have been sexually or physically abused before their incarceration, often severely and on multiple occasions.

These trauma histories—largely unacknowledged or dismissed by attorneys, judges, and juries—often play a role in gender-based criminalization. Harris was convicted of shooting and killing a boyfriend, an Air Force retiree, and then stealing money from him. In interviews for a salacious TV docudrama series in which Harris refused to take part, the white male judge said that Harris's "levels of depravity are top five of any I've ever known," and her own white male defense attorney seemed puzzled: "I don't know why she went down this path that she did," he said. "She had a very good mother and she was raised to be a good person." Harris had attended private school and her mother was an upstanding citizen, but she had also been molested as a child, gang raped and kidnapped at twelve, and physically abused by her first and second husbands.

"The lawyers—my lawyer—did not want to hear about my history of sexual assault and specifically what my victim did and has done to me," she wrote to me. Over their on-off relationship of many years, Harris wrote, her boyfriend had been abusive and manipulative. He made nonconsensual sex tapes, which he used to threaten her; hacked her computer with spyware; and sent emails calling her a "slut," a "whore," and a thief to her colleagues at the hospital where she worked as a registered nurse. Harris wrote that her legal team did not wish to disparage a veteran. As a twelve-year-old, she added, she had dropped charges against her rapists and kidnapers, which the attorneys worried might make her seem "lying or promiscuous." Harris did not push the attorneys. "The stigma and shame of allowing myself to

continually accept abusive behavior is stronger than the shame of being a convicted murderer.”

In her time behind bars, she had met many others like her: a woman who had arrived in prison “marked with all types of scars”; another who woke the dorm by screaming in the night, reliving torture at the hands of her husband; one who had been trafficked as a child, forced to sleep in a chicken coop. White women who speak about rape and abuse have historically been dismissed as manipulators; Black women like Harris face even more skepticism and scorn, even though they experience higher rates of intimate partner and sexual violence.

In 2015, after six years in prison, Harris was accused of forging a judge’s signature on paperwork to lessen her sentence. She maintains that evidence shows another woman in the facility—likely a member of an Aryan gang—committed the act. In any case, Harris has now spent twenty-two to twenty-four hours a day in isolation, for over 1,600 days, awaiting a hearing. This is where she remained as the coronavirus spread through Texas’s 103 facilities. Over 7,821 incarcerated people have tested positive in the state, and to date, at least seventy-nine have died. Over 1,321 staffers have tested positive, and eight have passed away. A riderless horse walked across a field to honor the fallen officers.

On May 14, as the numbers rose, the Supreme Court struck down a bid by two elderly incarcerated men for better virus protections in Texas prisons, where social distancing is impossible, bleach often in short supply, and medical care scarce or nonexistent. That same day, the Texas Department of Criminal Justice (TDCJ) uploaded a video of barefaced incarcerated individuals sewing masks by hand. One woman said that she and the others were “excited” to make masks, instead of the American flags they regularly sewed. The TDCJ denies that it uses slave labor or chain gangs, though work is mandatory and unpaid, and any jobs that take place outside of the prison perimeters, such as those in a field, are overseen by an armed officer on horseback.

Harris did not work because she was in “restrictive housing,” or “administrative segregation,” which is what Texas calls its solitary confinement. In late 2017, the state announced that it would do away with solitary confinement as a form of punishment, but the reform, in practicality, only affected seventy-five people, according to a 2019 report by the Texas Civil Rights Project. Solitary has been

classified as torture by the United Nations, serves no rehabilitative purpose, and causes mental health to deteriorate in as few as ten days. After the pandemic lockdowns, many know this. Millions of people stayed at home for months, increasingly distressed, cut off from community. Those who were alone began to physically throb for human connection.

But true solitary is nothing like shelter-in-place: no quilts or sunlight, no fridges or Netflix or Zoom, no quick bike rides or walks around the block or brown-bag cocktails on the sidewalk at a six-foot distance. I've been told by several individuals who have lived in solitary for months and years that the experience magnifies the senses: You can smell the guard's perfume, hear the click of shoes echoing from far away. You will clean every corner of your cell on your knees, which grow calloused. You'll become desperate for touch. A woman in California kept a pet cricket and tore off one of its legs so it couldn't leave her. A man in Minnesota nurtured a baby mouse and taught it to sleep by his head in a Folger's jar.

Texas currently keeps over 4,000 people in segregated cells, for an average of five years, but up to twenty, at a cost of \$46 million annually. That's more people in solitary than the rest of the country's prisons combined. The TDCJ declined to comment on the official reason for Harris's confinement.

My initial contact with Harris was a form letter that I have sent to many, as part of a long-term project on women in prison. She replied, asking me to focus on the issue of parenting while incarcerated: "Bars and razorwire doesn't erase motherhood." Eighty percent of women in detention facilities are mothers, and Harris has three children. She also wanted to correct what she felt were common stereotypes. "Every prosecutor describes women convicted of murder as cunning, diabolical, monster, and evil," she wrote. "I've yet to encounter these 'monsters,' although I've met plenty of women with mental illness, untreated and undiagnosed."

Our correspondence was a lens into the lives of women held in jails and prisons in the United States, where Black women are incarcerated at twice the rate of white women—attributed, in part, to racist policing practices, including car stops and arrests, as well as to mandatory minimum sentences. Harris's experience at Dr. Lane Murray prison—widely nicknamed "Miserable Murray"—was, she wrote, one of "forever punishment." She relayed the emotional toll of family separation and the unabating physical discomfort, particularly in the summers, where temperatures soared above

100 degrees in sealed-in spaces—“torture,” she wrote, especially for a premenopausal woman experiencing hot flashes. Seventy-five percent of Texas facilities are un-airconditioned, and the state claims it would be too expensive to install cooling features. Meanwhile, Texas Correctional Industries, a for-profit company that provides goods and services resulting from the unpaid labor of people incarcerated in the state, made \$76.7 million in sales in 2018. Over the past twenty years, there have been over two dozen deaths and untold illnesses from high temperatures.

Those are the official numbers. In October 2019, Harris informed me that a nineteen-year-old—the same age as Harris’s eldest daughter—had been transferred into the prison from a juvenile facility as a minor and kept in solitary for trauma-related behavioral issues. She tried to fake suicide to “go to the air-conditioned psych center.” There had been four attempts by different women that month, Harris wrote, but this young woman succeeded. “She only meant to ‘pretend.’”

Incarcerated people often report that deaths attributed to suicide or natural causes are, in fact, due to violent acts, a lack of medical care, or fatal living conditions. It is now broadly acknowledged, due to the ubiquity of video footage, that law enforcement claims about how deaths happen and who is responsible are often false. In prisons, the claims are harder to refute. Recently, there has been a focus on two deaths in New York: Layleen Xtravaganza Cubilette-Polanco, an Afro-Latina transgender woman in psychiatric crisis who died of an epileptic seizure while unattended in a solitary unit, and Jamel Floyd, a Black man who died of a heart attack after officers pepper-sprayed him inside his cell. In Texas in 2015, Mark Sabbie, a Black man who was feeling unwell and was not exhibiting violent behavior, was tackled by six officers and pepper-sprayed as he said “I can’t breathe” multiple times. After the attack, Sabbie was given a disciplinary ticket for “creating a disturbance” by “feining [sic] illness and difficulty breathing.” Sabbie was left alone, cuffed, in his cell and found dead the next morning.

But most events in detention facilities are concealed from view, and the incarcerated people who speak of abuses are society’s most marginalized—often discredited because of their backgrounds, lacking outside support, and unable to offer proof because of the opacity of their institutions. Harris was housed in a state where the number of times that officers have used force against incarcerated people jumped by

66 percent between 2009 and 2019, even while the immense prison population has decreased.

A more subtly insidious form of oppression is exhibited in excessive disciplinary write-ups. A 2018 national study found that women are often disciplined at higher rates for smaller, subjective infractions, such as “disrespect” or “disobedience,” or more absurd breaches like “reckless eyeballing.” Low-level tickets can result in the revocation of “good credits,” which can shorten a person’s sentence. One study found that over two years, women incarcerated in California had the equivalent of 1,483 years added to their sentences through such revocations.

While the TDCJ denies the use of write-up quotas, reporting in the *Houston Chronicle* has shown that quotas have been used in some Texas prisons. Harris had been threatened with a disciplinary for an “extreme hairstyle” when she tried to wear her hair in a naturally curly style, and has received tickets for telling a pen pal she was taller and thinner than the guard believed her to be, and for giving an indigent woman with stomach flu a 7 Up.

The disciplinaries Harris has received since she was accused in 2015 have been minor, but a fraud offense is considered a major charge and would bolster the state’s upcoming forgery case against her. Usually journalists aren’t able to witness the production of an invented disciplinary ticket. But in this instance, I know that the charge of fraud is fabricated because I essentially observed its fabrication. It is an aperture into how detention facilities operate without accountability or oversight.

On March 16, as New York City, where I live, was ordered to shelter in place, I emailed Harris to check in, using a messaging system run by Securus Technologies, a private corporation with an annual revenue of \$700 million, which is known for charging exorbitant fees to incarcerated people and their family members, who are often poor.

My email was printed out and delivered to Harris’s cell. I sent her my phone number and asked her to call; we had never before discussed the possibility of phone contact. To respond in writing, Harris used regular mail; she had no direct email access. However, as my post office grew overwhelmed and its workers fell ill, I stopped receiving letters, and then they came at a lag. As the virus spread, I wanted to open a quicker line of communication.

On March 29, after some research, I learned that I had to be on Harris' s official phone list for her to call out. The online system required a bill and an ID that matched the submitted number. Like nearly 70 percent of U.S. cell phone owners, I am on a family plan. My husband pays our phone bill, so I uploaded his information with his permission. I wrote Harris another one-way email, telling her my husband' s name: "the number is technically his, I guess." In mid-April I received a letter from Harris, dated March 16, informing me of the prison' s policies for those in segregation, who are limited to a single five-minute call every ninety days, with immediate family only. "Hence—I can' t call you," she wrote. "But, here in restrictive housing we have been asking people to call the prison . . . we have not had hot water in our sinks in our cells since March 11."

Harris was not permitted a TV, so she listened to NPR all day. She was terrified of the coronavirus. Her unit was rarely cleaned, and she did not have materials to disinfect her cell. To take a shower, she stripped, was cuffed behind her back, and escorted to one of three showers shared by forty-two women, a guard holding each arm. But now, she observed that the officers stationed nearby had no hand-washing station. She decided to stay in her cell twenty-four hours a day and clean herself in her sink, a task complicated by the fact that the water had been running ice-cold for nearly a week. When the new warden, Karen Stroleny, passed through on her rounds, Harris spoke up for the group—an interaction confirmed by another woman on Harris' s unit, who wrote me separately. "[The warden] calmly and nicely explained to me, 'It' s no rule that you have to have 'hot' water,'" Harris wrote. "Sorry, I can' t call—hope this helps."

That was the only direct communication I had from Harris for months. Then, in late April, Harris' s mother, with whom I had never before been in contact, texted me a letter and a prison report. "Ma—Listen, Urgent!" Harris wrote. "I just returned from inmate court regarding this major case on Justine . . . I got punished 15 days restriction. I do not need a major case on my record! Scan to Justine." The report read:

Offender: Harris, Kwaneta Yatrice . . . did violate a posted TDCJ rule requiring no misrepresentation of personal information . . . in that offender Harris aided Justine vanderleun to register her phone number under a fraudulent name attempting to communicate with unauthorized person using the offender telephone system.

I called the office of Warden Stroleny and told her secretary that I had added my own number to the phone list, on my own volition and under my husband' s name. I followed up two days later, to no avail. Families of those in prison often complain that they are ignored or treated rudely by staff when they try to advocate for their loved ones'

well-being. Harris' s mother was worried. "They' re feeding her nutraloaf," she said when we spoke, lowering her voice so Harris' s daughters wouldn' t hear. Harris wondered, her mother said, why the people in charge of the prison "hate her when they don' t even know her . . . I tell her that we know her, and we love her."

On May 6, I sent Stroleny an email, copying bosses and communications people. I laid out what had happened and wrote that any blame was mine alone: "She had no role in any of my actions when attempting to speak with her." Within thirty minutes, Jeremy Desel, chief of communications, responded. "If a journalist attempts to use the offender telephone system, they have forfeited their status as a journalist and are banned from our facilities," he wrote. Desel did not acknowledge the charges against Harris.

That afternoon, Warden Stroleny called me. She informed me that she had gathered evidence in the case, that the disciplinary was "justified," and that Harris had used a "third party" to contact a "reporter." The original complaint against Harris listed nothing about speaking with a reporter or a third party, and rather related a charge of fraud, involving me falsifying my name. I protested. "I don' t want to be rude or ugly, ma' am," Stroleny said, before hanging up.

Harris and I regularly wrote about how women are criminalized for defending themselves against sexual or physical violence. "All traumatic events in my life were preceded by sexual assault, from conception to incarceration," Harris wrote in one letter. Many women in prison had been required to choose, she wrote, "between a coffin and a prison cell." In December 2019, I wrote to Harris about one of the first such recorded cases, which involved an enslaved Missouri woman named Celia, who was raped repeatedly by her white master, a man who purchased her when she was fourteen. In 1855, after futile attempts to convince the man' s daughters to stop him, a pregnant Celia attacked him as he entered her cabin one night. She was convicted of murder in an all-white, all-male courtroom, gave birth to a stillborn child, and was hanged—an inelegant parallel to the first woman to die of COVID-19 in federal custody, Andrea Circle Bear, a member of the Cheyenne River Sioux tribe, in a Texas prison for a minor drug charge, who died after giving birth by C-section while on a ventilator. In one letter, I told Harris of a slogan that I' d read about when studying liberation movements some years before: "*La lucha continua*," or "the struggle continues."

Harris replied that she had read stories similar to Celia's. Her great-grandparents were sharecroppers in Tennessee, and her great-grandfather was often told to "go off in the fields, boy," by a white landowner, who then raped her great-grandmother. Harris's great-grandmother gave birth to eighteen children, "but if the baby came out 'pink,' . . . they had to get rid of it." The existence of such a child meant "death for all." Harris's grandmother was "lucky," Harris wrote. Rumor had it that a midwife looked at the baby's face and decided to keep her. "She lived . . . because she had blue eyes."

Passing as white, for Harris's grandmother, came with its own horrors: she was sent to do errands in a faraway town to get the cheaper, better quality products reserved for white people. On her way, she was raped by a group of white boys. On another occasion, a different group of white boys saw her talking to her eight-year-old friend Bobby, who was Black. Assuming that Bobby was speaking with a white girl, the boys "chased lil Bobby down, hanged him, set him on fire."

Harris's grandmother never forgave herself. She died at ninety-six. "My mother said when the Alzheimer's took over, she would relive the rapes and little Bobby dying. Over and over and over again."

A week after I spoke with Warden Stroleny, I followed up with Desel with a list of clarifying questions "about the Kwaneta Harris incident." The disciplinary offense caused Harris and her family enormous stress, but Desel had forgotten about it. "I have no idea what you're talking about," he said in a voicemail. "We have 140,000 offenders . . . I don't know what the, quote, Kwaneta Harris incident of last week even is so you'll have to enlighten me."

I followed up with Desel again, providing context. He did not reply. On June 23, I contacted him for this article. I was not banned, he replied, which was a "worst case scenario," though it was unlikely that I would ever be able to interview Harris "because of the issue." On that day, the listed online communications policy for "offender interviews" only referred to in-person interviews and did not mention that journalists could not speak with incarcerated people by telephone (though an obscurely placed lengthy directive, which Desel sent me, did note that "telephonic media interviews" were prohibited).

By June 25, the policy had been changed online. It now specifies that telephone contact between media and the incarcerated population is prohibited. This means that, during coronavirus lockdowns, while visitation is indefinitely closed, incarcerated individuals in Texas can only reach the media through letters, which are monitored and can be censored by prison staff.

Since the postal service picked back up, I have heard from Harris again several times. She wrote that she suspected her disciplinary was related to her writing letters about the prison, “chronicling the daily battles.” She wrote that some sympathetic officials recognized that the disciplinary was meritless but did nothing. “The blue line stretches to [correctional officers] and the entire criminal justice system. . . . Just as the three accomplices stood by, witnessing George Floyd’s death. It’s the same here. Different dancers, same music.”

If Harris wasn’t happy with a disciplinary, Stroleny had told me on the phone in May, “she can grieve it.” Stroleny was referring to the Offender Grievance System, among the only formal processes available for incarcerated people to resolve issues with prison administration. The process, called “rigged” in a 2017 Prison Justice League report, is run by employees of the TDJC. Both a 2008 State Audit survey and a 2015 Prison Justice League survey found that the majority of incarcerated people who made grievance reports experienced staff retaliation, and that only a slim minority received satisfactory resolutions. During Harris’s first grievance hearing, at which she presented our communications and my emails laying out my own actions, the board found “no valid reason to warrant overturning this case.” Still, Harris pushed forward with an appeal.

She continued to write me, though she presumably risked retribution: more time in solitary, more nutraloaf, additional restrictions. She did so because she observed that the public seemed increasingly interested in criminal justice reform, in the abolition of police and prisons, in the issues of racism and state violence. But the focus was so often on the millions of men affected. She wanted to do her “part . . . push [my] pen until the ink runs dry.” She hoped through communicating to the outside, “maybe, just maybe, women can get a little light, too.” She hoped that “our daughters will not be punished for making a bad choice when the option didn’t exist for a good one.” I looked back at how she signed her letter in December, the letter about Celia and her grandmother. *La lucha continua*, she wrote in her distinct, urgent script. *Kwaneta*.

Justine van der Leun is an independent journalist.

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