Framing Prisons in America:
From Solitary Confinement to Supermax

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POLI 421, Prof. Baumgartner
UNC-Chapel Hill, Fall 2019

Abstract

With the implementation of solitary confinement beginning in the nineteenth century and Supermax prisons in the 1980s, harsh prison policies have been narrated through four primary frames over the past two centuries: religious, punitive, safety and security, and superpredators. Actors such as correctional personnel, specific prisoners, and politicians have shifted prison policy through these frames. The frames relied on social construction theory to portray prisoners as deviants and dependents, which led to the passage of solitary confinement and Supermax policies. Public attention to these frames is illustrated through various trends in news coverage of each frame, and we argue that the changing trends reflect historical events and criminal justice policies.

Keywords: framing, solitary confinement, Supermax, corrections, prisons, superpredators, policy

Final Paper, 12/04/2019

From Solitary Confinement to Supermax

Supermax prisons were created in the 1980s amid growing attention and highetened fear regarding crime (Haney, 2003). Supermax prisons utilize the harshest penal policies to exert control over the prisoners that they house. The most prominent characteristic of Supermax prisons is their use of solitary confinement for all of their prisoners. Although Supermax prisons were created in the 1980s, the concept of solitary confinement can be traced back much further to 18th century Europe. Small-scale solitary confinement practices throughout Europe led to the popularization of solitary confinement as a concept in the United Kingdom. The first large and organized form of solitary confinement came at the turn of the 19th Century, however, in Philadelphia, Pennsylvania, and since then, trends of solitary confinement have come and gone in the decades since (Teeters & Shearer, 1957).

Schneider and Ingram (1993) argued that criminals are socially constructed as deviants, negative and powerless individuals. Most of the frames surrounding solitary confinement and Supermax prisons show criminals as deserving of punishment because they consciously made the decision to cause harm. Therefore, the prisoners are framed as "bad" deviants, and it is easy for the audience to then draw the conclusion that the only effective disciplinary measure is punishment. Prisoners are treated cruelly by the advantaged because they are a burden to society. This power imbalance results in a self-fulfilling prophecy because criminals do not see themselves as "legitimate or effective" in society and are therefore less likely to be politically active.

Frames about Supermax prisons and solitary confinement support Schneider and Ingram's theory of social construction (1993). The frames constructed to promote solitary confinement and Supermax prisons were based on society's view of prisoners as being the lowest

individuals in society (Schneider & Ingram, 1993). Throughout this paper we will discuss four frames in favor of solitary confinement and Supermax prisons: religious, punitive, safety and security, and superpredators. Three of the four frames that we will discuss portray prisoners as deviants, encouraging policymakers to place a burden on the prisoners; in these frames, the burden was always harsh prison conditions or solitary confinement. We will show that punitive frame illustrates prisoners as deviants, deserving the punishment of isolation. The safety and security frame emphasizes that deviants are a threat that must be isolated in order to ensure that they do not harm officers and/or other deviants. The superpredator frame allows society to see juveniles as deviants, rather than their typical depiction as dependents. Only the religious frame diverged from the deviant narrative. We will argue that the religious frame portrayed prisoners more as dependents than deviants and offered a solution to the prisoners' moral helplessness: solitary confinement and religious reflection. The social construction theoretical framework has provided an efficient and helpful structure by which we can analyze the effectiveness of these frames.

In this paper, we will examine the arguments in favor of solitary confinement, tracing various frames from their inception in the 19th Century through contemporary arguments for Supermax prisons. In order to identify these frames, we first examined the historical arguments in favor of solitary confinement. We then examined the arguments made in the tough-on-crime era of the 1980s and 1990s. Finally, we examined in-depth the stereotype of the superpredator, as it was espoused by the media and politicians during the expansion of Supermax prisons. Using digital newspaper archives, we traced these frames' popularity in American news stories and editorials over time. In this paper, we attempt to answer the question of how solitary

confinement, a form of punishment that was long understood to be ineffective and cruel, became commonplace in contemporary American prisons.

In the following sections, we will discuss the history of solitary confinement and explore the historical background of the frames. This first section identifies the primary actors mobilizing in favor of solitary confinement along with a brief overview of the actors mobilizing against solitary confinement. The following section will entail our data collection method along with a background of the search engine and the keywords used to identify out frames within the news. After describing our method, we will analyze each frame. The final section of our paper is the conclusion, in which will explain theoretical trends among the frames.

Historical Development of Frames

Roots of Modern Solitary Confinement: Pennsylvania Penitentiary and Alcatraz

A prison system developed during the early 1800s that closely mirrors the modern-day Supermax prison (Kurki & Morris, 2001). The Pennsylvania system pioneered large-scale solitary confinement, gathering both great support and strong opposition (Teeters & Shearer, 1957). The Pennsylvania system was developed based on the premise that prisoners should remain in isolation in order to reflect, and eventually, reform. The first Pennsylvania style was formally named Eastern State Penitentiary but known locally as Cherry Hill. All Pennsylvania style prisons were designed such that prisoners would exist in isolation long enough to become penitent; hence the term penitentiary. Reflecting this ideal of Pennsylvania style prisons, Gustave de Beaumont and Alexis De Tocqueville defined a penitentiary as a system of imprisonment "whose discipline renders him better" (1833, p. 2).

The development of the Pennsylvania system was brought about by a devout and determined group of Philidelphians (Teeters & Shearer, 1957). The Pennsylvania reformers

believed that any social contact that prisoners had with others served only to corrupt and contaminate the prisoners, slowing their journey to rehabilitation. They founded a society of people that shared this belief in 1787, called the Philadelphia Society for Alleviating the Miseries of Public Prisons. From its founding, this society worked to create a state penitentiary that kept every prisoner in solitary confinement. The members formed the society because they were opposed to the policy requiring prisoners to complete labor during their prison sentences, which many believed to be publicly humiliating. The devout members of the Society, such as a prominent figure Benjamin Rush, argued that shame was not a constructive feeling to impose on the prisoners and that the public humiliation did not serve to improve the men's abilities to contribute to society. Additionally, the Society was opposed to the practice of keeping all prisoners—both sexes, all ages, all criminal charges—in one large jail cell, often nearly naked due to the practice of trading the bartender clothes for alcohol. Believing that these conditions only served to further corrupt the prisoners, the society lobbied the state legislature for a solitary confinement penitentiary. In 1790, the Pennsylvania legislature stipulated solitary confinement for the more severe offenders. In 1818, the Pennsylvania legislature created a state penal institution centered around the concept of solitary confinement. Cherry Hill opened to prisoners in 1829.

The Society's arguments for solitary confinement were based foremost on the moral improvement of prisoners. The Society argued that solitary confinement and complete abstinence from alcohol would more effectively reform prisoners. John Howard, a prison reformer in late 18th century England, influenced the position of the Society. Howard claimed that prisoners' separation from other prisoners would help them reflect and improve their thoughtfulness, both of which he believed were necessary for rehabilitation. Solitary confinement prevented prisoners

from further corrupting one another, and proponents asserted that the time alone would allow prisoners to reflect on their behavior and reform themselves. These frames, both from Howard and the Society, were inherently religious and placed the prisoner at the center of the reform.

The Pennsylvania system was in competition with the Auburn system, a contemporary system of prisons, which developed in New York and allowed prisoners to interact with one another in silence, such that prisoners were only in isolation at night (Teeters & Shearer, 1957). Critics of the Pennsylvania system often compared it to the Auburn system. Reverend Louis Dwight argued for Auburn system, asserting that the Pennsylvania system had failed to fulfill its promises surrounding labor, mental health, physical health, and prevention of recidivism. Dwight and others criticized the Pennsylvania system because its labor output was much lower than the Auburn system. Although the Pennsylvania system encouraged in-cell labor by prisoners, but this prevented use of machines, which drastically increased output of Auburn-style prisons (De Beaumont & De Tocqueville, 1833; Teeters & Shearer, 1957). But many groups still favored the Pennsylvania system. The Pennsylvania system was supported by many penal lawyers in the early 1800s. Its popularity crossed oceans to reach Europe and South America. A penal lawyer in Caracas, Don José Santiago Rodrígues, said in 1832, "The Pennsylvania System is a Divine System" (Teeters & Shearer, 1957, p. v).

Its popularity overseas is best exemplified by the position of Gustave De Beaumont and Alexis De Toqueville (1833). After visiting the American states in the early 1830s, Gustave De Beaumont and Alexis De Toqueville reported on American penitentiaries and argued vehemently in favor of Pennsylvania style prisons (1833). They cited a prominent figure in Louisiana, who disliked the corporal punishment required to maintain labor in the Auburn system and instead, favored complete isolation of prisoners. Like the Pennsylvania reformers, De Beaumont and De

Tocqueville also argued that isolation prevents prisoners from corrupting one another. They claimed that communication between prisoners leads the "more depraved [to] influence those who are less so" (De Beaumont & De Tocqueville, 1833, p. 21). Because it is not possible to classify prisoners (all of whom are morally corrupt), they contended, it is preferable to isolate every prisoner. De Beaumont and De Tocqueville implored their reader to believe in the possibility of curing evil and asserted that reforming prisons to Pennsylvania style penitentiaries will work toward eradication of evil among its prisoners.

A case study of Alabama's response to the Pennsylvania style highlights the evolution of moral values into safety and punishment goals (Ward & Rogers, 2003). Although a referendum in 1834 showed that a majority of Alabama's voters opposed building a state penitentiary, by 1838, the Alabama state legislature had initiated the construction of a penitentiary. Legislators in favor of the penitentiary argued that it was the most effective way to contain evils. The governor utilized a narrative of a corrupt gambler to contend that the best punishment for gamblers was the penitentiary, as was the policy in Virginia at the time. Some figures in Alabama refuted—very progressively—the death penalty, instead promoting imprisonment as a way to keep communities safe. Alabama legislators were focused on preventing dangerous communication among prisoners. The most effective way to prevent these communications was to entirely isolate prisoners.

Alabama's supporters of the Pennsylvania system differed from the Pennsylvania reformers in their optimism for the possibility of reform among prisoners (Ward & Rogers, 2003). Alabama legislators argued that penitentiaries' value is that they do not make prisoners' worse, or more morally corrupt, in the course of their sentence. They also believed, however, that philanthropists who attempt to bring back virtue in prisoners were overestimating prisoners

aptitude to change or improve their moral capacities. Nevertheless, Alabama supported the use of Pennsylvania style penitentiaries because they thought the solitary confinement was the most likely system to facilitate prisoners' moral development. Alabama's legislators' emphasis on containing evil over morally developing prisoners foreshadows later iterations of the isolating prison systems, and ultimately, Supermax prisons (Ward & Rogers, 2003).

The most influential response to the Pennsylvania system came from the Supreme Court (In Re Medley, 1890). The court ruled that a defendant's conviction, sentence, and solitary confinement violated the Ex Post Facto Clause of the Constitution. In 1890, the Supreme Court ruled "that the solitary confinement to which the prisoner was subjected by the [new] statute…, was an additional punishment of the most important and painful character, and is therefore forbidden by [the Ex Post Facto Clause] of the constitution of the United States" (In Re Medley, 1890). This clear court ruling embodied the criticisms that the Pennsylvania system had endured since its conception at the beginning of the 19th century. After 1890, prisons modeled after the Pennsylvania system, including the original prison on Cherry Hill, altered their systems to limit the solitary confinement of prisoners (Teeters & Shearer, 1957). This case marked the end of the Pennsylvania system movement, and until the early 1930s, isolating prison policies were less prominent.

The next iteration of isolating prison policies came in the 1930s: Alcatraz. After World War I, many Americans began to believe that crime had risen to such high rates that it was a defining aspect of society (Ward, 2009). This fear led people to refer to prominent gangsters as "public enemies" in the late 1920s and early 1930s. The federal government became involved in policing gangs after cases of extreme violence were highly publicized, such as when Al Capone escaped conviction. In 1933, the U.S. Attorney General announced that the federal government

was building a prison on Alcatraz Island outside of San Francisco. Attorney General Cummings stated that the prison was for offenders of the worst crimes, criminals that were "vicious and irredeemable" (Ward, 2009, p. 49). FBI Director J. Edgar Hoover ramped up efforts that were initiated four years before by President Herbert Hoover. In 1930, there were only three regional prisons, each housing every type of prisoner, from compliant to violent to mentally ill. In 1933, the executive branch decided to design a "super prison" to match the violence of super criminals, the government's public enemies.

Far from the moral aims of the first Pennsylvania reformers, the Bureau of Prisons aimed to make Alcatraz a site of harsh punishment (Ward, 2009). Figures in the government, such as a former police commissioner, argued that the worst criminals needed to be exiled. There was also support from the press; a magazine called for "a new form of punishment that will terrify all potential wrong-doers" (Ward, 2009, p. 55). The Bureau of Prisons explicitly drew a delineation between less extreme prisoners, who the bureau deemed "potentially useful human material," and the public enemies, who were beyond the reaches of reformation efforts (Ward, 2009, p. 59). Though some voiced their disapproval of the punitive aims of Alcatraz, the FBI under J. Edgar Hoover was clear that Alcatraz was designed for maximum punishment and minimal risk of escape.

The punitive goals of Alcatraz proponents were achieved by isolating prisoners. Although Alcatraz did not keep prisoners in solitary confinement exclusively, days at Alcatraz were devoid of social interaction. Visiting rules were more strict than at other prisons, and the physical location of the prison gave the feeling of exile. Cells were single-person, and prisoners were offered little opportunity to socialize with other prisoners because meals were brief and yard time was limited. For the first year of housing prisoners, Alcatraz had a silence policy. Silence was

not part of an effort for reform, as it had been in early Auburn system prisons; it was merely another form of punishment. After one year, the administration discontinued the silence policy, however, because it was unenforceable. Alcatraz remained, however, a carefully constructed institution of punishment, and it foreshadows the development of Supermax facilities decades later (Ward, 2009).

Historical iterations of solitary confinement and isolating prison systems show an evolution of political arguments, from moral to punitive. The first proponents of solitary confinement had argued that it offered the clearest path to reform for the prisoners. Their calls for prison reform were religious and altruistic. In the responses to the Pennsylvania system, even as early as the 1830s in Alabama, safety gradually overtook morality as the most persuasive frame. Even after solitary confinement was ruled unconstitutional, isolation remained a pillar of prison construction in Alcatraz. Politicians, bureaucrats, and citizens who argued in favor of Alcatraz, the first super prison, used fear frames. Alcatraz was built for punishment, not for reform. This historical trend continued into the construction of punitive Supermax facilities, as will be discussed in the following sections.

The Rise of Solitary Confinement: Perspectives of Different Actors

Solitary confinement is the practice of placing a prisoner alone in a cell for twenty-three to twenty-four hours with limited human contact, restricted visitation, and little to no access to rehabilitative programs (Reiter and Koenig, 2015). In 1983, the era of Supermax prisons began when the Federal Bureau of Prisons built the first control units at United States Penitentiary (USP) Marion. USP Marion became the blueprint for future prison systems internationally. Current prisons have a higher amount of units designated for solitary confinement (Richard, 2015). Tamms, a maximum-security prison in Illinois meant as a prison for aggressive prisoners,

is an example of the impact USP Marion had on the prison system. Tamms's purpose was to serve as a temporary coolout zone for the state's most dangerous prisoners where they would be able to reflect on their misbehavior. Tamm only had segregated cells where prisoners spent twenty-three to twenty-four hours in their cell, with no group activity, no phone call, or rehabilitative programs (Reiter and Koenig, 2015). Tamm officially closed in 2013 due to the state's severe fiscal strain, however, the decision came after constant protest against the prison. Since the development of the Pennsylvania prison system, protest have emerged due to the belief that the system was cruel and an ineffective form of imprisonment. The topic of solitary confinement is divided between two lines: those that oppose the isolation of prisoners and those that see it as necessary for the safety of the prisoners.

In 2012 and 2014, The United States Senate Judiciary Committee, held a hearing to reassess solitary confinement. Major actors in the topic had the opportunity to speak before the committee and/or submit documents stating their opinion based on their experience.

Psychologists for Social Responsibility expressed their concern about the use of solitary confinement in U.S. prisons. The organization is composed of psychologists, behavioral scientists, and other mental health professionals. Based on their expertise in mental health and prior research, they stood against the use of solitary confinement due to the fact that it causes negative psychological effects. The organization specifically focused on the mental health destruction caused by long period of isolation (Durbin, 2014).

The American Psychiatric Association submitted a statement which spoke on the negative effects of prolonged isolation and mental health. Such effects include anxiety, anger, paranoia, and obsessive thoughts. Additionally, it recognized a study that focused on the rise of

severe mental ill prisoners since the 1980s. For prisoners that suffer from mental illness, isolation

will aggravate their condition (Durbin, 2012).

Charles E. Samuels, former Director of the Federal Bureau of Prisons (2011-2016),

testified before the committee on the role of segregated housing in corrections. For the Bureau,

the safety and well-being of the inmates and staff is the main concern. The prison must be

running in a secure and orderly fashion to allow staff to run the prison programs that will benefit

prisoners. When the prisons are not safe, the prisoners are unable to access such opportunities

because the staff and their life are at risk. The majority of the inmates are housed in general

population where they are able to move freely throughout the day. However, inmates that are

disrupted and aggressive are isolated because they endanger the safety and security of the prison.

Removing the prisoner from general population allows the rest of the prison to continue to

operate as normal. Samuels, reassured the committee that very few inmates require the need to

be separated from general population. When the staff decides that placing an inmate in isolation

is the best decision to protect the safety of other prisoners and staff, protocols are followed to

ensure that the isolated inmates rights are protected. Samuels emphasized that those in solitary

confinement are not truly isolated since they have contact with staff and participate in programs

(Durbin, 2012).

Christopher Epps, former Commissioner of the Mississippi Department of Corrections

(2002-2014), testified on his experience with solitary confinement. Epps began the testimony by

stating that the rise of maximum-security units in Mississippi occurred when a correction officer

was tragically murdered in 1989. Mississippi State Penitentiary at Parchman, constructed a unit

called Unit 32 which had 1,000 single-cell housing. Inmates were kept there for twenty-three to

twenty-four hours, seven day a week. At the time Epps thought that an inmate should remain in administrative segregation until they demonstrated over a period of time that their behavior had changed and they were no longer a threat to staff and other inmates. However, after a period of extreme violence in Unit 32 which included three homicides and one suicide, Epps began to reform Unit 32. Epps hand-picked the staff that worked in Unit 32, put a team in charge that handled the mentally ill, and developed programs such as life-skills and anger management. The reform resulted in a reduction of prisoners in Unit 32 from 1,300 in 2007 to 615 in 2012. Epps testified that administrative segregation works if the right people and programs are in place (Durbin, 2012).

Support for solitary confinement is not only shown by those in the law enforcement field, but also by politicians, judges, and prisoners. Bill de Blasio, Mayor of New York City and criminal-justice reformer, said in 2014 that inmates who pose a security or safety risk to county jails can be held in solitary confinement (Ransom and Southall, 2018). Anthony Papa, a former prisoner that was sentenced to two 15-to-life sentences for drug crimes wrote to the author of "Cruel Isolation," to give his opinion on solitary confinement based on his experience. Papa described the prisoners as "uncontrollable predator that would cut your throat for bumping into them." Additional years added to their sentence would not matter because they were serving life sentences. Papa lived with the fear that his life could end at any moment. He wrote that without solitary confinement out-of-control prisoners would cause chaos for other prisoners (Papa, 2011). Judge Richard L. Nygarrd did not find that the correction faculty was being neglecting Russell Shoats by keeping Shoats in solitary confinement for nine years. Judge Nygarrd thought that keeping Shoats in isolation was the best decision given that he murdered a police officer,

escaped from prison twice, and had a history of assault and kidnapping. Judge Nygarred claimed

that Shoats "remain remains a significant danger to institutional safety and security."

The debate on solitary confinement has been happening since the early 1800s with the

development of the Pennsylvania system. Those for and against solitary confinement make

strong arguments because each side argue for the protection of a person's safety and rights. The

framing of the arguments is what differentiates those for and against solitary confinement. Those

in favor of solitary confinement emphasize on the physical safety of the inmate being isolated,

other inmates, and staff and those against focus on the negative psychological consequences of

isolation. A change in framing is noticeable on the pro-side from the early 1800s to the present.

In the 1800s, those for solitary confinement argued that isolation would allow the prisoner to

reflect on their misbehavior and come to a realization that they need to change before being

incorporated back to society. In recent years, the pro framers have argued that solitary

confinement is necessary to ensure the safety of inmates and staff. The anti-framers have kept

their argument framed very similar throughout the decades. The only difference is that those

against solitary confinement are able to rely on scientific research to enhance their arguments.

Superpredators and Juvenile Delinquents: Vilification of Youth

Superpredator, a term used to describe delinquent juveniles who have no conscience

warms the public of a new monster, without suggesting significance to their age. Through this

term's introduction, the public has been inclined to support harsher sentencing. This outlook on

criminals caused by this "new" criminal allows for punishments like solitary confinement to

continued to be used. This paper will explore the origin and evolution of the label of

superpredator, how this term affects the public's feelings towards their punishment, and the

actors and frames they create around their persuasive tactics. The basis of arguments in favor of harsher punishments and longer sentencing has been modeled around the persona of a "superpredator" in regard to sentencing and punishments through the development and evolution of this persona.

The term "superpredator" has become an age-neutral term used by influential actors. John Dilulio, an American political scientist, coined this term to demonize the troubled youth. It quickly caught on, and actors throughout the criminal system spread its popularization. He said, "Kids that have absolutely no respect for human life and no respect for human life and no sense of the future… These are stone-cold predators" (Howell, 2009, p. 3). The negative connotation towards the delinquent youth dehumanizes criminals to portray them as "deserving" of their punishment. The term gained popularity by threatening the public with the term and persuading them that an increase in crime. "You wouldn't want to squash and brutalize a 'child' would you? But squashing and brutalizing a 'superpredator' wouldn't generate too much sympathy, would it?" This quote emphasizes the framing of the term (Elikann, 1999, p. 12). Framing affects the mindset of Americans, as they are more inclined to support harsher sentencing and crueler punishment.

Characterized as "fatherless, Godless, and jobless" teenagers which lets the public apply a negative view towards these individuals and label them as having no morals (Howell, 2009, p. 3). The stereotype centers around this idea of these juveniles having no conscious or regard for human life. Superpredators are often described as "incapable of empathy," as if they are monsters without a conscience (Elikann, 1999, p. 4). The idea of a superpredator fuels supporters of solitary confinement and other harsh punishments as they are thought of as inhuman. These juvenile delinquents have been stereotyped as barbaric individuals which have elicited emotions

of fear from the community which has caused them to push for harsh punishments and longer sentences. Because of their young age, superpredators often have their competency questioned. However, actors in favor of the term argue that "There comes a point when you have to judge people by their actions, not just their age" (Elikann, 1999, p. 152). The focus is shifted with arguments by actors who convince the public that these juvenile delinquents know the difference between right and wrong, shifting the opinions of the public to accept that they are cognizant of their actions.

The illusion of an outbreak of teenagers committing violent crimes has been manufactured to scare society. The types of crimes committed by youth have changed due to the evolution of a traditional family, society structure, and availability of guns. Since the Great Depression, there has been an increase in one-parent households and both parents working; the lack of supervision and caused an increase in juvenile crime. "Because 40% of juvenile crime occurs after school closes and before parents come home…" (Elikann, 1999, p. 17). This lack of supervision and structure has given children more opportunities to incite violent acts. The crimes committed by teenagers are becoming more violent due to the availability of guns. The access that teenagers have to weapons leads to more violent situations that in-turn cause lead the public to believe there has been an exponential increase in crime but there is actually an increase in access to these weapons.

The vilification of these criminals has caused the public to believe that the criminal "deserves" the punishment they receive and that their treatment is never too harsh. "When we cast criminals into roles as social deviants and evildoers preying on the innocent victims, we invite and feel justified in advocating draconian punishment" (Kappeler, 2000, p. 4) The idea

that criminals are inhuman and do not deserve basic human rights has influenced the notion that superpredators deserve harsh punishments.

Due to the persona created by actors such as the government, media, and law enforcement officials, there has been public discontent with the punishment of super predators. The public's opinion influences the basis for public policy. "Punitive policies reflect the public's desire for scapegoats, who are seen as responsible for society's problems, against whom anger, resentment, and anxiety can be directed" (Kappeler,uei 2000, p. 235). The image of criminals who have committed violent crimes created by actors as forced the public to become careless with their opinion towards criminal's punishment. The citizens feel it is their duty to fully impose the extent of the law onto the criminal because they feel the responsibility of "sending a message" (Elikann,1999, p. 130). This responsibility causes citizens to express their opinions through elections who elect politicians who are tough-on-crime out of fear of superpredators invading their community. "Our fear increases today because it seems that now there are these aimless, pointless crimes done by seemingly normal youths" (Elikann, 1999, p. 162). This fear causes public concern to be adapted into public policies that affect the youth, with resistance often not existing due to the fact that affected cannot vote.

The light cast onto criminals vilifies them as monsters that allow the disconnection between the community and criminals. Portraying superpredators as a different sector of society that is not worthy of mercy or a second chance allows for misconduct to happen within the criminal justice system. "Yet when we think of criminals we do not think of ourselves, our family, or our friends - we think of people very different from ourselves" (Kappeler, 2000, p. 3) This notion allows the community to disconnect their feelings towards other humans, which allows them to think of them as inhumane objects.

The government has the ability to shift the attention of Americans which allows them to change opinions based on the information they choose to distribute. "The government directs media attention to specific crime issues and incidents" The government strategically only releases certain reports from their agencies to persuade and shift opinions of Americans. President Clinton used a tough-on-crime mentality to shift the focus away from the war on drugs. This shift caused Americans to develop opinions on crime-related matters based on the government's ideals.

Superpredator, a term created to demonize juvenile delinquents has been used to elicit feelings of fear. The characteristics associated with superpredator scare the public; violent, conscienceless, villains, who have no morals. The feelings evoked cause the public to be in favor of harsher punishments which cause them to express their opinions through elected politicians. The frames created by actors have created these feelings to cause the public to be in favor of their goals, harsher punishments, and longer sentences. This persona allows the public to change their opinion in regards to sentencing and punishments, often being in favor of longer sentencing and harsher punishments than before. Harsh punishments like solitary confinement are used in the prison system today due to this outlook on criminals caused by the frames created by government, media, and law enforcement officials actors.

Data Collection and Measurement

We derived the historical content of our paper from books and federal documents. Using these resources, we were able to determine words that were used multiple times to develop a frame. Such terms were delinquents, barbaric, repent, punitive, officer safety, and threat. These terms serves as a base when we started our searches with the New York Times Archives and Nexis Uni. We used the New York Times Archives for two frames (religious and punitive) and

Nexis Uni for two frames (super-predator and safety/security). We used Nexis Uni to identify

news articles that relate to our frames from three newspapers: The Washington Post, The

Associated Press, and the New York Times. The New York Times Archives offered a more

accurate search of historical newspapers beginning in 1850, and because the religious and

punitive frames arose in the nineteenth century, the New York Times Archive was a better-

equipped tool than Nexis Uni for the religious and punitive frames.

Primary Frames of Solitary Confinement

By examining existing literature and historical accounts, we determined four distinct

frames for arguments in favor of solitary confinement. Each frame is briefly summarized below.

- Religious: Criminals should be isolated in prison so that they can repent and undergo
  moral restoration

- Punitive: Prisoners are placed in harsher or more isolated environments because they
  deserved to be punished for their crimes

- Safety and Security: Staff at correctional institutions require the ability to isolate
  disruptive inmates in order to maintain a safe environment for other inmates and staff.

- Superpredators: A term used to describe juvenile delinquents who have no conscience,
  which allows the public to be in favor of harsher sentencing.

New York Times Historical Newspaper

Through a process of trial and error, we determined search terms for the religion and

punitive frames. The frame-specific search terms for both the punitive and religion frames were

limited to four or fewer phrases. We recognize that this may have led to the exclusion of some

articles that included either the religion or punitive frames, but the narrower search allowed for

fewer false hits and exhibited clear trends over time. We narrowed our search terms by reading

through the hits and adding NOT terms based on which false-hits we received. We limited the

searches by document type, excluding reviews, display advertisements, classified

advertisements, obituaries, and "other" documents. When there were no longer apparent false

hits, we read every third article for 15 articles from each of 6 decades: 1850s, 1880s, 1930s,

1960s, 1990s, and 2010s. For both the religion and punitive frames, this method resulted in an

accuracy rate of about 77-80%. The final search terms are displayed in Table 1 in the Tables and

Figures section.

Figure 1. Religious and Punitive Frame Coverage

New York Times Coverage of Prisons
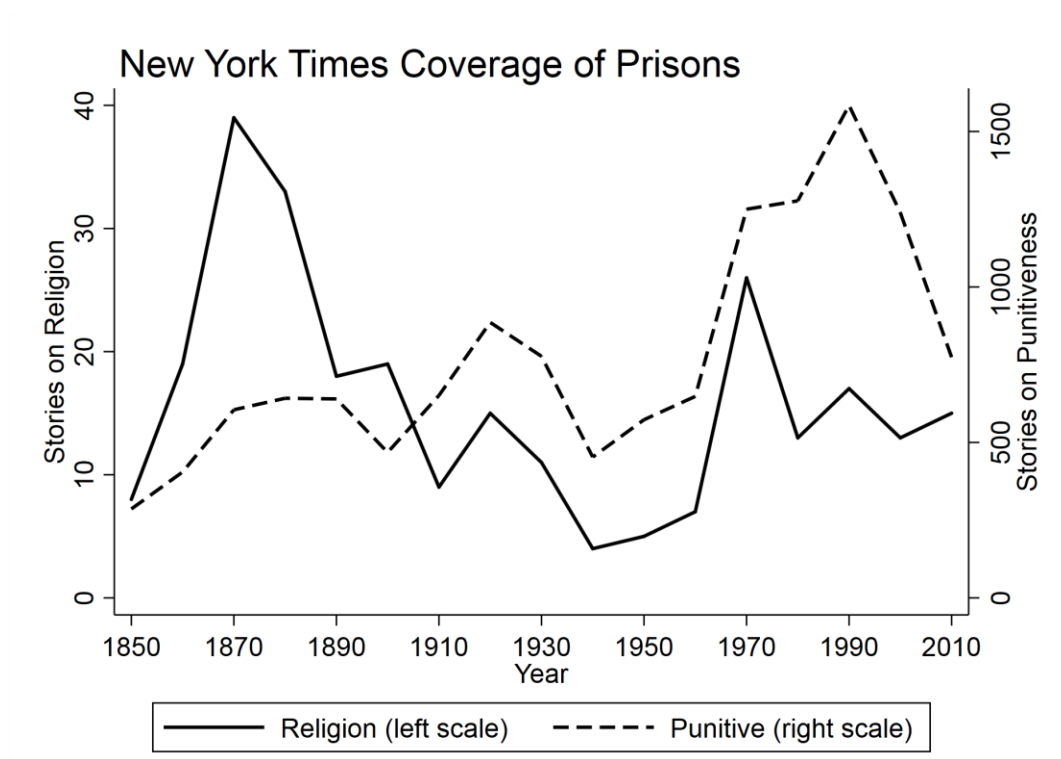
Figure 1 shows the trend of news coverage in the New York Times of the religious frame and punitive frames. Different scales on the left and right sides of the graph indicate the vast difference in popularity between these two frames in the New York Times. The punitive frame was included in news stories far more frequently than the religious frame. Graphs of each frame individually and the percentage of punitive frames (with the 100% total being religious and punitive stories combined) are in the Tables and Figures section (Figure 2, Figure 3, Figure 4).

Nexis Uni

In order to identify the search term for the safety and security frame, we input words that we thought would be most common in articles talking about the need for solitary confinement to ensure the safety and security of the officers and prisoners. To narrow our results we included terms that we did not want in the articles such as mental, reform, inhumane, cruel, and psychology. We used a filter that only presented results from the United States. Additionally, we

used the filter to filter results by source and subject. We chose The Washington Post, The Associated Press, and the New York Times as our sources. The exact search terms used for this frame can be found on Table 1. We scanned one thousand results to identify if we had a good ratio of good hits and concluded that we did.

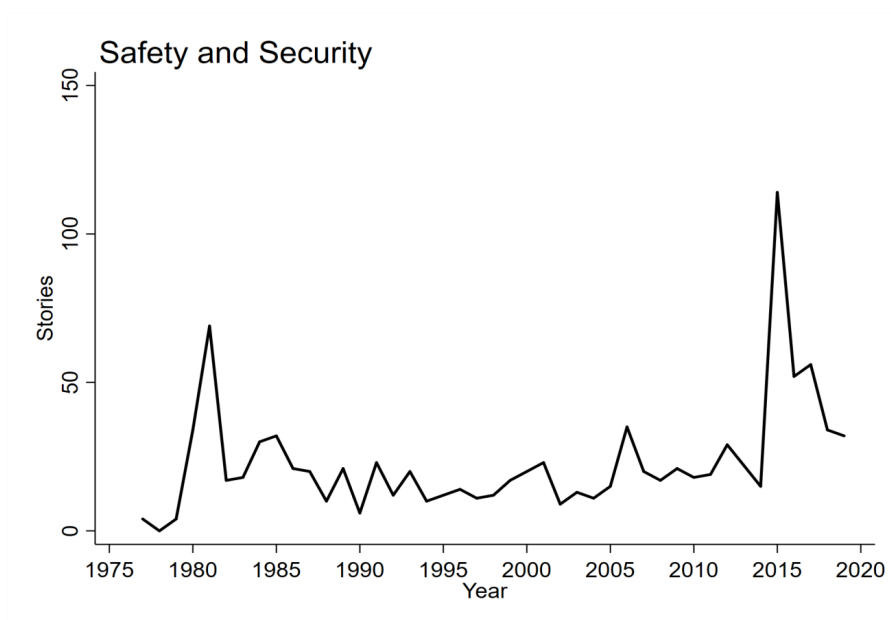Figure 5. The use of the safety and security frame over time

Figure 5 illustrates a graph that shows how many newspapers have been released using safety and security as the frame to justify the need for solitary confinement. The two most significant peaks in this graph is in 1980 and 2015. There were no hits prior to the late 1970s for the safety and security frame because the frame began to be used to justify the Supermax era which began in the early 1980s.

For the superpredator frame we used different spelling variations of "superpredator", "juvenile delinquents", and "juvenile delinquency." After experimenting with the search engine for the superpredators frame we identified the keywords that were creating false hits, like

"shark", "fossil", "animal", etc., and we adjusted our search terms to avoid false hits. Table 1

shows are list of search terms for each frame. After refining our keywords we limited our search

to three major newspapers which include, The New York Times, The Washington Post, and The

Associated Press. For the superpredator frame we combined the newspaper to develop and

follow the trends. For the security and safety frame we compared our each frame in three and

four American newspapers to analyze the trends. For each frame the timeline differs due to the

shift of the overton window for each frame but approximately span from 1850-2019 (Robertson,

2018). We tried to reflect the emersion of new vocabulary with additional terms to reflect the

topic over a long period of time. To develop trends we analyzed the number of articles within a

calendar year and compared the years over the time period since the creation of the frame.

Figure 6. Attention to Superpredators in Three US Newspapers.

Super-predators in the News
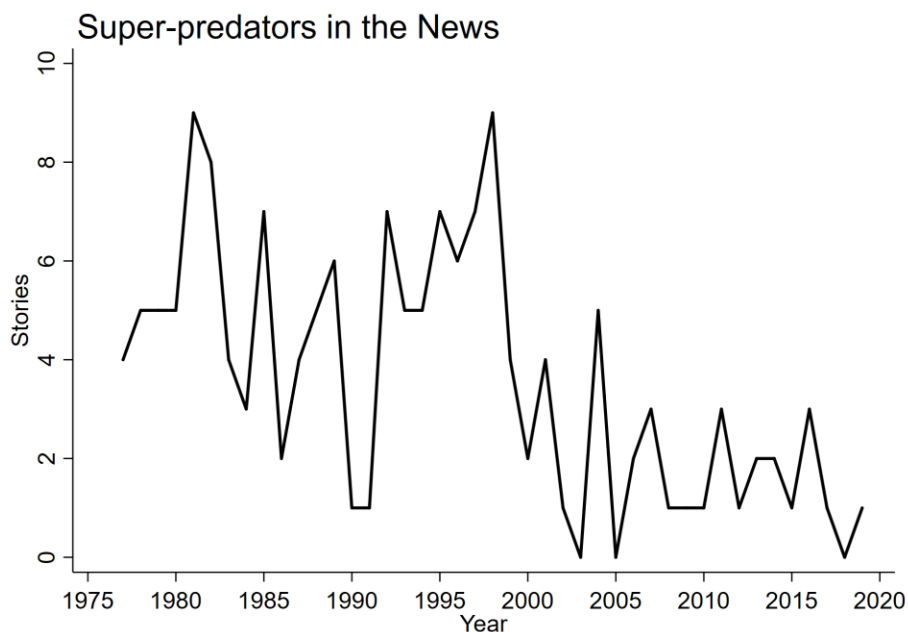
In Figure 6 the attention to superpredators peaked in the 1990s when the frame became popular but quickly became less relevant in the early 2000s. Attention was brought to this frame to favor harsher punishments in stricter environments. The combination of all the news sources shows the trend of attention brought to this frame from the years it emerged to the modern-day where the frame is not relevant.

Discussion

Religious Frame

The religious frame was included in New York Times articles at a much lower rate than the punitive or safety and security frames. The religious frame is the only frame about Supermax prisons and solitary confinement that decreases over time (see the Tables and Figures section). The New York Times archive begins in 1850, and the religious frame increases rapidly from 1850 to 1870 (Figure 2). It reaches peak popularity in the 1870s with about 40 stories including

the frame. After 1870, there was a steep decline in popularity, and the popularity remained relatively low through 2010, with a smaller spike around 1970.

In the early nineteenth century, the religious frame was effective largely because it framed prisoners as dependents and offered a solution for their troubles: religious penance. Rather than framing the prisoners as deviants as the other three frames do, the religious frame portrayed the prisoners as morally lost and confused individuals, who have the capacity for moral growth through religious reflection in solitary confinement. As dependents, the prisoners were framed as helpless sinners, deserving intervention (in this case, solitary confinement) from the government (Schneider & Ingram, 1993). Just as other prisoners were framed as deviants, the target population of the religious frame did not have political power, but they were portrayed as helpless and needy, rather than bad or evil. By eliciting pity for the prisoners in their audience and offering a solution to the prisoners' moral confusion, prisoners were framed as dependents. This frame effectively motivated multiple state governments to intervene by implementing solitary confinement in state penitentiaries.

The generally low numbers of stories in the New York Times and the decline in popularity is likely because this frame was most popular in the decades before 1850. In the 1830s and 1840s, the religious frame that was promoted by supporters of the Pennsylvania penitentiary had spread to other states, such as Alabama (Ward & Rogers, 2003). The religious frame quickly dropped in popularity after 1890 because the Supreme Court ruled against the practice of constant solitary confinement (In Re Medley, 1890). The religious frame is the least relevant in modern prison policy, though it was essential to the early American penitentiaries, which is reflected in the New York Times coverage in the 1870s.

Punitive Frame

In stark contrast to the religious frame, the punitive frame was included in thousands of New York Times stories, with its peak popularity being 1,500 stories in the 1990s (Figure 3). The punitive frame was popular because it was an effective argument for Supermax prisons and solitary confinement. The punitive frame was effective because it depicted prisoners as deviants, allowing supporters of the punitive frame to argue in favor of societal burdens for prisoners, namely solitary confinement and harsh prison conditions (Schneider & Ingram, 1993). Because the prisoners were portrayed as bad or evil, it did not break any societal norms to disregard their needs in favor of solitary confinement or Supermax prison policies. Thus, the punitive frame was a favorable frame for policymakers to argue "tough on crime" or "tough on prisoners" policy.

There are two primary spikes in popularity of the punitive frame from 1850 to 2010: the 1920s and 1990s. Both of these spikes in New York Times coverage of the punitive frame align with significant historical shifts in United States criminal justice policy. The 1920s was a decade of crime bosses and gangsters; Americans were experienced heightened fear of crime. Both media outlets and the government spent large sums of money and resources in response to crime (Ward, 2009). Coverage of the punitive frame remained relatively high in the 1930s (Figure 3), when the government, in an effort to deal with the worst of the worst criminals, established Alcatraz in 1933 (Ward, 2009). The crime scare of the 1920s and the punitive response of Alcatraz was the first widespread media coverage of the punitive frame.

The second spike in the punitive frame's popularity was a result of the "tough on crime" era. The punitive frame increased in popularity from 1970 to 1990, reaching its peak in the 1990s (Figure 3). An increase in crime throughout the 1980s led to increasing punitiveness in the criminal justice system. Incarceration rates rapidly increased and politicians competed for political campaigns that were toughest on crime. Restrictive housing is a prison policy that began

in the 1980s, where prisoners were segregated from the rest of the prison population in single-bed cells and left alone in the cell for much of the day. Restrictive housing and other iterations of prison segregation were frequently used as disciplinary tactics for prisoners who created conflict or otherwise disrupted prison dynamics (Haney, 2003). All forms of prisoner segregation increased throughout the 1990s, including Supermax prisons (Foster 2016). This increase in disciplinary restrictive housing, Supermax prisons, and solitary confinement likely caused the extreme spike in popularity of the punitive frame in the 1980s and 1990s (Figure 3). The sharp decline in popularity from 1990 to 2010 indicates that news coverage of prisons in recent decades has been less punitive than in the 1990s. This trend suggests that human rights frames against solitary confinement and Supermax prisons may be increasing in popularity.

Safety and Security

The safety and security narrative emerged in the early 1980s, which was also the beginning of the Supermax era. Those that supported Supermax prison felt that they needed to justify to the public the rapidly increasing numbers of Supermax prison in the nation. Based on The New York Times, The Associated Press, and The Washington Post about seventy news stories were released in 1980 that used the safety and security frame. That is an average of one story per week. The largest peak to date was in 2015. The peak can be attributed to a rise in human rights organizations, pop culture, and public figures speaking on solitary confinement. Black Lives Matter, a human rights organization, focused on prison reforms in 2015. Orange is the New Black, a Netflix original series, brought prison life to the spotlight in 2013. Former United States President, Barack Obama, gave a speech in the 2015 National Association for the Advancement of Colored People National Convention regarding reform in the criminal justice system. Former President Obama spoke about solitary confinement being a system that made prisoners "more alienated, more hostile, and potentially more violent (Obama)." The increasing

amount of opposition towards solitary confinement was met with an influx of the safety and

security frame in the media. About 120 articles using the frame were released in 2015. That is an

average of two articles every week.

In the years following 2015, there was a sharp decline in the use of the safety and security

frame. This is likely due to a continuous increase in human rights and psychological frames.

However, articles continue to use the frame to justify the use of solitary confinement. The safety

and security frame has been successful because it not only focuses on the safety of the officer,

but also on the safety of the prisoners. The frame is structured in a way that allows supporters to

seem concern for the prisoners and not just desiring to punish the prisoners (Johnson, 2016).

Superpredator Frame

In the late 1970s and early 80s the media began noticing or showing more attention to a

more "violent" youth which you can see the emersion of hits in the New York Times, Associated

Press, and the Washington Post. Once the safety and security frame became unpopular attention

was shifted to this frame. John Duilio, credited with applying the juvenile delinquent image to

the word superpredator, stated, "Thus, the difference between the juvenile criminals of the 1950s

and those of the 1970s and 80s was about the difference between the Sharks and Jets of West

Side Story fame and the Bloods and Crips of Los Angeles County" (DuLulio, 1995). Random

spikes in the data can be attributed to the attention of the media on certain crimes committed by

minors that grabbed the attention of Americans up until the early 90s. A huge spike from the

early 1990s to late 1990s. This time period is when John Duilio introduced the superpredator to

the public. This term caused a spike of fear caused this topic to be popular within the newspaper

in the 90s compared to the previous and later years. After the early 2000s this topic became less

popular once people realized there was no exponential population boom of the population of

"superpredator" teens. The attention to superpredators or juvenile delinquents has subsided up to current time.

The attention to this frame can be accredited to the use of a combination of episodic and thematic frames (Aarøe, 2011). The anti-movement glorified rare stories about teens and children committing violent crimes which created the episodic frame. John DiLulio, a respected professor at an Ivy League College, published statistics on this new "superpredator" population that was going to exponentially grow to destroy the traditional household and community which created the thematic frame. The combination of these frames captivated the public's attention and instill fear around this stereotype.

Conclusion

Although each frame varied in content, all four frames for Supermax prisons and solitary confinement relied on social construction theory to create effective and persuasive narratives. The punitive, safety and security, and superpredator frames utilized deviant narratives to persuade policymakers to give prisoners societal burdens, namely solitary confinement or Supermax prison conditions (Schneider & Ingram, 1993). The religious frame, as previously discussed, argued that prisoners were dependents because they were morally lost individuals. The frame was effective because it also offered a "benefit" that the government could provide for the morally corrupt prisoners: religious penance in solitary confinement. Each of these frames used social construction theory to prescribe the target group (prisoners) either a burden or a benefit, which was in both cases solitary confinement. Social construction theory provides an explanation for why the frames in favor of solitary confinement were effective, and it may also provide a reason for why human rights frames have been effective in recent years.

Each of the four frames have dropped in prominence in media coverage in the 2010s, suggesting that fewer arguments in favor of solitary confinement are being made, and as an extension, prisoners are being portrayed as deviants less frequently. This trend also suggests that discourse about prison policy has shifted toward human rights and mental illness frames in recent years. These frames characterize prisoners as dependents, who are being unfairly assigned burdens by the government (Schneider & Ingram, 1993). The frames argue that solitary confinement has mental health consequences that violate human rights. Because these recent frames portray prisoners as dependents, government is more likely to enact policy benefits for prisoners, such as establishing limits on solitary confinement and Supermax prisons. With this shift in frames in recent years, prisoners are portrayed as deserving of government pity and protection, a stark change from the punitive frames and policies of the 1980s and 1990s. We are entirely unable to predict how these frames will develop in the future, but we are confident that social construction theory will continue to serve as an effective analysis tool for prison policy frames.

Tables and Figures

Table 1. Identifying Four Frames of Solitary Confinement through Electronic Search Terms

Frame	Search Terms

Superpredators or Juvenile Delinquents	("Super predator" OR "Superpredator" OR "super-predator" OR "juvenile delinquent" OR "juvenile delinquency") AND ("fatherless, Godless, jobless" OR "barbaric" OR "fear" OR "criminals") AND NOT ("shark" OR "Trump" OR "animal" OR "fossil" OR "bears" OR "French" or "Australia" OR "Aussie" OR "corporate")
Religious	("prison" or "penitentiary" OR "solitary confinement") AND ("moral development" OR "moral improvement" OR "moral reform" OR "repent") NOT ("prison reform" OR "sexual assault" OR "england" OR "Europe" OR "Italy" OR "Egypt" OR "Stanford" OR "Malawi" OR "London" OR "Rome")
Punishment	("prison" OR "solitary confinement" OR "administrative segregation" OR "supermax") AND (punish* OR "punitive") NOT ("rethink*" OR revisit* OR reform* OR cruel OR unusual OR draconian OR injur* OR suicid* OR "mental health" OR "abolish" OR "international" OR "China" OR "Europe*" OR "England" OR "Turkey" OR" Israel* OR mistreat* OR "central america" OR "curb" OR "Cuba" OR "havana" OR "dutch" OR "exonerate" OR "false conviction")
Safety and Security	("violence" OR "threat" OR "fight" OR "stab" OR "solitary" OR "confinement" OR "riot" OR "safety" OR "escape") AND ("officer" OR "prison") NOT ("mental" OR "reform" OR "rights" OR "judicial" OR cruel OR "inhumane" OR "psychologist" OR "psychology" OR "civil")

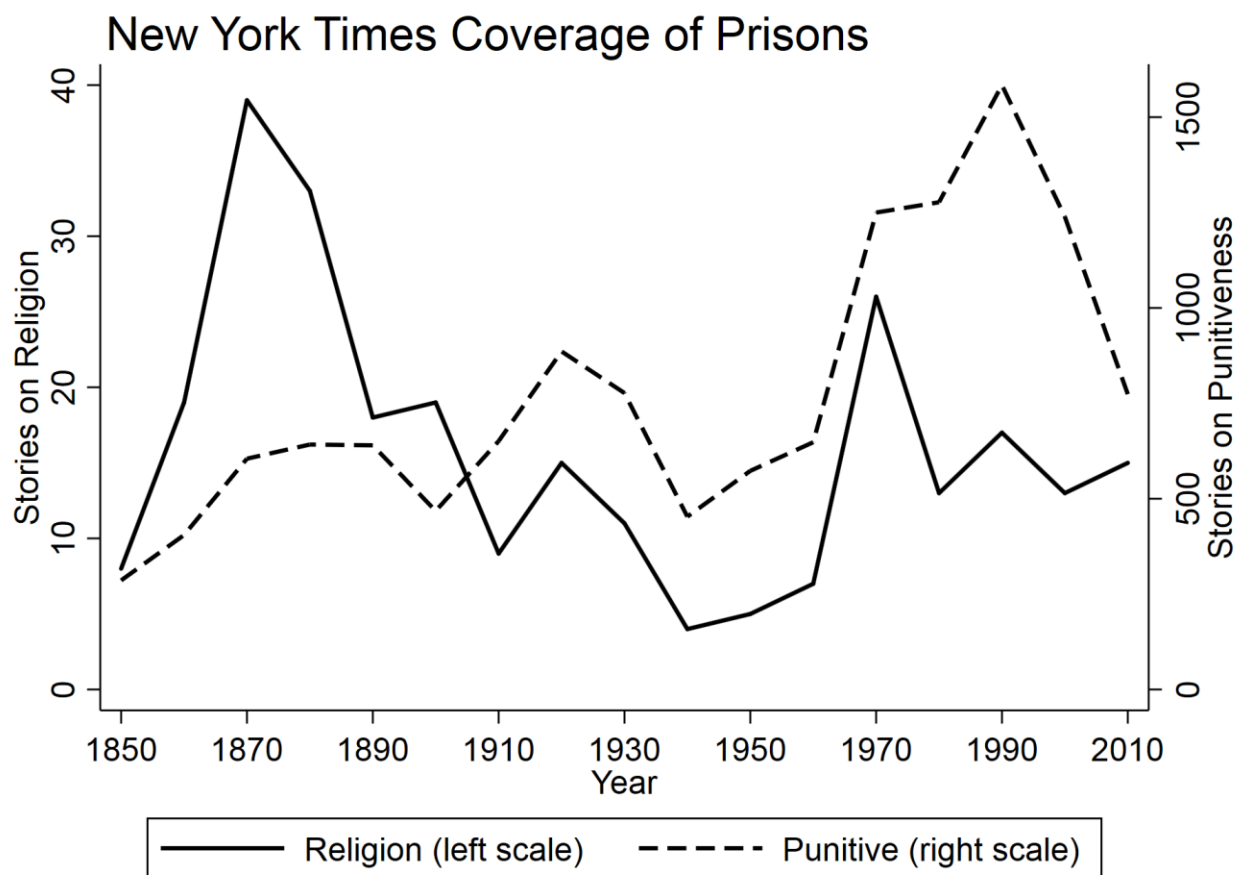Figure 1. Religious and Punitive Frame Coverage in New York Times

Figure 2. Religious Frame Coverage in New York Times

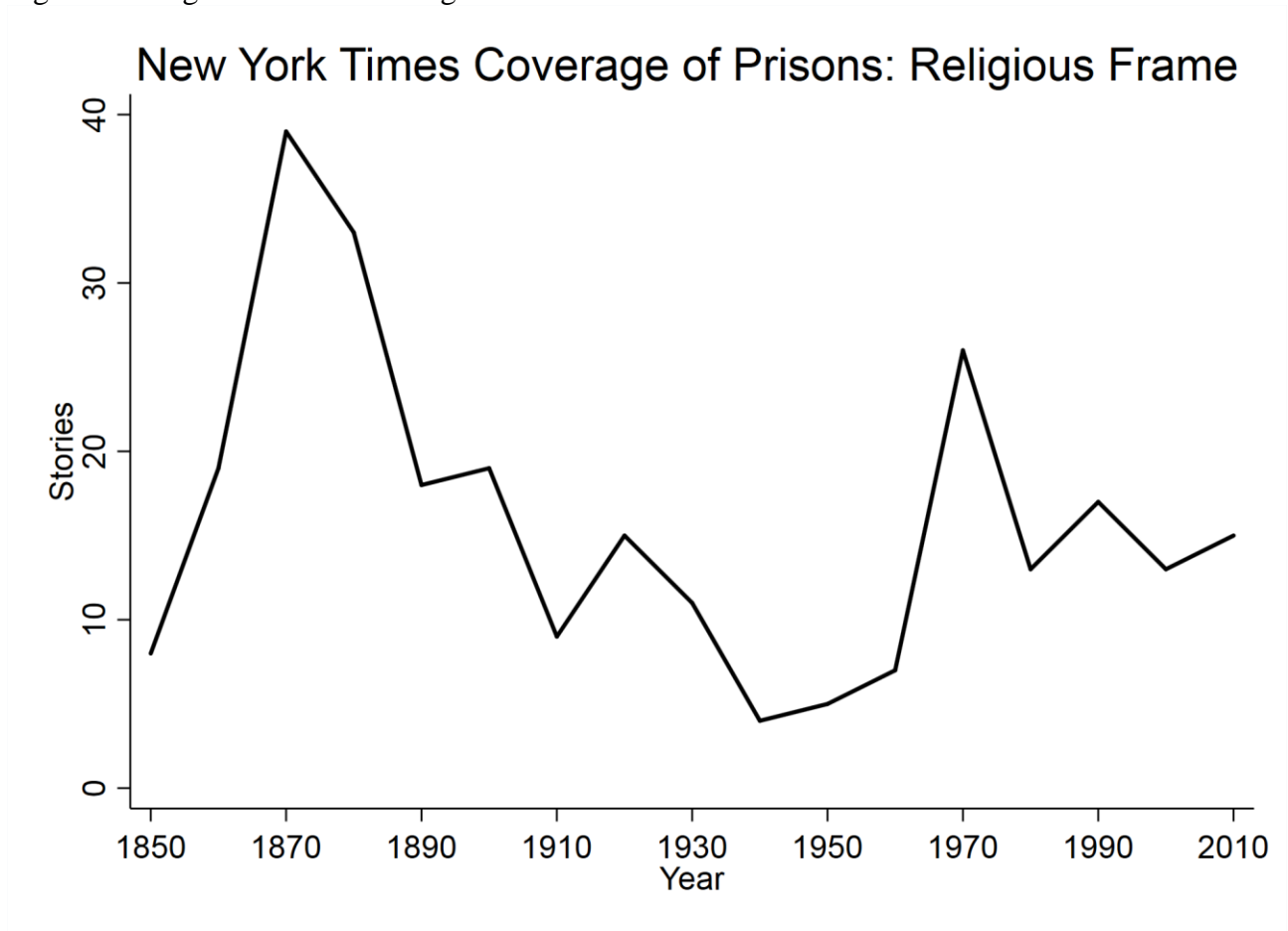New York Times Coverage of Prisons: Religious Frame

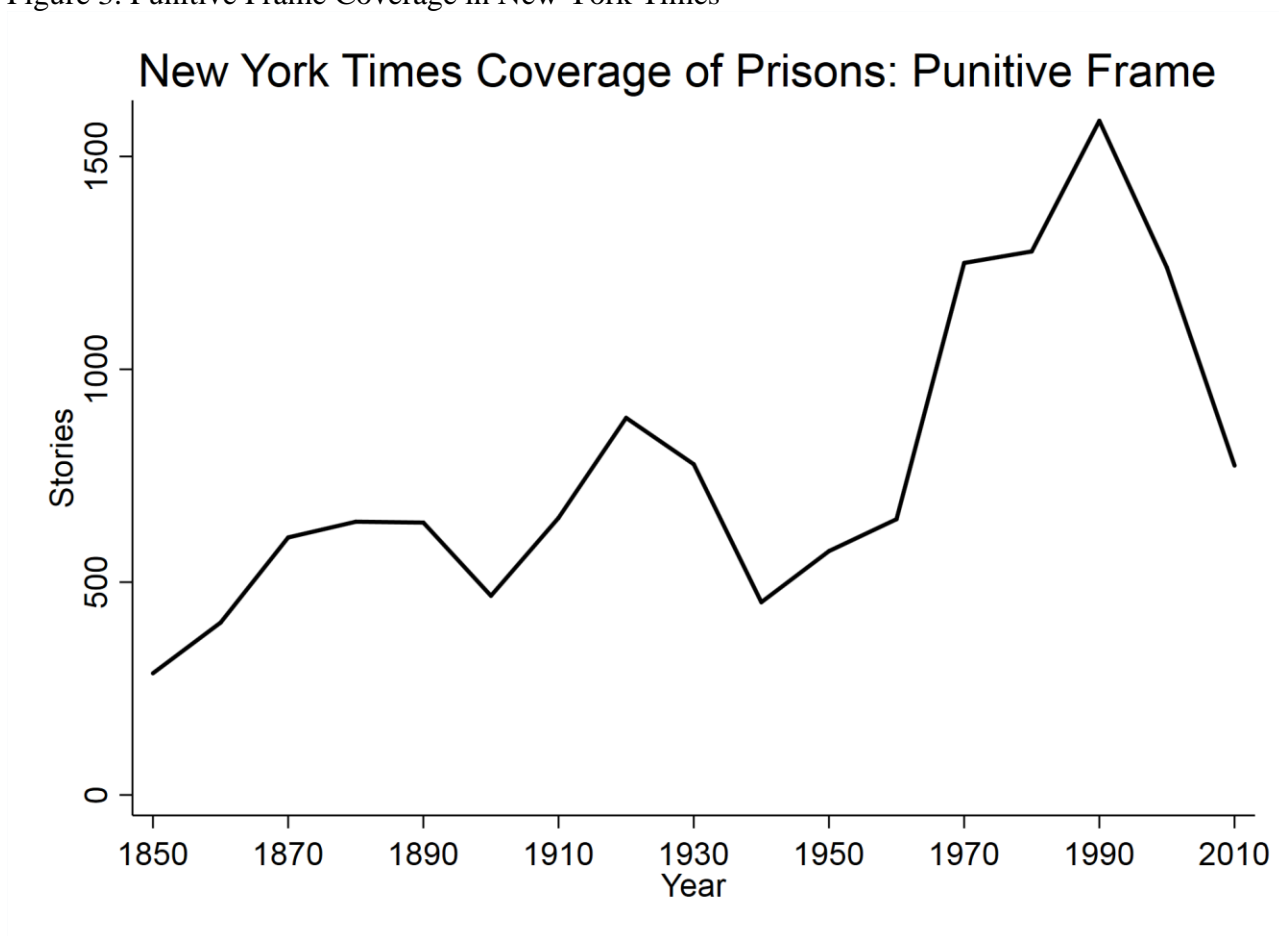Figure 3. Punitive Frame Coverage in New York Times

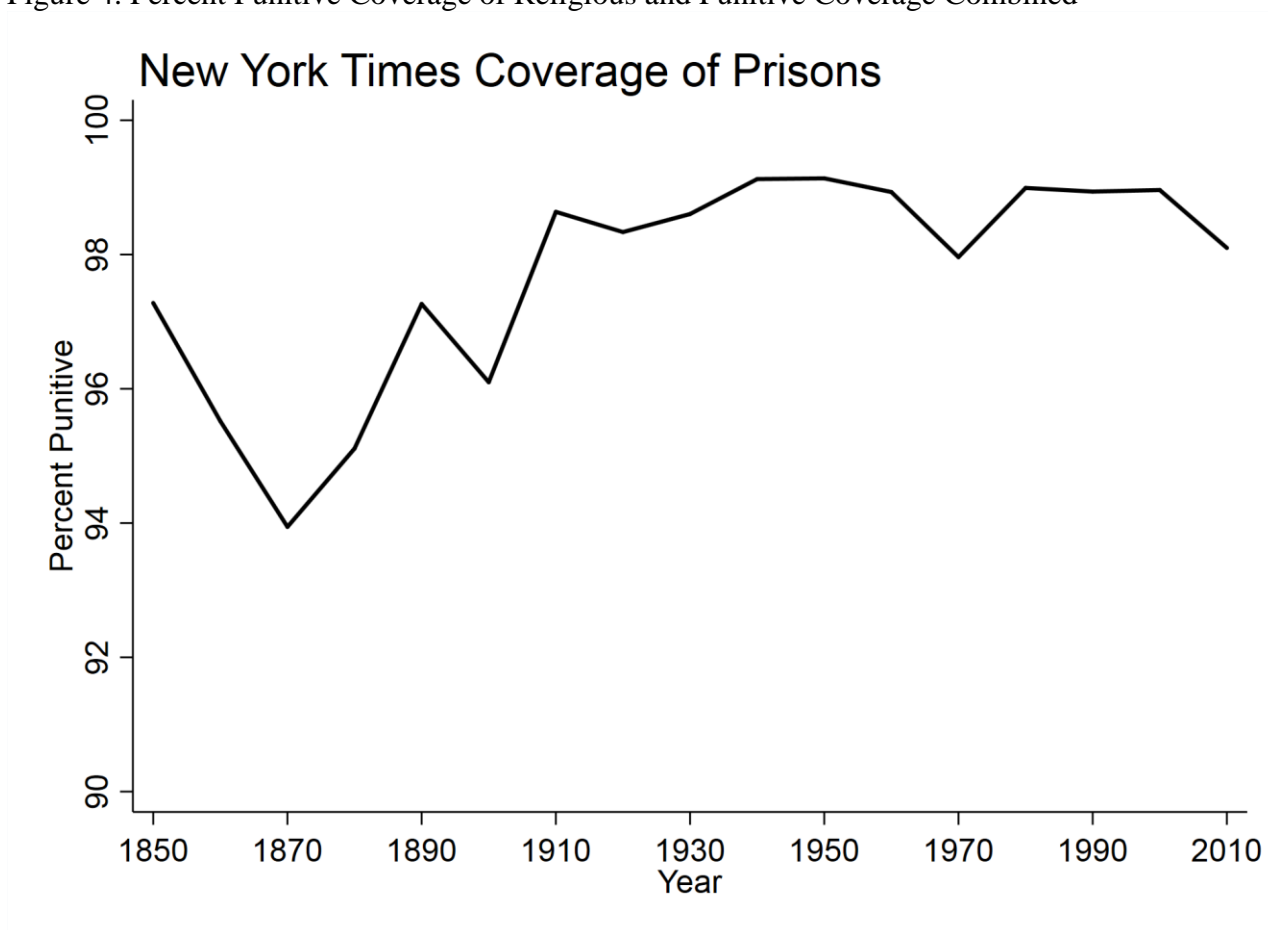Figure 4. Percent Punitive Coverage of Religious and Punitive Coverage Combined

Figure 5. Stories that used the safety and security frame to justify solitary confinement
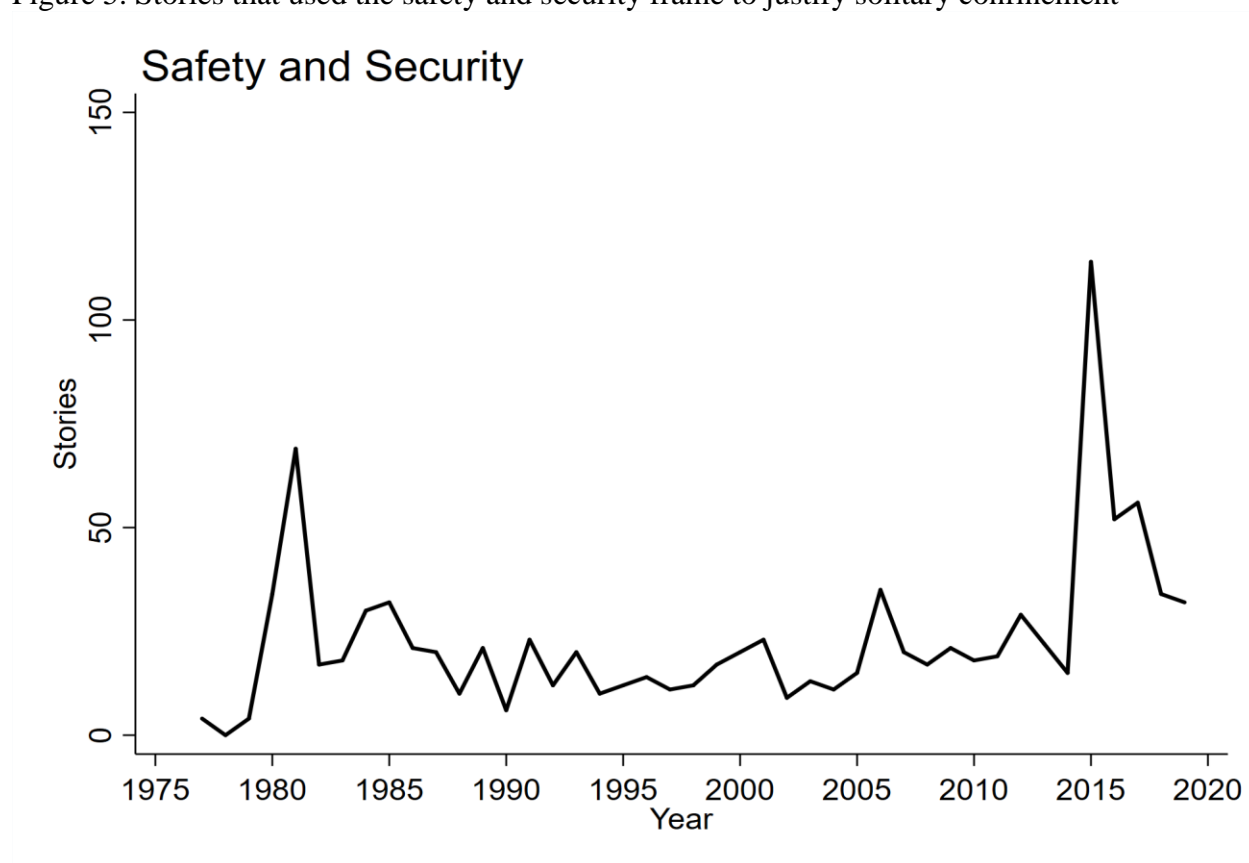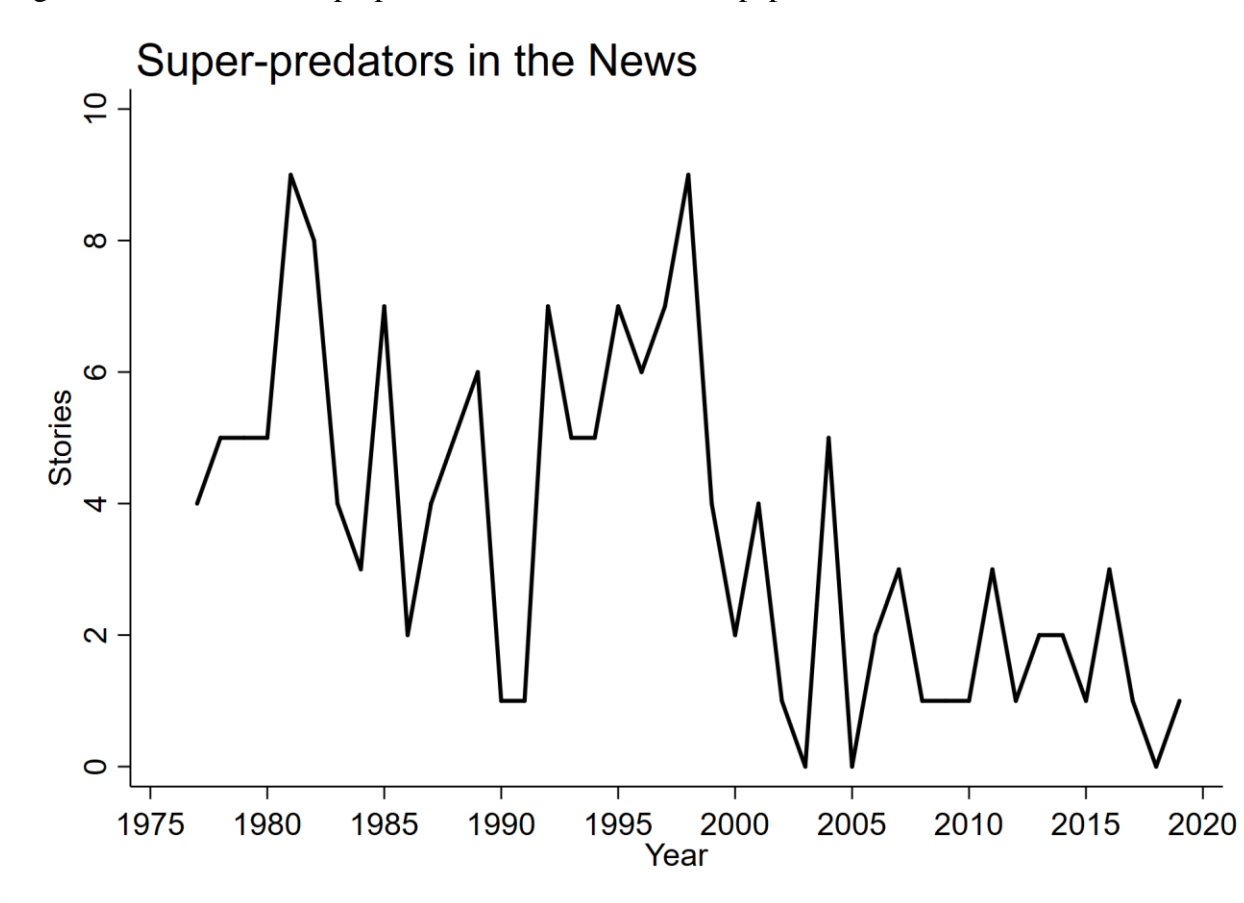
Figure 6. Attention to Superpredators in Three US Newspapers.

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