Southern Exposure

STILL LIFE

INSIDE SOUTHERN PRISONS

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LETTERS TO THE EDITOR

A Dream from Prison, by Anthony Kamahele
Brushy Mountain Prison, Tennessee

Months ago, when Southern Exposure announced the upcoming issue on prisons in the South, we received quite a few thought-provoking responses from prisoners. Here are excerpts from three of those letters.

On Imprisonment

When a man's mind is being torn from reality – he is a man toward insanity. Men in this situation and state of mind are programmed for self-destruction. Such a terrible waste of God's greatest gift: Life! How does this repay Society?

To whom ever has the heart, the courage and wisdom to understand that I cry not for pity but on the contrary. Only wishing to make sight for those who walk in blindness, for such punishment can never repay Society for the crime.

What man on earth has the right to bestow such punishment upon another man? This man, whoever he may be, I pray for his lonely soul, for his punishment is or will be far greater than the punishment he has bestowed upon his fellow man.

Rudy Bevain
Baton Rouge Parish Prison
Baton Rouge, La.

On Human Rights

Dear Mr. President [Jimmy Carter]:

Reduce your energies by 99.9 percent about the Human Rights of the People of the USSR and other parts of the world. Turn around and come on back home to America. There is a whole lot lacking in the Human Rights of American Minorities and especially the "Penal System of America." We prisoners need Human Rights, desperately, desperately.

Israel L. Rogers
Camp J
Angola, La.

"My Color Is My Crime"

I have been in prison almost nine years. I came to Parchman in 1971 and ever since then my life has been a tightrope and survival is natural instinct: in order for a man to survive here he must stoop and in my case be an Uncle Tomming nigger, something which I could never measure up to. First these people take what little freedom I did have out in society by framing me, and me being ignorant of the law at that time and couldn't do anything for myself and nor could I turn to anyone for help, because I wasn't born with a silver spoon in my mouth.

In '72 I was beaten by trusties and prison guards. During that time one had to say "Yes sir, Boss" or "Captain" which I refused to do, so I was beaten and kicked, also spit on and sprayed with mace, and thrown in the dark hole naked and the blowers were turned on full speed. I shivered for three whole days without food or water and I slept on a cold concrete floor the whole while I was in the dark hole, and after the third day I was taken out of the dark hole and put in a cell to sleep on naked steel and was told that if I write a writ against them, I would be killed. But I took my chances and filed anyway; that case is still pending.

But that is really when the conspiracy really started, and to this day I am with my back against the wall.

There is no understanding here among the administration for the inmate, nor is there any respect. The officials here feel that we the inmates need no respect and are nothing more than names and numbers, and they, the officials, are our lord and master and we their servants. This penal system is based upon false pretenses.

In Parchman Prison, here in Mississippi, we the black inmates dominate the prison population. Aren't all of us here for a crime, but most of us are here for being black and that alone is our crime.....This so-called prison is nothing more than a plantation and, in truth, it is run as such.

I eat to survive, I sleep only to wake up to the same nightmare and I live for the undying love and desire to help my people and I am here in this world by the grace of my God.

Vernon Madison
Parchman Prison
Parchman, Miss.

INTRODUCTION: STILL LIFE

Late one summer evening in Atlanta, a 20-year-old man walked into a suburban superette and paused to examine the magazine rack. When the store's only other customer made her purchase and left, the youth strolled to the checkout counter, pulled a .357 revolver out of his jacket, pointed it at the clerk and ordered the frightened boy to lie down on the floor. He grabbed the $87 that was in the cash register and ran for the door, where he collided with an elderly woman trying to enter. At the sight of his weapon she fainted to the sidewalk. Her next week would be spent in Grady Hospital recovering from what was called a slight heart attack. The robber reached his car parked beside the curb, but even before he could get it started the police had been flagged down by an onlooker and were in the parking lot. Their quarry surrendered meekly; he was handcuffed and carried downtown. In a darkened apartment, the lights turned off for nonpayment, his wife and child were left without support.

It was almost a routine event. An armed robbery occurs every few hours in Atlanta. The damage was relatively slight in this case: a woman temporarily hospitalized, a trembling store clerk vowing that he will quit his job as soon as he can find another way to pay his college tuition. The "suspect in custody" received 10 years in prison, but he had been there before. He was nine years old the first time he got busted, for stealing a baseball bat, and he spent three months in a Dekalb County juvenile facility waiting for the court to find him a foster home. Now his record, as the police say, is as long as your arm.

What is to be done with the perpetrators of such crimes, the disturbed and sometimes dangerous people produced by our urban zoos and dying countryside? All that the distraught store clerk could offer was, "The guy ought to be off the streets." But he, too, had had a few unpleasant brushes with the law and was not so sure where his armed assailant should be sent, or for how long.

And what should society do with the thousands of less damaging lawbreakers who commit what one of our authors terms "the common cold of crime": the drunken brawlers, check forgers, pill stealers, car thieves, stereo snatchers, hookers, winos, drug users and rip-off artists? They are the "average criminal," and they are paraded through courthouses from Richmond to Baton Rouge by the hundreds every day. To commit, correct, corral and punish them requires an enormous job force of police, lawyers, judges, counselors, probation and parole officers, doctors and jailers — but reported crime still increases.

In response to rising crime, many states legislate ever-lengthening sentences. Tennessee, for example, will now hold a person sentenced to "life" for 30 years before even considering him for parole. But the suspicion persists that treatment of this nature, too terrible to be comprehended by most citizens, does nothing but warp men and women beyond recognition, making them unfit to live in a free society.

The 50 or so convicts who contributed to this volume confirm that lengthy incarceration merely encourages criminal-like behavior and engenders bitterness which ultimately will be felt by all of us who walk the street, sit in the park, run a business or own anything worth stealing. Oscar Wilde told the story a century ago when he wrote, "The vilest deeds bloom well in prison air / It is only what is

good in man that wastes and withers there."

There is simply no escaping the conclusion that our present system breeds crime. It may slowly waste people, but the process itself promotes rather than eliminates crime.

One drastic alternative to imprisonment is execution, and though a civilized people must balk at such an option, the spectre of state-sanctioned mass murder looms large as frustrated officials attempt to save themselves by offering simple-minded solutions to an angry public. This volume, published in October, 1978, comes on the eve of what may be a wave of executions, beginning with John Spenkelink in Florida (see page 74). If the media, politicians and public can stomach such a spectacle, our chances of rationally addressing the basic realities of crime and punishment in America are evermore remote.

Someday, somehow, we must face the central fact that our prison system in general and the death penalty in particular are not instruments of justice. They do not apply to everyone equally. The figures show that those whom we condemn are almost without exception the poor, uneducated, underemployed, ill-defended, the misfits and social outcasts. By failing to imprison the heads of callous corporations, by letting the embezzler off with six months and then sending a poor thief to 12 years in a distant and unseen hell, we demonstrate that the criminal justice system is a cynical, schizophrenic device to perpetuate our biases in favor of the rich and our need to control the poor. The conclusion drawn by one convict who wrote us is even more to the point:

Most people who come from a poor class environment where money's hard to come by have been brainwashed from childhood up to believe that to be "somebody" they've got to have property, education and material goods. The system does not permit many of us to obtain these things legally, so we will try to get them illegally. To do otherwise is to accept deprivation, indignity and injustice. In that sense, all us in here are political prisoners because we are victims of an oppressive economic and political order. The criminal law that affects us is essentially a codification of the values and self-interest of the dominant class.

Too few citizens now play a part in deciding how justice is practiced in our communities — and who it is practiced against. It is not sufficient to leave to the courts the job of labeling people as "criminals," to the corrections officials the task of defining "humane treatment" for offenders, or to the legislators the responsibility of deciding how many years or how many volts it will take to deter a young man or woman from breaking the law.

No issue is more vital than the right of people to be safe in their homes and in the streets, yet we assign the work of our protection to professionals who, the record suggests, know little more about the problem than we do ourselves. The stakes include the very life of our community, and each of us must play a part in the winning.

We intend this twenty-fourth issue of *Southern Exposure* as a "reader" for reflection on why the system is failing and what we can do about it. The voices heard here are all part of the criminal justice system in one way or another; they are grouped in four sections to address four central questions: who goes to jail, what happens inside, is the death penalty necessary, are there alternatives. There are no simple solutions offered here to a system that daily confuses and threatens us. Rather we intend this book as the basis for discussion about why we are now losing the battle against crime, and as an invitation to our readers to accept their responsibility for devising a criminal justice system that is fair, protective and positive.

WHO GOES TO PRISON

photo by Sean Kernan

MICHAEL A. KROLL

THE PRISON EXPERIMENT:

A CIRCULAR HISTORY

It is difficult to imagine a prison-less society. As small children, we invent games where the "good guys" put the "bad guys" in jail. In adolescence, we play packaged games and try to avoid going directly to jail and forfeiting our $200 while we cluck our tongues piously over an acquaintance sent to juvenile hall. And finally grown, most of us either become hard-liners, wanting to send more people to prison in hopes of reducing crime in the streets, or we turn into liberals who hope that by reducing the overcrowding and neglect in our antiquated and gloomy fortresses we may enable the offender to make something of his or her life.

But imprisonment *as punishment* is a relatively new idea in the history of political organization – an experimental reform of seventeenth-century America which we now accept as a given. Until late into the eighteenth century, criminal sanctions in Europe took the forms of fines and capital and corporal punishment. A few people were confined to public institutions but these were mainly debtors' workhouses and holding tanks for those awaiting trial or punishment.

The only widely used alternative to corporal punishment – which included execution, flogging, mutilation and public ridicule in the stocks and pillories – was exile. Prompted by demands for inexpensive labor in the colonies and the cost of maintaining the vagrants at home, England shipped more than 50,000 convicts to the American colonies in the 150 years preceding the Revolution (after which Australia became the primary destination for the exiles).

Ironically, the eighteenth-century Age of Enlightenment encouraged the rise of prisons. Prior to that time, no general philosophy other than utility underlay the confinement of paupers. But by 1779, the English jail reformer, John Howard, sickened by his own experiences overseeing English jails and emboldened by a growing movement for compassion in the legal system, succeeded in getting the English Parliament to pass an act to establish "penitentiary houses." But the English, in the midst of a losing overseas adventure that was draining the national treasury, never put the law into general use.

It remained for the newly independent country of the United States of America to implement Howard's plan on a grand scale. And the American Quakers proved the most important force for the introduction of imprisonment. Long before the Revolution, in fact, Quakers had experimented with detention as a form of punishment.

Shocked by the brutality and bloodletting of corporal punishment, the Quakers, who dominated Pennsylvania, put through a number of reforms culminating in the "Great Law" of 1682. Adopted in the Pennsylvania colonial assembly, the new code provided that a majority of crimes be punished by "hard labor" *in a house of correction*. This code governed the Pennsylvania Colony until the British compelled its abandonment in 1718 in favor of the earlier, more brutal codes which still prevailed in the other colonies.

But the idea remained alive. Within two years after the end of the Revolutionary War, a small group of people met in the home of Benjamin Franklin in Pennsylvania to discuss punishment in the new state. Dr. Benjamin Rush, one of the signers of the Declaration of Independence, presented a paper proposing a new treatment of criminals. Dr. Rush proposed a multi-faceted prison program including: (1) classification of prisoners for housing; (2) a rational system of prison labor to make the prison self-supporting, including gardens to provide food and outside exercise for the prisoners; (3) individualized treatment for convicts according to whether their crimes were those of passion, habit, or temptation; and (4) indeterminate sentences. In that same year, Quakers organized the "Philadelphia Society for Alleviating the Miseries of Public Prisons." Through its lobbying, Pennsylvania passed a new criminal code in 1790 which permanently established imprisonment at hard labor as the normal method of punishing convicted criminals. The first jail designed under the new code, the Walnut Street Jail

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Prisons replaced stocks and pillories and were the first "reform."

in Philadelphia, contained individual cells for the solitary confinement of the offender, thus giving birth to the *modern prison system. And imprisonment took its place as the cornerstone of the criminal justice response system in the young country.*

From that time in 1790 to the present, America's experiment with imprisonment has been characterized by extraordinarily regular bursts of liberal reformist zeal. At generation-long intervals, new philosophies develop to explain the failure of the period just past and to justify the continuance and expansion of prisons into the future.

The philosophy of imprisonment, since that first step away from mutilation, can roughly be broken into five distinct eras: the Early American Prison (1790-1830), the Penitentiary System (1830-1870), the Reformatory System (1870-1900), the Industrial Prison (1900-1935) and the Rehabilitative Prison (1935-?). With the growing consensus that the philosophy of rehabilitation has also failed, we are embarking on our newest rationale for imprisonment: "just deserts" — a philosophy stripped of any pretensions to altruism.

Each of these concepts was believed at the time to be the answer to rising crime. Each failed. The failure of each produced debilitating conditions of overcrowding and brutality within the prisons, which have in turn been the single most consistent justification for prison expansion at each juncture.

Early American Prisons

Though the first prison was established in 1790, by 1800 the Pennsylvania facility had already begun to show weaknesses due chiefly to overcrowding. But the program during the first decade appeared to function well enough for other states to copy the experiment. For the first few years, inmates — both men and women — worked at a number of trades and earned roughly what their free world counterparts earned. The cost of their upkeep was deducted from their wages. Prisoners could earn a pardon for good conduct and hard work and many were in fact pardoned. No chains or irons were allowed. Guards were forbidden to use weapons of any kind. Corporal punishment was not allowed. As other states made use of the Pennsylvania experiment, they modified it to fit their circumstances and ideas. Virginia, under the influence of Thomas Jefferson's architectural designs, constructed a prison intended to house one man per cell — a plan not followed until the next era of prison philosophy in 1830. Massachusetts introduced rod and blue uniforms. New York "refined" the system of uniforms in 1815 by requiring all its inmates to wear the now familiar prison stripes.

As new prisons sprang up (eleven major institutions opened in this first era, including the Kentucky State Penitentiary at Frankfort, the Virginia State Penitentiary at Richmond and the Georgia State Penitentiary at Milledgeville), the states introduced innovations to combat problems of discipline and escape. Massachusetts furnished its guards with "a gun, a bayonet and a strong cutlass to be worn as a side arm," and can be credited with introducing such controls as "collars or rings to be worn by such prisoners as shall in any way discover a disposition to escape." The legislature later amended this to "an iron ring on their left leg to which a clog attached by a chain shall be suspended during their continuance at prison...."

The power of executive pardons also underwent a change. Hailed early on as a stimulus to good work on the part of the prisoner, the pardon had been granted so frequently that in 1823, Virginia became the first state to deprive its governor of the power.

Corporal punishment, barred at first, soon reappeared. Georgia used the "cow skin," the "blue paddle," and the "wooden horse" to enforce rigid discipline; Maryland reintroduced flogging; New Jersey experimented with solitary confinement on bread and water for extended periods of time; and by 1807, Kentucky relied on the whip and the ball and chain to maintain order.

Following the initial Quaker impetus, religion played only a minor role in the philosophical justification for imprisonment and prison programs through the

Above: Chain gang pose in front of transport wagons, 1919. *Below:* Eastern State Penitentiary.

NC Division of Archives and History

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early nineteenth century. The primary basis for imprisonment was "rationality": incarceration as the rational penalty for society's criminals.

But with the failure of "rational codes" to decrease crime, focus shifted to the "criminal" and causes for his or her deviancy were easily located in the environment. The religious community led the new "reform." One of the founders of the New York Prison Association, Unitarian minister William Channing, declared, "The first and most obvious cause of crime is an evil organization derived from evil parents. Bad germs bear bad fruit."

Channing's moral stance led directly to the policy of isolation: in the austere silence of one's cell, the prisoner could get back to God. Once isolated, "the progress of corruption is arrested; no additional contamination can be received or communicated." The most important question of the period became whether to isolate totally, as the Pennsylvania Quakers urged, or to isolate only at night, allowing prisoners to work together, in silence, during the day as the New York Unitarians advocated. Though the differences seem irrelevant today, both camps were passionately committed to their respective positions. Nevertheless, both groups agreed on a number of points. First, the prisons of the 1790s had failed because they had not separated the inmates. Second, since the criminals' environment led to their crime, an institutional environment would be responsible for their reformation. And third, the architecture of prisons became central to both camps. Prisons had to be designed for maximum isolation.

Clearly, neither the Quakers nor the Unitarians nor any other group questioned institutionalization itself.* It had become an accepted part of American life.

Penitence: 1830-1870

The seeds for the second era of prison philosophy, which had been sown in the earliest days of the Republic, finally blossomed with the opening of Pennsylvania's Eastern Penitentiary in 1829. The basic idea guiding the design of this penitentiary, and which influenced both prison construction and administration for the next century,

was separate confinement of all inmates, at hard labor. Reformers did not consider the labor punitive, but restorative. The inmate lived, slept and spent his working days in the cell, except for one hour a day of exercise. Solitude was so rigidly enforced that prisoners exercised in the yard one at a time to prevent inmate contamination by inmate.

The Pennsylvania system of cellular confinement was soon modified by practical, physical considerations. Cells were so small that work in them became impossible and group areas had to be established for both work and dining. These work areas helped make money for the institution but permitted the possibility of "cross infection" by allowing communication between convicts. To prevent such contact, prison authorities instituted the "rule of silence," which required all prisoners to refrain from talking at work, meals, or anywhere, and to keep their eyes down when outside their own cells. Violators were whipped.

During this period, 25 new prisons joined the growing system. Though larger, they quickly grew as overcrowded as their smaller predecessors. By 1838, the 5,000 cell Michigan State Prison opened at Jackson, and architects saw the possibility of making the prisons large enough to be cost-effective as units of production.

All these institutions had substantially the same architecture, programs, and even rules and regulations. Each had tier on tier of gloomy cells, a program of daily work and Sunday religious services, uniforms, a thin, monotonous diet, and cruel punishments for rule-breakers. The public became less and less concerned about prison problems because they had less and less opportunity to see or hear what went on in the prisons. When the new factory system of production began to turn the prisons into profit-making ventures, legislatures accepted that penitentiaries should remain a permanent part of public administration.

The Reformatory Period: 1870-1900

The need to make the institutions money-generating became crucial as the numbers of prisoners rapidly grew. In 1860, the Federal census reported 19,086 people in prison. By 1870, after the Civil War, that number had jumped to 32,901.

It became clear that the philosophy of penitence had not worked. Crime soared and prisons were as overcrowded as ever. A new burst of prison construction began after the War; these institutions applied a new philosophy: reformation. More than 30 reformatories were built during the quarter century following the Civil War.

Emphasis on production and profits characterized these youth prisons. In addition, the Reformatory introduced two other features of the modern system: sentences were indeterminate (and could last until adulthood), and prisoners could be released if they maintained good records. All prisoners were graded according to achievement and conduct, and only those who reached the "first grade" could be paroled. The Reformatory Period sowed the seeds for the Rehabilitation Period that would come 50 years later.†

The Industrial Prison: 1900-1935

By the beginning of the twentieth century, authorities and critics alike recognized how little reforming had been done within the reformatories. The prison populations had increased again, by more than 60 percent since the Civil War. To meet this growing horde of convicts, prison officials stretched old facilities to the bursting point, renovated existing facilities, and began another round of prison construction.

Except in rare cases, American prisons from 1900 to 1935 were custodial, punitive and *industrial*. Classification and "moral instruction" faded as overcrowding and costs increased; the potential of the prison industry to pay for its operating costs outweighed the moral justification for silence and solitary confinement. The value of prison production, which was $19 million in 1885, grew to $34 million by 1905, and doubled again by 1930.

During the Great Depression, however, unions and free industry forced their state and federal legislatures to eliminate the sale of prison products on the open market. The only prison industries to survive were those which served the state, such as the manufacture of license plates and school desks.

In the South, partly because of the weakness of unions and the pro-business legislatures, this transition occurred more slowly. The Civil War virtually wiped out the region's fledgling penitentiary system, and in the years that followed, Georgia, Florida, Mississippi, Louisiana, and Arkansas leased out their entire prison populations to private contractors, giving rise to some of the most brutal conditions in a world of brutal conditions. Alabama, Virginia, Kentucky, Tennessee and the Carolinas maintained central prisons but leased the majority of their prisoners to private employers such as coal companies and plantations. While these persons competed with private farms, they had the "social virtues" of financing the correctional systems and maintaining plantation cultures. Though no longer much of a money-maker, the plantation prison remains a fixture in the South today. The Texas system, for example, which is surpassed only by the United States government in the number of people it imprisons, is largely financed by inmate labor in the cotton fields. (The 13th Amendment abolished slavery "except as punishment for crime.")

"Rehabilitation": The Modern Prison

With the demise of the industrial prison and the great increase in prison populations again (a 140 percent increase between 1904 and 1935), new prisons had to be built and a new philosophy invented. Prison experts pro-

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*Ironically, among the few organized groups in this country who have begun to challenge the very concept of imprisonment are the Unitarians and the Quakers, whose experiment has molded our thinking on the subject for 200 years.

†The Reformatory notion of saving our youth has remained an influence to the present day. Thus, in 1976, defending the choice of the site of the Winter Olympics Village at Lake Placid, New York, for our newest youth prison, the editor of a small newspaper could write: "We cannot see the disadvantage to placing confused, rebellious, wayward young men in this environment. Perhaps here, if anywhere, they will be able to find some healing for the wounds that city life has inflicted upon them."

Above: Cell-block in old wing of Auburn State Prison. *Below:* Visiting room.

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claimed the new philosophy of *rehabilitation*. At the same time, another fundamental element was added to the equation with the 1930 birth of the Federal Bureau of Prisons.

The federal government had entered the prison picture in 1895 when Congress gave the Department of Justice use of the military prison at Fort Leavenworth, Kansas. Shortly before the turn of the century, the first civilian federal institution was built nearby.

The second federal prison opened in Atlanta in 1905 and, shortly thereafter, a third was added to the federal system — McNeil Island in Washington state, which had first been opened and operated as a territorial jail in 1865. They represented the entire federal arsenal of prisons until 1925 (and all are still in use today). But during the decade of the 1920s, new federal crimes, particularly liquor and narcotics violations and interstate car thefts — required the rapid expansion of the federal system until today there are more than 60 federal institutions housing 30,000 prisoners.

The creation of the Federal Bureau of Prisons coincided with the beginning of the rehabilitation philosophy of imprisonment. The legislation creating the Bureau states:

"It is hereby declared to be the policy of the Congress that prisons be so planned and limited in size as to . . . assure the proper classification and segregation of prisoners according to their mental condition and such other factors as should be taken into consideration in providing an individualized system of discipline, care and treatment of the persons committed to such institutions."

To enhance the possibility of rehabilitation, the indeterminate sentence, which had been a feature of the Reformatory, came into its own. If a prisoner had a fixed release date, the theory went, there would be no incentive to improve. So, release became tied to the inmate's ability to convince the parole board he or she had been rehabilitated. The Federal Bureau of Prisons fully embraced this idea. Director Sanford Bates said in 1934: "The prison of the future aims to release its prisoners if, as and when it can be reasonably sure that they and society alike have profited by the instructions and rehabilitative efforts that have been offered to them."

"Liberals" Call For "Just Deserts"

The belief that we could rehabilitate criminals in our prisons has had no more positive results than any of the other rationales adopted and discarded in our short history. In fact, the goal of rehabilitation has given rise to grotesque behavior modification models. Proponents of rehabilitation still administer some of our prisons and sit in our Congress. [In the recent debate on revision of the criminal code, Senator Kennedy made an impassioned — and successful — plea to defeat an amendment that would have deleted rehabilitation as a reason for locking up people.] Since World War II, the "we're doing it for your own good" reasoning has been the most potent influence on prison philosophy and design.

But, like all the justifications before it, rehabilitation has fallen into disrepute and a new cry is being heard among "liberal" penologists: "just deserts." Based on the theory that punishment for antisocial behavior should be just that, the just deserts philosophy is unencumbered by any "do-gooder" baggage and bears a striking resemblance to the original "rational" principles guiding penology in America.

Just deserts has been adopted by the present director of the Federal Bureau of Prisons, Norman Carlson, as ardently as rehabilitation was embraced by his predecessor. It represents an apparent pendulum swing to the right by reformers and is accompanied, as each new philosophical "answer" has been, by demands for another huge expansion in prison building.

In addition to just deserts, the code words most likely to justify the secure caging of the next generation of American prisoners are "career criminal." Since anyone with two or more criminal convictions is defined as a career criminal, the phrase serves only to define that class of people already imprisoned. Though our definitions and justifications of criminality and punishment change, the same people always end up in prison: the poor, the minorities, the disenfranchised. No amount of tinkering with those definitions has ever altered that basic fact.

The federal prison system, though only 50 years old, has reflected the same responses as the state systems: build, fill, crowd, overcrowd and build again. It is unending. In truth, our prison system has had a single thread of consistency: expansion.

Five years before the official creation of the Bureau of Prisons, the Attorney General was telling the Congress: "The federal penitentiaries are crowded far beyond their normal capacity...the need for additional institutions was never greater."

Fifteen years later, a new Attorney General reported: "Our existing institutions are crowded far beyond their normal capacity...we must undertake a broad, long-range building program."

Another 15 years passed and another Attorney General's report was issued: "Overpopulation places a serious burden on the federal prison facilities....We must build."

This year, the Bureau director told Congress: "The Bureau's long-range construction program was undertaken specifically to reduce institutional overcrowding. In the Spring of 1975, an increase in the federal prison population began which was unprecedented in size, and largely unexpected. This increase in prisoner population has severely taxed our facilities and our staff. Despite continuing support of our programs, growth in institution capacity has not kept pace with population increase."

We are exactly where we started, except our caged population has grown. In 1850, 60 years after the Walnut Street Jail was opened in Philadelphia, there were not quite 7,000 people in prison, or three out of every 10,000 Americans. By 1900 that figure had grown to more than 50,000, or seven out of every 10,000. Today, the prison population is 250,000, 11 out of every 10,000. (If we add to this figure the number confined in our jails and juvenile detention centers, the total approaches 600,000 people.) In the South, prisoners make up an even higher percentage of the population: 80,000 people, or 13 out of every 10,000 Southerners, are in jail.

Except for three periods, federal prison expansion has been constant. These three exceptions are like beacons illuminating the values of our government. During the first three decades of life, the Bureau's prison population grew by 55 percent. But between 1941 and 1945, the population declined by 23 percent. The Attorney General who had described prisoners as dangerous and increasingly violent in 1940, found them to be "patriotic and eager to serve their country" in 1941. The prison population declined by 4,659 during those years, enough people to fill ten prisons. But, by 1946, when unemployment rates again rose and the country no longer needed "patriotic" soldiers, the prison population again increased by more than 20 percent in the year and a half following the War.

During the Korean War, the population declined by more than 1,000 prisoners, only to rise again after the troops came home. Between the end of the Korean War and 1963, federal prisoners increased by 33 percent. But beginning in 1964, with the massive escalation in Vietnam the prison population again declined. By 1968, it had shrunk by 4,800. The Tet offensive in 1968 signalled not only our eventual defeat in Vietnam, but the beginning of the biggest boom in prison construction in our history. Reduced to 19,815 prisoners in 1968, the Federal Bureau of Prisons is today responsible for 33,029 people, an increase of 67 percent in 10 years.

"There is to one who surveys the history of prisons over 150 years," wrote Wayne Morse in a 1940 report for the Attorney General, "considerable significance in the persistence and elusiveness of the custodial-punitive characteristic of imprisonment. Attempts have been made to develop prisons as agencies of moral instruction, as great educational institutions, and finally as great industrial centers; and in each instance the attempt has failed. After all is said and done, imprisonment remains a custodial and punitive agency."

As long as we keep searching for the "right philosophy," there is no reason to hope that this assessment will change. The plain truth is that as long as we have prison cells we will fill them and as long as we fill them we will create more prison cells. Until we, individually and collectively, demand an end to the barbarity of imprisonment, we can expect only the barbarity of war to have any effect on reducing a prison population that already exceeds the per capita population of any industrial nation except South Africa. □

Michael A. Krol coordinates the National Moratorium on Prison Construction, a joint project of the Unitarian Universalist Service Committee and the National Council on Crime and Delinquency.

Daily Justice

By Harriott Johnson Quin

The Magistrate's office is a way-station for people charged, after arrest, with criminal offenses. A rotating group of individuals appointed by the court, the Magistrates hold a degree of discretionary power often misunderstood by the public.

By formalizing the arrest proceedings initiated by police, the Magistrate's office serves as the starting point for the criminal justice system. It is here that the appearance, behavior, tone of voice, words and companions of the suspect all intersect with the presuppositions and biases of the Magistrate to form the calculation of bail. It is here that the constitutional right to the presumption of innocence gives way in the face of a Magistrate's knowledge of the defendant's past criminal record and the basic statistic that many of these persons charged are eventually found guilty of a criminal act. And it is here that a policy favoring incarceration and isolation of the defendant from the rest of society begins.

An observer in the offices of the Magistrate cannot help but note the heavy flow of emotions thinly masked by the steady scratching of the clerk's scrawl or the brisk typing of the inevitable form. The first-time offender sits in confusion and bewilderment, lost in the crisp maze of the multiple steps of the criminal justice system.

Here, in the worn straight chair by a Magistrate's battered desk, sits the tiny, middle-aged "bum" with baggy trousers and greasy shirt; he's charged again with shoplifting. Across from him glowers the manager of the auto supply store holding in his hand the $2.95 battery which he retrieved from the ragged coat of the accused as he tried to slip out of the store. Already, both defendant and accuser seem weary of the slow process – both have been in this place many times before.

There, in the adjacent office, sits the absent-minded mother of five small children, three scattered on the floor, one clinging to her skirts, a baby on her lap sucking a bottle. She goes through the familiar motions of dealing with a warrant for her arrest on the charge of yet another bad check. Smiling and apologetic, she promises to get all those money matters straightened out. If only she could just deal with the twins with cerebral palsy, could remember to take her "nerve" medicine, could work a way to get to the weekly group session for depression, could keep enough food in the house to feed all her family. Yesterday, when the Salvation Army brought her food, she gave it all to her neighbors because they claimed she was selfish and should share what she had. It seems her troubles never end, and yet she is always vaguely smiling, with her young family trailing behind her, she floats through life amid a havoc of confusion and irresponsibility. Often, she seems one more large child bobbing along with the five, but, amazingly, she continues to survive her collisions with police, courts, landlords, predators, living not by wits but by a cunning innocence. The Magistrates know her well, will release her again, aware that if she were put in jail, five young children would be motherless or would be placed in foster homes. In boundless faith she promises to appear in court.

In another room sit the kids, adolescents of 14, 15 and 17, charged with drug possession – sometimes just dope but often a more dazzling array of powders and pills.

So the steady stream of suspects passes through, more on weekends, a rising tide when the moon is full: the manacled robbers, belligerent public drunks, local hookers and drug dealers, abusive husbands, quarreling neighbors and, on occasion, a well-dressed, prosperous citizen – out of place, ill at ease as the charges are typed up and bail arranged.

A few of the suspects are taken from the Magistrate's office to the top floor jail for a night or two, or weeks – until the date of the trial. The majority, however, secure their freedom by posting some form of bail, either from personal resources, those of friends, or through the services of the professional bail-bondsmen who float through the courthouse, lounging in the halls or near the Magistrate's office. Those who cannot afford the bail fee must await trial behind bars.

The Magistrate's office takes on even more significance when one realizes that

Illustration by Leslie Libby

whether a person is released on bail or not sometimes determines their fate at a court trial. Studies show that the defendant who appears in court from the street will fare better than the defendant who comes in under armed guard. A local case illustrates the point.

In the winter of 1977, several youths were charged with a series of felonies: breaking and entering, larceny, theft from parking meters. All had previous minor brushes with the law, and one was on probation. All were school drop-outs and unemployed, hanging about at home or on the streets. When they appeared before a Magistrate, they were each assigned a bail of $2,500. Neither the youths nor their impoverished families could afford such high bail, and even the bailbondsman's fee of $375 was too much. Consequently, the young men remained in jail until they were assigned court-appointed attorneys. Two youths assigned the same attorney had their bail lowered to $500 within 10 days by the appeal of that attorney. The third young man was appointed a different lawyer who did not bother to appeal for a lowered bail.

While the two youths were out of jail awaiting trial, community counselors helped them with education, employment or out-of-the community placement with the Job Corps. Their families were involved in the planning and counseling efforts. The youth awaiting trial for three months in jail had minimal contact with family and community.

The trial of the three commenced with the two youths on bail appearing in court with their families, while the third was brought down from jail under guard. As the jury was selected, a conference between judge and prosecuting and defense attorneys concluded in a settlement: the young men who had been free on bail were sentenced to two years probation upon a plea of guilty to a lesser charge; the third youth was given an active prison sentence and taken away under guard to the state maximum security prison. Instead of prison, his two cohorts enrolled in the Jobs Corps, and were allowed fresh starts.

The workings of the courts are often whimsical and arbitrary. To a spectator, the local District Court on a typical day is chaos. Names are called too rapidly, often mispronounced or lost in the loud murmurings of the private conversations of defendants, families, spectators, attorneys, court officials. Conferences are held between the judge, attorneys for the State and the defense, while witnesses, defendants, family and friends sit numbly waiting for their moment in court. Sometimes the pace of the case is so rapid that the matter is settled before they are fully aware that their hearing has taken place.

Prisoners from the upstairs jail are paraded in under guard. Clerks of the court take statements from indigents seeking a court-appointed attorney or means of paying off a fine in installments. The well-dressed bailbondsmen lounge among the attorneys or sit alert amidst the spectators, checking the courtroom for missing bailees. The bailiff periodically shouts for order in a threatening tone or calls loudly three times in succession the name of the missing defendant, thus placing him or her under the full force of the law as forfeiting bail and subject to arrest. The court action abruptly halts when the judge takes a break; all rise in honor of his (there are few woman judges)

leaving or entering the courtroom. Sometimes, though, the hubbub is so great that the judge slips out or in without being acknowledged at all.

For the first-time defendant, the court experience may seem a period of slow motion which accelerates into a rapid chain of events: the Prosecuting Attorney suddenly starts the trial; the defendant and witnesses are interrogated by attorneys and sometimes by the judge; a cross-examination may take place. Then the judge deliberates, determines guilt or innocence, asks if the defendant has anything further to say on his or her behalf if guilty, and passes sentence. In short order, defendants may move from their seats among the spectators to the place beside their attorney at the defendant's table, to the witness stand, to a position of erect or dejected expectancy before the deliberating judge, to an amazed or resigned position before the Clerk of the Court as they are required to hand over person or property to the State.

The District Court deals with the common cold of crime – the poor and powerless people of society caught up in petty lawbreaking: minor thefts, assaults, shoplifting, bad check writing. An observer of the District Court or the more flamboyant moments of the Superior Court is left with the impression that criminality is indeed typical of the underside of society.

One day, in the midst of a District Court holiday, I stepped into the hushed atmosphere of a Superior Court trial. Physically, it is just across the hall, but in substance, a vast gulf exists between the two courts. The case under consideration related to the problems of an out-of-town corporation confronting financial disaster. The defendants conferred continuously with their finely attired attorneys, thumbing ledgers and records. The prosecutor was deferential to the witness on the stand, a distinguished professional, a stockholder. The judge was politely attentive, his questions couched in courtly terms – peers seeking to discover the truth together. The aura was of country clubs, expensive dinner meetings, long-distance phone conferences, quick plane trips. The few spectators were evidently wives and friends of the defendants; the women wore beautiful clothes and fashionable hair styles. But what was unfolding amidst the sleek affluence was a sordid tale of duplicity and chicanery, of questionable management, altered board meeting minutes – manipulations by officers of the corporation under the threat of financial ruin during the 1974 recession.

Where then had the moral fiber of the community been more deeply strained – in the petty crimes of the downtrodden in District Court, or the more covert and clever manipulations of powerful corporate officers, uncovered in polite court proceedings? □

Harriett Johnson Quin is a Durham, N.C., resident, a graduate of Duke Divinity School and a candidate for ordination in the United Church of Christ. She is actively involved in numerous criminal justice issues, including the N.C. Coalition against the Death Penalty, Yokefellows Prison Ministry, and the Raleigh Wilmington Ten Defense Committee.

The courts described in this article are located in North Carolina. Other states have similar low-echelon courts to deal with common crime, but they may go by such names as General Sessions or County Court.

Stuff

Pretty white lady,
In the gluteine bag.
Disguising reality
Under the name of snag.

Many a night,
We made love to the moon.
I'd be so high,
In the dopefiend's swoon.

So peaceful the words,
You spoke to me.
This world ain't nothing.
So let it be.

Many times I had,
A problem or two.
But they all went away.
When it came you.

Some take you in toots,
Called a one and one.
When we got together,
I'd like to gun.

I'd do anything,
For your glorious high.
From robbing and stealing,
To telling a lie.

You were well quiet kept,
We know this by far.
It was the money-making nigger,
Who made you a star.

You was always cool,
For niggers like me.
When you choked alabaster kids,
It just could not be.

Then they showed up,
With that methadone thang.
Hitler's town,
With a mixture of tang.

Since dual unions,
Could not make right.
I put you down,
And began to fight.

A question to the public,
So fitting you see.
Dare to answer,
If honest you be.

'Tis a funnny thing,
Here in the pen.
We can't get out,
But the lady gets in.

– H. B. Johnson
Yanceyville Prison
Yanceyville, NC

Sean Kernan

Prison Portfolio

I feel much love for many of the people I met in prison. They were, on the whole, a bit poorer and less-educated than people I know on the outside, but otherwise not unlike them. One thing that distinguishes people inside from people outside is the quality of their lawyers.

I met a man who'd been waiting on death row for thirteen years to be killed for what may or may not have been a crime. He hates no one for this. This amazes me more than all the horror stories I've heard.

The early visits didn't clarify my thoughts, they confused them. What finally became interesting was not the differences between me and these men but the similarities.

I hope I'll never go back to prison.

— Susan Kerman

Making of a Conscious Warrior

Africa News photo by Yemi Rahman

Nzinga and her daughter, Ayana

Interview with Nzinga Njeri

By Clare Jupiter

I Hustling

I was born in a small town called Siler City, North Carolina. I'm the youngest of 13 children. We were very, very poor. We were farming up until I was in the sixth grade.

We were basically a typical black sharecropping family, very poor and working a land for a white man, and we got nothing from the land except a shack to stay in and the little food that we grew in a small garden that we would tend after we finished tending his farm.

In the sixth grade we moved and we bought what was supposed to be a house, but it was really a shack. You could lay in the house and feel the breeze come in the winter time through the walls. My mother started doing domestic work, maid stuff, you know. Mopping floors for rich white folks, going in back doors and eating leftovers.

My father's always been an alcoholic. I can remember him having a job a couple of times, but never long periods of time. It was a garbage collector's job, or something like that. I never remember him not drinking. I attribute this to his lack of ability to deal with the ills of society and its frustrations, partially the degradation of the black man. I feel like he did this because he was frustrated and wanted to escape the unjust discrimination.

I was pregnant when I was 16 in the tenth grade. I quit school to have my baby. I have a daughter now, 10. Her name is Ayana, and I'm very proud of her.

I finished school when I was 19. Soon as I finished high school, I left home and started traveling.

Even before I was out of school, I had started "making money," what is called "hustling." The first illegal

I actually didn't think I had a habit for four months, and I was shooting dope every day. Then when I missed a day I knew I was a junkie, because I was very sick.

photos by Jackson Hill

Standard dorm housing at Raleigh Women's Prison

money, illegal as far as the American government and tax courts is concerned, that I made was what they called "playing the till" – snatching money out the cash register while it's open.

Most of my older brothers and sisters had moved away from home and were living in the larger cities up north and in Greensboro, North Carolina. I was going up there and I was meeting big city kids. Kids that are raised in the country are not exposed to as much of society's ills as the kids in the city, or their oppression is less brutal in that their contact with society is limited to farming. Being around the kids in the city when I went to go visit my sister, I picked up on different things like getting high, "making money," and talking slick. In the country, the most daring thing that we would do would be, maybe, steal your daddy's whiskey. Or steal some sugar – that was very daring.

I started getting high and smoking reefer when I was in the ninth, tenth grade. When I made money, I always took it home to my mother, or part of it. I was bringing in some three or four hundred dollars, at least once a month. I was not on heavy drugs. I had the money and I didn't know what to do with it. And I know my family needed it.

One day Mom asked me, "Where are you getting this money from?" Of course, the first thing hit her mind, I imagine, was prostitution, me being a young girl and just beginning to go out and going to the city. And this is one of the first things poor parents fear, another mouth to feed. And she asked me where I got the money, and I told her, never mind where I was getting it, just spend it, cause I know she needed it. And if I go to jail, just get me out. That's all I wanted her to give back.

My first encounter with the pigs was in twelfth grade. The postal inspector came to my house about some checks I had forged. Some stolen welfare checks out of Greensboro that a guy had stolen, gave em to me and I busted em for him. I got a portion of the money and he got a portion of the money. They came to my house looking for me one morning. That afternoon I had packed everything I had and I was gone, me and my daughter.

I hooked up with my husband, who was an old friend of mine dating back to grade school. We weren't going together in school. But after he had went to the service and I got out of school, we hooked up and came back home. And we got married, and I started traveling. I lived in like four or five different states, and then I started messing with drugs, started using heroin, and I became a junkie.

My husband was in the Navy, and we were traveling a lot. But then we were traveling on our own, too, making money, doing a little bit of everything, mostly armed robberies. My husband and I worked together as a team, but mostly it's individuals. The drug game is so cold and larceny-hearted, it's not easy at all to hook up a group to make money, or a team even. Because everybody afraid the other one's gonna rip them off. Because they know how they are, and they be thinking about ripping somebody off, and they be having a guard up against other people ripping them off. Occasionally I was still sending money home to Mama, because she's still working to this day, which I regret.

Basically, I think the reason I was into drugs was, it was what other people were doing, and it was something to do, other than just living, just existing and doing the everyday things that a normal life would be. I suppose you could say it was just being frustrated with how things are and knowing, or thinking,

you can't change anything, you just have to deal with it. And instead of actually dealing with it, you escape it through drugs.

I never tried to get a job. I had a couple of jobs, but it was just something to do, a change of pace, you know, because I never actually wanted to work. Then when I got married, my husband didn't want me to work. And then I got frustrated sitting at home, so I finally decided that I should work, to get out of the prison of home, of the housewife bag, and I got a little job.

My daughter was with me. We spent a lot of time together then, but after she was three, that's when I got on drugs, and we didn't spend so much time together anymore because a junkie's first love is drugs. Regardless of what anybody says, he loves drugs better than anybody else.

It was a gradual kind of thing. When you first start doing it, you're doing it because, you know, it's there, and each day you doing a little more, til you reach the point – I actually didn't think I had a habit for four months, and I was shooting dope every day. And I'd swear I didn't have no habit. Then when I missed one day, because there was no drugs in town, then I knew I was a junkie. I admitted I was a junkie, because I was very sick.

It wasn't hard to get drugs at all. That's the problem. After you get on drugs, then it's hard. But when you first start, you have your first sample free. That's how they get their clients. I was about 19 or 20. Before then it was reefer and pills, red devils, stumblers, yellow jackets, then acid. I took acid for a while.

II The protest

The first time I got busted was in North Carolina, for forgery – a personal check that was taken out of an armed robbery. My husband got busted at the same time for armed robbery. They wanted to bust me for the same armed robbery because he had a woman accomplice. But they couldn't bust me because I had a perfect alibi and all kinds of witnesses. I was going to business school in Siler City and at the time the robbery jumped off, I was sitting in my typing class. So they couldn't actually hook me up with the robbery. So they charged me with accessory after the fact of armed robbery, which is nothing but saying you know about it but didn't tell us.

I stayed in jail for like ten days. Right after I got out of jail, I got a lawyer with some of the money I had been making during the armed robberies. My bond was $30,000, and I couldn't afford it. I faked a nervous breakdown in jail. And the doctor come in there and gave me a shot of some shit, I don't know what it was. But it had me knocked out all night and the next day. Because they thought I was ill – I was kicking a dope habit – they decided to give me a bond that I could make. So they reduced the bond to $250, from a $500 bond.

When I got out, I got my husband an attorney that I paid $2,500. It was nothing but a ripoff. He still got 20 years, in August of '72.

In the meantime, while we were out on bond for that – before we were to court for that robbery – we had moved to Virginia, and we were still using drugs. A junkie that we knew planted some drugs under our living room couch and called the man. Well, we had drugs anyway, you know. He didn't have to plant it, we had plenty drugs anyway. As I understand it, he had come uptown himself that they threw out of court cause he set us up. And we got busted up there and we were both put in jail.

My husband got out on appeal, which means that they can reopen the case at any time. He got me out on bond the next day after he got out. We came back to North Carolina to stay. During that time we came back was when he got the 20 years. And while I was out on bond, they revoked my bond, and the bonds man came from Virginia, came down here and picked me up one Monday night. They told me that I was going up for a hearing, right? They didn't tell me they were revoking my bond. When I got up there they threw me in jail. I went to court up there and got two years state time.

For 15 months I was up there. I got out in '74. I can look back now and I see some messed-up things, but at the time, everything was cool with me. Because you had your own private room. It was all pacified, you know, it was all candy-coated. You couldn't actually see the prison bars, but you knew you better not go out that gate. It was set up like a college campus. Not even a fence around the place.

That's one thing I want to speak on, the psychological control of women in the prison. It's said that men are treated worse than women. I agree. Physically they are, I assume. But what people fail to understand is physical can heal much easier than mental. It takes time and a lot of hard work to heal your mind, when your mind is warped. And that's exactly what happens in women's prison. Women are controlled psychologically, not physically. They have the physical restraints. They have the mace and the sticks and everything, but they're not used as quick as with the men.

But they have psychological control over the women like a mother-daughter, parent-child relationship. She's made to feel like a guilty child, a child that's broken a rule and deserves punishment. And she accepts her punishment as a passive child, because she feels inferior, first to society, and second to the prison authorities. So she's made to look and feel and act like a child. And she submits very, very easily.

What tripped me out, when I was on the reception ward, and when this bread walked into the room, everybody's supposed to stand up. Whatever you're doing, you supposed to drop it and stand up like this is your maker and taker coming in, right? I just couldn't deal with that. I didn't get up at all, and I wasn't the only one.

Well, they didn't want us to know that they didn't appreciate us not getting up. It was never mentioned until they went out. Then, some older in-

mates come over to us and ask us, "Are you crazy? You didn't stand up. That was the superintendent that just came in." And I said, "So what? I wasn't in her way, what I got to get up for?" She said, "They have to get up. Show her proper respect, you know." It kind of tripped me out.

Their control mechanism there is lockup. When you're bad, you know how your mother sends you to the room when you do something wrong. Well, that's the way they do in prison – you go to your room, you spend 10 days in your room for being a bad girl, for doing this and that, for talking loud in the line. When you walk, you got to walk in two's, you can't say a word while you're walking, and all this freak garbage. It's petty stuff, you know, but you'd be surprised to see how effective this petty stuff is. People say, well, "I'll just go on and do this because it's petty, it ain't going do nothing. I'll obey these five rules." But all the time when you're obeying the rules, you're not actually understanding the rules. You're not actually understanding how you're being controlled and how you're being turned into a zombie. So, it's very vicious.

But, back to my (laugh) adventurous life. I got out of prison in '74, out of Virginia, learned nothing. I got out just as ignorant as when I went in. I went to a little typing course, when I was there, but you know, I never used it, all I got was a file clerk certificate. Then I got busted and went to prison in Raleigh, North Carolina, in '74, for forgery. And I got five years. It was at this time that it really dawned on me, after going to Raleigh, because Raleigh is raw, naked repression. They don't try to disillusion you at all about being anywhere other than in prison. They want you to know you're in prison. They don't try to make it look like no college campus, they don't try to make it easy, they let you know you're doing hard time.

The living conditions are ridiculous. You can lay in your bed and reach out and touch the next woman laying in her bed. That's the footage space between the beds. And there's always a bunk on top. There's no single beds. It's a dormitory with 80 beds. And you got four commodes in there with 80 women. And four, maybe six, face-bowls. The heating system is worse. No air, no ventilation.

Their control mechanism is lockup. It's petty stuff, but you'd be surprised to know how effective it is. All the time you're not understanding how you're being controlled and how you're being turned into a zombie.

photo by Jackson Hill

Room for one, occupied by two, Raleigh Women's Prison

III Busted

I was in there five months before the protest jumped off in 1975. It was a couple of incidents that brought it about. One was with a sister that was complaining about side echo, and the nurses kept telling her she's faking it, trying to get off from work. She wasn't faking it; she had appendicitis. Her appendix erupted on her one night, and now she wears a bag the rest of her life.

The other incident was with a younger sister, a beautiful sister, that transformed along with myself into a warrior, a conscious warrior, and started doing conscious work, conscious struggling. She refused to let the guards search her. The guards wanted to strip-search her for an alleged razor blade she was concealing, you know, to jump on another inmate. And two guards wanted to strip-search her. And she refused to let the men strip-search her. Which I would have too. And in the process she tried to go out the door to holler to us and tell us what was happening. She opened the

The guards came in riot gear: helmets, mace, tear gas, sticks. It was a decision that we had made that we were going to be non-violent, but the guards didn't see it that way.

NC Division of Archives and History

"The guards came in riot gear: helmets, mace, tear gas, sticks."

door and was leaning halfway out the door, and the guards just slammed the door and her head went through this big plate glass in the door. And it busted the door and cut her head up, right? And they rushed her to the hospital and stitched her up and they brought her back and intended to put her in isolation, on a concrete floor, with a concussion. And, we couldn't bear it, you know, we couldn't deal with that, right?

And we had our first protest, which was like 40 people. We refused to go back to work until they brought her out of the isolation and put her in the hospital ward. We were very effective that time.

And this was like two months later that we decided to have the major one. It was just a decision that we had made about the conditions that we were living in and the incidents and events that had been happening. Our demands were that there be an independent investigation of the hospital. One Sunday afternoon, the fifteenth of June, we decided that we weren't going in at eight o'clock. Usual lockup time is eight o'clock. We had put the word out on camp that everybody should get their blankets and pack a lunch. We were ready to sit out all night, because we were protesting the conditions and treatment of women in prison. Over 50 percent of the prison population turned out.

It was done very well. It was mobilized, but we didn't have organizing. That caused some of the, I guess the small defeats, physical defeats that we had. We should have organized people more around what was going on and what could happen. We underestimated the state and the agents of the state, and we overestimated their human concern.

We went to sit on the lawn and nobody asked us to go in. The sergeant come over and asked us what the deal was, and we asked him what it looked like. And he didn't say anything else. He left and went back and called up his officials and told them what was happening.

About 12 o'clock that night, Mr. Kea, the superintendent, came out with Walter Kautsky, the assistant director of prisons. They asked us to go in, and we told them we could not go in because we wanted to see the governor. We wanted to expose conditions, unless they decided they wanted to deal with them and change them. They gave us a lot of promises about the governor was out of town, and they could do something when he came back, and not to worry about it. Just go on back and live a normal convict life now, and when the governor comes back we'll help you out. And of course, we refused, saying no, nothing happening, we're not going no place. Four o'clock in the morning they came back again and asked us to go in the gym, where they had mattresses laid out on the floor, and surrounded by guards that they had called in from the other prison camps. We refused to go in the auditorium. And at 5:30 in the morning, we had laid down to go to sleep, and formed a circle.

The guards came in riot gear: helmets, mace, tear gas, sticks. They formed a circle around us and started picking us up, snatching and hitting sisters with sticks and things. It was a decision that

we had made among ourselves that we were going to be nonviolent, very peaceful, let em be carried. Don't walk, be carried. All we wanted to do was talk with the governor, present our demands and see that they were met. But the guards didn't see it that way, and they came in full force, ready for a fight, swinging clubs when they came in the door. So we fought back, very accurately too, I think. Guards were jumping over the fence and things. It was about 350 guards that day, and about 350 women, too. Well, the first night it was less guards, I would say 200. That Thursday when they came in, it could have been one-on-one guards.

Seven o'clock in the morning after we had fought, and women and guards had gotten hurt, Kautsky asked the troops to retreat, ordered the troops to retreat. We went in for negotiations with the director of prisons, assistant director and some heads, high officials. And nothing was resolved. Another date was set up for that Thursday morning. We had control of the prison from Sunday until that Thursday. And it ran very effectively. Women were very responsible. It was no escapes, no fights or anything. It was about four matrons on the whole compound, the ones that weren't afraid that the inmates would do something to them, I guess.

That Thursday we were supposed to negotiate again, but that Wednesday they sent out an unsigned paper saying what demands they were going to meet, which was practically all of them. But the catch was, there was no signature on the paper. It was typed up, and there was no state seal on the paper. So had we went along with it, that would have been it. Cause they weren't obligated to fulfill any of it. It was a trick, and some of us happened to catch it. We sent it back and told them, no way. Negotiations set for tomorrow morning, and we ain't negotiating before then, either.

The original plan was, that they were to come on the yard, and we were going to set up tables and speak to the body, not a negotiating team, like we did Monday. Because I feel like, I can't speak for all those sisters. I'm not going to be feeling the licks that those sisters are going to feel. So Thursday morning they sent for the same negotiating team they had Monday. I was on the first negotiating team, and I wasn't about to run up in that trap. Cause I know it was nothing but a trap. The plan was, I found out later, that they were going to take that same negotiating team out the back door to the men's prison. Another negotiating team was made up, and stayed in there from eight o'clock that morning til seven that night and come out crying. They had gotten nowhere. We had asked them, begged them not to go in, make them come on the yard and talk to us. But they went in, and five minutes after they came out the director of prisons, Ralph Edwards, came out and say, "We're giving you 10 minutes to get back to the building. If you ain't back, we're dragging you back."

Mr. Kea'd been fired. Got a new superintendent, Mr. Powell, another black man. Another token. And we were very upset, very disappointed, and people started voicing their opinion and arguing. And we decided to go on back to the dorm. But on our way back to the dorm we were stopped by the guards for a fight, because they were holding a lot of hostilities from Monday. We were pinned against the dorms with the guards in front of us, and they forced us right into the door that they knew was locked. They were doing us a job, and a lot of sisters got hurt pretty bad. Clubs and tear gas glass was broken.

After we had fought for like two hours, and we had kind of patched up the ones that had gotten hurt and sent the ones that were hurt bad out on stretchers, they backed buses up to the door and called out specific names, who should go on what bus. One of these buses, 34 women were on. We were shipped to a men's unit, 200 miles away from Raleigh, up in Morganton, North Carolina, up in the mountain area. On the sixteenth floor we were put in individual cells. Seven of us stayed there for three months. In between times they were selecting ones that were being good girls, bringing them back. They made three trips: one the first month, one the second month and one the third month. The last ones, the ringleaders they called it, came back the third month. We got back to Raleigh, we continued to stay on lockup. Five of us stayed on lockup for a year.

You stay locked up 24 hours a day. You get out two hours a week for recreation, exercise. After the first year, the five of us got off lockup, and I stayed off for six weeks. Then, it was an assault on a captain. Some six women assaulted the captain after he had jacked this sister up and threw her against this fence. One Sunday her mother came to see her, and because her mother didn't have a proper picture ID, they wouldn't let her mother in. But the same mother had been coming to see her all along. They knew her by face. And this particular Sunday they wouldn't let the mother in. The sister, of course, got angry, and she went to the captain, went to the administration building, which was forbidden on a Sunday. You know, they don't want no inmates around when the visitors are there, cause we might act like convicts, you know. When she went over there the captain got mad and said she had no right to come over there because it was visiting Sunday and she ain't supposed to be there with the visitors.

She say, that's her mother and she want to know why she can't come in. During the process the man told her she was going to lockup. She told him she ain't done nothing to go to lockup for. And he jacked her up and threw her against the fence.

And when them sisters on the yard saw him, they just went to her rescue, to defend her, cause this man weighs three hundred pounds, about six seven, and the sister weighs a hundred and ten, about five feet. So the scales had to be balanced, and the sisters balanced the scales. And because of that, at random, six of us were chosen to go on lockup, and I was one of them. Our disciplinary statements read, "according to ten statements signed by ten inmates, these six

They want to know who my people are. I tell them my people are any oppressed people. So they tell me I should take six months more months on lockup.

women assaulted Captain McLain on a certain day. But they stated clearly, they had no evidence. No staff member saw the assault."

We never saw those statements. Our lawyers couldn't even see the statements.

We were put on lockup. We were given different sentences, ranging from no time on lockup — one sister got cut loose completely — to six months on lockup. I got six months.

IV Dealing on the system

All the time I had been studying and understanding what was going on. Why it was a need for a protest, what happened after the protest, why it happened like that. Why the state became so vicious, and reacted so viciously, from a peaceful protest by women, unarmed women. I began to ask the questions of myself and I had literature I began reading and studying so I could answer them myself. And for the other women, the officers even, when they would ask, why they were so frustrated with their jobs. Why it's a need for prisons. Why some people do all the work and make no money and some people do no work and make all the money.

When I went back on lockup the second time, I decided I wanted to take a correspondence course in political science out of Franconia College in New Hampshire. All my books were black history, Marxism and revolutionary theory. And of course, the pigs saw the books coming through the post office, and they couldn't stop it because it was a federally funded program.

So they did the next best thing, they jacked me up. And I never got off lockup. They never ask you questions relevant to you getting off lockup. The questions are always like, "What are you studying? Who are you writing? Who do you know? How many organizations do you know?" I noticed the folder they had in there. They had seven copies of my own handwriting, my letters that were supposed to be going out and letters that were coming to me. I knew that they couldn't have gotten any letters out of my cell, my cage, to xerox, so they had to xerox it coming in and out.

So when they started asking me what I was studying, I was telling them, "Black history." And I had a medallion on my neck, a wooden clenched fist. The man asked me, "What is that?" I told him, "It's a medallion," right? He say, "What does it mean?" And, you know, this man was asking me to deny my principles, deny my symbols, right? And my colors — I had red, black and green on, a hat, I think it was. And they want to know what that means, right? So I explained it to them. They asked me was I anti-government, anti-US government. I told them I was anti-anything that oppressed my people. Then they want to know who my people are. So I tell them my people are any oppressed people, and both are human beings, right? So, they told me that I should take six more months on lockup.

So that's another year that I spent on lockup, for my studies and my direction. Of course, I called my attorney and told him that they were locking me up for my beliefs, but by the time he got there, the charge was plotting to escape. I went back to the board again for plotting to escape and I said, "Plotting to escape? Where's the evidence?" These pigs tell me they got an anonymous phone call from outside the prison, saying I was getting ready to plot — sitting in a maximum security lockup. The cell was a four-bed cell, but it was strict orders that I should be by myself. That let up after about six months. They decided they weren't going to break me, so they put somebody in there.

After that, they started threatening me physically. The head of custody come in one day and called me out and talked to me in the lobby. Nobody was sitting at this little table but me and him, right? And he say, "You know what, you not going to ever get out of the prison alive." I said, "What did you say?" And he looked at me and laughed. He say, "I said you not going to ever get out of dorm C." I said, "No, that's not what you said. You said I wasn't going to get out of prison alive. Are you threatening my life?" He said, "Do you think I should threaten you?" I said, "I don't know. If you feel like I'm threatening you, then it would be logical to threaten me." And I told my attorney that. By the time the attorney got there, of course, the superintendent had never heard the conversation before. So out of the three years I was in prison, I spent two years on 24 hours-a-day lockup as a result of my beliefs and my activities and the protest in '75.

My husband died in April of '77. He had been on escape for two years and he was hitchhiking and got hit by a truck, on 85, outside of Durham. I got off lockup in June of '77, for the second time. After my husband died, I feel like that had some influence on me getting some play about getting off lockup. They were only going to let me go home for two hours, just for the funeral. My sister got in touch with a state senator, McNeill Smith out of Greensboro, Guilford County. And he called down there and demanded that I be given a 12-hour unsupervised leave. They sent two pigs with me to the funeral.

After I had went to the funeral and come back, they all gave favorable reports of my behavior at the funeral. This allegedly helped me get off lockup and all this good stuff. But after that, my goal was to still deal on the system, but get out of prison as soon as possible, cause I saw how I was being crowded and hampered in there. The only thing I could do was get out of there because it was obvious that I was never going to get on the campus again to do any kind of work, to deal with anybody. I felt like I had grown as much as possible inside a cell, and the next strategy I worked on was getting out of prison. And I got out. □

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Illustration by Anthony Kamahele, Brushy Mountain State Prison, Tennessee

THE NUMBERS GAME

A *SOUTHERN EXPOSURE* SPECIAL REPORT

by Marc Miller

Southern Exposure here assembles from a wide variety of sources statistics on the prison systems in the South. The numbers echo the conclusions of the more personal testimonies elsewhere in this volume: our prisons discriminate against the minorities and the poor, confine people in overcrowded and ill-equipped prisons, do not educate or rehabilitate the incarcerated. Despite that depressing reality, these figures show that the South -- more than any other region -- continues to expand its already immense prison systems, not because there are more crimes committed in this region, but because imprisonment has become an easy and acceptable method of coping with people the state finds undesirable: the poor, the black, the uneducated, the unskilled. In almost every measure of how well we deal with prisoners, the South lags significantly behind the rest of the nation.

• *Southern states incarcerate a far greater proportion of their citizens.* The four states with the highest proportion of their population behind bars are in the South. With 28% of the US population, the South incarcerates 38% of the country's total prisoner population. The incarceration rate -- the number of people behind bars per 100,000 people in a given geographic area -- is 35% higher in the South than in the country as a whole. In North Carolina, the rate is almost twice that for the nation (chart 1).

Rather than alleviate the social and economic conditions that produce most crimes or embark on meaningful programs to prevent recidivism, Southern states are engaged in massive construction programs intended to increase the capacity of the region's prisons by 35% by 1982, at an estimated cost of a half billion dollars. Again, the South, with 28%

of the nation's population, will build half of the country's new prison space. Louisiana, with plans to nearly double its prison capacity, leads the way, but South Carolina, Alabama and Mississippi are close behind with plans to increase their systems by 87%, 73% and 72% respectively. Only two states have no significant growth plans, Kentucky and West Virginia (chart 2). Southern states cannot justify their high rates of imprisonment by high crime rates since figures show little difference from the nation's norm (chart 3).

• *Prison systems in the South are racist.* While this repeats common knowledge and court decisions, the numbers still overwhelm. In every state in the South, the percentage of prisoners who are non-white far exceeds the proportion of non-whites in the general population. For example, in Virginia, 19% of the state's population and 61% of the prisoners are black. In every state for which figures are available, the percentage of blacks in prison is at least twice the percentage of blacks in the state as a whole (chart 4). Conditions for these prisoners are worsened by the low percentage of minority prison employees relative to the prison population. While the prisons typically contain about 50% to 60% blacks, black corrections officers comprise approximately 10% to 40% of the total (chart 4). On the other hand, because corrections work is a low-pay, low-skill, low-status field – and one "serving" mostly minorities – this percentage of minority employees is high relative to the outside population. Moreover, corrections officers in the South receive lower pay than elsewhere: starting salary in 1976 ranged from $6,348 in Louisiana to a high of $8,016 in North Carolina, compared to an average of $8,832 nationwide.

The most dramatic inequities appear in the sentences handed down to blacks. This inequity reflects the bias in our judicial system against not only black people, but against all the poor: those who can't afford a good lawyer get longer sentences. In each case, the number of blacks and whites serving short terms are almost equal; in each case, the number of blacks serving long sentences is two to three times the number of whites serving comparable sentences. For example, in Georgia 901 whites and 1,183 blacks are serving sentences of one to three years; 523 whites are serving over 30 years compared to 1,067 blacks (chart 5).

• *Prisoners are unskilled and uneducated.* Although there are few specific figures on the economic backgrounds of prisoners, indirect data shows that almost all are poor; the men and women behind bars have few marketable skills and little education. Few have finished high school; when given tests, most reflect a level of education barely beyond grade school. In Louisiana, the average education by testing is equivalent to completing the fourth grade. In Alabama, the prisoners are classified according to their previous occupations: out of 50 possible occupations, 57% fall into a single one – laborer (chart 6). Critics and corrections officials agree that the key to staying out of jail is having a good job; getting a job requires education. Yet 11 Southern states rank among the worst 13 in the US for per capita expenditures for public education and all 15 spend less than the national average. Every single Southern state has a higher illiteracy rate than the national average.

Prisoners are not only unskilled and uneducated; they are also young (chart 7). This is a logical outgrowth of the phenomenally high unemployment rates in this country for young people, rates which lead directly to widespread dissatisfaction and crime. Education and skills can lead not only to employment, but also to staying out of jail: the money to hire a lawyer. Elsewhere in this volume, *Southern Exposure* shows how people who receive a death sentence rarely could afford to hire a lawyer and were instead represented by a court-appointed attorney.

CHART 1

NUMBER OF PEOPLE IN SOUTHERN PRISONS

State	Total Number of Prisoners, 1977	% Male	Incarceration Rate per 100,000 Population in State	Ranking Among 50 States
Ala.	6,099	96	166	11
Ark.	2,399	96	112	21
Fla.	20,009	96	259	3
Ga.	11,658	96	254	4
Ky.	3,661	96	107	23
La.	6,751	97	173	9
Miss.	2,302	97	97	27
N.C.	14,189	96	261	1
S.C.	7,004	96	250	2
Tenn.	5,501	96	127	17
Texas	22,439	96	177	8
Va.	8,483	98	170	10
W.Va.	1,233	97	66	42
South	111,708	96	184	
U.S.	292,329	96	136	

CHART 2

PLANNED EXPANSION OF SOUTHERN PRISONS

New Prison Construction, Renovation or Acquisition Planned for June 30, 1977 to December 31, 1982

State	Net Increase in Beds Proposed	Net Increase As % of 1977 Capacity	Total Cost of Expansion in Millions of $
Ala.	2,528	73%	$ 38.0
Ark.	378	32	n.a.
Fla.	3,325	32	77.8
Ga.	3,440	45	n.a.
Ky.	383	1	19.0
La.	4,160	95	131.4
Miss.	1,296	72	n.a.
N.C.	1,442	13	47.8
S.C.	3,643	87	57.0
Tenn.	800	23	12.0
Texas	6,900	29	78.0
Va.	1,760	23	29.6
W.Va.	0	0	0.0
South	32,053	33	$490.4
U.S.	62,194	25	$1,069.0

• *Regardless of race, age or wealth, prisoners in the South suffer far worse conditions than prisoners elsewhere.* This contention is supported not only by personal accounts and numerous court cases, but also by figures showing that Southern states spend less money per convict, hire fewer employees per convict and provide few educational or rehabilitative programs (charts 8 and 9). Southern states spend an average of $3,916 per convict each year compared to expenditures of $5,919 nationwide. In 1976, Southern prison systems employed .40 people per convict compared to .46 nationwide; this was a significant improvement for the South over the previous year's figures of .32 in the South and .45 nationwide. Chart 4 showed how little Southern states pay their corrections employees, suggesting a lack of interest in attracting the most qualified workers. Only at the top, at the level of the director of a board of corrections, do Southern salaries compare to those in the rest of the nation.

CHART 3

INCIDENCE OF CRIME, 1976

State	Crime Rates per 100,000 Population	
	Against Persons	Against Property
Ala.	389	3419
Ark.	304	3102
Fla.	648	6389
Ga.	425	4384
Ky.	262	3035
La.	475	3389
Miss.	296	2172
N.C.	402	3478
S.C.	599	4308
Tenn.	391	3844
Texas	559	5108
Va.	308	3895
W.Va.	152	2168
South	322	4250
US	460	4806

CHART 4

PRISON SYSTEMS' DISCRIMINATION AGAINST BLACKS

State	Percent of State Population, Black, 1970	Percent of Prison Population, Black	Percent of Corrections Officers, Non-White, 1976
Ala.	26%	62%*	22%
Ark.	18	n.a.	33
Fla.	15	30 *	n.a.
Ga.	26	60 †	13
Ky.	7	26 **	12
La.	30	64 *	30
Miss.	37	70 **	48
N.C.	22	57 *	27
S.C.	31	58 *	43
Tenn.	16	50 ††	30
Texas	13	60 **	34
Va.	19	61 *	23
W.Va.	4	n.a.	2

n.a. – not available; † – 1974; †† – 1975; * – 1973; ** – 1978

CHART 5

NUMBER OF PRISONERS, BY LENGTH OF SENTENCE & RACE

State	Length of Sentence in Years, for White & Nonwhite					
	1 - 3	4 - 5	6 - 10	11 - 20	21 - 29	30 and up
Ala.						
White	174	150	333	236	56	234
Nonwhite	163	140	333	498	154	587
Fla.*						
White	2489	2503	1455	1132	377	1047
Nonwhite	1997	2471	1834	1723	688	1617
Ga.†						
White	901	915	1078	736	100	523
Nonwhite	1183	1176	1804	1524	188	1067
N.C.**						
White	1506	1862	1341	1050		288
Nonwhite	1554	2140	1843	1936		488
S.C.						
White	657	374	650	453	162	273
Nonwhite	600	473	898	883	349	483
Va.						
White	327	516	681	520	155	443
Nonwhite	330	646	996	881	385	807

** Fla. year divisions are: 1-3, 4-5, 6-10, 11-20, 21-30, 31 and up.*
† Ga. year divisions are: 0-1, 1-1.5, 1.5-15, 10.5-30, 30.1 and up, life sentence or death row prisoners.
*** N.C. year divisions are 1-2, 2-5, 5-10, 10 and up, life sentence.*

CHART 6

SKILLS AND EDUCATION LEVEL OF PRISONERS FOR SELECTED STATES

Alabama: Out of 59 possible job categories, 57% of the prisoners fall in one category – laborers.

Florida: One-third are occupationally unskilled; the average have completed a tenth grade education.

Georgia: 29% are occupationally unskilled; 30% function below the fourth grade level; 77% have no high school diploma; only 17% ranked as middle class.

Kentucky: 51% are unskilled; 63% have no high school diploma.

Louisiana: The average level of education by testing is fourth grade.

North Carolina: 79% have no high school diploma.

South Carolina: 68% have no high school diploma; 27% never completed the ninth grade.

Tennessee: The median level of education by testing is sixth grade.

Virginia: 28% are illiterate; 76% test below the ninth grade level; 1% test at the twelfth grade level or above.

Rehabilitation programs are virtually nonexistent throughout the South. In Tennessee, only 2% of the corrections budget is allotted to "rehabilitative services." In Texas, about the same amount of money is allotted for work release programs -- which can lead directly to employment for a convict completing a prison sentence -- as is paid to the Department of Corrections director. With the lack of rehabilitation programs and the continuation of social conditions which create criminals, high recidivism rates are only to be expected (chart 10).

The worst conditions in Southern prisons arise due to overcrowding. System-wide lawsuits attacking poor conditions - primarily overcrowding, but also including poor health conditions and the lack of functioning classification systems to separate, for example, violent from nonviolent prisoners - have been won in Alabama, Florida, Louisiana, Mississippi and Tennessee. The response of the states to these suits has been cynical at best: when ordered not to admit any more prisoners into already impossibly overcrowded prisons, several states have simply housed their new prisoners in county jails; county jails are notorious for having conditions even more brutal than the state-run facilities (chart 11). Seven Southern prison systems contain more prisoners than they were built to hold; South Carolina is the worst with 50% more prisoners in its facilities than they were designed to hold. Five more states have prisons very close to full. Only one, West Virginia, is not in danger of being overcrowded. Overcrowding has been the primary excuse for the building programs undertaken, but far more humane, rational and inexpensive solutions exist: lower rates of incarceration; more use of rehabilitative programs -- especially work release -- to decrease recidivism; and prevention of the very conditions that cause crime in the first place.□

CHART 7

PRISON POPULATION BY AGE, 1977

State	18 & under	19-21	22-24	25-27	28-30	31-35	35 & over
Ala.	421	687	615	433	320	337	318
Fla.	897	3226	3882	-- 5651 --		2229	3362
Ga.*	-- 2832 --			7993			1488
Ky.†	113	930		1823		384	458
La.	(average age for prisoners in 1978 = 28.7 years)						
N.C.	1307	2401	2507	2130	1585	1564	2595
S.C.	227	1244	1992	1144	939	865	1369
Tenn.**	-- 378 --		-- 922 --		-- 512 --	227	293
Tx.††	1483	5478	3916	3248	2411	2958	3589
Va.	185	1140	1388	1161	855	800	1192

* Ga. age divisions are: 21 and under, 22-30, 40 and over; average age is 29 years.

† Ky. numbers are approximations.

** Tenn. ages are given only for new prisoners incarcerated in 1976-77; age divisions are 18-20, 21-30, 31-35, over 35.

†† Texas ages are 19 and under, 20-22, 23-25, 26-28, 29-31, 32-37, 38 and over.

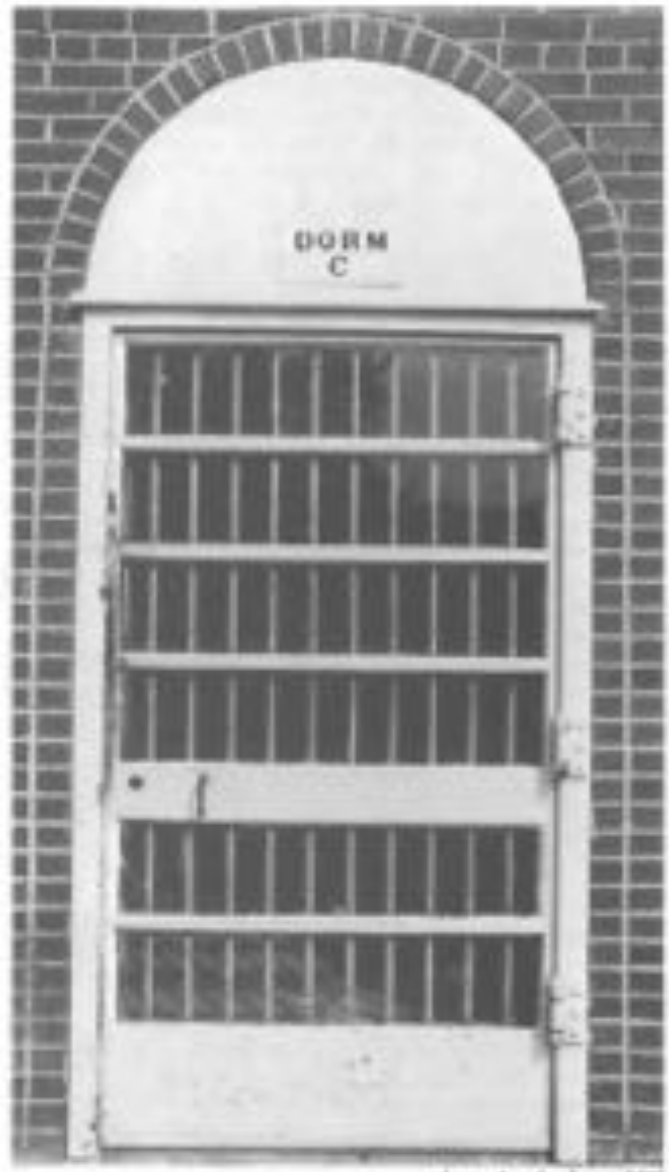

photo by Jackson Hill

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CHART 8

PRISON SYSTEMS' EXPENDITURES, 1976

State	Total Expenditures for Correctionssystem (in thousands)	Expenditures for Correctional Institutions (in thousands)	Expenditures for Institutions per convict	Number of Employees	Employees per Convicts
Ala.	$ 24,667	$17,093	$1,284	1482	.29
Ark.	11,297	10,153	4,056	833	.32
Fla.	134,928	90,883	5,242	9812	.54
Ga.	53,784	37,392	3,062	3849	.32
Ky.	20,613	15,537	4,249	1513	.41
La.	39,814	21,600	3,716	3021	.48
Miss.	11,978	10,165	4,544	1876	.44
N.C.	80,877	61,262	4,621	6000	.41
S.C.	35,815	25,648	3,670	2751	.39
Tenn.	34,008	29,036	6,005	2755	.57
Texas	67,628	56,372	2,849	4826	.24
Va.	68,014	46,843	6,262	3539	.74
W.Va.	11,020	9,725	7,455	936	.64
SOUTH	$ 594,316	$ 437,481	$3,916	44,273	.40
U.S.	$2,276,319	$1,738,262	$5,919	134,420	.46

CHART 11

OVERCROWDING IN PRISON, 1977

State	Prisoners Held Temporarily In County Jails	Prison Popula-as a % of the Prison's Total Capacity†
Ala.	2620	95%
Ark.	0	98%
Fla.	253	132%
Ga.	193*	111%
Ky.	0	130%
La.	780	111%
Miss.	575	95%
N.C.	0	104%
S.C.	697	150%
Tenn.	0	149%
Texas	0	93%
Va.	824	88%
W.Va.	0	64%

* *Number held as of July 16, 1978.*
† *Excludes prisoners held in jails; only includes those in state prisons.*

CHART 9

THE SMALL SCALE OF REHABILITATION PROGRAMS

Georgia: 7 work release centers with a capacity of 450; 8 adjustment/institution centers with a capacity of 325; only 1% of the state prisoners are on work release.

Kentucky: 9% of the 1977 corrections budget allotted to "career development."

Louisiana: 42 prisoners in work release programs.

Mississippi: 84 prisoners in work-release programs; 581 in education programs.

North Carolina: 11.8% of the prisoners in work-release programs.

South Carolina: About 10% of prisoners in employment programs, work-release programs, work-study programs, and federal referral programs.

Tennessee: 2% of corrections budget allotted to "rehabilitation services."

Texas: 3% of corrections budget allotted to the education of adult offenders; .08% allotted to work release (the amount -- $83,245 -- barely exceeds the annual salary of $45,300 received by the director of the Texas Department of Corrections.

CHART 10

RECIDIVISM RATES, SELECTED STATES, 1977

Florida: 31% have a prior felony conviction.

Georgia: Recidivism rate is 33%.

Tennessee: 67% have one or more convictions; 35% have two or more.

Virginia: 33% have one or more prior convictions; 16% have two or more.

SOURCES

Finding comprehensive and reliable statistics on prison systems is difficult. There are gaps in the data when state departments of corrections have declined to provide supposedly public information, if indeed they have ever documented their own failures. The data from corrections departments has been augmented by information supplied by other state agencies, investigative reports, information from prison reform groups and federal reports.

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BEHIND WALLS

"The soft skin, the warm blood and the giving heart are all absent in the harsh setting I live in."

—Ronald L. Freeman
Tennessee State Penitentiary

Prisons, and the threat of them, are the cornerstone of our criminal justice system. But how many free citizens have ever ventured inside the towering rock walls, seen the iron gates slide open and shut electronically, felt the eyes of a TV monitor on their back, or heard the incessant din of a building packed solid with humanity? By and large, the community respects the signs reading "Enter Only on Official Business" which cordon prison property off from the rest of the world, and we thereby allow prisons to remain a place of exile rather than renewal.

In the following pages, this frightening, perverse and debilitating land of exile is described in pictures and words. It is a bleak and painful portrait, but it is realistic. The setting is the South, unmistakably so in the case of the plantation prison named Angola or in the history of chain gangs recited by three generations of Alabama guards; but there is not so much to distinguish one region's prisons from another's. All exist to deprive people of liberty and to remove them from contact with society. It is difficult, as Gene Guerrero's "Scientific Penology Comes to Georgia" explains, to make prisons more corrective while retaining the wall around them. Most of our contributors, in fact, deny that anything corrective can take place in the alien environment of penal institutions where, a Louisiana convict writes, "even the soul is deliberately stripped away." Yet people have built these imposing fortresses by careful design, and if no one opposes this folly, we will surely build more.

photo by Jackson Hill

New Orleans Times-Picayune

Prison Plantation

By John Vodicka

Angola State Penitentiary, Louisiana, 1978. The Major, walking briskly and straight-backed in typical Marine Corps fashion, his eyes hidden by reflecting sunglasses, proudly leads his entourage through the prison camp.

"Been in command since last May," he speaks confidently to the small group. "Ever since Camp J opened up. It's the cleanest camp you'll see at Angola. You won't find another as clean as this one."

As they approach the camp unit named Shark 2, the Major commands his underlings to unlock the cellblock. Slowly now, apprehensively, the visitors approach the line of cells with steel doors.

"Isolation," the Major says. "Keep em in here if they cause us trouble."

One of the visitors jerks open the covered slit in the door — darkness within. "Are people in here?" he asks.

"Catch the lights," the Major orders. Seconds later, the viewer is momentarily stunned by the brightness through the small slit. Beneath the glare, beyond the steel door and yet more bars, are two black men in prison jumpsuits, curled head-to-toe on a three-by-six foot metal slab. The prisoners do not move, not even to acknowledge the sudden burst of light. They remain in a fetal-like sleep. Their six-by-ten foot cage is bare except for the bunk, a toilet and a sink.

The observers move down the cellblock corridor.

Next cell. Two men. Both black. No lights. No mattress on the one metal bunk.

Next cell. Two men. One, standing when the slit is opened and the lights turned on, falls backwards onto the concrete and begins to silently gesticulate, shaking uncontrollably. "Does this man normally do this?" asks one of the observers. "Or is something the matter with him?"

The Major snaps to immediate attention and peers into the cell. "Shit yeah," he laughs, looking around at the guards. "He's psychotic. You should see him do his grasshopper imitation." More laughter.

The Major puts his arm around the turnkey's shoulder, and together they lead the visitors off the tier.

Burt Steele, New Orleans Times Picayune

Left: Angola prisoners working in canefields, 1930's. *Right:* Prisoners marching to Angola fields, 1977.

The Story of Angola

I

Those familiar with the Louisiana State Penitentiary at Angola often refer to it as the "Alcatraz of the South." Sixty miles north of Baton Rouge and bordered on three sides by the Mississippi, the prison is naturally secure; it is almost impossible for anyone to escape. The Angola penitentiary is shaped like a giant animal trap, with the river forming a 10-mile crescent around the 18,000 acres of floodplain, and the snake- and vermin-infested Tunica Hills complete the barricade to the northeast. A few miles beyond the Hills is the Mississippi state line.

There is one road to the prison: Highway 66, a winding, 22-mile blacktop which begins just north of St. Francisville and ends at the prison gate. Before the highway, riverboats provided the only access to Angola.

Just inside the prison's front gate is a Y-shaped, two-story building called the "A.U." (Admitting Unit). Here, security personnel photograph, fingerprint, outfit and lecture newly arrived personnel. The A.U. also houses many of Angola's political prisoners, in small, isolated cages officially known as "Close-Cell-Restriction," and the prison's death row.

From a second story window at A.U., a prisoner can see much of the penitentiary. About one mile west of the front gate, almost in the center of the prison complex, sit eight H-shaped concrete and steel buildings, collectively known as the Main Prison; these are the dormitories for nearly 2,000 prisoners. Behind the dormitories is the Tag Plant, where for many years convicts have produced license plates for Louisiana car owners.

To the south and southwest, Camps C and H house from 200 to 500 maximum and medium security prisoners in cellblocks and dormitories. Opposite Main Prison is Camp A, built by convict labor in the early 1900s. Camps D, J and I are north of Main Prison, just beyond a cluster of small houses and mobile homes known as "Bet Line," where many of Angola's administrative and security personnel live. Most have never lived anywhere else; their fathers and grandfathers were also prison employees. Besides housing for Angola's

photo by Burt Shivar

Camp J isolation wing, Angola, 1978.

free people, Bee Line has a post office, grocery store, snack bar, gas station and laundromat, all constructed years ago by prisoners.

From the Tunica Hills, the warden's house overlooks the penitentiary. Immediately below is a cemetery where hundreds of unclaimed, unwanted Angola prisoners are buried.

Angola is a vast expanse of rich green earth — delta farmland. Scattered over this land are groups of 50 to 60 prisoners, mostly black men, picking, chopping, digging, planting under the surveillance of shotgun-toting white guards on horseback.

Says one Angola prisoner:

"The free man sits up on his horse, aimin' his rifle just over your head, when he don't think you're choppin' cotton fast enough. The free man mostly says, 'All right, ol' thing, get movin' in that line,' or 'You better catch up nigger, before I put a foot in your black ass,' or somethin' like that. They mostly shoot up over your head or shoot down by your feet."

At any time during daylight hours, seven days a week, black prisoners march in rows, two by two, from cotton field to soybean field; or ride silently aboard uncovered wooden wagons, as they work the farm — modern-day slaves on a prison plantation.

II

Go down sunshine, go down, oh
hurry please go down.
This aggie hoe, this grassy row,
won't let me see sundown.
Won't let me see sundown, poor
boy, won't let me see sundown.
This aggie hoe, this grassy row,
won't let me see sundown.

Anonymous
Prison work song

Well before the Civil War, Louisiana passed legislation to lease its entire prison population (which at that time was 78 to 80 percent Caucasian) to a number of private businesses. The main objective, of course, was income — if a net profit was not possible, at least the state could pay the costs of maintaining its prisoners. In fact, the system proved so lucrative that in 1848 the legislature added provisions to the original contract awarding the state 25 percent of private interests' profits from convict labor.

After the Civil War, cotton growers eagerly sought convicts to ease the labor shortage brought about by Emancipation. Louisiana's prison system abandoned the "bastille" system and instituted "penal farms" in order to best capitalize on the skills of the convicts, most of whom were former slaves. Now caged men suffered exploitation as well as brutality and dehumanization.

"Before the Civil War we owned the Negroes," commented one early Louisiana prison official. "If a man had a good Negro, he could afford to take care of him; if he was sick, get him a doctor. He might even get gold plugs in his teeth. But these convicts, we don't own them. So, one dies, we get another."

As could be expected, the convict lease system was especially brutal to the prisoners. It gave rise to chain gangs, archaic and sadistic instruments for maintaining discipline and meeting intolerable work quotas — prisoners were kept in leg chains and even chained together as they worked in the fields. Floggings, isolation, electric shocks, beatings with chains, blackjacks and belts were routine. From 1870 until 1901, more than 3,000 convicts died under the lease system.

In 1900 the Louisiana Prison Control Board purchased an 8,000 acre farm called "Angola," a name obscurely derived from a Latin word for "place of anguish." Originally, Angola was a family plantation with an antebellum mansion overlooking the river and the delta land. Shortly after the farm was purchased, the state established a prison on the site. Later, this purchase was augmented by 10,000 additional acres of land.

Until 1917 the farm at Angola served as a branch of the main prison in Baton Rouge, and white prisoners, some as young as seven, made up its population. Black prisoners were farmed out to other camps to build levees along the river, and so plant and harvest crops. But once Angola became the main state prison, its black population began to grow. And with the influx of black prisoners, emphasis on agricultural work increased. As a result, blacks continued to be under absolute control just as slaves had been 60 years before. Nineteenth century economic practices continued into the twentieth century.

photo by J. Douglas Murphy

Angola's Admitting Unit, where "radical prisoners" are housed, as well as new arrivals and death row convicts. Tunica Hills are in background.

You want us to teach those convicts ping-pong, baseball, elocution and pee-ee playin'? Those fellows aren't up there for ringin' church bells.

Gov. Earl Long
1950

III

Through the early 1900s, Angola made headlines only when it was flooded by the river or when someone discovered that the prison was financially unsound. In 1928, Governor Huey Long announced to the taxpayers that the penitentiary cost them $1 million a year; "the Kingfish" felt that Angola should be self-supporting, a state-operated business enterprise. "I could house and feed those inmates at Angola cheaper here in the Heidelberg Hotel in Baton Rouge than what it is costing to keep them there," Long stated. Rehabilitation of prisoners was not one of his concerns.

During this time, official brutality thrived at the prison. Inmates were regularly underfed, beaten and tortured. Angola guard captains have admitted to more than 10,000 floggings from 1928 to 1940, with some prisoners receiving as many as 50 lashes. Records for the year 1933 reveal 1,147 floggings with 23,389 "recorded blows of the double lash." During the administration of Warden R. L. Hines, a Long appointee, an average of 41 prisoners died each year.

Huey Long's appointees also introduced the "convict guard" system, which Long envisioned as a way to save money and at the same time allow better behaved prisoners to be "rehabilitated through the exercise of responsibility." Prison officials called the convict guards the "most loyal people" they could find to chase escaped fellow prisoners; they were rewarded handsomely for shooting escapees. By 1940, while fewer than 20 free men guarded Angola, 600 convicts were armed with rifles.

The infamous Red Hat camp – forced to close in 1972 because of public outrage at the cramped conditions and abuse inmates suffered there – was another legacy of the Long administration. The one-story punishment cellblock was an oven in the summer and an icebox in the winter. Each cell contained an iron bunk without a mattress and a wooden bucket for body wastes. For days at a time, as many as six or seven men were crammed into one cell. Off to one side, a small room contained Angola's electric chair and generator. All condemned prisoners spent their last days in Red Hat before they were taken into that small room. A 10-foot barbed wire fence, with manned guard towers at each of its four corners, enclosed the entire building.

The brutal practices and policies of Huey Long's prison appointees, condoned by Long himself, continued into the '50s, with administrators and guards resisting outside attempts to reform Angola. In 1951, an executive committee appointed by Governor Earl Long (Huey's brother) investigated Angola and reported that sanitary conditions were deplorable, that gambling was the prisoner's only recreation, and that

photo by Burt Shrile

Red Hat Unit, Angola.

flogging bordered on torture. Another committee of penologists condemned the use of convict guards. Still, nothing was done.

Then, in 1951, 37 Angola prisoners severed their left heel tendons with razor blades to protest inhuman work loads, deplorable housing, lack of recreation and inadequate diets. "We eat weevils and beans," said one convict. The publicity surrounding the protest gradually exposed the facts of life at Angola, inducing Earl Long to appoint still another committee – this time of judges, journalists and others – to investigate.

At the committee hearings in March, 1951, inmates and guards testified about floggings, lengthy confinements in Red Hat cells, the absence of rehabilitation programs, filthy living conditions, spoiled food, long hours of backbreaking slave labor in the cane fields and on the levees, political corruption and sexual assaults.

A former prison captain testified that he had whipped a prisoner until his arms could no longer lift the lash, had given the whip to a younger relative, who also flogged the prisoner until he was tired, and then returned the whip to the captain, who finished the beating. The prisoner was black. His offense – he "brushed" against the captain's white daughter.

Governor Long was embarrassed by the committee's findings, which blamed his administration in part for conditions at Angola. "I thought the committee would have to vindicate me," Uncle Earl said later, "but they hanged me instead."

Suddenly, "prison reform" became an issue in Louisiana. Gubernatorial candidate Robert Kennon seized on Long's inability to oversee and operate Angola, and promised to run the prison with a more humanitarian philosophy. Kennon was elected governor in 1952, and almost immediately brought in outside progressive penologists to run Angola. From the legislature, Kennon obtained $4 million for new buildings at the prison. Orders against corporal punishment were posted. Disciplinary boards were established. Dietary needs of prisoners were met. Prisoners were paid two, three or five cents an hour for their field work.

These reform measures were short-lived, however. The legislature, admitting that physical conditions and treatment at Angola were bad, still felt that Angola should make money, and that prisoners should be required to work the fields six and seven days a week.

By the early 1960s, progress at Angola had tailspinned. The lash and Red Hat cells were replaced with more modern forms of brutality. Overcrowding became a major problem – over 3,000 prisoners were housed in 50-year-old facilities built to accommodate 2,000. The custodial staff was unprofessional and recruited from Louisiana's poor, white, rural dwellers. The majority of Angola's prisoners were black, and they were verbally and physically abused by the racist clique of white guards. Medical care did not exist. Every year, guards or inmates killed as many as 40 prisoners, and over 150 prisoners were stabbed and so severely wounded that hospitalization was required. Rehabilitation programs were nil. Angola's legacy of horror and inhumanity continued.

When the prison gates slam behind an inmate, he does not lose his human quality; his mind does not close to ideas; his intellect does not cease to feed on a free and open interchange of opinions; his yearning for self-respect does not end; nor is his quest for self-realization concluded. If anything, the needs for identity and self-respect are more compelling in the dehumanizing prison environment.

US Supreme Court Justice Thurgood Marshall

IV

In an unprecedented move in 1962, the US Supreme Court applied the phrase "cruel and unusual" to a state law in a California prison case. Two years later the Court, led by Chief Justice Earl Warren, directly approved the right of a prisoner to seek relief in federal court. These decisions provided the legal groundwork for prison condition lawsuits and led to a series of challenges by inmates to the constitutionality of prison systems.

The first such challenge came in the 1969 *Holt v. Sarver* case, a suit filed on behalf of all inmates at the Tucker Reformatory and the Cummins Farm Unit at the Arkansas Penitentiary. The prisoners charged that life at the prison amounted to cruel and unusual punishment. To give relief to the plaintiffs, the federal judge ordered Arkansas to devise a plan to correct the situation.

photo by J. Douglas Murphy

First offenders in Angola dormitory.

Then, in *Gates v. Collier*, a 1972 suit against the Mississippi prison farm at Parchman, Judge William Keady found a range of conditions similar to those in Arkansas: inmate guards, abominable living conditions, rampant violence. He asked the state to substantially upgrade conditions and procedures and to abandon some of its worst facilities.

It was inevitable that Angola would be the next major prison conditions case. By the late 1960s more than 4,000 men were crammed into Angola's facilities, built to hold no more than 2,600. Inmate-on-inmate violence, stabbings, sexual abuse and killings had reached epidemic proportions. Both guards and prisoners feared for their lives. Adequate medical care was lacking. Sanitation hazards existed everywhere: a 20-year old accumulation of raw sewage under the Main Prison kitchen and dining hall had created an unbelievable stench and rodent problem.

In late 1968, four Angola prisoners – Lazarus Joseph, Hayes Williams, Lee Stevenson and Arthur Mitchell – filed suit against the state. In 1973, after the US Department of Justice intervened on behalf of the prisoners, Federal Judge E. Gordon West, a former law partner of Senator Russell Long, appointed another federal judge to investigate conditions at Angola and hold hearings. West said that conditions at Angola should "shock the conscience of any right thinking person." In 1975 he declared conditions at Angola to be unconstitutional and prohibited the prison from accepting any more prisoners until the population declined below 2,640. He ordered the state to improve security, medical care and food service; to decentralize the penitentiary by building full facilities elsewhere as well as at Angola; to eliminate fire, sanitation and health hazards; and to desegregate the prison.

"If the state of Louisiana chooses to run a prison, it must do so without depriving inmates of rights guaranteed to them by the federal constitution," West said in the order. "Shortage of funds is no defense to an action involving unconstitutional conditions and practices, nor is it a justification for continuing to deny the constitutional rights of inmates."

Prison reformers, abolitionists and socially concerned public officials hailed the court order, calling it a "godsend," a message from the federal courts that would ultimately bring Louisiana's prison system out of the dark ages.

Their hopes were short-lived. To be sure, some changes occurred at the sprawling prison farm. But today, three years after West's ruling, Angola remains a sewer of degradation – primitive, coercive and dehumanizing. The state's response to the order has been short-sighted and irrational. For example, to reduce Angola's prison population to 2,640, the Department of Corrections began refusing to accept state-sentenced prisoners housed in parish jails. As a result, nearly 2,000 prisoners who would have been transferred to Angola remained instead in crowded, antiquated local jails. Asked about the overcrowded

situation, Governor Edwin Edwards callously remarked: "It's not my problem. I don't have any relatives in jail."

In reaction to the court order, the state convinced the legislature to spend more than $150 million to construct new prisons and expand existing facilities at Angola; $50 million alone was earmarked to build new camps at Angola to provide dormitory and maximum security bed space for more than 1,500 prisoners. This expansion has pushed the prison population at Angola up to 4,300. Angola is fast becoming the largest prison in the western world. And life for a prisoner at Angola remains much the same as it was in 1901.

Today, as in years past, state and prison officials see Louisiana prisons as a business enterprise. In 1968, 3,000 of Angola's 18,000 acres were planted in sugar cane: 10 million pounds of sugar and 500,000 gallons of molasses were produced. Hundreds of thousands of dollars worth of soybeans and cotton are harvested annually. Nearly half of Angola's prisoners, most of them black, daily plant, harvest, dig irrigation ditches, erect fences or pick cotton. Armed guards on horseback, most of them white, watch over the convicts who toil in the fields, and occasionally taunt them by firing rifle shots over their heads. The prisoners receive *two cents an hour* for their labor.

Medical care is still woefully inadequate. Additional staff has been hired, but prisoners frequently complain of medical neglect, denial of treatment for illness or injury, and of harassment if they complain to prison administrators. In early 1978, 130 prisoners who contracted food poisoning were disciplined and then, oddly, charged with "theft by fraud" for complaining to medical technicians at the prison hospital. Security officials claimed that the prisoners, in making their complaints, were shirking their work responsibilities in the fields that day. In another incident, a prisoner whose leg was broken in an "altercation" with a guard was left in his isolation cell for nearly a week before he saw the prison physician.

Inmates' claims of brutality continue. Convict guards are no longer used, but inmate-on-inmate violence still rages, and guards are said to curse, threaten and physically abuse convicts. As one Angola prisoner said, "The security people seem to be people who enjoy inflicting pain. Imagine if you can six to eight guards with blackjacks, beating one man with his hands restrained in handcuffs."

After 800 Angola inmates staged a peaceful work stoppage in May, 1977, the state Department of Corrections transferred 200 prisoners to then new Camp J, the isolated maximum security outcamp of this maximum security prison farm. These first residents of Camp J were, according to corrections officials, either instigators of the work stoppage or "habitual troublemakers." From the outset, Camp J became known to prisoners, their families and prison employees as Angola's "punishment camp." Indeed, even today prison officials readily admit that Camp J is a place where "fear" serves as the sole "rehabilitative tool."

Prisoners at Camp J are denied certain foodstuffs: dessert, sugar, salt and pepper. They are locked in their cages virtually 24 hours each day; some cells are without lights. The prisoners' outgoing and incoming correspondence is closely monitored, and they are not allowed to speak unless spoken to first.

And there is reported violence: beatings, tear gas, abuse. Prisoners who were deported to Camp J in May, 1977, say that guards began systematically brutalizing them from the beginning, and have continued ever since.

The federal court order of June, 1975, ameliorated some of Angola's problems, but, as one prisoner said, nothing – not court orders, not governor's committees, not more educated and "enlightened" prison officials – can really change Angola. Angola will always endure, its camps rooted firmly in the soil surrounded by the Mississippi River and the Tunica Hills. Nothing, short of abolishing it altogether, can improve Angola.

"All the reforms in the world," maintained the prisoner, "won't change this place from what it is – isolated, unmanageable, and racist."

As the mother of a man confined at Camp J wrote, "I've heard my son's cries, and I've heard his pleas, and I can't seem to do anything to help him." □

Alone within my cell, if only the
walls could speak,
They would tell me of the suffering
and misery I've seen
Where a man is just a number, just
one to make the count straight.
Where the love is taken and his
heart is filled with hate.
Forgotten man.

Night time finds me sleepless,
lying on my bed,
With thoughts of bitterness and
revenge flowing through my head,
on a world that says it's right to
lock a man away.
When will the day come, when all
of us must pay?
Forgotten man.

Otis Neal,
Louisiana prisoner

John Voelcker directs the Louisiana Coalition on Jails and Prisons in New Orleans.

photo by Jackson Hill

Jimmy Stowe

Portraits from Craggy

Jukers

"This place is a little more secured than Central Prison," the guard joked as we arrived at Craggy Prison unit in the mountains – a unit that had been condemned 10 to 15 years ago officially but was still being used. During this time the system was holding 4,000 more prisoners than it was built to hold. The whole prison system was old and outdated so bad the Associated Press ran a special series on it. And I was sent to the most criticized unit.

I was assigned to "A" Dorm where, although in the mountains, I still knew a good number of the population. The first ones to talk with me were the jukers.

"Now Stowe, you just wasn't satisfied with that 'candy bit' that you had the first time. I've told you and told you but you just wouldn't listen! Well, you'll feel that 'brand new' 15 years that you haven't even woke up to yet," one of the jukers preached.

"Yeah, they tricked you into these mountains and you'll be here a while," another one claims.

"Hey man, not me, I'm just waiting to be transferred," I explains.

"Yeah, well I had been waiting for seven months!" the first juker said. "I'm putting the icing on the cake now . . . . Before you leave, you've got to borrow an axe, find the stone to sharpen it on, cut the wood, resharpen the axe, wait for the wooden stove to warm up after you make the fire, hustle up the ingredients, make sure you got the right amount of yeast to make it rise properly, take it out the oven, let it cool off, put the icing on it, cut the cake to test it, offer the right people a piece and if they like it, then you'll be able to leave after you clean up the mess!"

All the time knowing that they were right, I went on to say, "Well, I know something that ya'll don't." All I knew was that I wasn't going to quit trying.

"Hey Stowe, ain't no use of you trying to fool yourself, we're just telling you the truth! Them people the ones who tricked you into these mountains," the jukers reply. "We're your friends; I hope you do make it out of the mountains soon, but I'm not going to wait on you. I've seen a many leave

here, and my cake is almost baked."

Actually, the jokers are usually a so-called friend of yours. The majority of the time, the things that they be saying is true. It's just a part of the "breaking in." And it also serves to set your mind to a very active line of thinking, toward reality. And don't just, by no chance, happen to mention your woman!

"Yo woman what!!?" one of the jokers snapped. "Man, by the time you get off that bit, and go to your crib, your children will come to the door and holler, 'Mama, who is the nigger at the door?' and when she comes to the door she'll say, 'I don't know who that nigger is!'" Then the joker continues, "How can you call yourself a man and left a wife in that cruel world to rear two children? How in the world can you still call yourself a man?"

Yeah, they sho-nuff on my case. My only escape was to walk away. As I slept that night, my thoughts were really in a swirl. All of the joking conceptions made by the jokers served to bring out the truth of reality.

Penitentiary girls

Of course, I've always been an all-round dude, able to get along with anyone. I have always enjoyed just talking with the "penitentiary girls" and the undercover homosexuals. I tries to find out what makes them tick, how they first got into that bag, and did they like what they were doing? Their answers always vary. But I usually go on into their life story.

The most recent "homo" that I've rapped with was in the Marine Corps when he caught his time. He was convicted of "common law robbery" in Jacksonville, North Carolina, for jumping on two marines and taking 75 cents. Although this was his first offense, a military affair, he was crossed by the state and given 13 years while the max for c.l.r. in this state is 10 years. He had lost both his parents by the time he was 14, when he then quit school and, at 15, left his home (he had six sisters but at the present time has lost all contact with them) to join the circus, the fair, and then the Marines. He was really a big dude, very honest and believed in speaking his mind. From what he tells me, he was on the farm (Caledonia Prison) broke, with no outside help. One day he was approached by a few inmates who offered to take care of him if he committed homosexual acts with them. Letting the truth of reality move him to a new venture in life, he looks upon his manhood as not being torn down or weakened, but more or less strengthened by doing as he felt and admitting up to it. Anyway, after it was over, one of the inmates brought him some cigarettes. In some strange way, he seemed to enjoy what he did . . . .

The penitentiary is about half and half. Some of the girls are actually beautiful. I was a "run boy" in the walls when this girl came in that night. This was when the walls was so crowded that the inmates were sleeping in the open space on the bottom floor.

She walked in a graceful step with her pants tightly fitted to show the imprint of her thighs, and you could clearly see the roundness of her soft and fluffy looking behind. She stood straight, to flash the apple-size tits that she accumulated by taking pills. When she smiles at you with her smooth, hairless face and arch eyebrows, from somewhere comes the sound of soft music and sweet thought to the mind.

At first she was sent to the open space on the bottom floor, but the inmates blew that by making noise — they were shouting all the way from the third tier, and they couldn't even see her. This actually was one time the inmates were acting like the animals we were always accused of being. So the sergeant moves the two men out of the cell in front of his office and puts her in there. And me being the "run boy," were delivering all kinds of slick chain gang raps to "Deb" for the inmates.

I don't condemn the homosexuals, cause I feel that a person should be allowed to do whatever he please with his life. But of course, a lots of people call me crazy simply because I tells them that "this is my life and I lives it the way I want to."

Chain gang mafia

In the North Carolina prison system, most of the unit officers were against inmates from Charlotte. They claim that we are troublemakers. What it was, was we just didn't take any shit, and we hung together as all inmates from the same town. It's just that Charlotte is the Queen City of the Carolinas and naturally the crime rates were higher, and the police made sure that someone wore them cases.

I was raised in the Charlotte ghettos, in gang fights, stealing and killing and there just ain't no way I can let no inmate tell me what to do. When I got here to Craggy, I saw that the brothers from Charlotte used and flunkied a lots of the dudes from the mountains.

Yeah, the inmates are organized in this system as the mafia are in the world. There are loan-sharps (with high rates and stiff penalties), storekeepers, dope-pushers and gambling rights; all connected to the mob. I was told that there was a riot here just last year between the blacks and whites over the gambling rights. After a few stabbings and injuries, the conclusion was a 50-50 division.

A lots of black inmates underestimate the white inmates, not realizing they can be just as brutal, cunning and tactical. They have a reputation for "stealing you," too. Stealing you mean tipping up on you and

stabbing you, mostly when you're asleep.

If there is anyplace that you're really turned out to live in the criminal world, it is here. And the lawmakers know for themselves that this system comes nowhere near doing the job of rehabilitation or correction that it have brainwashed you, the public, into believing, which really makes no difference to you. After all, why should you be concerned with what happens to a bunch of convicts? Just because they're using your tax money, don't mean that they are required to tell you the truth about what is done with it.

For twenty-five push-ups

I can remember what broke me from associating with just "any and everybody." It was behind a game of "dirty hearts" for 25 push-ups. During the course of the game this dude received enough points to do the 25 push-ups, but he claimed that my partner and I were cheating. We just figured that he wanted to get out of doing the push-ups, but then he claimed that he was going to make us do some push-ups. Later, he and my partner were in a corner where he really thought he was going to make my partner do some push-ups. So I hurried over to stop my partner from getting a case, cause the dude was halfway crazy anyway and wasn't worth killing, but to my surprise, the dude told me if I was to say another word that he was going to let me have it. At that moment I was really shocked, and I just had to think: "This fool is standing in front of my partner and I, not strapped down [armed] or nothing, while my partner and I are strapped down and really ready to go to his ass."

We knew that he was insane to do what he did, so we just walked away. But that was the closest I come to killing someone out of a series of detrimental events that have went down.

And all that from a *card game*.

On Fridays right after payoff is one of the world's most confused exchangings of money that I have ever witnessed. The dormitory becomes like the world stock exchange. Witness the tensions and pressure build up among inmates when money owed is not received. My first thoughts were that s— was going to be flying all over the place.

On one side of me, I was listening to a "business argumentation" which went on as follows:

"Well looka here man, where's my money?" cries the first man in a calm voice. "You can pay everybody else and can't pay me." The same calm voice, in a louder tone.

"Them were cash loans," the next man shouted.

"Mine was a cash loan, Nigger!" the first calm voice, but much louder now.

"Yeah, but that was in a poker game!" said the second dude. "I'm giving you four shakes [pills]."

"I take five," the first man argue.

By now both voices were in an excruciating tone, cursing each other and continuing the argument with the matter of how much is owed. Somehow they manage to work out something and is back loaning each other money that same night. Only one or two of these arguments lead to a fight.

On the other side of me, I observes the loan-sharp collecting his money and there's always this someone that comes up a little short or tries to shoot some slick game under this creditor, but they, the loan-sharps, don't argue with anyone. They warns and does.

The Godfather

He's envied by some inmates and admired by others. He's an ace pimp, a number one con man, a money-maker, a woman breaker. When he dresses he's careful not to wrinkle his neatly pressed and creased browns, tailored to fit him in a continental style with a perfectly squared cuff. (The top stitch of his shirt jacket matches his $65 Bostonian shoes.) He's fast with both his hands and mind, and when he speaks he's always heard. Taught by experience, he's a leader among inmates. His thoughts are those of a king who plans to prolong his powers by using a psyche game on those chumps who lust for "money and the power." His emotions are buried under a thick layer, a pride that can be seen only by a sharp observation of his cleverness. They call him the "Godfather." King of all criminals, one whom I admire respectfully. Because I have known this influence of power that he feels, since I was 15 and I was leader of a small gang. My gang! That feeling of sho-nuff knowing that you are somebody. I was always the champion in games that I played. And in the sixth grade finishing out with straight A's put another distinction and self-praiseful feeling of confidence which inspired me on in high school to become the homeroom president and a leading member of my junior class. Still continuing this drive, I was the first of my category to become leading seaman on my ship while in the Navy. And at the young age of 19 was president of a black organization formed by the strong on my ship during the time of the Vietnam War when there was a black servicemen's uprising in the Philippines. Under my leadership we had started a mutiny conspiracy to turn the ship around. That power! That influence which takes control of a man's mind to become always the *dominating* figure. Yeah, I have seen it, felt it, and can never lose it. So yes, I admire the Godfather in a sense of understanding and respect. I even occasionally shoots a booster of encouragement myself. □

Scientific Penology Comes to Georgia

Gene Guerrero

It was one of those reform movements with clout: the Citizens' Fact Finding Movement. Leaders of 14 major organizations in Georgia — including the PTA, Civitan, the American Association of University Professors and the Georgia Press Association — had come together to report on major state issues. League of Women Voters representative Josephine Wilkins, later a behind-the-scenes mainstay of the Southern Regional Council, was there when the group met in April, 1938, at Atlanta's Piedmont Hotel to hear Tarleton Collier report on the penal system. For years, particularly since the 1932 publication of Robert Burns' *I Am a Fugitive From a Georgia Chain Gang*, reformers had been working for an end to the chain gangs. Collier, featured columnist for *The Atlanta Georgian*, told the fact finders: "Georgia has abolished chain gangs by calling them public work camps and has forbidden shackles and chains...[but] it is not to be forgotten that the most degrading feature of the chain gang is its lack of influence for regeneration — its rule to work from sunrise to sunset without alleviation."

Earlier in 1938, in the first major change in Georgia corrections in three decades, a Board of Penal Administration had been created to supervise the new state prison in Tattnall County near Reidsville. It had been a gift from the federal government, made after reformers induced Eleanor Roosevelt to investigate conditions in Georgia's chain gang camps. In his report Collier found these changes "very hopeful," pointing out that Georgia "must strive for greater experience in scientific penology" because the "new prison will not achieve its proper end unless it is operated under competent personnel and unless scientific methods of penal administration are adopted."

Collier and the others had good reason to be optimistic. Georgia's penal system was so bad that any change was bound to be good. Or so it seemed. But in 1944, only six years after the new prison opened, the newly appointed head of the Georgia prison system called the Reidsville prison "an outrage." The pattern would be repeated decade after decade: an exposé of incredibly bad conditions; demands for professional administration of prisons and an end to county-operated camps; optimism that the corner had been turned; then another exposé.

In 1957 conditions were so bad at the Buford Rock Quarry — where "incorrigibles" were sent to break big rocks into little ones — that 41 prisoners took sledgehammers and broke their own legs. Within the basement, in one of Buford's solitary confinement cells, a reporter investigating the prison system found "Thay is no God!" scrawled on the wall.

Reformers continued to criticize Georgia's prisons throughout the 1960s. In 1971, amidst mounting public attention and prison tension, newly-elected Governor Jimmy Carter appointed the first professional penologist, Ellis MacDougall, to oversee Georgia's correctional system. MacDougall, who had previously headed the South Carolina and Rhode Island prison systems, had a reputation as a reformer's reformer. "Every time I pick up a newspaper," he once said, "and see that a second offender has committed a crime, I feel guilty. Our responsibility in corrections is to see that the criminal doesn't have a second victim." He was no bleeding heart. "We don't say coddle the prisoners. But the average man in prison today can have his cycle of crime stopped; he can be a useful member of society."

In May of 1971, three months after he arrived in Georgia, MacDougall called the conditions in some work camps "atrocious" and promised that a team of state investigators would examine all 42 remaining county-operated camps. County officials angrily called him a "dictator . . . choking us to death with rules and regulations." MacDougall responded, "They called me a dictator and I was. It took somebody to come in and start laying down the law. . . . One guy's got to come in and shake the system by the ears."

Other reforms began. The first work-release center — designed to ease the prisoner's transition back into society — had opened in 1970. More followed, with the first pre-release drug treatment center opening early in 1973. That year a new training academy for corrections staff opened at the University of Georgia. The department was included in Governor Carter's highly touted reorganization of state government. And by December of 1972, one-fifth of Georgia's 8,218 prisoners were involved in various academic or vocational programs, including part-time and correspondence courses.

At the same time, several new catch phrases became a part of Georgia penology. At three model prisons "comprehensive learning laboratories" were established using the "latest educational technology and programmed instructional material (teaching machines)." According to the 1972 annual report, "Constant efforts will be made to link behavior modification concepts with educational programs . . . to increase motivation, develop self-esteem, and lead to goal-setting."

Thus, in the humanistic setting of improved educational opportunities, the practice of behavior modification en-

tered the prisons of Georgia. But soon prisoners at the three model institutions complained that they were simply locked in the prison library in the morning with the teaching machines and not let out until "class" was over. Despite this immediate indication that behavior modification might be better suited for the drawing board of prison reformers than the real world of rehabilitative programs, the practice gained momentum under Ellis MacDougall as it did nationally under a new school of technocratic prison managers.

Roots of Modification

The concept of behavior modification began with the work of psychologist B. F. Skinner and his famous experiments with a little box to modify the behavior of pigeons. Skinner felt he had established that deviant activity is learned in the same manner as normal behavior and consequently can be modified through the appropriate use of rewards and punishments. As early as 1965, Federal Bureau of Prisons officials adapted behavior modification techniques by using a "token economy" program at the National Training School for Boys that rewarded obedient boys with tokens which were convertible to cash.

Under Ellis MacDougall, Georgia began an experiment with such a reward program with the passage of the Youthful Offender Act of 1972. Instead of straight time, "Youthful offenders are committed to the department under the provisions of this act for an indeterminate period, not to exceed six years for corrective and preventive incarceration." After a "diagnostic evaluation" utilizing psychological tests, a "contract" is made, specifying "the type institutional program the offender agrees to complete and a conditional release date contingent upon successful completion of set goals." When all terms of the contract have been fulfilled, a five-person board considers a youthful offender for conditional release.

Youthful offenders were not the only offenders thought to need behavior modification. In September, 1971, the Attica uprising occurred. Across the country, prison officials braced themselves. It was time to get serious about handling prison troublemakers. The control unit of the US Penitentiary at Marion, Illinois, set the pace for the use of modification techniques on "incorrigibles." A similar START program began in October at the Medical Center for Federal Prisoners in Springfield, Missouri.

Illustrations by Ted Ostrowski

Locked in the Learning Lab with Teaching Machines

The START programs, according to Federal Prison Director Norman Carlson, were "an attempt to provide a more effective approach for dealing with those few, but highly aggressive and assaultive, inmates who are found in any correctional institution." But a storm of controversy over these behavior modification programs broke in 1973 and 1974 after the ACLU's National Prison Project filed suit on behalf of inmates in the two federal prisons who, at best they could, had been protesting conditions. As one former START prisoner described it, "We told the pigs that we had just formed our own program entitled STOP (Stand Together, Oppressed People) and that as far as we were concerned they could take their brush shop and the rest of their brainwashing program and shove it."

In early 1974, Carlson was asked to testify before a Congressional committee. He denied that the feds had ever coerced offenders through any sinister efforts, but went on to say that the programs "can include either positive rewards or aversive techniques including a variety of punishments to promote a change in behavior."

Control the Uncontrollable

Back in Georgia in July, 1971, MacDougall's cohort, young correctional rehabilitation counselor Allen Ault, had become warden of the newest major prison in the state: the Georgia Diagnostic and Classification Center (GDCC) in Jackson. GDCC, which had opened in late 1968, was the product of the reform philosophy of a decade before — diagnosis. With degrees in rehabilitation counseling and special training in behavior modification, Ault was cut from the same no-nonsense reformer mold as MacDougall. Soon after he became warden he told a group of youths that Georgia jails were among "the worst in the country," and he described the classification process he inherited at his Center as "the place we received every felon in the state so we can decide which 'chain gang' to send him to." On the other hand, Ault said, behavior modification showed great promise because the punitive prison discipline system could be replaced with positive reinforcers in which "the inmate starts with nothing and must earn whatever he gets, but when he gets it, it belongs to him." Ault soon had his chance to implement his theory for better prison management.

In December, 1972, several prisoners were transferred to GDCC after an incident at the Reidsville prison. Ault quickly concluded that his prison did not have adequate facilities to handle the new breed of assertive prisoners who were, he complained, "intimidating the staff." But he was also unhappy with what he called the standard "adjustment centers in which people were

photo by Jackson Hill

"The reformed prisoner," from painting on library wall, Central Prison, Raleigh, NC.

just out there to rot." He commissioned specialists at the University of Georgia to design a program with a "behavioral emphasis." After some alterations by Ault and consultant Jim Granade, the design became the GDCC Adjustment Center, known by most prisoners as the H-House at Jackson, Georgia. It was in fact a modification of the federal START program.

H-House had two main phases. In Phase I, basic good behavior was required. The prisoner's cell and area had to be clean and neatly arranged, and the prisoner had to be clean as well, with a haircut and shave. Prisoners could be checked by guards at any time, day or night, for possible violations. The men were allowed one hour a day out in the small yard. "Correct behavior," the Department of Offender Rehabilitation explained, "is reinforced with privileges such as mailing, books, yard time, hot coffee and carpet purchase." As an inmate's behavior was modified, he could move from Phase I to Phase II — where there were more privileges — and thereafter back into the general prison population. Men can be slower than pigeons. The program design called for prisoners to remain in Phase I for two to three months and in Phase II for about five months.

The center was designed for "uncontrollable" prisoners: "inmates who have been instrumental in causing riots, sit downs, and other situations of inmate unrest that jeopardize the security of the institution"; those who "have shown consistent assaultive tendencies"; and those "who consistently prove themselves to be escape risks." The H-House soon began to fill with those who were involved in periodic protests of conditions at the Reidsville prison and these, like Nation of Islam members, who were by definition troublemakers.

While Ault was launching new programs for "incorrigibles," many of the basic conditions which led to protests from prisoners continued unchanged. By January 1, 1974, when Ault replaced an ailing MacDougall, the problem of overcrowding had reached a crisis point. Between 1960 and 1972, the state's prison population dropped from 9,000 to about 8,000 — first, with the removal of misdemeanor offenders from state prisons, then staying down during the economic boom of the Vietnam War. In 1973, it started back up, hitting 10,000 in early 1974. By October, 1974, the Atlanta papers announced that with 214 prisoners for every 100,000 people, "Georgia ranks first in Prisoner Ratio" of any state in the US — an incarceration rate higher than any of the industrial western nations as well.

As an answer to the overcrowding crisis, Ault secured a $1.8 million grant from the Law Enforcement Assistance Agency (LEAA) to begin a package of reforms called "a New Direction." They essentially extended his fascination with behavior modification into the sentencing of all prisoners. Part of the program called for relieving the pressure of overcrowding by enlarging pre-trial diversion programs and using probation to keep people out of prison, and introducing pre-release and post-release programs to keep ex-prisoners from returning. But the core of the program was behavior modification. Ault replaced the statutory good-time provision with "earned time," a program which would "allow the department to do contracting with each inmate, whereby an exemplary inmate . . . could earn up to two days for every day served. . . . It would be up to the inmate to earn his way out." Whereas under good time a prisoner got an early release unless it was taken away by a disciplinary committee for conviction of a rules violation, now prisoners would be "graded" daily by guards and counselors to earn their shortened sentences.

Despite protests from the ACLU and others that no rehabilitative or vocational training programs existed for prisoners — regardless of how motivated they were — Ault convinced the legislature to approve his law change and sanction his LEAA-financed behavior modification experiments.

Vacation From Personal Involvement

Meanwhile, protest leaders inside the system continued to be sent to the H-House. Jerry Patterson was transferred from Reidsville to the H-House at Jackson on November 6, 1974. The interdepartmental teletype stated that he was "involved in militant activities causing unrest among other inmates." That was two days after Reidsville prisoners conducted a peaceful work stoppage to protest conditions — peaceful until a guard opened fire with a shotgun, killing one prisoner.

In sending Bobby Hardwick to H-House, Reidsville warden Hopper wrote: "He has written so many writs that it has taken an extra, separate file to hold his legal papers. He has numin-

wordy complaint about mistreatment. Inmate Hardwick has chosen an anti-social path. . . . Therefore, it is recommended that he be transferred to GDCC to participate in their behavior modification program in hopes that this will change this inmate's devious trend."

Neither Hardwick nor Patterson were silent in H-House. Hardwick wrote Warden Ricketts (who had taken Ault's place at the Jackson prison) requesting dismissal of a charge of possession of contraband since items seized in his cell "could not be termed 'contraband' because: (a) There's no rule or regulation with regards to H-House that states an inmate found with two pair of coveralls, a change of pillowcases or two pair of undershorts constituted contraband; (b) Every item such as tooth paste, soap, etc., were all issued to me by prison officials and none of which was illegally obtained by me." Ricketts wrote back to inform Hardwick that the disciplinary committee found him not guilty, commenting that this "should prove to you that at the Georgia Diagnostic and Classification Center justice always prevails."

Hardwick did not agree. The previous year he had been written up because he had refused to trim his fingernails. His punishment was "10 days, isolation – 1 meal per day."

Hardwick next wrote to state officials and a state senator. When the senator queried Ricketts, the warden replied that "special care is taken to assure each inmate confined in H-House is afforded each and every right granted by law."

After Hardwick, Patterson and other H-House prisoners requested aid from organizations around the country and received none, several of them filed suits against H-House, acting as their own attorneys. The suits and legal petitions went to Federal Judge Wilbur Owens in Macon, a former US Attorney and a Nixon appointee to the bench. He consolidated the various petitions – 25 in all – into one suit which came to be styled *Hardwick v. Ault*. Next, he appointed a team of lawyers to handle the prisoners' case: Ralph Goldberg and Tom West from Atlanta's office of the Southern Prisoners' Defense Committee and Emily Calhoun and Al Pearson, law professors at the University of Georgia. The trial was held in April, 1977.

In one of those ironies of history, the expert witness for the prisoners was

Georgia's penal system was so bad that any change was bound to be good. Or so it seemed.

Dr. Richard Korn, designer of the country's first "adjustment centers." Over the years he had changed his mind about the value of such programs, and was especially critical of H-House. It has 79 individual cells, each 6½ feet by 8½ feet, with square portholes in the back. By walking along a catwalk, a guard can look directly down into the porthole and watch the prisoner. According to Korn, the catwalk at H-House distinguished it from other segregation units around the country. The prisoners' knowledge that at any moment they might be observed or interrupted was, he explained, a "very damaging factor. The men tell me they can't be alone with themselves in privacy when they need to, even at night."

Further testimony came from James X. Simmons, who had been sent to H-House three times; the last time, he was transferred from Reidsville because he had been charged with "rib and agitate." On the stand, he described a day in H-House: "An average day is just being in your cell. You can walk around; just walk around your cell. You can't really do no loud hollering, so you can't really holler down to another inmate if you want to . . . the library can used to come once a week. But most of the time you have nothing to read so it's just staring at the wall, you just stare at the wall, and you might try to do some push-ups. You try to do something to make the day go by, try to get past the day. You wait for chow, because that's the only real, that's the only kind of little – you wait for chow, just live for chow, just live for that."

While in H-House, Simmons wanted to take a correspondence course. His mother sent him the money which he sent to a bank. But in H-House they wouldn't let him keep a bankbook "so I couldn't withdraw the money, so it was tantamount to me not being allowed to take the course." Another prisoner, while at Reidsville, had "adopted" a child in the Philippines by sending regular donations to the Christian Children's Fund. When he was transferred to H-House, officials would not let him send the donation or write the child because it was not on his approved correspondence list. Finally the Children's Fund wrote the prisoner saying they were sorry but they would have to give his child to another sponsor.

One of two counselors assigned to H-House testified that he had not had personal contacts with H-House prisoners for five or six months because, "I burned out. I decided to take a brief vacation from personal involvement." The other counselor said his daily contact was often limited to striding across the catwalk from above and behind the cells. The prison's Assistant Superintendent for Care and Treatment said that the main office in Atlanta ignored the H-House "management team" recommendations for transfer out of H-House as much as 75 percent of the time. At the time of the trial, some prisoners had been in H-House for more than two years. The typical prisoner was allowed out of his cell only six hours a week for exercise and showers.

Dr. Richard Korn described the effects of such confinement on men:

"All mammals, particularly those closest to us, have certain needs. For example, they have needs for purposeful activity. . . . If you cage certain rodents in a small cage and don't give them a treadmill to get their energy, they would simply die. . . . In man – an animal who can divert himself more with purely symbolic or intellectual activity – there are tremendous needs for stimulation. Stimulation for the mind is the equivalent of food for the body. . . . Just as a body begins to feed on itself . . . the mind triggers, from its store of memories and impressions, old material and projects them in a hallucinatory way. . . . One of the standard effects of long-term segregation is delusion and hallucination. . . . They can't concentrate, their minds begin to fade. They begin to doubt themselves. . . . When you add to all of that the uncertainty of release, the sense of helplessness, the sense of powerlessness . . . you are creating a situation, exactly characterized . . . as those practiced and called torture in countries to which we do not particularly like to be compared. . . . This is mental torture."

After the trial, Judge Owens first told state officials that if they did not transfer prisoners previously recom-

Drug Abuse *Penitentiary Style*

"We realize that we're using more medicine than we would on the outside, but you're dealing with a different kind of people."
— Physician working for the Virginia Department of Corrections

It is not hard to imagine the appeal of tranquilizers, to both prisoners and prison administrators, as a means of easing the oppressive conditions of incarceration. Tranquilizers may help to dull the frustration, make the boredom more tolerable and provide prison officials with a cheap adjunct security system. But while there may be a higher concentration of frustrated, anxious and depressed people behind bars, it is wrong to assume that this particular population is immune to the harmful effects of behavior-modifying drugs.

Henry Tucker has been an almost regular resident of Virginia institutions since he was first placed in a state mental hospital at the age of 21. Six years later, in 1964, he was sentenced to life imprisonment for breaking and entering, attempted burglary and attempted rape. According to prison records, Tucker has been considered a "chronic schizophrenic," apparently because he periodically became depressed and disoriented. He complained mostly of anxiety and nervousness, symptoms for which the doctors prescribed Sinequan, Valium, Stellazine, Mellaril and Thorazine. Several times he was admitted to Central State Hospital; he was described as experiencing "unpredictable mood swings from depression to frustration and bitterness for no reason." This time the doctors prescribed injections of Prolixin every two weeks with Cogentin to mitigate side effects, and returned Tucker to the penitentiary.

Prolixin is a very powerful behavior-modifying drug whose known side effects include tremors, rigidity, immobility and an irreversible stiffening of the extremities. According to the penitentiary hospital records, Tucker received Prolixin as often as twice in three days, in tablets and by injection, in varying dosages and at times without the prescribed Cogentin.

By mid-December Tucker had become withdrawn and refused to eat. The psychologist described him as being in a "catatonic-like trance." Tucker developed a high fever as well as a stiffness in his shoulders, elbows and hips. When his condition did not improve, he was transferred to the Medical College of Virginia. In February of 1977, even though his joints remained stiff, he was returned to the penitentiary. Over the next seven months, Henry Tucker lay on his bed in the prison hospital; physical therapy was stopped because he could not bear the pain. There were no orders to turn him so he was not turned, and he developed bedsores that spread and deepened until other inmates complained of the smell of rotten flesh.

In September, Tucker was transferred to the Medical College of Virginia again, this time in critical condition. The joints in his arms and legs were frozen, he was malnourished, he suffered from inner ear and blood infections, and his bedsores were crawling with maggots. Originally, doctors feared they would have to amputate Tucker's legs. However, recent improvements in his condition may enable him to receive plastic hip joints.

Because of the horror of his experience, Tucker's story was picked up by the press. The American Civil Liberties Union of Virginia has filed a million dollar lawsuit on his behalf.

The ACLU found that the penitentiary physician who authorized the prescription from Central State Hospital for Henry Tucker knew very little about Prolixin. He admitted that he had to consult the *Physicians' Desk Reference* to determine the proper dosage but did not read the three columns which described harmful side effects. The penitentiary staff psychologist, who relays treatment and medication recommendations from the state hospital to the penitentiary, stated that he did not know what conditions Prolixin is useful for, what form the drug comes in, its recommended dosages, or the potential side effect. Tucker is only one of many men and women who are discharged from the state hospital and returned to their assigned prison units with no doctor or specially trained medical worker responsible for regulating the dosage or monitoring the side effects of a prescribed controlled substance. □

— Carolyn Fiscella,
Coordinator of the ACLU-
Virginia Prison Project

As one former START prisoner described it, "We told the pigs that we had just formed our own program entitled STOP."

photo by Jackson Hill

mended for transfer from H-House, he would order them to do so. The state voluntarily complied and a large number of prisoners were removed from the Adjustment Center.

Then, in January '78, Judge Owens issued his landmark ruling that the H-House program in "the totality of circumstances amounts to cruel and unusual punishment." The decision is the first to recognize that a behavior modification program is, by its design, unconstitutional. Attorneys for the prisoners and for the state have reached a settlement in which H-House prisoners will be placed on work details during most of the day, allowed contact visits and permitted outdoor group recreation for at least an hour daily if weather permits. No prisoner will be transferred to H-House without a hearing or held there for more than six months except under special circumstances specified in writing to the prisoner.

Hollow Promises

In October, 1976, Dr. Ault left Georgia to head Mississippi's prison system, where his Georgia predecessor, Ellis MacDougall, was temporarily in charge. Ault said Georgia's corrections problems were because of "a pure and simple lack of money to do the job." Then in mid-1977 Ault, by now described by the press as "one of four or five top prison experts in the United States," accepted a position as head of Colorado's prisons.

Ironically, reformer Ault's only real contribution to Georgia may have been the change in the good-time law. With major revisions, it now applies equally to all prisoners, giving them an early release automatically unless they receive an unsatisfactory evaluation. Functionally, the new system resembles the old pre-Ault good-time law, except it releases prisoners even earlier. The earned-time system may be progress, but as implemented now in Georgia it is not, in any real sense, behavior modification. In fact, the only ones whose behavior may be modified by it are guards. Supporters of the program argue that because evaluations of the prisoners are made by correctional staff on a regular, daily basis, guards are more involved with prisoners in their keep.

In Colorado, the earned-time concept quickly became a key part of Ault's program. His basic plan described by the *Rocky Mountain News* was "to separate the 'hard core' incorrigible inmates — who cause most of the present prison violence — from the general prison population through a new maximum security facility."

Around the country the debate on correctional reform continues. The Prisoners' Solidarity Committee calls the prisons "concentration camps for the poor." Others agree. David Bazelon, Chief Judge of the US Court of Appeals for the District of Columbia, says "All these proposals [for changes in sentencing, etc.] fail to consider the social injustices that breed crime. Can it be true that this nation would rather build a new prison for every slum dweller who turns to crime than try to alleviate the cause of his lawlessness?"

The current generation of reform corrections commissioners, like Allen Ault, have failed to provide basic educational programs for the poor who fill their prisons. In Ault's last year in Georgia, only 10 percent of the prisoners could take advantage of education programs at any one time, although 79 percent lacked a high school diploma. Reformers have experimented instead with one gimmick after another, while condemning rebellious prisoners to programs designed to break and cripple them emotionally.

New techniques are constantly coming off the consultant's drawing boards. Dr. Herbert Eber is an Atlanta psychiatrist who designed the psychological tests now used to evaluate all incoming Georgia prisoners. He has studied prisoners in three states, and recently announced the development of a sophisticated computer system which can predict for a warden if one of his prisoners has tendencies towards suicide or escape, or is likely to respond to treatment. The system is currently in use in Georgia, Oklahoma — and Colorado. □

Gene Guerrero is the director of the American Civil Liberties Union of Georgia and a board member of the Southern Coalition on Jails and Prisons.

photo by Jackson Hill

Andrew Griffis: Do prisons work? Can a person be helped by prison?

Betty: If they want to be helped.

Janet: If they had the right kind of program that would work. More education programs and more work release, which we have very little of, especially us with long sentences. I was in pre-med before they brought me here. I had been out on bond three and a half years, and my appeal was denied. I was doing fine in school and everything. Now where am I? I'm at a standstill. To me this is not rehabilitation.

Millie: In order to be rehabilitated, you first have to be *habilitated*. I don't feel that this institution or anything they offer me (which I don't feel they have anything to offer me) could reform me. I feel like I have to reform myself.

I've felt that way ever since I've been confined. When I walked in that door years ago, they told me they was gonna break me. Well, they didn't. They kept me in maximum security 408 days with that one thing in mind, that they was gonna break me. And when I come out I was still as much hell coming out as I was when I went in there. I'm being honest and what I say in front of you I say in front of them or anybody else.

Andrew: What does somebody go through when they walk through the gates of this place?

Betty: A lot of women are scared to death. When they bring in new admissions, they come to Dorm One, the dorm that I'm in. You'd be surprised at the women when they walk in and see the other women sitting around. I suppose you get this line of shit in jail about, "Oh, there's all sorts of homosexuality and they're gonna attack you and take all your stuff." You know, you could scare a person to death in jail. I was scared when I first came up here. I know. The other day they brought in a group, and a couple were in tears. They were scared to death. Some inmates had to tell them, "There's nothing to be afraid of. There's nobody gonna jump you in here."

Janet: But you don't know that when you come in here.

Andrew: How long does it take to adjust to being here?

Millie: I ain't never gonna adjust to this place.

Pat: You make do – but you don't adjust.

Millie: Some people do adjust, I'm gonna tell you now. But they go completely out of their minds, too. There are some people that have actually adjusted in this place – people that don't ever want to leave here.

I wouldn't care if they kept me locked up forever – and that looks like what they gonna do – I'll never adjust to this place. I haven't, and I've made it through seven years. And I'll make it through the other seven years or whatever it is I've got left – twelve, four, five, I don't know.

Betty: There are some people that come in here that this institution has helped and can help. Because they bring people in from these little bitty towns up in the hills, that didn't have no running water. They didn't have clean sheets; they didn't have three meals a day; they didn't have a doctor or a dentist. I've seen women come in the dorm that didn't even know what the damned shower was. They were afraid of it.

But as far as rehabilitation, I've been here three times. I want to stay out, but if circumstances come up where I need some money and I know how to get it in a quick way – other than working

"Hey, my Mom's in prison"

A Conversation at Tennessee Prison for Women

Interview by Andrew Griffin

my tail off on two jobs or something like that — then I will resort to what I know is an easy way to make money.

Andrew: What is medical care like in this institution?

Janet: Medical care is a problem. I don't think really it stems from the institution, but from the lack of funds coming in to hire medical personnel. We have a doctor come in once a week on Tuesdays. If you're sick, you just wait till then, unless you're having real bad problems. Then they'll take you to the hospital.

Pat: It depends on who's working. They have to call the nurse first and explain what's wrong with you to her. If the nurse says take you to the hospital, then you go. If she says give you two aspirins and go to bed, then you go to bed.

Betty: If you get a cold on Wednesday, you're just out of luck. You have to wait until next Tuesday to get any antibiotics.

Janet: Why don't you put in your article that we do need better medical care, more work release centers and more incentives to get out of prison?

Betty: We need more recreation.

Millie: The first thing I'd do [if I was warden] is have everybody that works here spend the night here as a prisoner.

Betty: And the judges, too.

The thing I can't understand about prisons is the hiring procedure. Why would they hire somebody to work in a prison who has no compassion, no feeling for their fellow man?

We had a man working here, and I overheard him saying to my boss in the kitchen that we were fixing too good a food for these inmates. He told my boss verbatim: "These women are in here for murder, robbery, we've got child abusers in here, they don't know nothing about this good kind of food." I could not believe this man said this. I was so upset, I cried for about two hours. But I cannot understand how somebody who feels that way can have that kind of position. I guess politics runs anything associated with any kind of government.

Andrew: Tell me about your classification levels. Everyone who comes in starts off at Level I?

All: No, Level II.

Millie: On Level I you get locked up at six o'clock; no activities after six o'clock, you get locked in your room at six, or if you have a roommate, you have to stay in your room. On Level II you can do anything anybody else does except leave the institution (unless it's to go to the doctor or something). On IV and V you can go outside the institution if you are invited and they approve it.

Andrew: How do you move from one Level to another?

Betty: Behave yourself.

Janet: Every two months they have a grading period here.

Betty: It depends on your work area: how you do your job and how you get along with others.

Millie: Well really, you don't know how they are going to grade you. It's just really a confusing system. One month they may grade you 121, that's low Level IV, and this month I got 140 out of 160.

Betty: The grading system is based on who grades you: if they like you or if they don't. That's just human nature. That goes on the street. Two COs [corrections officers] grade you. If one likes you she might give you 160. The other might give you 118.

"Every time my children visit, they leave here crying. And that's the hardest thing on all the women I've talked to. When they leave crying, there's nothing you can do about it."

One thing I would like to see written is more privileges for Level V. All you have to work for now is a rocking chair and a full-length mirror. Who the hell wants a rocking chair and a full-length mirror? You need something to work for within an institution. We used to have other privileges here. We used to be able to go out with a visitor on Saturday or Sunday for four hours, to go out to eat or to a movie. Okay, somebody came in drunk, and they snatched that. They used to have Honor Dorm and Self-Government, but that got too confusing and they snatched that.

I was in Honor Dorm and Self-Government. In Self-Government the inmates and staff voted on you, and if you weren't in this little clique, you didn't get in. I know, 'cause I was in the clique. I'm just being honest. But what I'm saying is we need some incentive to be on Level V. We used to be able to go out shopping once a month, but that's gone now, too.

Andrew: From what I understand, there are kitchen jobs and a beauticians school. Is that about it?

Millie: And school, GED [high school equivalency program], consumer business and key punch.

Betty: Then they have job openings in the administration for those that have secretarial skills.

Janet: It depends on if you are qualified for the job or not. They have a classification committee composed of the counselor, the nurse and the associate warden of treatment. They decide what you are qualified for.

Millie: Even if you are qualified and they don't like you, you don't get the job.

Andrew: Do you have to change yourself to get them to like you?

Betty: Your personality around here changes every eight hours. You have to change with the COs. One shift you may be able to cut up, another shift comes on, you have to be quiet. This place is good practice, 'cause it's the same on the streets.

Janet: You have the ability to deal with people inside or out, but here it's so confined, it's magnified.

Andrew: Is the type of crime that women are committing changing with the changing role of women?

Betty: The majority of the women here are here for drug-related crime, and there are younger women in here than before. Like in 1971 there might have been 55 or 60 inmates in here, and they were older women, like in their late 20s and 30s and 40s. Nowadays the majority of the women are from their early 20s to their 30s, and it's mostly drug-related. But there are a lot more women coming in now for armed robbery.

Millie: And there's a lot more also that didn't have an accomplice, whereas before it was mostly the men that sent them out, and they didn't know what was going on. Now they commit it themselves, and they know that nobody else has sent them out.

Betty: I don't credit this to women's lib. I think that women are just getting more brazen. The role of women is changing.

Millie: But that's because the role of men has changed. Whereas you used to have gentlemen, now you got . . . pimps.

Betty: Women aren't depending on men nowadays as much as they used to. There are so many single women, single parents. You just see women doing things by themselves nowadays.

Andrew: Is there a homosexual problem?

Betty: In any controlled environment, it's gonna go on. I mean, you can't stop it. But sometimes I wonder if they'd just let these people be together, I bet you over half of them would say, "God, how did I get involved in this?" I mean it's all right with the little Coke change and cigarettes and stuff, but when it gets down to the nitty-gritty, I firmly believe a lot of them would say, "No go. I don't even want to be into this."

And they're not doing that much, but some of these people who work here think they're doing everything. But if you stop and think — where could they do it? I ain't gonna tell no lie. It goes on. It has been done. But I think if they said, "Let's just let it go," a lot of people would lose interest in it.

Janet: Well, I just might be naive, but I ain't never seen anything go on except somebody sitting together.

Betty: Well, see, you haven't been around that long. You stay in your room, and you're naive, too. A lot of women come in here and don't have anybody, and they latch onto this special friend. They need somebody. But if you have a close friend in here, they say, "Hey, we'd better watch them; they're getting awfully chummy." You really can't have a friend in here.

Janet: You really have to watch it.

Betty: You get paranoid in here. The COs have

photo by Jackson Hill

a logbook at the desk, and they write down what they see or think they see. They had a riot here in '71, and we got ahold of the logbook and read it. There were things like, "I thought I saw so-and-so playing footsie under the table." If they put as much constructive thought towards things like rehabilitation, it would be a lot better place.

Andrew: What's it like going before the parole board?

Millie: Let me tell you about the parole board. They will cut time for anybody that has political pull, but if you're poor – poor white, poor black, poor Chicano, poor anything – then you're just out of luck. You have to make the best of a bad situation. They'll write you this form letter and say, "We feel you haven't done enough time." Yet someone with pull might get 10 years and go out in two. We had a girl that had 50 years for first degree murder, and she went out in five. Another one had 30 and went out in six.

Andrew: What happens to a child when its mother comes to a women's prison?

Janet: It's horrible. That's the hardest thing. I have two children – twins that are four. That's the biggest mental anguish I have. My family has them, and it's a hardship on them, and the children can't understand why I can't come home.

Betty: Two of mine – I have four – are under psychiatric care right now. My first child, he just rebelled, and he thinks it's smart and cute that his mother's in prison. He wanted to go to school and say, "Hey, my mom's in prison," like he was a little gangster or something. He started doing little things that could end him up over across the street [at the Juvenile Offenders' Center]. So we snatched him up, and he's seeing a psychiatrist. He's better now. But my third little boy, since I'm up here [this is my third time], he doesn't trust anybody, because I told him, "I have to go back to the hospital." I wasn't honest, you know. But you can't tell a seven-year-old child that you're going to the penitentiary. I saw how the oldest one dealt with it, and I don't need four juvenile delinquents out there.

It's really hard on children. Mine are in foster care. If the state would stop and think how much money they have to put out for foster care plus the upkeep for a woman in here, if they would make all the people like me, who are in for checks and credit cards, pay back what they owe – if I had to pay back all that I charged on Master Charge and Bank Americard – I might stop and think. Whereas all I've had to do all three times is come in here and sit on my ass for a given period of time. I'm costing the state all kinds of money.

Millie: I know I have.

Janet: They're just now trying to get a restitution program started in here. Some men work and pay it out to their victims, but they haven't got anything started for the women. They need it.

If you're on Level IV or V, you can have one kid here for the weekend to stay in the room with you. Every time one of mine comes, they leave here crying. They can't understand. And that's the hardest thing on all the women I've talked to. When they leave crying, there's nothing you can do about it. I just go back and cry, too, for two or three days. There has to be a better way.

Andrew Griffin is a native Mississippian, living in Mars Hill, N.C., where he works as a waiter.

ANOTHER DAY

William Causse

The kids are playing in a nearby grove of trees. There's still a nip in the air, but the sun is warm on my love and I in this grassy meadow. I'm full and content with my woman in my arms and as I gently run my fingers through her hair, I think that times like these make life worth living.

What's that blinding flash!!!???

I open my eyes and I'm back in the dormitory. Damn it! It's five a.m. and the lights have just come on. The free man starts blowing his whistle like he's directing traffic and I bury my head under the pillow, trying to recapture the tranquility of my dream. Too late, it's gone. I get up, grab my towel and toothbrush, and head for the bathroom, hoping to reach one of the six washbowls before the other one hundred plus men I live with. I'm in luck. Finished with my morning ablution, I walk back to make my bed and the stupid talk is starting already.

"Get up an' brush yer teet', ya scumbag, you ain't sittin' at the table wit' me, yer breat' smellin' like a bear's behind."

"Who you foolin'? You ain't took a shower since Thursday, Funky Butt. Don't worry 'bout my teeth."

Barry White is moaning his desire from a tapedeck somewhere. Sometimes, I think the worst thing about this place is the incessant noise. If the inmates aren't making it, the free people are.

"Sick call."

Nobody bothers to go. The pimply faced young nurse, who thinks she's the Queen of Sheba, only gives out aspirin and we can get those from the security desk. The oriental doctor, if one is sick enough to see him, only knows nine words of English: "I can see no pain – you go to work." He may have been a doctor in Korea but here, he's just a joke.

I get dressed and start to make my bed. Hospital corners, eight-inch-wide collar; plenty of rules about bed-making but none about flushing toilets or taking a shower. Can't figure it. I lie back down and try to get a few more winks before we eat at six o'clock.

"Dorm six, chow!"

We straggle out through the recreation room to the chow hall, wondering what gastronomic delights await us.

"Get in line. Single file, there. Button that jumpsuit. Roll those pant legs down." The lieutenant is on his job early.

Biscuits, creamed beef (?), jelly, and milk. I'm starving. My hungry mouth receives a big spoonful of creamed beef and, after two chews, rejects it. Tastes more like creamed pencil erasers. Have to make do with biscuits and milk. Could be worse, but it's not much to go to work on and I know I'll be hungry before I get to the sallyport.

The food supervisor is standing by the table where we dump our trays. "Too much food is going to waste here," he says, his breath smelling like cheap wine. "Damn particular hoboes, probably ate under a bridge when you were free. My food is the best in the state, best in the whole damn country." Much snickering to these remarks. The

photo by Jackson Hill

man is obviously a mental case with delusions of grandeur. Such are the vast majority of our fearless leaders in this God forsaken circus.

Back to the dorm. It's six-thirty and there's a half-hour to kill before work. Plenty of stupid talk.

"Think it's gonna rain?"

"Naw, weatherman said thirty percent."

"Looks cloudy to me."

"That's fog, you dummy."

"You a punk, Boy."

"Yo' bald headed mammy's a punk."

"Got somethin' on yo' mind?"

"I'm gonna bust yo' head when we get in the field."

"Bust it now, Punk."

"Shut up, the free man is coming."

Barry White is still groaning, "I've got so much to give," but now he's challenged by Natalie Cole on the radio: "Our love will be as tall as the trees." All these love songs but no love, just negativism, hatred and bitterness. Maybe I belonged here, once, but no more. Getting old I guess.

"Everything off the floor. Go to work – NOW!" bellows the free man.

I grab a couple of sticks of gum and a fresh pack of cigarettes, and head for the door. It's chilly, but if I wear a jacket I'll be sorry later when I have to carry it. Better to be cold for awhile. I walk out into the brisk morning air, hands in pockets, shivering slightly but knowing that Ol' Hard Hearted Hannah, the sun, will be roasting me soon enough.

There are about one hundred men lounging around the sallyport, waiting, grumbling about going to work. It's Monday and there's no rain in sight.

"Crews twelve, fourteen, sixteen, seventeen, eighteen, twenty, A. R. D. C." They're playing our song.

We file, one by one, through the sallyport as our names are called. Plenty of stupid talk going on.

"Ohh, get your filthy hands off of me or I'll tell my man on you."

"Yo' man's a gal-boy, too. Ha! Ha! Ha!"

"When I was out there, I had more money than I could spend. Got a cigarette? Gimme a light, too."

"Want me to punch you in the chest to get it started?"

"Man, I was pimping whores and slamming Cadillac doors."

"Next time I get out there, I'm gonna rob me a bank so's I can get some federal time. Them feds don't work you like this."

"That DA in New Orleans is a mutha. I'm going to the coast when I get out – hear armed robbery only carries six years out there."

Here comes the field foreman. "Alright, pair it up." Everybody crowds the head of the line.

"Don't cut in front of me."

"You ain't got no badge, you can't tell me nothin'."

If there was a line for the electric chair, I truly believe some of these idiots would try to cut it.

We march out in a column of twos and fall in behind the one hundred or so men from the other unit. No trucks this morning, so we're going to walk

We look like a grotesque Mardi Gras parade marching down the side of the highway with an armed, mounted escort.

somewhere. The horseboys bring the horses up for the line foremen and gun-guards. Fatso, one of the gun-guards who weighs over three hundred pounds, mounts up. The horse lays his ears back and turns to look at the heavy burden on his back. He starts bucking. The gun flies one way, Fatso's hat the other, and Fatso himself goes over the horse's head. Undaunted, Fatso dusts himself off amid much laughter and jeering and climbs back on. Much to our glee, the horse repeats his performance but, this time, receives a severe beating with a rifle butt. The third time Fatso mounts, the recalcitrant nag behaves and off we go. The men at the head of the line act like they're chasing the field foreman's horse and those at the rear of the line have to run to keep up.

We look like a grotesque Mardi Gras parade marching down the side of the highway with our armed, mounted escort. These free folks strive to take away our individuality and we strive to maintain it. We all wear similar jumpsuits, yet each man looks different. Some have brightly colored bandanas on their heads, some have knit caps, others have straw hats. Some wear rubber boots, others wear brogans (Lil' Abner shoes), and a few have their pant legs rolled up to show off loud knee socks. I can pick out the punks and gal-boys by the bright scarves around their necks. Passing motorists slow their cars and crane their necks, staring in in disbelief. I can't blame them.

"I can't run anymore, Boss," cries a man who had open heart surgery two years ago.

"You better catch the line up, old thing."

The man collapses. A field foreman dismounts and rolls him over with the toe of his boot. "You two, carry him to the truck," he orders. The two men pick up the unconscious man and furtively pick his pockets and slip his watch off while carrying him to the pickup truck. "What the hell you all staring at? Catch the goddamn line up." And we're off to the races again.

Finally, after about two miles, we are issued hoes and ushered into a field overgrown with weeds. Here comes the good samaritan. "I want my field to look like a golf course. Now get to work."

This is what I've been waiting for. With the rhythmic rise and fall of the hoes, I can put myself into a semi-trance and escape, mentally, for a while.

"What you waitin' on?"

I look up, but the man on the horse isn't talking to me. I glance at my watch. Nine-thirty already, good, good, the time is passing quickly. Only an hour and a half to go.

"I'm doing the best I can, Boss," the man answers.

"Got to do better, can't get these weeds cut leaning on that hoe. You got a write-up coming."

The man throws his hoe down. "Lock me up, I ain't working no more."

The free man calls for transportation and I move off, chop, chop, chop, drifting into my own world again.

"Headland!"

My reverie is broken and I head over to the line which is forming near the fence, looking for my line-up partner. The stupid talk never stops.

"This work is senseless, they got bush-hogs to cut these weeds."

"Takes gas to run a bush-hog, don't take nothin' but water to run us."

"It's still stupid."

"You stupid."

"Yo' mummy's stupid."

We file past a truck and hand our hoes to the tool boys, who stack them on the truck, then start the long march back to the compound. As we walk-run, slipping and sliding in the mud, I dream of a cold cup of Tang. Funny, how I appreciate all the little things I took for granted when I was free. Never again. I'm thirty-six and if I come back again, it'll be as a four-time loser and it will be for good. I don't think I could take this, day after day, with no end in sight. I'm going to make it this time – I have to.

Back at the sallyport. "Everything out of your pockets, hats off, boots and brogans off for shake-down." They do this to us twice a day, everyday. I don't know what they're looking for and they don't either. This is just to keep the free men busy. I sometimes think the low ranking free men are

photo by Brad Fisher

treated worse by the brass than the inmates are. I'm patted down and head for the dormitory in my stocking feet, wishing I could make a free man wash my muddy socks. Idiots! Stupid, this whole system is stupid, there's no rehabilitation here, just work and useless expenditure of energy and harassment. God, I want out of here. I'm rehabilitated by fear of spending the rest of my life in this futile environment.

At last, my long awaited cup of cold Tang. It's count time, and then chow. As usual, I'm starving – sure hope there's something good for lunch.

Meatloaf, mashed potatoes, gravy, and greens. PTUI!! The meatloaf tastes like they washed the cream sauce off of the pencil erasers we had for breakfast and compressed them to form this dish. If the inmate store didn't sell canned tuna, I think I would starve.

I go back to the dorm and lie down for a few minutes, then it's one o'clock and back to the sallyport for the same routine. It never changes except for the excitement of a brief scuffle, now and then, when tempers flare in the heat. They are quickly broken up before any damage is done and all the participants get for their trouble is ten days' loss of good time and five days in the hole. The horses are brought up and everyone watches expectantly as Fatso prepares to mount. We are rewarded. The horse groans and lies down. This is too much and even the free people are laughing and slapping their knees. We finally march off down the highway with smiles on our faces.

It's another field, but the work is the same: hard, boring and senseless. The free men are passing out write-ups like crazy and I work at a steady pace, trying to avoid them. The field foremen write people up, hoping that most will get extra duty on the weekends, and they can make some overtime. What a way to make a living.

It's four-thirty, the work day is over and I've survived another without a write-up. Mail call, the high point of my day. There's always a letter from my love and I think her letters, more than anything else, keep me from giving up. Yes, there's one for me. I lie back and read it five times. Things are relatively calm at the women's prison, where she is doing ten years. I worry about her and she worries about me. Guess that's what love is all about.

"Dorm six, chow!"

Cornbread, red beans and rice, greens, and jello. Not much, but at least palatable and will get me through the night.

Now, for a shower, then I'll answer my mail and hope for a decent movie on TV. Anything to escape this boredom.

Ten-thirty and the lights are going out. The free man starts his patrol up and down the aisles, looking for a radio to confiscate or someone to write up for talking. Things quiet down and I look back on my day. It's been a waste, I haven't accomplished anything, and I know tomorrow will be a carbon copy of it. I relax and the darkness closes in on me.

The sun is warm on my love and I as we lie in this grassy meadow. She leans over and her soft, full lips brush mine....

William O. Causse is serving time at Dixon Correctional Institute, Jackson, Louisiana.

Tony Sayer

When the preacher carries keys

photo by Sean Kernan

In North Carolina prisons there is a phenomenon known as "the Christmas rush," in which selected prisoners with only a few months left on their sentences are released early, a week or so before Christmas. It is intended as a gesture of good will in keeping with the season. Last December, because there was no one else to pick him up, I waited outside the prison gates for one beneficiary of this practice. A while back Harry had been briefly and unsuccessfully paroled. Harry is an alcoholic, and his inability to control his drinking quickly led to his return to prison. Except for this short-lived experiment in freedom, Harry had been behind bars for 17 years. When he came out, he wore a used suit and had 20 dollars in his pocket. The suit and the money, and a perfunctory phone call to me, were the state's sole offers of assistance to Harry at the time of his release.

As he got in my car Harry had difficulty with the seat belt. He knew what a seat belt was; he had seen them on TV. But he had never actually fastened one. His nervous grappling symbolized his whole condition: no job, no place to go, almost no money, not even a change of clothes, no friends, virtually no contacts, trying to reconnect with a world changed nearly beyond recognition.

The authorities did not free Harry; they abandoned him.

Something more than bureaucratic indifference and lack of foresight lies behind this incident, for the state's announced motive was one of generosity and compassion. The authorities were not content merely to set Harry adrift; they appealed to the name and spirit of Christmas to uphold their action. Christians, at least, have cause to wonder just what twisted interpretation of Christmas inspired the state in this instance. And everyone else may justly wonder why these selfsame Christians allowed it to happen: why the church allows the state to appropriate its most sacred occasions, symbols and offices to justify such callous actions.

This is not a new question. Nearly two centuries ago church representatives suggested confinement as a humane alternative to brandings, forced amputations and other tortures. The modern penitentiary came into being, and the church has been involved with prisons ever since. Then and now that involvement has been marked by an incomis-

ency of motives and by widespread moral confusion.

Consider prison chaplains. Perhaps nine-tenths of all full-time chaplains are employed by the state. They work for their respective departments of correction. Just like the wardens and the guards. Only someone grossly unacquainted with the tensions of prison life could regard this as a circumstance conducive to ministry. Confidentiality — important in any pastoral relationship, but especially so in a setting where trust is almost non-existent and distrust is a survival virtue — is compromised from the outset. Many prisoners open their first encounter with a chaplain with the words, "Who do you work for? Who pays your salary?" The answer to these questions determines the depth of interaction that can be achieved later on. Other prisoners never approach a chaplain because they already know the answer to these questions.

Representing the church, the chaplain has the chance to maintain a uniquely independent stance: neither prisoner nor guard. Instead, many chaplains eagerly define themselves as part of the prison's overall "correctional" strategy. But prisons are not "correctional institutions"; they are merely prisons. When the chaplains combine the correctional and pastoral vocabularies and come up with designations like "correctional community" for institutions that are riddled with violence, fear and scorn, they commit themselves to concealment of truth.

In a setting where body language — "how you carry yourself" — is an all-important medium of communication, it is bizarre to see chaplains brandishing keys to the institutions they serve. No gesture could disclose more emphatically their solidarity, not with prisoners, but with the system. Those chaplains and other outsiders who have to be locked in and let out surrender themselves, however briefly, to the daily experience of the prisoners themselves. Their movements create a bridge between those behind bars and the world outside. Those chaplains who carry keys reinforce the isolation and abandonment experienced by the prisoners.

Conditions within prisons tend to suppress hope and awareness. The noise, the overcrowding, the forced idleness, the access to drugs, the racial tension, the ever present television — all these factors reduce the possibilities of self-discovery and cooperation. Chaplains who are oblivious to these conditions, who do not feel they have entered "the valley of the shadow of death" when they step inside the prison, can hardly instruct prisoners in awareness; and the hope they offer will be limited or false. Chaplains who recognize these realities but acquiesce out of a sense of powerlessness, or who actually seek to justify these conditions, have little hope to share with prisoners. Nevertheless, these prison conditions often go unacknowledged at conferences on "correctional ministry."

The correctional practice which authorizes such conditions cannot be reconciled with the Gospel. Identifying oneself with the correctional structure and the justice it enforces interferes with pastoral work in basic ways.

For example, prisoners generally accept responsibility for their crimes, in the sense that they admit that they acted freely, that they could have chosen to do something else. But they may avoid accepting a specifically moral responsibility for their actions by resorting to statements like "What I did was wrong, but so is the system," or "Who knows what's right and wrong?" The important thing about these statements is that they transcend the prison setting and attack the notion of law itself. The law is seen as a tool which anyone powerful enough can wield.

These evasions are credible precisely because they are founded upon concrete instances of manipulation of the law. During the Bert Lance affair, for example, I worked extensively with a young prisoner named Chad. Chad drinks a lot, has a poor employment record and sometimes writes bad checks to get himself out of a bind. While the nation heatedly debated whether Lance's overdrafts of several hundred thousand dollars constituted a crime, Chad received a four-year sentence for writing $200 worth of bad checks. Chad did not miss the irony of this contrast. To protest that Lance did not "actually" break the law is to duck the issue. The fairness of the law is precisely what is at stake.

A more complex case in point is the response of white prisoners to NC Governor James Hunt's Wilmington Ten decision. This response was first shared with me by a prisoner named Roger. He has been competing economically against blacks all his life and cannot see anything inherently more oppressive about their situation than his own. Besides, as he says, slavery ended a long time ago; the blacks are obviously on top now, both economically and politically. Liberal cliches and somber statistics about unemployment among black youth count for little compared to Roger's personal experience. And his personal experience is constantly reinforced by incidents like Governor Hunt's handling of the Wilmington Ten. Appearing on statewide television, Hunt informed his viewers he had spent "literally hundreds of hours" studying the case. Lavishly praising the courts, he emphasized the guilt of the defendants and refused to pardon them. But he did reduce their sentences by roughly seven years each.

What struck Roger is that Hunt stressed the guilt of the Ten and the heinous nature of their crimes, yet drastically reduced their sentences anyway. A lifer himself, Roger cannot understand why the Ten should be singled out for a special reduction, particularly if they are just as guilty as he is. Roger's answer to this riddle is simple: Hunt buckled under pressure from the black community and its supporters. Though some of his impressions are mistaken, Roger accurately identifies Hunt's performance as a political expedient. Justice had nothing to do with it.

Prisoners like Chad and Roger need to accept moral responsibility for their own wrong actions. They need to repent. The law's failure to embody real justice tends to obstruct this step, first by providing endless opportunities to foist blame off on the system, and then by seeming to render the whole enterprise of ethical reflection fantastical or irrelevant. This leads us toward another way in which the chaplain's identification with the correctional structure interferes with pastoral work: the justice of God becomes indistinguishable from the justice represented by the prison system.

This emerges very poignantly in a confession made frequently by prisoners: "It is God's will that I am here in prison." The unspoken conclusion of this statement is a resigned: ". . . and God is not here with me." The whole arbitrary system is viewed as an expression of God's justice, which is thus completely separated from God's love and forgiveness.

A truly alert church would recognize

the practical and theological contradictions inherent in a state-employed chaplaincy and would move to assign its prison ministers independently. It would relinquish its keys and other emblems of the chaplain's identification with the correctional structure, and it would vigorously preserve the two pastoral initiatives most conducive to solidarity with prisoners: confidentiality and the freedom to criticize the system. It is distressing to see many instances where the church is basically unwilling to minister to the imprisoned unless state funds are forthcoming.

The issue is not so much the abolition of state-employed chaplaincies as the renewal of the church. Chaplains who draw their salaries from the church do not, as an automatic result, bring greater discernment or integrity to their work. The change will have only a symbolic effect unless, at the same time, the church moves beyond the relatively individualized "chaplaincy" toward community-based "ministry."

The difference in these two terms lies in the relative elitism of the former. "Chaplaincy" denotes a trained professional, or at best a team of trained professionals, whereas "ministry," at its broadest and best, signifies the various callings to service given to *all* Christians. The bureaucratization of these various callings by the modern church has transformed its common members into spectators, so to speak, of their faith: their main function is to contribute money for the upkeep of the bureaus. In the case of ministry to prisoners, however, the reversal of this process lies within the grasp of local communities. There will never be an adequate number of professional chaplains, and virtually every community has a jail or prison nearby. Local churches should band together and establish a presence, in strength, at every jail and prison within reach. As many outside volunteers should be involved as the authorities will tolerate. Chaplains should devote themselves to the training and supervision of such volunteers.

Such a ministry can begin to thrust against the contours of prison life: racial and sexual tension, ignorance, idleness, loneliness. Many prisoners need the witness of a ministry that is specifically interracial and that provides them the opportunity to relate to members of the other sex simply as *friends*. Prisons are full of individuals whose education was cut short and who now lack confidence in their learning ability, yet who respond eagerly to encouragement and instruction. Prisons generally have "libraries" barely worthy of the name and badly in need of replenishing. In most prisons a high proportion of the populace is idle. A host of activities might be encouraged — in art, music, physical fitness, to name only a few areas. Correspondence and visitation programs can help the many prisoners who rarely if ever receive a letter or a visit. No community ministry will ever "improve" a prison enough to eliminate its harsh conditions. For these conditions are what the prison is all about. They will be eliminated only when prisons are abolished. But the abolition of prisons is a process to which a community ministry makes a distinct contribution.

The function of prisons, after all, is to separate individuals from the community, to hold them in a state of isolation and abandonment, to render them invisible to the larger world. Even the smallest gestures of kindness or trust, regardless of the timidity or lack of discernment with which they are undertaken, strike at the root of this function. Every time a volunteer sits down on a prisoner's bunk or pulls up a chair in the prison mess hall, the prisoner feels less isolated and abandoned. And for the volunteer the bars and locks and masonry become more and more incongruous, even ludicrous. Gradually a community arises of people who are unafraid of contact with prisoners, who do not need or want to be "protected," and who recognize that imprisonment is largely destructive of the ends it presumably means to serve. In this context the Biblical word most often used to describe ministering to prisoners — "visit" — takes on rare power, for it signifies this task of simply setting at nought the whole strategy of imprisonment.

The "theology of retribution," which provides a cheap religious rationale for the condemnation directed against prisoners today, must be dismantled. The church must rediscover that every human being is created in the image of God, with rights that must be respected and gifts that should be nurtured; that forgiveness is the highest form of Christian love and the key to reconciliation; and that Christ is to be found among the suffering, specifically among the imprisoned. For at present, many prisoners experience the realities of God's love and forgiveness *in spite of* the church.

Certainly the prison poses a wide-ranging moral challenge to the church. Others engaged in this struggle may think the church an improbable ally, but, as the Scriptures somewhat ironically promise, "nothing is impossible with God." □

A United Methodist minister, Tony Sayer co-directs a community ministry to prisoners in Asheville, North Carolina. He welcomes responses to this article at: 201 Broadway, Asheville, NC 28801.

Purgatory

I restless sleep — I toss and turn.
My soul it wants to scream.
And though I know it's not — it seems
to help
By pretending it's all a dream —
I pray to God — I call his name
But he must pay me no mind
For in my wake or in my sleep
Peace I cannot find.
It's a useless life and wasted time
Where hopeless days are spent.
For behind these fences, bars and walls
There's no way to be content.
And though I'm young in mind and
body
My spirits make me old
And I truly am not living
For my heart has turned ice cold.
There're times I wish these walls would
crumble
To crush my weary head
And you'd not wonder at mine
indifference
If to life you were as dead.
Oh, it's so much mental torture
In a burned-up little cell.
Lord knows I'm going to Heaven
Cause I've served my time in Hell!

— Dwight Mayton
Station A, Unit 2 9/7
Nashville, Tenn.

The Wonderful World of Rectum Inspection

By Tom R. Warren

HELP WANTED: State agency wants energetic and ambitious young man to fill prestigious position, vital to the safety of the community. Applicant must be a high school graduate or at least be able to write his name. He should enjoy looking at nude men.

Generally speaking, the public is ignorant of some of the thankless duties correctional officers perform for the safety and welfare of society. In any organizational structure, responsibilities and titles go from the bottom to the top in a kind of pyramid design. This article is dedicated to the brave correctional officers who represent the top of that pyramid: the Rectum Inspectors.

The Rectum Inspectors are the elite of the correctional force. While many of his fellow officers are manning guard towers, watching recreational yards and hassling men in the dining hall, the Rectum Inspector performs his job like a great surgeon. As each inmate returns from his visit, he goes into the RI's small working office and strips to the nude. The RI stations himself behind the inmate. In a dignified way, he "asks" the man to lean forward and spread his buttocks. With quick, professional precision that comes from many long hours of training, the RI surveys each man's anus. In a moment or two, it is over, and the RI knows that he has kept the sacred trust bestowed upon him.

The RI knows in his heart that he has fulfilled the oath each new RI is required to learn and recite at ceremonies:

I do hereby promise to faithfully execute the responsibilities and duties of rectum inspector. I will not be kept from my appointed rounds by hemorrhoids, gas or diarrhea. Anything that does not appear to be a part of the rectum will be seized by me personally. This I promise, so help me God!

Needless to say, it takes a special caliber man to serve as an RI. Competition is great for this highly skilled occupation. For those who make the grade, it is very demanding. But rectum inspection has its rewards. There is one RI here at the prison who lays claim to having personally inspected over 18,000 rectums in one year. For this high achievement, he was voted "State Rectum Inspector" last year and received an all-expenses-paid trip to Alice, Texas, for the national competition. He was named "First Runner-Up" and voted "Mr. Congeniality" at the 43rd National Convention of Rectum Inspectors. Today, he is a sergeant within Tennessee's Department of Corrections.

Or consider the RI at the prison who is apprenticing his teenage son at the downtown YMCA. If the son ever graduates from high school or learns to write his name, the RI will be able to get him a job at the Main Prison. Rectum inspection is indeed one of those trades that can be passed on from one generation to another. As long as man exists, there will be ani that need checking.

For those interested in rectum inspection who don't have an "in" to prison work, there is a scholarship program available at the area vocational school. It is a memorial scholarship set up in the memory of E.X. Lax, who was the first RI in Tennessee to die in the line of duty. On a gray January evening in 1953, he was overcome by gas while inspecting "Goliath" Williams, a 382-pound inmate from Jackson Hole, Wyoming. Lax died en route to the hospital. The scholarship is for two years and allows for on-the-job training at the YMCA, Greyhound Bus Depot and various restrooms of local gas stations. Upon completion of the program, the student receives certification from the National Academy of People Employed in Rectum Vocations and Essential Rectum Technology (PERVERT). It is these graduates who are given priority for employment by the Department of Corrections and the Federal Bureau of Prisons. Currently, the prison has three full-time, certified PERVERTs working as Rectum Inspectors.

According to one RI, who wished to remain anonymous, rectum inspection is looking up. The prison population at the Main Prison is grateful for the professional RIs employed there. To coin a phrase, we take our pants off to them!

This satire was originally written for the Tennessee State Prison newspaper, but was censored by an associate warden: "It is true that these strip-searches go on, but we don't want all those churches who get complimentary copies to read about that kind of thing." It appears here in its entirety.

Free Men

Oscar Dees holding photo of old Kilby Prison where the electric chair was housed.

Three Generations of Alabama Prison Guards

Ray March

The following is an excerpt from Ray March's Alabama Bound: Forty-Five Years Inside a Prison System. *It is the oral history of three men -- father, son and grandson -- who have, collectively, served in practically every capacity in the Alabama corrections system.*

Oscar Dees worked for 38 years in the prisons, retiring in 1969 from his position as warden. His son, Fred Dees, Sr., began as a steward in a convict camp in 1952 and eventually became a road boss and prison superintendent. Fred Dees, Jr., worked briefly as a guard while in college and became a probation/parole officer upon his graduation in 1972.

Author Ray March is a California-based investigative reporter who has covered such stories as the Indian occupation of Alcatraz Island and the riots at Soledad Prison.

OSCAR DEES

38-year employee of Alabama prisons

When they hired me to go to work for the state (that was in 1931), I was plowing a mule out to the end of the row and turned up side of the fence. The warden — he was sitting there in a old car, a old Ford car, asked me did I want to come up there go to work for the state. 'Course, I knew the warden personally, he used to be sheriff here. I drove right up to the fence. He called me Big One, says, "Big One, you want a job with the state?"

I says, "Mr. Fountain, I don't know nothing 'bout no prisons. I don't know whether I want a job up there or not. I don't know whether Momma would want me to go up in there now."

He says, "Well, you an orphan boy, you can make more up there supporting your momma and sisters than you can here farming. You go talk to your momma and tell her that you can make an easier living up there than you trying to make on this farm. You tell her I'll take care of you."

I started at Atmore, the old Atmore. That's the only prison they had there then.*

The first job I had was carrying a squad out there. They give me six shells, six buckshot shells and a double-barreled shotgun and a trusty to tote some water and wait on me. And I wasn't supposed to let him come up to me, and the deputy warden says, "Don't let them get no closer than so and so to you" (he was pointing to some object or another). When I went to work for them, they'd put the prisoners in the field. In other words, we checked out between daylight and sun-up. They sent our food to us in containers out in the field. We stopped an hour and eat dinner right where we was working; then we went right back to work. Then we checked in between sundown and dark. And the prisoners were so tired, whenever night come, we didn't have any trouble with this homosexual and all that sort of stuff 'cause they was too tired. In other words, we had the "okay." We okayed twice the day, every night and every morning. That was the count, head count.

One of the first things they warned me about was what they call "putting the hat on a man." That means a con man. They got some professional con men in the penitentiary. They can make it so plain, and tell you so plain, and make you believe that he hain't done one thing, that he went to Sunday School every Sunday and was raised in the church and the only time that he was at home was just to eat. The rest of the time he was in the church; in fact, they arrested him in church, and he ain't guilty of a thing in the world, and they had just railroaded him in there. That's what you call putting the hat on a man — and never let a man tell you that they can't put the hat on him 'cause they'll put the hat on him.

Every convict, when he first gets in the penitentiary, he gets religion. He gets the Bible, and he'll tote that Bible. Literally. He'll tote it, he'll read it until the day that you call him up there to discharge and tell him to get his personal stuff. Then he'll leave the Bible there.

I was told about that hat deal, so if they didn't make him a trusty, then, far as I was concerned, he was under the gun.

Now, I shot one when I first went there to work. He run out of an uncle of mine's squad and I shot him. Ninety-seven steps. And I shot him down. 'Course he died after then. And he was in there for stealing chairs out of a nigger church!

I stayed in it thirty-eight years and I know one thing: you got to have strict discipline if you run that prison over there. Discipline number one. Security number two. Discipline. The Bible speaks of discipline all the way through it. Discipline. And whenever you get away from the Bible, you done got away from it all. If they'd run that prison up there at Atmore according to the Bible — it says use the rod, don't spare the rod — it doesn't say nothing about no strap, but it says something about that rod, and that rod can be used as a strap or an oak limb or whatever you want to call it! But it means getting a man under control, see.

A strap is about six feet long, and the end that they use to hit the man with has got about, oh, I'd say eighteen inches, it's just a strap about three-inches wide; it's just like a razor strap. Now it tapers from that eighteen inches up to the handle where you, the man that uses it, a piece of leather on each side of it the width of the leather that they use at the tip, and it makes it stiffer up there to where he can control it. In other words, if it didn't have some support in it, you couldn't control it; you're liable to hit them on his feet or anywhere.

The strap was used when a man committed a crime — say he cut another prisoner, they found him with a knife, or he quit work or murdered another prisoner or something like that. They could give him twenty-one lashes, but that's all they could give him, and that had to be in the presence of a doctor, and the doctor had to examine him before it was administered and all that sort of stuff. And the doctor sit there all the time that you hit him, and you had to hit him on the buttocks; you couldn't hit him no where else. You couldn't hit him up on his kidneys or anywhere like that, you had to hit him on the buttocks. And sometimes they wouldn't give him but three licks and the prisoner would say, "I'll do better if you'll just quit."

Which, I think, that's the most hu-

* The central structure was built in 1929.

mate punishment there is. 'Cause this here putting them in solitary, locking them up in a place and leaving him there for so many days is a whole lot worse than just taking him in and spanking him a little bit – that's the end of it.

Now, twenty-one days in that doghouse will actually hurt your health. Now, spanking your fanny won't hurt your health. It'll heal. It won't hurt you, it'll hurt your feelings. It takes one of them to hurt your health, the other one takes your pride out of you. You'd hate to get your fanny whupped. And you'd do anything you can from getting it spanked so your friends and your family wouldn't know it. So that's the reason I argue that the strap is the best, 'cause the solitary confinement will really hurt your health and the strap won't hurt your health.

And another thing, when a man does a crime, or breaks a rule, he needs punishing then, right then, while it's on his mind, while he's got hell in him, right then's the time to get it out of him. In three, four days, by the time you write to Montgomery and get an order and put him in the doghouse, or give him a trial – now you got to have the judge and everything else over there to give him a trial, and he can get him a lawyer and all that sort of stuff.

I want to tell you what happened to me one time. This is really funny. I was warden at a road camp, same road camp I was warden for nine years and didn't get but two disciplinary reports. I went down, I was getting the county prisoners out of the jail in Birmingham and carrying them out and putting them in the prison and we was renting them to the county just like we was to the Highway Department.

So I went down and got this prisoner, and he was from the north, and them fellas there in the jail they was waiting for me to come for, they knew I was going to come with some sort of ol' junk. So he come out, he had enough pencils to run the University of Alabama, writing paper and first one junk and then another, and a brief case.

Oh, he was really fixed up. Dressed all up and I says, "Hey there, boy," I says [he's a colored boy], I says, "Now where you're going you ain't going to need them pencils and all that paper and stuff." I says, "The best thing for you to do is send that stuff back home." He says, "No, I might want to do a little writing." And I says, "Well, that writing is liable to cause you a whole lot of trouble." He talked about it out of one side of his mouth; he was from around Cleveland, Ohio, or somewheres.

So I got him out to the prison. I decided that the best thing for me to do before he got in there and started some agitating and got my prisoners all messed up and everything – I had a good prison – before he's start a whole lot of junk, he a penitentiary lawyer – that's what we called them, penitentiary lawyers, you see. So I told him, "Before I put you back there and let you ruin about half my prisoners, I suspect I'd better make a good south Alabama nigger out of you." So, I took his briefcase and all his pencils, all of his writing materials, and all that sort of stuff; I got that strap out and I hit him about two times, let him know what that was, carried him on back and put him in the cell.

I don't know what happened, but somebody told it in Montgomery that I got this boy's attention. So they sent and got him. I must not have got all his pencils, no! So they take him down there to Montgomery and they made a trusty out of him, put him to driving for one of the fellas that went around and looked at all the road camps and all. And I often think about this; he'd eat at my prison, he'd come there driving whoever it was – I think it was Floyd Neighbors – he'd come there driving whoever inspected the prison; he never come there but what I'd always fix him a good dinner and all, which I let him eat with the officers and all that sort of stuff, and he'd always tell what I'd done. And that goes to show you that they got respect for you if you get his.

Then you'd get ahold of one once in a while that's a 'gator. He's like from Missouri, he can take twenty-one licks and – well, for instance, when I first went to work up there they gave me a boy from Texas [they called him Texas], and I was loading sawdust and he sat down. I checked out and went out there to load the sawdust, and he sat down and told me he wasn't going to work. So I went in for the warden, the warden come out there to talk to him, told him he'd have to work. He told him no, he wasn't going to work, so he carried him in there and gave him twenty-one licks. He was one of them kind, see; gave him twenty-one licks. So he brought him back, he got right back up there on that sawdust pile and sat down again, so I called the warden, told him he wouldn't work, so he come and got him, took him back in there and called Montgomery; they gave him permission to give him twenty-one more, so they give him twenty-one more.

Well, he come back out there – naturally his tail had got in pretty bad shape, and his blood was showing through his pants – so he just crawled right back up in that same place and he was going to show the rest of them prisoners that he could take as much of it as they could give. And, excuse the expression, this is what he said to the prisoners, he said, "I got more fanny than they got strap." That was the second time.

He got up there and sat down and I went back and got the warden, come back out there and tried to get him to go to work. He told him he wasn't going to work. So they carried him back in there and when they brought him back to me – I don't think they hit him but ten or twelve licks that last time – he told them he'd found out they had more strap than he had fanny, he could go to work. They brought him back and the blood had run down his pants to the bend of his knees and he got his shovel and went to work. Well, he worked about an hour, and I knew the boy wasn't in any shape to work, so I called them and told them that he was sick, he needed to go to the hospital. So they come and got him, carried him to the hospital, and put him in the hospital until his fanny sort of healed up a little bit. But that just shows you now if they had give in to that fella, he'd had undone everything that they had done up until then if they had let him got by. They *had* to conquer him, if they was going to run a strong prison. They had to get his attention. Yes, sir. Now, that boy happened out of my squad.

Kilby had Death Row. A man sentenced to the chair, he went into Death Row. He stayed there until they commuted his sentence or electrocuted him. I went up there every day and talked to them, asking them how they was getting along and all that sort of stuff, which I went all over the whole prison every day.

I pulled the switch. Well, ah, the only way that I got assigned to it was 'cause the warden had heart trouble. The law reads that if the warden's sick, the deputy warden at that prison's got to do it – at Kilby, that is where it was

when I was there. The law read that if the warden was sick then the deputy had to do it, then if the deputy was sick then the director had to appoint a man, he had to appoint a man to pull the switch. You couldn't just pick up Tom, Dick, and Harry and go in there and kill a man.

I done it for four years. I worked under the warden; he had trouble with his heart. I done it all for four years. 'Course he was always standing there side of me, the warden was. Nobody knew out in the audience whether he pulled the switch or I pulled the switch. We was in a separate room. Was nobody in there but me and him. There was a hole about four inches in diameter, and they would have a little paddle there that said "ready" on one side and "stop" on the other. So when they got the prisoner ready to be electrocuted and everything and the doctor had done talked to him, the preacher had done talked to him, and he'd done said everything he had to say, then they'd put that little "ready" sign up there, snap, you'd pull the switch. He never did know, he never did know, he never did know what hit him.

Well, I'll tell you that thing is really worried me a whole lot 'cause the Bible says "Thou shall not kill." 'Course it goes on and says, in the Bible, some was killed during Christ's time. That, that "He put some to death," but the way I looked at it the twelve men that sentenced him to the chair was the twelve men that killed him. I just carried out my duties. I just fulfilled my duty. That thing has been on my mind more than anything, is that switch. But, on the other hand, somebody's got to do it. And when I took the job as deputy warden at Kilby, I knew that went along with it. I worked for the state twenty-one years. Yore I ever saw the electric chair! I never saw the electric chair until I went to Kilby as deputy warden.*

What's my idea of the best penal system? Well, I think you need to have — I would be for rehabilitation to this point: if a man couldn't read and write, learn him how to read and write, and learn him how to work, and learn him discipline. If the state of Alabama would learn every prisoner that they have to come in the penitentiary; if he couldn't read and write — I think that's the main thing — to learn him to read and write and to learn him discipline is three things that — the reason he's in the penitentiary is 'cause he hasn't had no discipline at home, and another thing is 'cause he won't work.

photo by Barry Fitzgerald

This was prison farm, all farm out here. There's nothing here like it used to be. There was a little over four hundred miles of terrace. That's a terrace, see that there? There was over four hundred miles of that on this property at one time, when we had mules here. See all that land over yonder? We worked every bit of that; now they're not working none of it. They're working right up and down south of the road here. See over yonder where they're not working? We worked all that land. Corn and stuff — we fed the prisoners with it. We had our own grist mill; we made our own meal. Raised our own rice in these low places — had our rice mill. We made lye hominy out of corn.

Now they've done away with that. And they spent twenty-one million dollars last year, and they've got crops that they've plowed under that they couldn't even get. They can't even get them together! They can't even make them prisoners work!

The criminals has absolutely took this country over. A criminal is treated better than a man that's a law-abiding citizen! He's got more rights, he's got everything, everything's in his favor. A criminal. I hate to say that, but that's exactly the sort of shape our country's in. 'Cause our country's supposed to be a Christian country, but it's turned out to where it's everything but a Christian country. Now, I don't know what's going to happen, but it ain't going to run along like it's running. I believe the Good Master's going to pull the plug out of it. I sure do.

* Fred Dees, Sr.: "That chair of his had a lot of bad on him. Oh, there's a lot of things about that chair. One of them called his name before he electrocuted him. That sure enough tore him up. Called his name out."

FRED H. DEES, SR.

Alabama prison road boss and former superintendent

Fred Dees, Sr.

The easiest three years that I have ever run a convict camp was the road camp here at Eight Mile. I was lucky and got about 70 percent of the population interested in making money on the side and I in turn told them that I would let them make their little lamps and billfolds. I even went as far as to help finance them, and as long as they obeyed the rules, the ones that was set out by the Board of Corrections and the ones I set out to operate the camp with, that I would just let them stay up at night, a reasonable time, and I would let them keep the tools where they would be handy to them where they wouldn't have to check them in and out. And as long as it kept them occupied while they was inside the camp, I could have left Rover down there and he could have took care of them. A few you had didn't care, but the ones who wanted to outnumbered them, and they kept the others straight.

We let them have conjugal visits. Visitors, visitors. Female. It cuts your problems down, and the convict that has any respect for his family, he didn't want them to come in contact with no element like gal boys. So he would help you get rid of them.

But now, that was another rule that you bent. In other words, I done it in a way, I done it just like this: I said, "Now I'm not going to let no guard go to the wash house on visiting Sunday provided that if somebody comes checking they won't find nothing, and I won't know nothing, and if we get caught at it you can't say that I know." No guard knew.

For the single convict we had the loose girls that came. It gave them more to look forward to, in my opinion.

Let me give you a good example of how I would do it. If I got a lot of trouble with whiskey inside the camp, all right let's get them all there and [say], "Let me tell you all, I can't let two things going on at one time; you all can either keep this damn whiskey out of this camp, or I'm going to lock the wash house door!" I have locked it up on visiting Sunday to show them that I would, and they would get a delegation back there to come to talk to me about it. And guess who would come! Their wives! And try to talk me into the notion of opening it up.

It puts his mind a little at ease about his life outside. But now every road camp didn't have that. You would take a road camp where the superintendent didn't have no feelings, well, you could tell, I could tell – I could get the escape reports each month and tell you quick which ones was doing it.

Most violent fights I've seen in a road camp has been about homosexuals. Let me tell about an incident. It was in the evening when all the guards was there and it was – I didn't like to show no force around anybody because, if anybody'd see anything, there was nobody to testify against you if somebody was to push the fact that you did hit one of them. Anyway, as soon as everybody left there I put a stop to that – quick. But I had been fishing over here, and I had got back and I carried the fish down there to get some of them to clean them for me, and Nichols, the bookkeeper then, he come out there where I was at. I asked him, I said, "Nichols, have you had any trouble?" "No, hadn't had a thing, everything's been mighty quiet Captain Dees," and about the time he got it out of his mouth "blam-de-bloom" inside the camp, and I looked at him and he looked at me, and I said, "What in the hell is that!"

And about that time this convict balled out of camp – his name was Stanley Dollard – and he was just bleeding all over. And a convict by the name of Davis had got on him with a meat cleaver, and he had cut his left arm off – the only thing that was holding it was the skin back there – and hit him in his cheek with it, hit him in the chest with it, on his arm two or three times, and the hand he had cut off, he'd hit him twice.

I grabbed hold, and another convict was there, by the name of Charles Jackson, and I managed to artery his arm to keep it from bleeding so bad. I told Charles to hold it, and I run in there where the convict was and – you've heard the saying that a man was so mad that he stunk? Well, I actually smelled the fellow. His eyes was way back in his head, and I asked him I said, "Give me that meat cleaver William" and he says, "Don't come no closer, Captain Dees," and it was a pick handle standing behind the door and I grabbed a hold of it. I said, "William, give me that meat cleaver," and he started backing up, and I said, "William, give me that meat cleaver," and all the time I was walking towards him, and he let me get in reach of him and when he did, he went one way and the meat cleaver went the other – that pick handle – but just the time I got him off the floor – I didn't

hit him but one time – his eyes cleared up and he was just normal. But what had happened, he was trying – Dollard, the one he cut, was trying to make a gal boy out of him. He was fighting back, and he fought back, too.

They first started to integrate in '69, '69 or '70, I think. The cells were mixed. They slept in the same cell. When they first, I had fifty-two blacks, and they sent me eight whites. I had five cells and I put one in each cell and then two to make it, but I had a white in each cell; it was integrated. It didn't help the convict, black or white; they was already living under the same condition, both of them was. They only thing that they separated, the white was living on one side of the penitentiary and the black was living on the other side of it. That was in the penitentiary, not the road camps.

They all ate out of the same pot. They didn't have plates for a white man and plates for a black. They went to the picture show together. They didn't say whites here and colored over here. When they went to the picture show – the reason I know is 'cause I used to go in with them – they'd mix up. This was all in the regular penitentiaries. The big deal that the paper played up on segregation in the penitentiary was just a sahoot, anyway. The only thing that really changed was the road camps. They had black and white road camps and they mixed them up; that's about the only thing that changed. They used the same toilets. And when, like on Saturday and Sunday, they was turned out in the yard together, they associated with one another before the integration thing came.

Now the discipline has changed, too. When Daddy started he handled convicts strictly from fear. Even in the field, a man was out there won't – say they was chopping cotton and he was behind them, way behind the rest of them – they didn't try no reasoning with him. They laid him down right there and whupped him and put him right back there and made him do it. But when I started in '52 they had done away with the strap (like Daddy was talking). But we had the hose type, and then it came along, when I was tried in court, everybody got scared to use force and then things really changed; then that you started – let me tell you – you started using, putting the hat on the convict, really. You would listen to him to a certain extent; then you would figure out what to say to him to make him do like you wanted him to. And then, but you had some that you couldn't, he wouldn't listen to you for twenty-four hours.

Now, the doghouse was another way of punishing the convict back then. It was a room, it was just a bunch of rooms built in a horseshoe shape. It had a steel door that was sealed; when it closed, you couldn't see your hand in front of you. It had a drain in the middle of it, but they give them a bucket to go to the bathroom in. And then they took it out once a day, every twenty-four hours. You had to feel for it. And they would put as many as eight men in that five-by-eight room. This was a hole, the doghouse. A lot of folks called it the hole and a lot of people called it the doghouse. And they'd put him in there for twenty-one days and they would feed him one time a day.

In the doghouse they fed him one time a day – and that was a piece of cornbread and a glass of water. Every third day they give him one meal, a balanced meal. Just one meal. They were put in there without any clothes. He would lose – I've seen them put in there, I've carried a man and put him in it, and he'd say, weigh one hundred eighty pounds, and when I'd get him back after twenty-one days he'd weigh less than one hundred twenty. And that's not good for you. You're starving him to death is what you're doing.*

Very few camps had a doghouse. I never worked at a camp that had one. We took ours to Atmore. At Grove Hill sometimes we carried them to Montgomery, but most of the time we brought them to Atmore. But now, when I was at Eight Mile I brought all of mine to Atmore. It wasn't too often, maybe twice a year, something like that. All the problems you could solve yourself – you would not have as many, but if you started hauling them away from there, it seemed to me like the more you did it, the more you had to do it. So you tried to solve all that, as much of it as you could, without doing that.

Today they've changed all that. They've lit them up now, and they've got a commode in all of them. That's something else that the public – the federal government, whenever all this segregation mess and civil-rights things was coming out – they done away, that's another thing they done away with.

I've tried to control convicts on the basis that let me reason with you, but now if you won't reason with me – I'll treat you like a human being, like a man. I didn't only try to sell an idea; I told them face to face, "I'll treat you like a man as long as you'll treat me as one." And along with that you have to put, you have to let them know that if they don't do that, that you'll do something. It's not all bullshit, is my words, it's not all bullshit that you're trying to sell them. But you have to let them know that you're not playing.

Oh, I have thrown fits down there amongst those men, pulled my shirt off, kicked my shoes off, thrown my glasses down, acting like somebody crazy, just begging one of them to jump on me. You have to do that, you have to put up a certain amount of front. But now, he's smart – don't sell him short; don't sell the convict short, because he knows when to say, he knows when to bring you a cup of coffee with a smile. Now you take the men that could see me in the morning, I could come out of the house, and I always walked down the middle of the road to the camp, and they all watched me; they could tell by the way I walked what kind of mood I was in. A black man, he's studied psychology anyway. 'Cause that's who should be teaching psychology in all your colleges. 'Cause he knows.

The Board of Corrections, the new people which has come in, say the road camp has no rehabilitation towards the inmates, it doesn't help them any. They don't rehabilitate them anyway, so they say it's best for them not to be in a road camp. Actually, the road camp kept them more up-to-date on what was going on in the streets 'cause they was in the streets with the people. They knew how to deal with the people, the public, 'cause that's the kind of work they did. And they would learn, as time changed in the street, they would learn the changes that was made. Now, when they pulled him back and put him in the penitentiary, he doesn't know nothing about what's going on outside the penitentiary.

* Oscar Dees: "They got where now they give them a meal every day, which is not no punishment to it now, at all."

FRED H. DEES, JR.

The "new breed" of probation/parole officer

The main reason I didn't go into prison work was pretty well known all along; I just haven't got – I won't say aggressive, that's the wrong word – but to me, to really get on somebody like they do, which I've seen them work; and I've also seen other guards at other prisons try maybe a softer line, maybe like we see here, and it just doesn't work: you're constantly getting run over. Either way. Well, that's being a little unfair, but it just doesn't work. You've still got to have both of them; you got to have more or less a strong arm, and then if you want to rehabilitate anybody you're going to have to work from an authoritative position. When I saw right off that I'm just not that way, as far as using authority, working from authority – I just can't really work anything that way – so that's the main reason I didn't want to go into corrections.

There were other reasons, too. I've seen my father and grandfather, too, and that's a job that weighs on you pretty hard all the time. This one does, too, but it's in a different situation. Like, when I leave the office here, I still get calls and all at night, but I can pretty well pick up and forget it for a while. But I notice they don't; it's constantly on their minds because a twenty-four hour job is; if anything happens in there it's their responsibility. But, getting back to it, the main reason is just because I saw right off I wasn't going to be able to use authority like they do. I mean it's just not in me, as far as I can see, and I just don't feel comfortable with it. And a probation officer's job is a lot different. Like I said, most of it is primarily social work. Of course, there's a lot of people still in our department who'll go out and argue it's not, but for the most part it's in that direction.

My degree is in criminal justice and political science. Double major. So, this was pretty new to me. If you had a good background in psychology or sociology, it wouldn't be too big. Mainly psychology. I had a few psychology courses, but not really enough for a minor. Now I'm studying for a master's in correctional counseling.

There's twenty-four of us in the program and they all work for the parole board. I kind of look, actually, in maybe the next three or four years it will be a requirement of this department that you have a master's. They're going to have to raise the salaries some more, there's no doubt about that. But, that's coming. I would say now, out of these people they hired recently, out of thirty-five – that's just approximate – I would say fifteen of them have a master's or are about to complete a master's program.

The case load I've got is 95 percent black, and I've got one hundred and twenty-five now. All right, the territory next to me, the probation officer there has 95 percent white. Out of my case load of one hundred and twenty-five I've got about fifty parolees and the rest probationers. He's got about twenty-two or twenty-three parolees and the rest of them probationers.

So you can see how the blacks go to the penitentiary a lot more than whites do. It would make you think maybe there's a double standard of justice somewhere along the line, but it's really about even as far as – if a white violates his probation, he's got better access to a lawyer – there's a good chance he can beat the case before it comes up, before it gets to the grand jury – and a black doesn't. He's got a court-appointed attorney and they don't – unless they can milk a little money out of him, too – they're not going to defend him too much. So that has a lot to do with that, too, when you say who violates probation more, black or white. I guess really, without that factor it would be about the same.

If drugs weren't a problem, weren't against the law, shoot, that other probation officer wouldn't have nothing, he wouldn't have a case load but about twenty-five. Most of the white areas are drug charges. That's the reason I didn't want it. When we got all these new supervisors and were switching territories around, I could have got a predominately white area, but I didn't want it. They're hard drugs. I've got a few drug cases, maybe ten or twelve, and that's all I want because they're a lot different to work with, because you keep thinking the only reason they're a criminal, the only law they've ever thought about violating, the only flaw really they have, is drugs; and when you – if you got a burglar, he generally knows he's done something wrong and you can work from there – but somebody on drugs, 'specially marijuana, they don't see anything wrong with it. They don't feel like they have a problem or anything.

I've got to know a little bit about every one of my one hundred and twenty-five. I work with them, and there's some of them that don't need any supervision, really. They're going to do pretty good anyway, so some of them you don't worry about too much. You just make more or less sure they send their reports in, and maybe go by and talk to them every now and then. And then, on the other hand, I've got some I feel like – like I've got one drug addict, he's been through every – we've got three sorts of drug rehabilitation homes. He's been through all three of them and no drug involved; that wasn't the reason he was kicked out. It was just his attitude, and they kicked him out of all three of them. Mental health, vocational rehab, they couldn't do anything with him. He just wouldn't cooperate with them, so the only thing I'm doing with him, I just go by and see him about once a week, make sure he stays around town, give him a urinalysis every now and then to see if he's off drugs. There's not much else I can do with him 'cause there's no more programs left. And he's been in prison several times.

As far as methods of counseling, we're kind of divided here. A couple here have master's in counseling, but anyway we're always arguing about which ap-

proach to take in counseling. I take the less direct approach rather than all the time giving him instructions, telling him what to do. More or less just trying to talk with him, lead him and show him if he does that, what's going to happen. I realize that giving a man probation or parole instructions by necessity is direct.

All right, a few here are very direct. Which, to me is not too much different from just discipline. Because you tell him this is the way it is. You do it, and that's it, rather than working so much on feeling, just finding out more or less the facts, and telling them this is the way it's going to be. It works, but it's mainly on discipline.

There was a probation officer, he was big on law enforcement, and when he had one come in he kept a brick in one side of his drawer and a gun in the other one. When he wanted to reiterate a point he would take the brick out and slam it on the desk or take his gun out and say that's the way it's going to be, and things like that. They got rid of him finally. I think he went back into the service. He was in the active Guard and went into active duty. If a war comes along, I know who will be happy! He was something else.

This is just my observation, but I would think the main problem in the prison system is they try to carry on rehabilitation on one hand and at the same time they operate guards and security and so forth on the basis of back when my grandfather was there. People are more smart now; prisoners they get probably still don't have the average education but they're still intelligent, and it's hard for them to have a counselor on the one hand, spending two hours in a group counseling session and he's really showing them he cares and they're really talking over how they feel about things; and then it's just like throwing cold water on them when they put them back in the prison population and you go back to the old thing, strictly security and everybody's treated alike – it doesn't matter, any individual differences, everybody's the same.

I'd like to see it, maybe – well some people who go to prison I don't think should be released. They should have to sit there the rest of their lives, but they should put it in a way where they have one big prison, maybe Holman, that's maximum security, and that would be the killers, the psychopaths, maybe third offenders. Put them together, that's it; there's no need putting them in with everybody else.

Fred Deas, Jr.

The first offenders, maybe even the second offender, they haven't reached the point of no return. For them maybe build, oh heck, several prisons with a population of no more than two hundred and kind of spread them out, throughout the state, and have your rehabilitation going on there. And another thing they'd have to have, which is beginning to start here, is some contact with the community. It's a little late; they've started it, but it's a big change from going from prison back outside, and they need some way where they have contact with the community, maybe work release; if nothing else, maybe even a parole officer go talk to them or something, some contact, something to expect. You've got to have something to show them somebody is going to be on their side when they get out – somebody will be working for them. Within the Department of Corrections.

The main thing, the main problem, is the ones we have less success with, is the ones who don't have anybody when they get out. Maybe their wife's left them, or their families live somewhere else and they've just got a good job here and that's the reason they can't – those types don't have anything to hang onto – they don't usually make it, which is understandable. If you felt like you didn't have anybody who cared anything for you, everything was going pretty bad, naturally you'd get to where you wouldn't give a shit.□

RITUAL SACRIFICE

Is the death penalty a deterrent to crime? Elaborate studies bolster both sides of the argument, leaving the question undecided. But most people would agree that for a punishment to act as a deterrent, the chances of escaping it must be virtually nil. In our society, the chances are great indeed that an influential person, ably represented by private counsel, can beat the electric chair. The figures demonstrate that most of the 395 men and women the chair threatens to claim went on trial represented by court-appointed attorneys. Serious questions about the guilt or innocence of some of them were never resolved in the hasty and emotional proceedings that led to their death sentences. The story of one such man, Johnny Harris of Alabama, illustrates how the death row inmate is often more a victim of circumstances and racial prejudice than he is a menace to society.

One Southern prison administrator has confided: "I've never seen a rich man go to the electric chair, and I don't think I ever will. And I've seen one or two on Death Row who I thought might have been innocent."

The will of the public, however, may be to enforce capital punishment whether or not it deters, whether or not the life of an innocent person is occasionally snuffed out. Execution is a savage response of a people exasperated by the rise of violent crime and willing to grasp at any simple solution, especially one that promises vengeance. But we must ask ourselves, will savagery beget anything but savagery, and will legalized killing not simply stimulate our society's fascination with violence?

photo by Jackson Hill

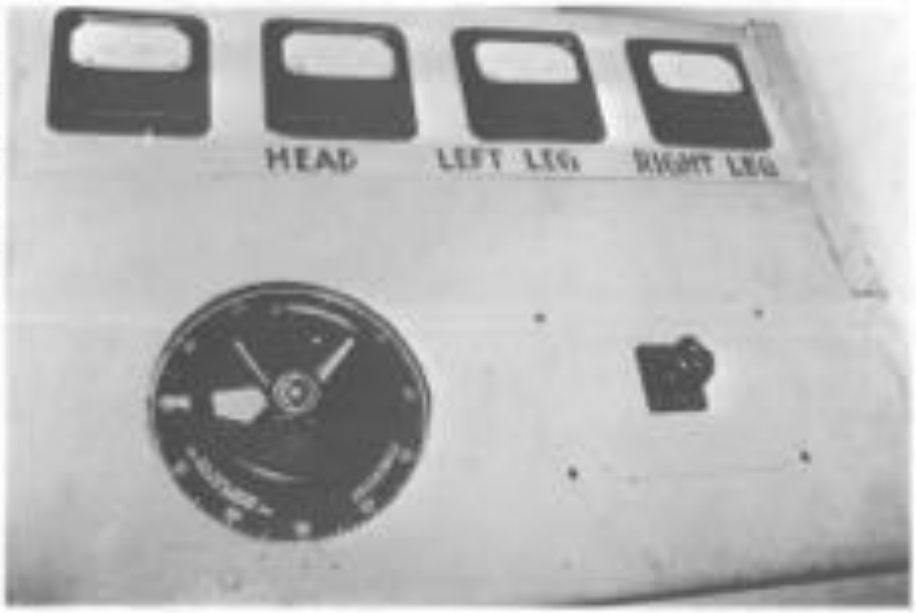

photo by Michael Gass

By Randall Williams

Occasionally, in roadside cafes below the Mason Dixon line, diners find their plates laid on paper placemats decorated with humorously drawn maps depicting the "United States of Dixie." The maps are drawn grossly out of proportion, with the Southern states filling up most of the area and a small space at the top devoted to "assorted Northern states."

There is a macabre irony about these maps when one compares them to the history and now the resurgence of capital punishment in America. Proportionately, the role of the Southern states in the grisly practice of legal killing dominates the map much like the joke printed on the placemats. Though all 48 of the continental states have at various times used the death penalty, 12 states in the South have performed more than 60 percent of all government-sanctioned executions. Of all the death row inmates in the United States today, 85 percent are in those same 12 states.

Barring the unforeseen emergence of another Gary Gilmore somewhere else, it is almost certain that the next execution will happen in the deep South. The prisoner nearest the death chamber today is John Spenkelink of Florida; his death warrant is signed and only the persistence of his attorneys is keeping him alive. (See separate articles in this section on Spenkelink and inmate Johnny Harris of Alabama.) Other Florida inmates behind Spenkelink have also exhausted all their appeals, and there are inmates in Georgia and Texas who are similarly nearing the end.

These situations give a sense of urgency to the activities of those fighting the death penalty. They thought they had beaten capital punishment in 1972 when the lives of about 600 condemned persons were spared by a Supreme Court decision. But, in a 1976 decision, the Court laid new guidelines under which the death penalty could be imposed. Six months later Gilmore was dead, the first to be executed in this country since 1967.

THE BATTLE AGAINST EXECUTION

Death penalty opponents are mounting a three-pronged attack: trying to avoid death sentences at the trial level; seeking delays and reversals of death sentences at the appellate level; attempting to change public opinion and the law by lobbying legislatures, governors and the President and through the use of rallies, demonstrations, vigils and media coverage. Most of the activity is happening right in the South.

Millard Farmer, the Atlanta lawyer who made a national reputation when he defended, in the courts and on the streets, the young black men who came to be known as the Dawson Five, puts a cunning twist on an old cliche when he refers to the South as the Death Belt, and to the small rural counties of south Georgia as the buckle on that belt. Farmer's clients – typical of capital defendants – are almost always poor, uneducated and black.

Black people in general must be considered something of experts on capital punishment in this country, for they have had more than their share of first-hand experience with it, in the North as well as in the South. Of all persons executed since the 1930s, when officials began to keep reliable records, 53.5 percent have been black. Almost 90 percent of those executed for rape have been black, 76 percent of those executed for robbery, 49 percent for murder, 100 percent for burglary. Blacks have accounted for only about 10 percent of the total population during this period.

Clarence Darrow, in a 1924 debate in New York City, commented on the relationship between high rates both for homicide and executions in the South. "Why?" he said. "Well, it is an afternoon's pleasure to kill a Negro – that is about all." Southern society has passed the point where white men could kill blacks with impunity, so that part of Darrow's theory is outdated now. But the faces peering through the cell doors on death row remain disproportionately black; it may not be easier for a judge to pronounce a death sentence on a black man, but it does happen more frequently.

Discrimination in the application of the death penalty was supposed to have ended with the Supreme Court decision

The Legacy of Legalized Murder

in 1972 in the case of *Furman v. Georgia*. The Court said that capital punishment as then practiced amounted to a lottery conducted by judges, juries and prosecutors in determining who actually died. The laws then in force allowed juries to give the death penalty for a number of crimes, and to decide each case arbitrarily. In practice, that discretion meant that juries frequently gave death sentences to minority and poor defendants for crimes that might earn lesser sentences for more privileged whites.

Executions had already declined from a high of 199 in 1935 to a trickle in the mid-'60s when Colorado gassed Luis Jose Monge to death in 1967. He was the last to die until Gilmore 10 years later in Utah, but between 1967 and 1972 juries continued to give death sentences. By the time *Furman* was decided, more than 600 condemned persons were waiting on death rows.

After *Furman*, however, legislatures thought they could meet the standards set in that decision with the implementation of new laws which either took discretion completely out of the system or which put into play a two-part procedure: first, the defendant's guilt or innocence is determined in one hearing, and then the punishment — death or a lesser sentence — is determined in a second hearing in which both aggravating and mitigating circumstances of the crime are considered.

Between 1972 and 1976, 35 states enacted new death penalty laws, and the death row total climbed up to more than 500. Finally, on July 2, 1976, the Supreme Court spoke again, upholding, in the case of *Gregg v. Georgia*, death sentences imposed under a law which allowed the guided discretion of a two-part trial. The Court also upheld similar laws in Texas and Florida, and the country was back in the execution business.

At the same time, however, the Court decided *Woodson v. North Carolina* and a similar Louisiana case and voided the death sentences imposed in those states under laws which allowed no discretion but made death mandatory upon conviction for certain categories of crime. Thanks to these and subsequent rulings, 391 prisoners had their lives spared. One hundred and one other death sentences were commuted in Ohio as the result of the *Bell* and *Lockett* decisions before the Supreme Court in July, 1978.

But the death row population continues to climb. The Southern Death Penalty Information Center reports that 395 inmates are condemned to die under laws which the Supreme Court has already upheld. Of the 395, all but 50 were condemned in 12 Southern states. Florida has 113, Georgia 72, Texas 74 and Alabama 36. For some of the condemned, time is running out. Many states are testing their gas chambers and electric chairs and hiring executioners again.

There is a chance, however, that the next inmates to die won't do so by gas or electricity at all, but by the scientifically superior method of lethal injection.

A hanging takes an average of eight to 10 minutes to complete. The head must be hooded because the knot often rips open the side of the face. Frequently, the victim swings until he has strangled to death. There are recorded instances in which strong prison guards grabbed the condemned man's legs as he hung, pulling downward on them to speed the process along.

Shooting also disfigures, and may not kill instantly.

Gas takes a long time and witnesses don't like to watch it because they can see the convortions of the body as it strains against the straps trying to escape. The hands open and close for a very long time after the pellets have dropped into the acid.

Electrocution produces a "two-minute death dance" as the average eight cycles of alternately 2,300 and 1,000 volts are applied. Usually the witnesses are separated from the death chamber by a glass partition. This spares them the smell of burning flesh. The condemned man's eyes are usually masked because they may come out of their sockets. Urine is inevitably released, and the body may have to be forcibly straightened to make it fit into the coffin after the execution.

All executions today are performed deep within prison walls. The object is to deter, to protect society, but the act is so brutal that it must basically be done in secret; society must be protected from the act meant to protect society.

Texas and Oklahoma have already passed laws making the injection of fast-acting barbiturates the legal means for killing in those states. Florida and Tennessee have been considering similar laws. An inmate in Alabama who, like Gary Gilmore, has insisted that he wants to die rather than live his life in prison, finally agreed to let lawyers appeal his case so he could lobby — by mail — for lethal injection in his state. The inmate, John Evans, who killed a Mobile pawnbroker in a robbery while the victim's

"Execution by lethal injection is the modern, American way — fast, antiseptic, medicinal, painless."

small daughters watched, argues that electrocution cooks the internal organs, leaving them useless for medical research or for donations to people who need transplants. Evans says he wants the dignity of knowing that his death might help someone else.

Injections are also said to be more merciful and less repugnant, but some opponents fear this might create a dangerous climate in which euthanasia in general becomes less objectionable, leading perhaps to the day when the elderly and the handicapped are also "done away with," humanely and efficiently. Says Jim Castelli, a writer for the National Catholic News Service, "Execution by lethal injection is the modern, American way — fast, antiseptic, medicinal, painless. Lethal injection does for execution what the neutron bomb does for war — it makes the unthinkable more thinkable."

DEATH: AN EITHER/OR CHOICE

Why is the unthinkable spectre of executions so popular with the American public today?

Anthropologist Colin Turnbull, in a recent study of death rows as societies, says he was told by a man who had effectively lobbied to restore the death penalty in his state, "We don't know what else to do, and we have to do something." The death penalty is a ritual sacrifice of the type made when there is fear, Turnbull said. "When man recognizes his impotence, he falls back on the unknown." Ritual elements help society cope with murder and death: inmates are fed last meals, given last rites, made to walk the "last mile," confronted with — in some states — a hooded executioner, formally read the death warrant and then, before a congregation of witnesses, put to death.

There is desperation today, Turnbull says. People want to be safe. They are afraid of violent crime and violent criminals, men like John Evans who come into their homes and businesses and take their property and their lives. Such men are reduced by the legal system to non-persons, to animals. They can be killed.

Once the humanity of the inmates has been removed, it is simple enough to go on to the argument capital punishment supporters make about the economics of feeding, clothing and supervising a dangerous criminal for the rest of his life. Since most felony murders are committed by young men, life imprisonment could be very expensive indeed. But the costs of execution can also be very high. Appeals for condemned men are hard-fought and may take years, so "economical," speedy executions are out of the question. The costs of operating the special segregation system used for condemned men also run very high.

There is strong evidence that many condemned inmates can be successfully rehabilitated. Reprieved prisoners frequently become models for the rest of the prison population. Some wardens believe this may be because these men, confronted with their deaths, have had to look deeply within themselves. Some primitive societies require criminals to make restitution to their victims. A murder victim obviously can't be restored to life, but his murderer could be made to support his family, thus relieving the state of burden and allowing the murderer to find self-worth.

Opponents of the death penalty cite two last irrefutable arguments against executions: there is always the possibility of executing the innocent, and the process of deciding who actually dies is still too arbitrary.

Capital punishment supporters say that the threat of imprisonment, even for life, is not enough to keep criminals from killing and that the deterrent value of the death penalty is needed to protect society. Most opponents of the death penalty believe that there is no deterrent value. Most serious scholars agree that the studies which exist are not definitive, but indicate that if there is an effect, it is slightly more likely to encourage crime than to reduce it. Sociologists explain the phenomenon by noting that a society which officially devalues life by execution sets an example which makes life less valuable to the individual as well.

The single most widely known study, by Thorstin Sellin, compared a number of variables in death penalty states to the same variables in similar or adjacent states which did not have the death penalty. The results showed higher homicide rates in the death penalty states than in those without it. The one exception to the general trend of studies is a report by Isaac Erlich which claims that every execution has the ability to prevent seven or more additional murders. Erlich's study is important because it appeared in 1975 when public debate over the value of capital punishment was intense; it was cited by the Solicitor General of the United States as a reason why the Supreme Court should uphold the death penalty in *Gregg v. Georgia*.

Other capital punishment scholars were quick to attack Erlich's study, criticizing both his data and his technique. The only safe statement which can be made today about the deterrent value of the death penalty is that it is unproven; it remains a matter of personal speculation.

Similarly, the moral rightness or wrongness of capital punishment is usually decided by an individual's own conscience. Clarence Darrow said it this way: "There is just one thing in all this question. It is a question of how you feel, that is all. It is all inside of you. If you love the thought of somebody being killed, why, you are for it. If you hate the thought of somebody being killed, you are against it."

Supporters of the death penalty insist that it is a moral duty to execute murderers. But they can only recite the Biblical injunction of "an eye for an eye." That message was written in a culture and a time far removed from our own, and most of the mainline churches today are strongly opposed to capital punishment.

Nevertheless, public opinion polls that once showed higher support in the fundamentalist South than elsewhere for the death penalty now show consistent support in all areas of the country, among all age levels and social classes. Blacks are just about the only group left which express a majority sentiment against executions, and even that oppo-

sition is not as pronounced as it once was. The shift in opinion came suddenly. As short a time ago as 1966, a Gallup poll found a plurality of 47 to 42 percent opposed to the death penalty. By the spring of 1976, however, another Gallup poll found the death penalty back in favor: 65 percent for, 28 percent against.

Groups like the ACLU and the Southern Coalition on Jails and Prisons are working hard to reverse support for executions, but the increasingly conservative, frightened and vindictive mood of the nation makes the going slow and difficult. Increased attention is being given to fight the death penalty at the trial level, and the two organizations leading the way are the Southern Poverty Law Center of Montgomery and Millard Farmer's Team Defense Project of Atlanta. Both launch all-out attacks on the prosecutor's case. Both use extensive pre-trial investigation, motions, expert witnesses, jury selection and constant psychological warfare during a trial.

The Southern Prisoners' Defense Committee, headquartered in New Orleans, supplies materials and information which help a private defense attorney meet the well-equipped state prosecutor on a more equal basis. Once a case gets to the appellate level, it may end up in the hands of the Legal Defense Fund, the New York-based group once headed by Thurgood Marshall. LDF attempts to keep clients alive, waiting for the day when public opinion may change again on the death penalty.

The Supreme Court has said that the definition of "cruel and unusual punishment" may be determined by "evolving standards of decency." It was once common to burn witches, to brand adulterers, to whip thieves. Those practices eventually became repugnant and ended. In time, the United States may join Canada, Great Britain, New Zealand and the Scandinavian nations in abolishing executions.

Meanwhile, the death rows continue to swell. There may be 800 persons awaiting execution by 1980.□

Randall Williams is an Alabama native, a journalist and former editor of the Southern Poverty Law Center's newsletter. He is now on the staff of the Institute for Southern Studies.

Tricked

I got a score to settle with one of the lawyers of the land, with who, with one of the lawyers of the land, & that's not nearly all because I also have a score to settle with that robe man....Tricked....Why, because I paid my money to get a life sentence, which wasn't so damn funny....Tricked....I mean, I could have fought that case by myself, the charge didn't carry but a life, I should have kept my money instead of paying someone else....Tricked....Embezzled....Robbed....Tricked.... There is nothing you can say to make me believe that I was not tricked...by the lawyer of the land & the robe man, when their combined actions & deeds amounted to life....Tricked...but not buried...buried only with time.

– Ernest E. Bernard
Camp J
Angola, La.

photo by Jackson Hill

"The Last Walk" of the condemned. White door leads to gas chamber, Central Prison, Raleigh, NC.

Illustration by Frank Holyfield

John Spenkelink

Scheduled to Die

by Dudley Clendinen

Florida State Prison: Gary Gilmore, who was so insistent on his execution, and who was obliged by the State of Utah 14 months ago, was the kind of man the public fears and thinks archetypal of murderers: cold-blooded, pitiless, cynical to the core.

But the true test of capital punishment, and the public support of it, lies in the execution of a man who does not want to die. There has not been such an execution in this country in 11 years.

One is now looming at this prison in the spare, flat, green countryside of north central Florida. If it comes to pass, as it may this winter, it will take place on the ground floor of this prison, in a three-legged chair hand-built by prison inmates many years ago, in full view of reporters from the print and electronic news media.

It is in keeping with state sentiment and court practice that the next execution should take place here. The Florida legislature rushed into special session to enact a new capital punishment law when the US Supreme Court struck down the old one in 1972. As of late September, 1978, there are 118 men and one woman on Death Row in Florida, more than in any other state.

The first one scheduled to die is a brown-eyed, handsome man, white, 29 years old, an admitted killer of a fellow prison escapee named Joseph Szymankiewicz.

John Arthur Spenkelink was raised in Buena Vista, California, where his mother was a teacher and his father something of a failure and a drunk. He established a criminal record there and was extradited after killing Szymankiewicz in a motel room in Tallahassee in February, 1973.

The record began with his first arrest at the age of 12 for fighting, malicious mischief and burglary. It is a record of offenses that grew steadily every year thereafter through charges of battery, running away, burglary, auto theft, narcotics — the classical range of adolescent crimes.

It expanded, when he was 19, into several charges of armed robbery. He had spent time in juvenile institutions, but conviction on the new charges sent him into the California prison system on a sentence of five years to life. He did time in San Quentin, perhaps the toughest of American prisons, where the relationship between black and white and Puerto Rican had settled into fear and hate. There he learned about survival in a racial guerilla war, learned it painfully once when he was stabbed in the back with an icepick while walking up some stairs.

Moved to a lighter security institution, he escaped — "just a walkaway," he says — and hooked up with the older Szymankiewicz, an escaped career criminal whom he picked up hitchhiking on a Texas road. They stayed drunk a great deal, and for the promise of money, he says, Spenkelink drove Szymankiewicz to New York, then Baltimore, then Detroit, and finally to Tallahassee. In Tallahassee, Spenkelink says, Szymankiewicz robbed him. And then there was the motel room murder, or as Spenkelink swears, the self-defense shooting. At the age of 23, Spenkelink shut the motel room door and took to the road again. He ended up in a rental apartment in California; there he was found and arrested. He pleaded guilty to two more armed robberies before being extradited back to Florida to stand trial for murder.

At the trial in Tallahassee, he took the stand to say that the gun belonged to Szymankiewicz, who had once used it to force Spenkelink into a homosexual act. When Spenkelink tried to get his things and leave, Szymankiewicz began to choke him and then went for the gun. In the struggle, Spenkelink shot Szymankiewicz once. Past that point, he said, his memory went blank. Szymankiewicz was found in bed, shot twice from behind and clubbed on the head. The jury found Spenkelink guilty of murder in the first degree, and the judge sentenced him to death.

That was the record which was in part responsible for moving Governor Reubin Askew to select John Spenkelink to be the first to die under the state's new capital punishment law, which had been tested and found constitutional by the US Supreme Court. He signed the death warrant on September 12, 1977.

Askew has never agreed to speak about the reasons which moved him to choose Spenkelink to die, but there are others besides his criminal record. There were six men whose death warrants Askew was legally free to sign once a State Supreme Court stay expired the last of August. But Spenkelink was the only one with no attorney and no appeal of any kind filed in court.

He took the news in character. He is an inch over six feet tall, lean, muscular, soft-voiced, cautious in conversation and unfailingly polite. He keeps an immaculate cell and person, writes a small, scripted, precise longhand and is determinedly self-reliant, something he has perhaps learned in the time he has spent in the treacherous society of prison. Perhaps because of the length of that experience, he is not well-educated. He does not really understand the

various functions and responsibilities of the judicial system, the executive and the press. But he has his standards.

He once told me that in California, "I pleaded guilty to three first-degree armed robbery charges so three other dudes could get off. That's the way I've been raised. It doesn't do any good for anybody to do any more time than necessary." When a Christmas card circulated on Death Row in 1976, collecting signatures to be sent to Florida Attorney General Robert Shevin under the message "Wish You Were Here," Spenkelink declined to sign. Shevin, who argues against their appeals and for their execution, is the nemesis of the residents of the Row. But the card offended something in Spenkelink.

And when the massive, mustachioed prison superintendent, David Brierton, called Spenkelink down to the office on that Monday a year ago to tell him that Reubin Askew had signed his death warrant, Spenkelink thanked him for the courtesy. That's all.

Then they led him down to a newly painted, sunny yellow cell on the bottom floor of Q Wing, down the hall from the room where the Electric Chair is bolted down to the floor. There Spenkelink waited, alone but under constant guard. For two weeks, while Florida attorneys Tobias Simon and Andrew Graham consulted with lawyers at the NAACP Legal Defense Fund in New York and rebounded from court to court in search of a stay, he waited. He got within two days of the date set for his execution before his lawyers secured a federal stay while they appealed to the Fifth Circuit Court of Appeals in New Orleans.

Governor Askew said he would not sign another death warrant, for Spenkelink or any other person on Death Row, until Spenkelink had exhausted his last appeal. Spenkelink's attorneys filed some 19 issues of argument with the Fifth Circuit, but there was one primary issue: that capital punishment in the state of Florida was still being imposed unequally by the courts because 95 percent of all those on Death Row were there because they had killed a white. The life of a black man, in other words, had yet to achieve an equal worth. It was an intriguing argument, and Florida Attorney General Shevin, then and now the front-runner in the race for Governor, argued personally and strenuously against it.

"Ridiculous," he said.

On Monday, August 21, after 10 months of consideration, a three-judge panel of the Fifth Circuit rejected all the arguments of the defense in a 40-page long opinion.

Shevin, when he heard the news, was jubilant. Spenkelink, when I saw him the next day, was calm. Legally, he is far closer to execution than anyone else in the United States. There is only the US Supreme Court left in this current appeal. "It's just not going to bother me," he said. "In order for me to function right every day, I just gotta keep a cool head."

"I'm not blocking reality," he said. "It's right there on Front Street all the time. I'm afraid of the chair, too, but . . . I'll handle anything they dish out. I've done programmed myself to handle that, no matter what." □

Dudley Clendinen is a roving columnist for the St. Petersburg, Fla., Times. He is currently at work on a book about Florida's death row, to be published by W. W. Norton and Company.

How Do You Do It, John?

How do you do it, John? How do you go on so courageously and full of life? I often see you during visiting hours on Death Row — giving, loving, with children squirming all over you — happy and playing. You and Carlotta and the children are a family there in that small, crowded, stifling room, and yet you seem to know more love in that space than most families in the free world would ever begin to know.

And you write to me — not for help for yourself — but for help for others on Death Row. At a time when you are closer to death than any of them, you think of the others before yourself. On prison paper that you have decorated with fragile praying hands, you also request from me information about the death penalty to send to people around the country who have written to you. It is not preoccupation with yourself that helps you persevere, but a greater concern for all of us.

It makes me feel good to be in your presence. Your soft spokenness and peacefulness of spirit teach those who have been fighting for your life a lesson of dignity and courage. In times of despair and joy, you have constantly expressed your gratitude humbly and genuinely. Once, only days from death, you were writing to us to thank us for our efforts to get a stay of execution. You bring hope to all the other inmates by your word and by your example. I commend you for your strength.

The torment of living under the sentence of death has made other men break and die or just break and lie lifeless, wasted men in mindless rages; but you have become more fully human. If it must be, you have come to understand our death, in this scheme of society and time, better than those who seek to kill you. Whatever it is that touches men and opens their hearts, that strips them of self and allows them to love, that removes all prejudices and gives them universal understanding — you have been touched by it, John. Whatever violence you know in the past has long since left you.*

That society wants to kill you speaks not of you, but of society.

—Kay Isely
Jacksonville Citizens Against
the Death Penalty

**Two men on Florida's Death Row have committed suicide.*

LOST LIVES?

A PROFILE OF DEATH ROW

BY CLARE JUPITER

Societies define the value of human lives in countless and varied ways. In the most direct way, capital punishment laws announce not only that some lives are dispensable, but that the state has the right to decide who deserves to die. Our agents in this grisly task, juries in capital trials, select their victims not in the heat of passion or in self-defense, but with cool deliberation and malicious intent. This article examines some characteristics of the people we have chosen for death.

One of the most striking features of this country's death row population is the overwhelming concentration of condemned prisoners in Southern states. Of the 395 prisoners now under sentence of death, 345 – more than 87% – await execution in Southern jails and prisons (chart 1). Here the modern version of capital punishment perpetuates a Southern tradition of violence that is underscored by statistics on the death penalty's less sophisticated ancestor: lynching. Between 1882 and 1930, 4,761 persons were lynched in the United States, 77% of them in the South (chart 2).

CHART 2 – LYNCHINGS 1882-1930, BY STATE

CHART 3

NUMBER OF PERSONS LYNCHED IN SOUTHERN STATES 1882-1930

State	Whites	Blacks	Total
Ala.	46	296	342
Ark.	64	230	294
Fla.	25	341	366
Ga.	34	474	508
Ky.	62	151	213
La.	60	328	388
Miss.	45	500	545
N.C.	14	85	99
S.C.	5	154	159
Tenn.	64	186	240
Texas	143	349	492
Va.	16	88	104
W.Va.	15	35	50
South	573	3,127	3,700
U.S.	1,375	3,386	4,761

CHART 4

NUMBER OF DEATH ROW INMATES, BY RACE

State	Total	Black	White	Spanish Surname	Native Amer.	Unknown	% Non-White
Ala.	36	20	16	-	-	-	55%
Ark.	10	4	4	1	-	1	60
Fla.	113	49	60	2	2	1	48
Ga.	72	35	37	-	-	-	49
Ky.	1	1	-	-	-	-	100
La.	9	4	5	-	-	-	44
Miss.	12	10	2	-	-	-	83
N.C.	4	1	1	-	2	-	75
S.C.	8	3	2	-	-	1	88
Tenn.	6	5	1	-	-	-	17
Texas	34	23	32	10	-	5	31
Va.	2	2	-	-	-	-	100
W.Va.	-	-	-	-	-	-	-
South	345	157	163	13	4	8	53
US	388	169	180	13	5	13	51

The chilling resemblance between the two forms of killing by popular demand continues in the racial characteristics of the victims. Seventy percent of the victims of lynching between 1882 and 1930 in this country were black; in the South, four out of five victims were black (chart 3). When the Supreme Court abolished then-existing capital punishment laws in 1972, Justices Marshall and Douglas noted that the death penalty was disproportionately imposed on minorities and the poor. Despite the claims that the new, improved death laws safeguarded against racist application, blacks today make up 43% of the condemned prisoners in the United States as compared to 12% of the total population. In the South, blacks compose 20% of the total population and 45% of the death row population (chart 4).

We affirm the cheapness of black life not only in our greater willingness to execute black criminals, but in our harsher, bloodier punishment of crimes against white victims. In 12 Southern states, 87% of the victims of crimes for which the defendant was sentenced to death were white. Only 1% of the prisoners on death row in these Southern states are whites convicted of crimes against blacks (chart 5).

Courtroom experience bears out the conventional wisdom that defendants who can afford a privately retained, high-priced lawyer stand a much better chance of being acquitted, or at least receiving a lighter sentence. Yet in this most crucial battle of their lives, the overwhelming majority of condemned prisoners are represented by appointed lawyers who are often inexperienced or by public defenders who are typically burdened by heavy case loads.

Chart 6 shows the distribution between appointed, retained and public counsel for death row prisoners in the seven states where figures were available. These numbers refer to the lawyers currently representing condemned prisoners and do not take into account prisoners who may have retained private counsel only after losing their trials.

Lynch mobs were ostensibly illegal, but the actions of juries are legally recognized as the will of the community. By their deliberations and selection of the proper victims for official murder, modern juries -- especially Southern juries -- echo a familiar message: white skin and wealth are still the best tools for beating the death lottery.□

The Great Invention

A MAN NAMED BENJAMIN
TIED A KEY TO A KITE
AND FLEW IT IN THE AIR

THEN CAME A MONSTER
WHO TOOK THE GIFT
AND PUT IT IN A CHAIR

– H. B. Johnson
Yanceyville Prison
Yanceyville, NC

Anthony Kamphele, Brushy Mountain State Prison, Tennessee

CHART 5(a)
VICTIMS IN DEATH PENALTY CASES, BY RACE
FEBRUARY, 1978

State	White	Black	Other	Unknown	% White
Ala.	16	4	-	2	89%
Ark.	2	-	-	8	100
Fla.	119	15	3	4	87
Ga.	83	13	-	-	83
Ky.	1	-	-	-	100
La.	11	2	-	-	85
Miss.	3	-	-	5	100
N.C.	4	-	-	1	100
S.C.	4	-	-	-	100
Tenn.	4	2	-	-	67
Texas		*not available*			
Va.	2	-	-	-	100
W.Va.	-	-	-	-	-
South	253	36	3	18	87

CHART 5(b)
RACE OF DEFENDANT MATCHED TO RACE OF VICTIM

State	White Defendant/ White Victim	White Def./ Black Victim	Black Def./ White Victim	Black Def./ Black Victim	Unknown
Ala.	16	-	4	14	2
Ark.	1	-	-	3	8
Fla.	82	-	9	34	-
Ga.	39	2	8	27	-
Ky.	-	-	-	1	-
La.	4	-	1	9	-
Miss.	1	-	-	8	3
N.C.	1	-	-	1	2
S.C.	2	-	-	3	1
Tenn.	4	1	1	-	-
Texas		*not available*			
Va.	-	-	-	2	-
W.Va.	-	-	-	-	-
South	130	3	23	96	16

CHART 6
TYPE OF ATTORNEY CURRENTLY REPRESENTING DEATH ROW INMATES, FEBRUARY, 1978
SELECTED SOUTHERN STATES

State	Private/s Retained	Court Appointed	Public Defender	Unknown
Ala.	6	14	-	-
Ga.	13	83	-	-
Ky.	-	1	-	-
La.	2	-	5	-
Miss.	1	4	-	1
N.C.	-	3	1	-
Tenn.	1	4	-	-

SOURCES

Most of the statistics used in this article were compiled by Alan McGregor of the Southern Death Penalty Information Center, to whom we extend our warmest thanks. Other sources are:

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Johnny Harris

The high price of justice

by Greg McDonald

photo by Brad Fluker

Johnny Harris walks into the window-screened visiting room of Holman prison, Alabama's maximum security facility. He is a strong-looking man about six-one, 175 pounds and wears blue jeans, a dark blue polo shirt, light-weight jacket and tennis shoes. His hands are cuffed but he is smiling. "He's always smiling," a guard standing nearby says. "If I was in his shoes nothing would ever crack my face . . . I'd be just like stone."

The 33-year-old black inmate greets his attorney with a hard handshake and stares into his eyes. They sit down together on a church-like wooden bench and talk about how things are going.

"My blanket got here just in time," Harris says, referring to a blanket his lawyer's wife sent him. "It was getting cold. Sometimes the guards on the night shift turn the heat off on segregation . . . the water too." Harris cracks a laugh. "Just depends on how they feel. Guys in population don't have that problem.

"That judge couldn't have considered all the evidence in my case," Harris says about his last appeal. "He only took two weeks to make a decision." Then he asks, looking down at the floor: "What we gonna do now?"

Johnny Harris faces a death sentence for his involvement in the January 18, 1974, inmate rebellion at Alabama's Fountain Correctional Center, in which a white prison guard was killed. His story is similar to that of hundreds of other inmates incarcerated in American prisons and facing the death penalty. Many share a common bond: because they are poor they cannot afford to buy quality legal representation, which is many times the only factor determining whether a defendant will live or die. They simply cannot afford the high price of justice.

Harris began his life in the heart of the Black Belt region, near York, Alabama, a small rural community located about halfway up the state just a few

"For me it was a time of craziness and frustration like you wouldn't believe. But I ain't bitter... I mean who am I supposed to be bitter against?"

miles from the Mississippi line. His mother and father managed to squeeze out an existence by taking on odd jobs for the local white population, and, though poor, they managed to get along well in the rural community. But Johnny's life changed abruptly when his mother died and his father was killed on a construction job where he was working. It was then that Harris moved to Birmingham to stay with his aunt and uncle.

Away from the secure and stable rural life that he had known, Harris had trouble making it in this highly competitive, industrialized deep South city; it was the early 1960s when racial tension was approaching its breakpoint. He was in and out of school for a while and then finally dropped out to search for work before reaching the ninth grade. He found nothing steady, and in 1962, at the age of 16, he was arrested and charged with two counts of Second Degree Burglary — one for stealing shoes, the other for stealing a small amount of cash. He was tried and convicted as an adult in Jefferson County and sentenced to four years in prison for two petty crimes that most affluent teenagers would have probably gotten off with no more than a caution from police and a slap on the hands from their parents. Harris would later be sentenced to an additional three years for an attempted escape. By the time he was released — seven years later, in 1969 — he had served his full sentence.

Behind bars for the first time, Harris was exposed to a system in which, according to court reports, there was no effort on the part of the state to separate violent from non-violent prisoners, youthful and impressionable offenders from older, habitual criminals — whom the young were often raped and then sold as prostitutes to the highest bidder. These were the same conditions that eventually led to the 1974 rebellion at Fountain Corrections Center, and that in 1976 would prompt Federal District Judge Frank M. Johnson of Montgomery to take control of Alabama's prisons, describing them as "barbaric and inhumane" and so overcrowded that they created a "jungle atmosphere."

"It was simple to accept it," Harris recalls of his first confinement in prison. "I mean, I wasn't going anywhere . . . and surviving is the best incentive for learning to live with it."

Out of prison in 1969, he was again faced with poverty and this time the odds were slimmer than ever that he could make it on the "outside." He now had a criminal record which would weigh heavily against his attempts to find work and begin a new life. But he married a childhood friend, moved into her family's home, and found a succession of temporary jobs — as a janitor in a bus station, a laborer in a steel fabrications plant, and a laborer for an industry producing target ammunition for the military. For the first time, Harris began to feel that things were turning around for him. It was a feeling that was enhanced with the birth of his first child about a year after his release.

In March of 1970, Harris and his family decided to move from their crowded apartment to the Ensley area of Birmingham, giving little thought to the fact that the neighborhood they had chosen to settle in was predominately white. White residents, however, were outraged to have blacks moving into their community; fearing that to allow one black family to stay would lead to an influx of others, many of the whites launched a concerted effort to drive Harris and his family out.

One white woman who had befriended them stated that they were subjected to constant racial harassment and abuse. It got to the point, she said, that the local Ku Klux Klan members would hold meetings in the neighborhood Baptist Church to discuss ways of making them move. Some whites, she said, even went so far as to try to persuade neighborhood kids to firebomb and vandalize Harris' home and property. The woman herself was later the victim of vandalism and harassment from many of her neighbors because of her efforts to make Harris and his family welcome in the neighborhood.

For months Harris and his family withstood the abuse and harassment, believing that eventually the white folks would come to accept them or at least overlook their presence. Then on August 11, 1970, as Harris was riding to work with his wife's parents, the police stopped the car and picked up Harris and his wife's father. The Birmingham police had a well-known sympathy for the Klan, so Harris had cause for concern. The questioning was all routine, the policemen assured him, but Harris soon learned otherwise.

Though no warrants for their arrest had been issued, they were taken to the Jefferson County Jail, fingerprinted, and placed in a line-up. After the line-up, Harris learned that he had been identified as a rapist by an eighteen-year-old white woman. Unable to believe what he was hearing, Harris told the detective where he had been on the night of the alleged rape, but his alibi was rejected and he was repeatedly pressured to sign a statement admitting to the rape. When he refused, Harris was thrown in jail. His present attorneys say that the woman's original description of her attacker came nowhere close to resembling Harris. The following day he was charged with four counts of robbery involving money in the amount of $11, $67, $90 and $205, stolen from a service station and a drive-in theater.

Harris sat in jail for eight months

between August 12, 1970, when he was actually charged with the crimes, and April 6, 1971, when he was sentenced to five life terms. During this period the court appointed three attorneys to defend him. The first one waived Harris' right to a preliminary hearing; none of the three lawyers ever filed a bond motion on his behalf, nor did they do much to ensure that Harris had an adequate defense when he went to trial. One attorney did interview alibi witnesses, finding several who were willing to swear that Harris was somewhere else at the time the rape occurred; but none of those witnesses were ever subpoenaed to appear in court. One attorney even showed his apparent lack of concern for Harris by having himself subpoenaed to appear in court for the trial. He did it, he said, to make sure he would remember to be there.

So on April 6, 1971, Johnny Harris appeared in court to face the death penalty with virtually no defense at all. Each of Harris' charges carried the maximum penalty of death; the district attorney offered to reduce them to life imprisonment if Harris would plead guilty. Just before the jury was brought in and the trial was to begin, he recalls one of his attorneys "told me he didn't see how he was going to win the case when the court was going to take the white woman's word over mine because I was black, and he didn't have no intention of backing the system. The he advised me to go ahead and take the D.A.'s offer because if I didn't I would otherwise get the chair."

Harris' "deal" was that if he would plead guilty to the rape charge, then the four robbery charges would be dropped. He refused and told his attorneys that he wanted to take the stand and give his testimony.

The court proceeding went on, but following qualification of the jury Harris had a talk with his other attorney, who also tried to persuade him to take the deal. Harris said he was told then for the first time that no alibi witnesses had been subpoenaed, and the attorney told him bluntly that he wasn't prepared to go to trial.

Though adamant about his innocence, Harris realized then that he had little choice: it was either the death penalty or one life term for the rape. "I changed the plea on the rape case in order to get the other four dismissed and to get around the death penalty . . . I had proper representation to worry about and I didn't have it," he said.

Harris was sentenced that same day to five life terms. The four robberies were not dropped. Apparently, five "papers" he signed for his "deal" were admissions of guilt for each crime. He remembers signing only one paper.

Harris lost everything in his life when he was sentenced in Birmingham that day and denied the right to prove his innocence because of ineffective representation by his attorneys. His family, under the pressure of continued harassment and worried that what happened to him might also happen to another member of the family, finally moved from the white neighborhood a few months after Harris was arrested. But worst of all, he lost contact with his wife and baby in December, 1970. He has not heard from them since nor does he know what became of them. It is a subject he does not like to talk about and he gives little response when asked why.

He recalls that period of his life: "For me it was a time of craziness and frustration like you wouldn't believe. But I ain't bitter . . . I mean who am I supposed to be bitter against?"

Harris entered prison for the second time with little hope of ever getting out. But he was wiser this time around and with nothing left to lose, he began working with other inmates for improved conditions in Alabama's prisons – especially the two Atmore facilities, Holman maximum security prison and Fountain Correctional Center, where he was serving his time.

He adopted the name Imani and joined a prison activist organization consisting of both black and white members who were determined to see that the people of Alabama and the lawmakers became aware of the deteriorating conditions in the state's prisons. The organization was called Inmates for Action and, among other things, taught basic education to inmates who could neither read nor write.

Many IFA members were outspoken and considered by the Alabama Board of Corrections to be militant radicals determined to undermine the prison officials' authoritative hold over inmates. But Harris wasn't considered to be one of the radicals. As one guard said: "Harris was mostly quiet. He was one of them, but he didn't cause no trouble." And despite pressure from IFA members to take stronger stands and become more outspoken against the system, Harris' involvement with the IFA remained relatively low-key.

The conditions alone at Fountain were bad enough to strain the patience of most inmates, but when prison officials stepped up their efforts to break up the IFA, the increased pressure and harassment finally reached breakpoint on the afternoon of January 18, 1974.

IFA members in segregation units 1 and 2 at Fountain received word that another IFA member at Holman, located just two miles from Fountain, had been beaten and possibly killed by prison guards there. According to accounts of the witnesses, Harris was one of two inmates ordered by IFA leader George Dobbins to take two guards hostage. Harris and another inmate, Oscar Johnson, were "cell flunkies," or cellblock trusties, who had access to the control lobby at the front of the segregation cellblock where two guards were stationed. When Harris and Johnson returned food trays to the lobby that afternoon, they jumped the two guards and took them hostage.

After Dobbins was released from his cell he made several demands of prison officials, but none were ever met. Then later that afternoon, Fountain's warden, Marion Harding, led his riot squad into the cellblock. What followed was a short but bloody confrontation which left one of the hostages, Lucil W. Burrow, dead from stab wounds and a number of other guards and inmates suffering from injuries. Dobbins was also injured, reportedly from a gunshot wound, and he was found kneeling over the body of Burrow with a knife in his hand. Later Dobbins died, but according to an autopsy report, not from a gunshot wound, but stab wounds to the head and face – wounds Dobbins received either immediately following the riot or while en route to a Mobile, Alabama, hospital. Although the Alabama Attorney General's office has investigated Dobbins' death to some degree, no attempt has been made to prosecute anyone in connection with it.

Despite the lack of substantial evidence, Harris was convicted by an all-white, all-male, all-over-40-years-old jury and sentenced to die in the electric chair.

Harris was indicted on April 2, 1974, along with four other inmates, for Barrow's murder, despite the fact that he was never implicated in the murder during the state's first investigation. The Attorney General's office discovered that Harris was serving life, and Attorney General Bill Baxley made the decision to prosecute him personally under the only death penalty statute on the books in Alabama at the time: an 1862 statute, Title 14, Section 319, which calls for the death of any inmate convicted of first degree murder while serving a life sentence.

He watched the year between the time he was indicted and finally went to trial go by in a flurry of motions and hearings that, at one point, saw him subjected to the worst kind of racial discrimination: he was called a "nigger" in a courtroom hearing by the presiding judge, who later claimed he said "nigra" and not "nigger." The judge followed his statement with another blunder, declaring that despite what he said it should not be taken seriously because he was only joking when he said it. Not long after the incident occurred, the Alabama Court of Criminal Appeals ordered the judge to recuse himself from the case.

When Harris went to trial on February 24, 1975, in the Baldwin County Court House of Bay Minette, Alabama, one reporter stated that the trial would be nothing more than a rehearsal for Attorney General Baxley's campaign to re-establish the death penalty in Alabama. Baxley knew that a conviction, even under the rarely used Section 319, would prove to be instrumental in the passage of a new Alabama death penalty law which he had written. Baxley's law was passed in 1975 and by mid-1978 had resulted in the addition of 36 more inmates to Death Row.

Baxley and the State of Alabama failed to provide enough evidence during the trial to prove Harris was involved in Barrow's stabbing. Though he was on trial for his life and charged with first degree murder, incredibly the state never contended that he killed Barrow. In a pretrial hearing Assistant Attorney General George Van Tassell told the court: "It is not our position that the defendant was actually holding the knife or anything else. We don't contend that this defendant stabbed the guard." What the state did contend was that Johnny Harris could still be convicted under Section 319 as an accessory to murder because he took part in the rebellion. At the same time, the state chose not to prosecute a number of other inmates who were also involved in the rebellion.

Despite the lack of substantial evidence linking Harris to Barrow's murder, on February 28, after a four-day trial which took place under heavy security, Harris was convicted by an all-white, all-male, all-over-40-years-old jury and sentenced to die in the electric chair by presiding Judge Leigh Clark of Birmingham.

Following his conviction, Harris became more outspoken about the type of criminal justice system which he felt had unfairly and discriminatingly brought him to trial to face the death penalty for the second time in his life. He called it "a system that robs poor people of their very existence by leaving them little room to fight for their freedom."

He took to calling himself "Baxley's political scapegoat," saying that the attorney general's personal prosecution of his case was being used by Baxley as a catalyst to further his political career. And indeed Baxley used the Harris case and his death penalty law as examples of his tough stand on law and order to woo voters in his bid to replace George Wallace.

Harris' new attorneys, Clint Brown and Diana Hicks of Mobile and William Allison of Louisville, Kentucky, are now challenging his 1971 sentences on the grounds of ineffective representation as well as continuing to fight for a new trial over his 1975 conviction and death sentence.

In the meantime, Harris spends his time in a small cell on Death Row at Holman Prison. What he thinks of now is not what happened to him in Birmingham or what it's like to face death in the electric chair, but what he must confront everyday in a system which erodes a man's dignity and self-worth. Somehow he continues to exude a quiet calm and inner control from which springs an optimism and hope that leaves those who know him, or who come in contact with him, wondering how he does it.

Recently, the story of Johnny Harris has become a celebrated case – at least in the Soviet Union. Few people outside Alabama had ever heard of Harris until the Soviets, in retaliation for President Carter's attacks on their own human rights violations, began promoting Harris as a political prisoner of the United States and a victim of a racist and inequitable judicial system. Since the Soviet Union's "Free Johnny Harris" campaign started in early 1978, the American press has begun reporting on his case. But too often the accounts have accepted as fact the portrayal of Johnny Harris as a rapist, robber and murderer.□

Greg McDonald is a free-lance journalist who has been following the Harris case for the past three years. He was a member of the team which worked on the federal court-ordered Alabama Prison Classification Project of 1976, and has written numerous articles on the state's prisons.

What if it was my boy?

Virginia Foster interviewed by Candy Culin

photo by Jamie Harris

My name is Virginia Foster. I'm a widow and a mother of five. I live in the 4th and Gill neighborhood. It's a community of poor and working class people, and it is very special to me because the people here work together to make our community a better place to live and a better place for our children.

All my life I've known, and my mother's always taught me, that killing in general is wrong. Not only that, but we have always been strong believers in God and the Bible and what it says. We think that the Bible says killing is wrong. But other than that, after I growed up and became old enough to know, it's common sense to know, I mean to know in your heart, that it's wrong. What I'm saying is, if somebody murders a person, then I can't see taking that person's life. I would call it revenge, and to me that's just two murders, two guilty people, and two wrongs altogether. I just can't see taking another person's life because he took one. Not that murder is not wrong, but I've always felt that taking another life is the wrong thing to do even in punishment. That's not punishment.

In my opinion, that is not punishment because if you take their life, they know you're gonna take it. This may sound silly to most people, but to me it means a whole lot. If they're a believer in God, then all they have to do is just ask their Maker to forgive 'em for what they've done. And they know that they're gonna be forgives, and everything's gonna be okay. But if they're sent to prison for a reasonable amount of time – and that's what I think should be done because they should pay for any kind of crime they do – then they have a lot of time, and especially the long nights, to lay and worry about what they've done and see what they've done.

And if they're human at all, then that has to hurt 'em. To me that's punishment. It's punishment for people to hurt within their self for things that they've done.

I don't know if you know or not, but I have a son that was killed. Just murdered outright by a man. He was found guilty of first degree murder. But I just can't see taking his life. If they had asked for the electric chair for him, I'd have had to ask them not to do this, but to give him a reasonable amount of time in prison. As much as I hate him – I stood there looking at him, and I really did; I didn't have any good feelings for him – I just couldn't bear the thought of knowing one day he was gonna be murdered or put in the electric chair. It would really bother me. It would bother me a

whole lot because I just can't see taking anybody's life, in any way. Of course, people have to fight in wars, but I just can't stand to see people suffering. It's just bad, and I don't believe in it.

I would like to see the death penalty abolished altogether. I hope most people feel this way. I always felt, what if that was my boy, or my girl, or somebody real close to me that was being put in that chair? I think people would think twice if it was happening to them. They would have a different opinion about the death penalty.

A boy in our neighborhood was given the death penalty. He was sentenced to die in the electric chair for the murder of a young girl. He lives directly behind us, and we're not real good friends, but I did see enough of him to know that even though they had him for murder, there was a lot of good in him. He was always nice to people; he had a wife and children. To us in the neighborhood, he was a real good person. And if in fact he did kill this girl, and I'm not too sure, I just believe he had to be really doped up. And then, too, I think that when people kill, the biggest majority of them, it's not something they really mean to do or plan. I've always felt that there has to be something wrong right at that minute. Everything completely leaves them. I don't believe that 90 percent of them knows at the time what they're doing. I was glad when they commuted his sentence to life in prison.

I believe that 90 percent of the people in this neighborhood wouldn't believe in the death penalty. They're humans, and they know what it is to be treated bad. This is their feeling, just because they've been harassed and roughed up. They'd be against the death penalty – they wouldn't be for it – because they understand. I know this.

I've felt for many a year that there's been people sent to the electric chair or the gas chamber that was really innocent of the crime they've been accused of doing. And another thing – and this is not something I've knowed all my life, it's something I've learned from reading the papers and being involved in jail stuff – but most of the people sentenced to die are poor people or black people. They don't have no money on 'em.□

Virginia Foster has taken part in numerous community projects including "Citizens for Better Jails," which she helped to found. She now supervises VISTA volunteers assigned to her neighborhood. Candy A. Culin, a recent graduate of the University of Tennessee Law School, now resides in New York.

Reach Out, Over and Behind

Without rain, sunshine and care, flowers
And other plants could never grow,
And without love, care and understanding –
A human dies so painfully slow . . .
Reach out, over and behind
The prison walls and take a
Hand – "of some lost sister
Or some lonely brother
Man."

– Henry L. Powell
aka Isaac Strawberry Jones
Florida State Prison
Raiford, Fla.

Absence

Like so and she there.
Work pulls the chest like old gin.
No rest from the 8-track quad
packed between two strips of strawberry incense,
only expensive ash remains.

When he sits,
rose a chipped duplex,
her face outdistances his breath. He remembers and
hates Rainer Road. At the rear,
beneath the steps,
a dirty rug and shoelace harden.
And her vacancy still drips
like a Harlem faucet.

While in his ghetto cell a voice breaks
the howl of James Brown,
a voice that announces Open House
and Bring-Your-Own-Plates.
A voice he vaguely recalls as his,
projected from the empty
bottle in his hands.

– Calvin Murry
Fort Pillow Farm
Fort Pillow, Tenn.

LOOKING AHEAD

If we were to "tear down the prisons," what would we do with criminals? There are alternatives to locking people away that, in the long run, may prove less costly and almost certainly be more effective in reducing crime. We suggest some of them in this final section. All require a greater willingness by the community to deal with its problems and offenders locally, for it is in the community that the convict must learn to live after his sentence is done.

We do not wish to overlook the fact that there are also countless ways that individuals, upon their own initiative, can breathe life into the deadening institutions now in existence; in the interview with Joseph Ingle, we find emphasized a long list of "things people can do."

According to Murray Henderson, Commissioner of Corrections in Tennessee (where all of the existing penal facilities were declared unconstitutional by a state court in the summer of 1978): "We develop alternatives to imprisonment for middle-class people. Prisons are essentially for low-income groups. The middle-class people manipulate the environment. They send a troublesome family member to live with an aunt in Connecticut, or he's referred to a mental health clinic: he has emotional problems if he does something. But when a poor kid does something, maybe he's just a thief. So I'm all for alternatives to prison, properly supervised and extended to everybody."

photo by Jackson Hill

by Bill Finger

Interview
with Joe Ingle

What You Can Do

photos by Doug Mayer

Joe Ingle

Joe Ingle directs the Southern Coalition on Jails and Prisons, a federation of prison reform organizations in 11 Southern states. A North Carolina native, Ingle confronted the problems of the criminal justice system while attending Union Theological Seminary in New York and serving his field work at the Bronx House of Detention. The experience of visiting prisoners challenged many of his assumptions about who's guilty and dangerous in our society, and he found himself going back to the Bible. "I began rethinking the Gospel," he recalls, "like the message of Luke 4:18 where Jesus talks about freeing the captives. The more I read, the more it seemed that a mandate on prisons was clear."

By 1972, following Attica and a burst of media attention on conditions in the prisons, a number of Christian organizations were sponsoring prison reform programs. In Nashville, the Committee of Southern Churchmen headed by Will Campbell, focused an issue of its magazine, Katallagete, on prisons and set up the Southern Prison Ministries. Tony Dunbar began directing that group in 1972 and Ingle joined the staff in January, 1974. Together with Michael Raff of the Mississippi Council on Human Relations and Andy Lipscomb of the Georgia CHR, they launched the Southern Coalition on Jails and Prisons in 1974. Joe became director in 1977.

"Alternatives to incarceration and abolition of the death penalty are what holds us together," explains Ingle. "We work with anyone who shares these concerns. The Coalition is a secular organization; it just happens to have a director who's a Christian. We need the help of everybody, but personally, the only thing I have confidence in is the grace of God. We're in the process of murdering people. Murder – another word for execution. When we realize this, maybe we'll try to stop it."

Joe Ingle and many others in the Southern Coalition have committed their lives to stopping state-sanctioned murder and to finding alternatives to the caging of humans. They have a lot to say about what we can do to help, individually and collectively. Bill Finger is a writer in Raleigh, NC.

Chances Are You'll Be Angry

An individual step is crucial. It is something anyone can do and it is a direct challenge to the system as it is. You decide to walk behind the walls, to break down the isolation between the prisoner and the rest of the community; you make a visit, to see someone, to become their friend, to see what someone has to put up with inside. Once you do that, chances are you'll be angry and you'll want to do something more.

Visitation, of course, is not always peaches and cream. When we set up a project, we try to get a group, maybe six people, to visit six different prisoners, and we match them up. Orientation sessions are important – I remember how scared I was the first time that door shut behind me. All the fears from being socialized a certain way rushed through my whole being. "Oh, my God," I was thinking, "what's going to happen with 'these people'?" Meanwhile, this guy looked up from his bunk in the first cell and said, "What are YOU doing here?" So I told him, and we sat down and talked.

Our philosophy is that ordinary citizens make the best visitors, not prison professionals. You visit somebody, support them, and try to build a friendship. That means you run into difficulty sometimes. People try to get money out of you, stuff like that. But we stress from the beginning to be up front, direct. That you're just a friend. That circumvents a lot of problems that crop up otherwise. We have about three orientation sessions so that people will know exactly what to expect, what the prison rules are, answering any questions before visits begin.

There are so many ways that individuals have made a difference. About a year ago, a group of women who had husbands in prison came to us. They wanted to set up something called the Prison Widows Project. We helped them get it off the ground through a local Methodist church near the prison. The church became very active, getting space

"Incarceration should be a last resort, not a first response. And prisoners know that better than anybody."

for the Prison Widows to operate out of, allowing people visiting their families to stay there when they needed a place to get out of the heat and get some refreshments on Saturday afternoon.

Harmon Wray and David Rainey are two people who got involved in the fight against the death penalty. Harmon is a Methodist layman in Nashville and David is a worker-priest, which means he has a full-time carpenter job and participates as a minister in Edgehill Methodist Church, a small local congregation.

After talking with us, they began a series of mailings to *every* pastor in the Middle Tennessee Conference of the United Methodist Church. The packet included a letter with information about the death penalty and a return coupon, where the pastor could indicate if he wanted more information, literature, a visiting speaker, or whatever. After the mailing came back, Harmon and David set up speaking engagements throughout middle Tennessee where they talk in the afternoons or evenings, sometimes adults, sometimes youth groups.

Harmon and David are good examples of how ordinary citizens can get involved — in this case, how Christians in their individual churches can contact folks in a presbytery conference, or bring the whole death penalty issue to the fore and make people deal with it.

"If You Want to Murder Us, You Murder Us"

Once you have just a few people interested, you can create a structure to work with prisoners on the outside or participate in one that's already going. At that level, it's very exciting — there are so many things to do.

Prison reform movements, by necessity, have to be rooted in what prisoners want done. We always try to build that presupposition into our work. After Attica, and after riots in the South, like Central Prison in Raleigh where six people were killed in 1968, the importance of organizing outside support groups became very clear to prisoners. We have focused in on the state prisons because the federal system is controlled by the federal government and there's very little we can do about it, but we can have a great deal of impact on the state prisons. We live in the community, can go see the commissioner and get inside the prisons; we can push the bureaucracies and get things done.

The Southern states that have the most serious problems are not Mississippi and Alabama, but your more "progressive" states — Florida, North Carolina and Georgia. More people are in prison in those states. And in Georgia and Florida, large numbers are on death row. Moreover, the corrections bureaucracies are intent on expansion, and to an alarming degree, they've succeeded. Florida, Georgia and North Carolina are usually three of the top states in the country in terms of incarceration rates, locking up more people per capita. And the US leads the western world in per capita prison population. Florida has 17-18,000; Georgia, 14-15,000; North Carolina, around 15,000, Tennessee has 5,000; Alabama, 6,000; Mississippi has 3,000. North Carolina has 79 prisons, every one full. Mississippi has one. The common denominator is that prisoners are poor; they are predominantly black, but white or black, they are all poor. Incarceration should be a last resort, not a first response. And prisoners know that better than anybody.

In the spring of 1973, the North Carolina Prisoners Union got off the ground, an organization of individual prisoners joining together to get more freedom in dealing with the prison authorities. They voiced individual grievances, like inadequate recreation and limited access to law libraries, and they sought concrete goals — having meetings on the inside, electing governing bodies, meeting with corrections officials, circulating a newsletter.

Wayne Brooks and other key people were signing up hundreds throughout the state system. The prisoners just organized themselves. But it took outside supporters to lend it legitimacy. Rev. W. W. Finlator, a prominent Baptist pastor in Raleigh, began corresponding and visiting the leaders inside, and speaking publicly about his experiences. Wilbur Hobby, the state AFL-CIO president, sought support in the legislature. ACLU attorneys got involved, attorneys Deborah Mullman and Norman Smith providing legal counsel and an outside civil liberty base for dealing with state officials and the public. Staff from the California Prisoners Union came to North Carolina offering support and helped establish a full-time person in Raleigh, Chuck Eppinette, who coordinated the outside activities. *[Editor's note: The Supreme Court has since decided that prisoners do not have the right to associate freely without the permission of their department of corrections.]*

In Tennessee, we had a similar experience. We found we were working with a lot of guys who had a long time in prison, people over twenty years. But ironically, there were no programs for them. They were just expected to sit there and rot. There were other organizations at the Tennessee State Prison for Men, like the Jaycees and Seventh Step, but no one was working with the long-timers — what one chaplain called psychosociopaths, a euphemism for people the prison administration can't control, or are afraid of. The irony is though, that usually the people with a lot of time are the best prisoners. We thought we might be able to work with them.

We talked with the prisoners and asked, "What would you like to see happen?" They said, "We'd like to set something up just for people who have a lot of time." So I made contact with people on the outside, local ministers, businessmen, and others, a vice-president of a prominent food distribution company, a lot of Catholics. Most of them had been touched somewhere before, in Seventh Step maybe, but not all of them. We started meeting with the Department of

photo by Doug Magee

March, Witness Against Execution, Atlanta, 1977.

Correctional people. I made the initial decision not to call our organization a prisoners union, but the Lifers Club. This turned out to be crucial. We needed an aura of respectability, and you know the history of unions in the South. So we began talking about it in September, 1974, and got the thing approved, through three sets of commissioners, by June, 1975.

We started out with weekly meetings, and our outside support group would come inside every week. You couldn't be in the Lifers Club unless you had at least a 20-year sentence. About one-third of the system statewide is lifers, probably 500 or more at the Tennessee State Prison for Men, where we started. We went out of our way to involve your hard-core convicts, people who would not kowtow to the administration, because the organization had to have respect in the eyes of the other prisoners. About 60 lifers came to the first meeting.

We got organized just in time.

On September 11, 1975, the associate warden called me up and said I better get out there. About 50 prisoners were outside of Operations, the center of the prison where all the decisions are made. They hadn't taken over the prison, but they were not cooperating and it was a tricky and volatile situation. The warden called me up because I was one of the outside people that the prisoners would trust. I got there about 5:30 p.m. and went inside Operations.

The warden had a riot squad in full gear; he was holding a .30-.30 rifle about 20 feet from me. The prisoners were yelling at me, asking for help. They didn't have any weapons, but there were plenty on the other side. We were talking through a screen. The prisoners just backed up against Operations, and the warden was trying to get them to go back into the cells. The mood was tense but could've been dealt with.

Then the warden fired his rifle into the air. When the shot went off, the prisoners called his bluff. They just said, "Okay, motherfucker, go ahead and gun us down . . . . If you want to murder us, you murder us. We're not going back to those cells if you're going to start shooting guns." He just lost control of the situation. He pulled off his riot squad, which left the yard in the hands of the prisoners.

Then I heard some shots go off from the tower. The prisoners were asking me to come out. There were my friends, men who I knew through the Lifers Club, asking me to go into the yard. What was I going to say? "No, I'm going to stay in Operations where it's safe." I figured I'd be better off in the yard because they're less likely to shoot into a crowd of prisoners if someone from the free world is there. So I went out. For the next few hours, I was out there with the prisoners. I felt relatively safe because I was with two or three prisoners all the time. I never felt any danger from the prisoners, but I wasn't sure what the guards were going to do. We went into the blocks with a bullhorn, trying to keep folks relatively calm. They articulated their grievances to me. We agreed on a committee who would meet with the administration, which is what we did starting around 9 or 9:30 that night. Most of the men exercising a stabilizing influence in the yard and participating in the negotiations sessions were leaders in the Lifers Club.

The tension had just built up all summer. It was like someone popped a balloon, a big release of hot air. It had started in the cafeteria. Back then, they fed the guys by unit, unit 2, 3, 4, etc. Unit 2 had been feeding last. On September 11, they ran out of meat for them, pork chops. One of the guys said, "Look, I've had enough. This is like the fifth time in two weeks. This isn't fair. I want my pork chop." "We don't have any pork chops. We'll bring you some bologna or something." "Hell, I don't want any bologna. I want my *pork chop*." A guard came over. Blows were exchanged, and all hell broke loose. Somebody threw a punch first, it's not clear who.

A lot of hot air had been let off. It was like the Day of Jubilee. We were up 'til about 5:30 in the morning in negotiations, very tense, but we finally agreed on everything. While this was going on, I found out later, Nashville's Metro police came in and just started beating the hell out of prisoners, shooting, just completely out of hand, supposedly to "restore order." What we had really was a police riot, not a prison riot.

Two days later, on Saturday, I came back out, saw what had happened to some of the guys. Broken arms, black and blue, blood all over the place, bullet holes in the wall. Some were seriously wounded, none were killed. Our lawyers are

"It's just muddying the waters to think that there is a humane way to kill a human being."

still representing 10 of them. After many delays, it's coming to trial this September.

Lifers Clubs have spread to the Women's Prison and Fort Pillow in Memphis, and we'll soon have one at Brushy Mountain. An outside group of citizens go out there every week and meet with the guys, and we have outside meetings. We try to let the thing run itself. Our staff person's only made a few trips to Memphis. That club's completely held together by volunteers.

The Lifers Club has sponsored several conferences inside Women's Prison. About 100 people from the outside have come — church women, League of Women Voters, students, legislators (we made a special effort to get them there), women and men, a real cross section. We had a top notch panel of local people. For many, it was their first experience with prisons. They were shocked to see that the women aren't any different from anybody else.

Fighting the Death Penalty

Unlike the lifers, it's almost impossible for people on death row to organize in any way. They're in a maximum security situation, cut off from everything. But sometimes they can help. Earl Charles faced the death penalty for four years in Georgia, but finally his innocence was established and he got out. Now he plays a leading role with the Georgia Committee Against the Death Penalty. This past July, during the racial violence and trouble at the state prison in Reidsville, several Georgia groups working on prison reform sponsored a Human Rights for Prisoners rally in Atlanta. Earl Charles and his mother were featured speakers, and their story got out through the media coverage of the event. That's one way people come to understand that there are innocent folks on death row who might be murdered, to hear the truth directly from one of the victims. It personalizes the whole controversy and dramatizes the need for alternatives to the present system.

Another way to fight the death penalty is organizing at the trial level. About 150 miles south of Atlanta, a stone's throw from Plains, Georgia, is a little town called Dawson. Right in the black belt, in a county called "Terrible Terrell," a place where the civil rights movement couldn't make any headway — just terrible conditions and repression of any assertion from the black community.

In 1977, five kids were charged with a murder they didn't commit. They were going to the chair. Then Millard Farmer, Schaelette Holman, Derek Alphran and volunteers from Atlanta got involved. Millard was an attorney with the Southern Poverty Law Center's Team Defense Group, Schaelette was on our staff, and Derek was with the Georgia ACLU. They'd pack their bags and go down for days, sometimes weeks. They'd live over at Koinonia and go over to Dawson which was nearby. Next thing I knew, they'd put on a big barbecue and rally for the Dawson Five; 600-700 folks showed up. The black community really came together and stood up and was counted. They started packing the courtroom every day. The publicity spread. The boys' confession had been obtained at gunpoint, and this fact was made public. PBS came down and did a documentary. It was a herculean effort, but eventually the state gave up and the Dawson Five were freed. The community and the publicity beat them. The state was looking real bad.

We're trying to bring all the resources we can to stop the death penalty at the trial level. We're in the process of setting up what we call capital defense teams, groups of lawyers around the South. In Kentucky, we held a conference to organize a nucleus of lawyers as backup support for attorneys assigned death penalty cases. Most lawyers have never done a death penalty case before, so they're really at a loss to know what to do. A capital defense team provides more experience and support than a defense lawyer would usually have. Since Kentucky, we've had similar conferences in Memphis, where we got lawyers from Tennessee, Arkansas and Mississippi, and in Florida with Millard Farmer and Tony Amsterdam and other top-notch death penalty defense lawyers.

We're also working through the political system. This past winter, two Tennessee legislators introduced a lethal injection bill. We completely opposed it because we're opposed to any capital punishment. It's just muddying the waters to think that there is a humane way to kill human beings. We contacted several doctors, foremost was Dr. Robert Metcalf, a respected Nashville physician in his sixties who works at Vanderbilt. We had a press conference protesting the bill at a black church in town, where Dr. Metcalf gave a speech. Then we sent a letter to every senator in the state — the bill had already blitzed through the House — in which Dr. Metcalf explained why he was opposed to lethal injection as a doctor. He talked very movingly about the Hippocratic oath and what that meant. It had a real impact, was crucial in defeating the bill. Bringing the medical profession into the fight can be crucial.

The fight against the death penalty is especially crucial in Florida, where there are 110 people on death row, more than anywhere in the country. That's where the next execution will probably occur. We work there through the Florida Clearinghouse, trying to provide a visitor to every person who wants one. Going into that prison — that's what makes this thing more than an issue or cause. These people become friends, people we're talking about murdering. There are constant fund-raising events, keeping people involved, speakers going to civic clubs and schools and churches to talk about the death penalty.

We're up against a formidable opponent there — Robert Shevin, the Florida Attorney General. Shevin is articulate, smart, a supporter of the ERA and other liberal causes. He's also running for governor. We have the irony of feminist groups embracing Robert Shevin — who will certainly kill

"If someone steals your stereo, what you want is your stereo back. You want restitution, not revenge."

100 people if he's elected governor — because he's for the ERA. Last April, I saw Shevin in action. John Spenkelink, who may be the first person executed since Gary Gilmore, had his appeal argued before the Fifth Circuit Court of Appeals. Tony Amsterdam, the most renowned lawyer in the country against the death penalty, represented Spenkelink. Shevin represented the State of Florida. Shevin was good, but the thing that carried through was his personal belief that John Spenkelink must be killed. His fervor was frightening. He presented John as an animal, subhuman.

John Spenkelink wants to live and he's fighting for his life. It causes me a lot of personal grief and anguish to face the fact that a friend of mine, someone I've met and corresponded with for a couple years, someone I happen to care a great deal about, will probably be executed. Strapped in and murdered. Does it require that kind of ultimate sacrifice for folks to wake up to what is going on? Will they wake up, or will there be a bloodbath after the first execution? Seventy to 75 percent of the Florida people are for the death penalty. We're organizing in all the major cities in Florida to try to slow the flood that's going to come there in terms of human beings killed. But it's an uphill fight.

Prisons Have a Way of Filling

We need to get away from incarceration. We use it as a first response. But it wasn't always that way. We have to develop alternatives and be careful in the process, to be sure we don't end up with more penitentiaries. Penitentiaries started as a reform, as an experiment. We invented them, Ben Franklin and the Quakers, and they soon spread throughout the Western world. They looked to the Middle Ages, put someone in a solitary cell and let them serve penitence, like the monks, a pure, ritual life. But instead of an experiment, we have a way of life, a custom.

In the South, departments of corrections are becoming more "professional," which is not necessarily good. Southern corrections administrators bill themselves as humane, wanting good conditions. This usually translates into new facilities, an expanded system, and more people in it.

One of the Southern Coalition's main goals is a moratorium on prison and jail construction. It's hard to sell this to some of our liberal friends because they think it's progressive to build prisons — get the convicts out of an old prison and into a new one. That's not progressive. In 10 years, we'll be stuck right where we were before. Only, the new prisons are bigger, hold more people, and the bureaucracy and budget get bigger. More people's lives are controlled by a department of corrections. Prisons have a way of always filling to capacity and overfilling.

We've recently filed a suit in Tennessee, *Trigg v. Blanton*, which is a constitutional lawsuit against the state prison system, modeled on the Alabama lawsuit that Federal Judge Frank Johnson ruled on. Lawyers from the National Prison Project out of Washington, some of whom were involved in the Alabama suit, helped us. Judge Johnson ruled that prisoners in Alabama were denied their constitutional rights, that they were confined under conditions that amounted to cruel and unusual punishment. He set up his own oversight commission which resulted in a lot of changes. One major result was a total reclassification procedure where something like 80 percent of the prisoners got reclassified to a lower security status, going down from maximum to medium to minimum. That means more on work release, educational release, and outside the prisons, which is where they should be. Often a person ends up in maximum because of politics, because a warden or guard doesn't like him, not because he's a threat to anybody.

Besides giving relief to prisoners, we view lawsuits as an organizing vehicle, an important education process for real prison reform. First, the media is immediately interested in lawsuits, and hence we reach the public. Then, we often run into unexpected allies. In Alabama, for example, we found ourselves working with what some folks call reactionaries, in communities where they want to put new prisons. Nobody wants new prisons in their communities. We don't want new prisons because we got enough. So it's an interesting alliance. We're trying to educate the Alabama public about the enormous financial waste, the taxpayer dollars in initial construction and $10,000 a year for one prisoner — more than a year at Harvard.

And the human waste. We're destroying prisoners, 70-75 percent go back to prison. Our penitentiary system is a failure. We have got to keep saying over and over again that there are alternatives to prison. Groups or individuals need to say it as they are in Alabama through letters to the editor, talk shows, demanding studies of the alternatives. The Scandinavian countries are very advanced in this notion. Take Holland — a very interesting example. A lot of the people running the government in Holland now were in prison camps. They know what it's like to be in prison. And they use prison as a last resort. They use everything from educational and work programs to restitution. Minnesota is a prime example of what we should be doing here. Under their system, you keep a person in the community and work with them, reintegrating them into the community. On a purely pragmatic level, they're saving lots of money.

But we don't know much about alternatives in this country, and our Departments of Corrections certainly don't want us to think about alternatives because that takes away from their business. Most prisoners — 80 percent in Tennessee — are what we call a property crime prisoner. They've stolen property. States are very vindictive about a property crime. In Louisiana, for example, there is an Habitual Criminal Act, which means if you commit a third felony you are eligible to be locked up for life. Now a murder is a felony but so is stealing a car. If a person is faced with three counts of stereo stealing, which is a major theft, you can get life. But

If someone steals your stereo, what you want is your stereo back. You want restitution, not revenge. That's the way we should deal with property offenders, make them repay the victim. Our present system has absolutely nothing to do with helping out the victim. Let's help out the victim, get your stereo back. Let's implement some restitution programs, where this person works and pays you back for your stereo.

Better yet, avoid going through the whole criminal justice system at all. What we should be doing is holding hearings, say a monthly hearing by a citizen group from a neighborhood, and deal with the offender in the community. Instead of going to court or paying a fine, you're brought before a hearing before your peers. This is really effective in dealing with juveniles. They're doing this in San Francisco now for juveniles. We lock up so many kids in this country for nothing, and that's where they learn to be criminals, in juvenile training schools. For a neighborhood hearing concept to work, you have to have the cooperation of the police. And it's in their interest to cooperate, because the police have to waste so much time in dealing with victimless crimes and also property crimes. A local ACLU chapter or League of Women Voters or church group could try to establish this system in a model neighborhood to show the legislature and the police it would work. Someone takes the time to go around and talk to the police chief and the sheriff, the mayor and the city council.

Now take your murderers. By and large – not in every case, and the bizarre cases are the ones that scare us to death in the media – a person who commits a murder has done it to someone who they know and care for. A crime of passion, a fight or some spontaneous event. A knife or gun was handy. There's simply no reason for locking someone up for twenty years. More than likely, the murderer is rehabilitated within the first few days after the event, after he's had a chance to realize that he's killed somebody he's loved. Murderers are your best prisoners and have the best record in not returning to prison. What we need to do is be sure this person won't do it again. And that doesn't mean you lock them up. You could leave them in the community and have them in a situation where they're working with people and are supervised.

Corrections programs are going to succeed only when ordinary people get involved in them. Not professionals – we don't need a bureaucratic establishment. We do need neighbors. That's what we need and that's what it all comes down to. Involve people in the community in the process of dealing with people who offend them. It's the complete opposite of the philosophy of isolation and putting people behind bars. Jesus said love thy neighbor as thyself. It's very simple. If we can begin to incorporate this on a community level and translate this through the democratic process rather than ship people off to various dungeons that we've constructed, I think we're going to have a much more effective and helpful system for surviving together in this country. □

Leon W. Gray, III
Parchman Prison, Mississippi

Untitled

See all the people gettin' off the bus
All the bastards come just to look at us
I can't help but think it's a crime
They've better things to do with their time

A sixteen year old girl says what did you do
I was caught raping a little moron like you
And when the preacher asks how'd you break the law
I was robbing Peter to take care of Paul

There's not much of a lesson here to be taught
We are just like you, except we got caught

– Mark Rakestraw
Inside Out
Blackburn Correctional Complex
Lexington, Ky.

What the Experts Say:

WILLIAM LEEKE

If I were in a position where I could sit and hypothesize about great societies, I would probably be in agreement with those who would say, "Let's tear all the prisons down." The reality of it is the country is not in a position to let us tear down prisons, even if we wanted to. I think we are always going to have a society that has a need to lock up dangerous people for simple social control, social order and protection of the public. But the idea that "people are sick; send them to prison and we can cure them" has no merit. It's rather bizarre to think you can take a junkie and shove him into prison for two or three years, into a tremendously overcrowded area, and think you're going to heal him. We can hardly even find doctors to work in large prisons because of salary schedules and because of the sheer threat to them just being in there.

There's no question, I think, that we now lock up way too many people, but the rhetoric we hear is that we could tear down all the prisons and everything would be better. That is not going to happen in our society.

But I would look for every possible safe way not to resort totally to locking people up to carry out what we call our system of criminal justice. That would obviously involve ensuring that we had adequate probation and parole services and alternative programs that would prevent people from coming to prison. The thrust would then be, as far as institutional design, to learn from the mistakes that we have made in the past and to ensure, if nothing else, the safety of those people who have to be removed from society for a period of time. We would want to ensure that we do not let prison get so overcrowded that people have no identity whatsoever, where they can be raped or assaulted by their fellow man.

We want a safe place where people who have to be removed from society can retain as much dignity as they can, where they can remain in contact with their loved ones and where they can not be further damaged by having to be locked up. We're all pretty much aware of the fact that, with the massive overcrowding that exists now, we can't in all cases provide safety to the degree we would like to in our institutions. In many ways the federal district courts have been the salvation for state prison systems. While it's not pleasant to be ordered by a federal court to do things, if the legislative branch of government fails to act, then the judicial branch must bring about change.

I hope the days of these big Bastilles are gone. When we have to build prisons, as a last alternative, we must make them smaller. The larger the number of people who reside in a prison, the larger the number of people working there, the more callous everyone becomes.

Of course, we hear objections to using any land anywhere to develop a new prison. It's pretty ironic, though, that when people are yelling, "Lock everybody up, lock 'em all up, we've got to reduce crime," and you try to find a site — no matter where — there's going to be public opposition.

The most progressive thing we've gotten in South Carolina is a new program called "extended work release." That's where an individual who's been in work release for two months and meets certain criteria can live in a home environment with a sponsor while he serves out the balance of his sentence. We require the participants in this program to pay $5 a day for their own supervision. This decompression chamber approach has given us a lot more flexibility in taking people from confinement and helping them to work their way back into the community.

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Two leading authorities speak out on our "corrections" system and options for the future.

WILLIAM NAGEL

photo by Calvin Solliday

Prisons fail because of our multi-directional expectations of them. No cloistered institution can segregate, punish, deter, rehabilitate and re-integrate any individual or group of individuals. Yet these are the tasks demanded of prison by judges, legislators and segments of the public. To narrow these purposes, as many people are now proposing, will not make the prison more successful – only less hypocritical. Imagine, if you will, a prison with the singular purpose of "punishment." What kind of staff would work in such a place? The very thought is frightening.

Prisons fail because the sentencing policies and practices which lead to imprisonment are unjust and stupid. Anyone who has visited prisons recognizes the racial injustices represented by the gross overrepresentation of blacks and other minorities. Anyone who has looked at the vast disparities in lengths of sentences senses the class injustices. Anyone who has observed that 90 percent of those in prison are nonviolent first offenders recoils at the injustice and futility of that incarceration.

Prisons fail because of their locations. The Olympic prison is the most current example. The Federal Bureau of Prisons has exchanged principle for expediency by capitalizing on the popularity of the Winter Olympics, the high rate of white unemployment in remote, rural northern New York state, and the power of a pork-barrel Congressman to build one more remote prison. Urban blacks will be exiled to it, far from their friends and loved ones, and be guarded by rural whites. America is predominantly urban. So are its prisoners. The lifestyles and values born of the cultural, ethnic and racial aspects of city life are often incomprehensible to the white, rural, protestant-ethic guard. The resulting understanding gap is far wider than the miles which separate city dwellers from farmers. Surely Attica, and more recently Pontiac, have made this abundantly clear.

Prisons fail because they are places where the few have to control the many. In the outside society unity and a sense of community contribute to personal growth. In the society of prisoners, unity and community must be discouraged lest the many overwhelm the few. In the world outside, leadership is an ultimate virtue. In the world inside, leadership must be identified, isolated and blunted. In the competitiveness of everyday living, assertiveness is a characteristic to be encouraged. In the reality of the prison, assertiveness is equated with aggression and repressed. Other qualities considered good on the outside – self-confidence, pride, individuality – are eroded by the prison experience into self-doubts, obsequiousness and lethargy.

Prisons fail because we as a people use them as non-solutions to our most sophisticated problems. Monumental revolutions have changed the nature of life in our country – the automobile with instant mobility; television with its glorification of material things, of crime and of violence; the racial and sexual revolutions that brought unfulfilled hopes; Vietnam and Watergate which inflicted a whole generation of young Americans with alienation and despair; the pill with the resulting changes to sexual mores and even to marriage and the family; chronic and massive unemployment and underemployment which have become a way of life. All these and other forces have hit this society with the impact of an atom bomb. Individually, and in combination, they contribute to the great increase in crime – an increase to which we have responded by locking people up as never before in our

NAGEL

history. No other Western industrial nation comes close to us in its use of the prison as a method of social control. This "land of the free" has, as a result, developed Western civilization's highest rate of imprisonment. And while America leads the world in this unworthy statistic, the South leads America.

Prisons fail because they are based on the assumption that behavior can be controlled by sufficiently raising the cost of misbehavior. That assumption holds, in cost-benefit terms, that repression is cheaper than opportunity. Any institution so conceived and so dedicated should not – must not – endure.

It is my view, frequently expressed, that this nation's principal commitments during the rest of this century should be toward reducing crime by correcting the crime-producing conditions in our economic, racial and social structures. At the same time, the various states must revise their criminal codes by removing sanctions against a whole range of behavior which causes injuries only to persons so behaving – the "victimless" crimes. Sentences must be made more equitable and shorter, with imprisonment viewed as the sanction of very last resort rather than the sanction of first resort. All of this will require the development of a national "mind-set" which permits us to abandon, or greatly limit, our raw punitive impulses.□

William Nagel has been the executive vice president of the American Foundation, Incorporated, and director of its Institute of Corrections since 1969. He also served as vice chairman of the Governor's Justice Commission, Pennsylvania's criminal justice planning agency.

He began his career as a case worker for the Pennsylvania Prison Society. Nagel then served as the assistant superintendent of a New Jersey correctional institution from 1949 to 1960; director of the Pennsylvania Council on Crime and Delinquency from 1960 to 1964; and executive secretary of the Council for Human Services in the Pennsylvania governor's office from 1964 to 1969.

A resident of Yardley, Pennsylvania, Mr. Nagel has served on numerous state and national councils on crime and corrections and has written many articles for professional journals. His book, The New Red Barn: A Critical Look at the Modern Prison System, *was published by Walker in 1973.*

LEEKE

I think from sheer economics it's a savings of a considerable amount of money in not having to construct a number of new beds for them, and at the same time requiring them to pay for a portion of their confinement.

There's no question that – especially where property crimes are concerned – restitution is also a very viable alternative. I think many average people obviously would rather have their property back, or replacement of their property, than see their insurance rates go up because of theft. They'd probably rather have their property back than get a pound of flesh by locking somebody up for a period of years. I'm a strong believer in restitution programs. But I don't think they're a total panacea. For property crimes it has great potential. But it will be some time, I think, before people are willing to accept a restitution system for crimes involving bodily injury or assaultive behavior.

I'm really enthusiastic about the future of our criminal justice system. I see a period of a lot brighter and more intelligent people making a career of corrections – both men and women. I can understand how some of the new people coming into the prison system might think some of our institutions are still in the dark ages, but looking back on it, I can see a great deal of progress.□

The preceding essay is excerpted from an interview with Mr. Leeke conducted by free-lance journalist Mark Finsky.

William Leeke has been working in corrections since 1956 as a teacher, warden, deputy and commissioner. He has served in his present position of Director of South Carolina's Department of Corrections since 1968.

Currently president of the American Correctional Association, Mr. Leeke has also presided over the National Association of State Correctional Administrators and the Southern States Correctional Association.

Considered a liberal among Southern prison commissioners, Mr. Leeke is credited for his leadership in a nationwide study of court decisions concerning inmates' rights and has pursued an active policy of equal employment in his agency.

Commissioner Leeke is responsible for 31 institutions, 1,600 employees and 7,700 inmates.

Me and My Necklace

I lay down on the locker
I have a necklace around my neck
And when I lie down
The necklace gently makes a clink
On the locker I'm laying on

I think to myself
Now the necklace
Didn't sound right

I ease my head up
Slam my head back down again
And at the process I listen for the sound
Of my necklace when it hits the locker

And again, the necklace
Makes a gentle tap

Now I'm furious at myself
For not being able to make
The necklace sound louder when
It hits the locker

Rage in me at its height
I quickly raise my head
And quickly again, I slam my head
Down on the locker
And again, the necklace makes
Only a gentle thump

My God, I can't make
A very small necklace
Make a loud thump
On the locker

I cannot hold the rage within me
I jump off the locker
Rip the necklace from my neck
I slam the necklace against the locker
Resulting in nothing

– Danny Ray Thomas
South Carolina prison

Alternatives That Work

Family Plaque

sculpture by N. Brown, Angola Prison, Louisiana

HOLLAND

The philosophy that prisons are harmful institutions and should not be heavily relied upon pervades the procedures and practices of the Dutch criminal justice system. From the police to prison, the system is aimed at minimizing the number of people who become further involved in the justice system and ultimately reach prison. As a result, Holland has the lowest incarceration rate – 24 prisoners per 100,000 inhabitants – of all industrialized Western nations, a rate one-tenth that of the United States, although Holland's rate of serious crimes is only half that of our country.

The Dutch keep few people in jail for several reasons. First, no official in its crime control system has to campaign for office. Thus, the business of "repression," as the Dutch police so

candidly call it, is not highly politicized. Lawyers, judges and other functionaries deal only with the most serious crimes, leaving others to be resolved by social service agencies, churches and other community controls. Then, of those people slapped into jail, only about four percent are sentenced to terms longer than one year; the average sentence comes to about three months. Finally, if there is no room in prison, the prospective prisoner will simply "take a ticket" to report later.

One Dutch prosecutor recently told a group of American corrections specialists, "Almost everyone in Holland knows that prison has mainly, or only, negative effects. Some may think it is necessary, but they too know it is negative." An offical spokesperson for the Dutch Ministry of Justice concurred, saying, "It is almost hypocritical to think a person in prison can be made better . . . so we try to limit the damage."

All procedures in the Dutch justice system are expected to comply with the "subsidiary principle." This means that criminal proceedings and sentencing should only be used when it is clear such a disposition is more effective than a noncriminal process or a less severe sentencing option. In support of this principle, the police are encouraged by the prosecutors and Ministry of Justice to arrange fines at the site of most crimes or negotiate a settlement between involved parties. Only prosecutors are authorized to bring a criminal charge into court. Therefore, they must decide which cases they or another agency can resolve to the satisfaction of the parties involved. Because prosecutors adhere to the subsidiary principle, more than half the cases referred to them are screened away from the court, regardless of the likelihood that the accused will be found guilty. Judges play their part by heavy use of fines, even in serious property or person offenses. In 1975 (latest figures), almost two out of every three convictions for serious crimes resulted in impositions of fines.

The Dutch use prisons more to mark the limits of social tolerance than as incapacitation or deterrence. Because most Dutch officials say it cannot be proven that prisons protect the public in the long run or that prisons improve the people placed inside, they choose to incarcerate as few offenders as possible for as short a time as possible. In 1975, for example, out of 14,474 Dutch prison sentences, three-quarters were imprisoned for three months or less. Only about five percent are serving terms longer than a year; average time served in American state prisons is over one year.

In Holland, a prison bed must be vacant before a convict is imprisoned. To accommodate everyone, the Ministry of Justice has developed a practice called "walking convicts," which grants at least a four week delay between the time of sentencing and imprisonment. Consequently, the Ministry develops a waiting list to regulate the flow of people into the prisons. Some people argue that the "walking convicts" practice shows that these offenders need not go to prison at all because they can be punished in less costly, less destructive ways without threatening public safety. Whether or not this argument is accepted, the practice functions in a useful, immediate way to relieve or prevent overcrowding.

In conclusion, the Dutch have developed procedures through their justice system consistent with their often repeated assertion that prisons are harmful institutions, to be used sparingly and as a last resort.

DENMARK

Ringe, Denmark's experimental prison, was built on the principle that "the purpose of imprisonment is punishment, but the loss of liberty should be the *only* punishment." Built in 1973, Ringe differs from most prisons in Denmark in that it is a maximum security institution with a wall around it. However, while Ringe is one of Denmark's most secure prisons, it is quite relaxed on the inside.

The 90 inmates, 40 men and 10 women, live together in housing units of 16. Men and women work together and have rooms side-by-side in the housing units. They must buy and cook their own food, work a full week (for which they are paid between $17 and $43) and manage their own money. Not only do these arrangements create an atmosphere much like the real world, but they demand that prisoners take considerable responsibility for their own lives.

There are no guards at Ringe in the traditional sense. "Standard officers" of both sexes were hired to fulfill the duties of work supervisor, social worker and guard. All of them are carpenters because the major occupation of the inmates is work in the prison's furniture factory. Only a few guards had had previous correctional experience. This break from tradition, both in roles and in qualifications for employment, has opened communication between prisoners and guards that usually eludes those behind bars.

The Ringe experiment is too new for anyone to predict how it will affect inmates after release. But the Ringe prison at least proves it is possible to combine the temporary deprivation of a convict's freedom with the recognition and maintenance of many individual rights and responsibilities.

ENGLAND

In England, judges may use "community service orders" as an alternative to sending a person to prison. These court orders require the offender to work a certain number of hours without pay in the service of the community. Public and private (non-profit) organizations may use community service workers, and those administering the programs may form work groups to do special projects for members of the community.

Faced with crowded prisons and dissatisfied with the costs of imprisonment, the English Parliament established this sentencing option in the 1972 Criminal Justice Act. The Act applied initially to six court jurisdictions. After several years of positive experience, it was extended to the whole country. This legislation authorizes magistrates, the British equivalent to our county court judges, to use community service sentences only in cases for which a prison sentence is being considered. The law also stipulates that sentences may range from 40 to 240 hours but must be completed within one year.

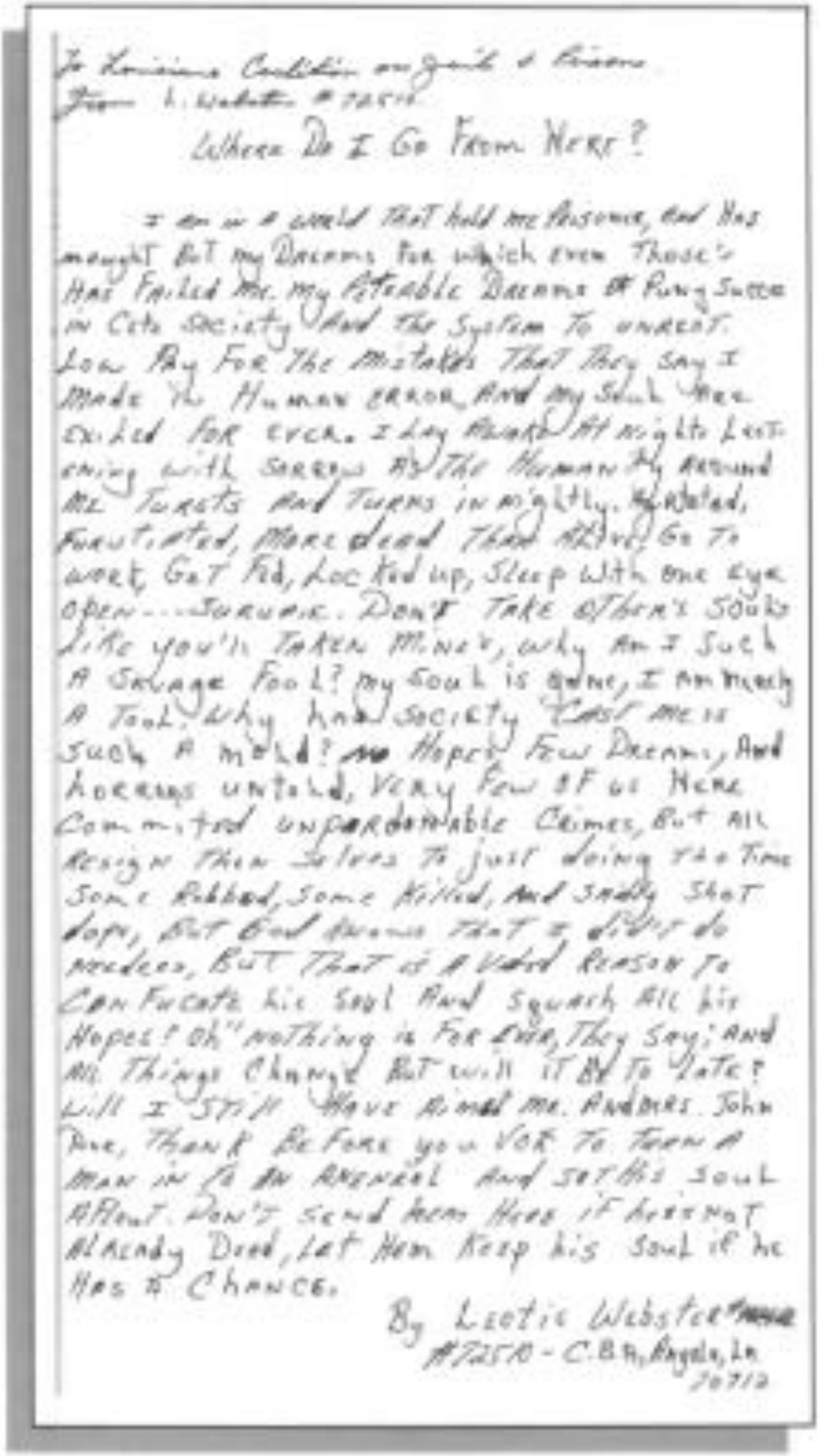
Work assignments now include making equipment for youth clubs, clearing

walks in parks, renovating community centers, gardening for senior citizens and establishing adventure playgrounds with recycled materials. The best placements are those in which the offenders have an opportunity to experience directly the impact of their help upon the problems of others. Community service is a punishment because offenders lose their leisure time, but the type of work done is not meant to be distasteful.

Most community service participants, like most people in prison, are between the ages of 18 and 25. Community service was first used as an alternative for petty offenders, but the nature of the crime is no longer a principal criterion for acceptance into the program. People guilty of violent offenses or with prior records have been accepted and successfully placed.

While national statistics are unavailable, the 1977 annual report of the Inner London Community Service Program claims that a total of 1,787 offenders serving 130,000 hours have been handled by the program from 1973 to 1976. The satisfactory completion rate for these years was just over 70 percent. Another program in Nottinghamshire reported a similar success rate in 1975. Criminal justice system officials estimate that 60 percent of those participating would otherwise have been incarcerated.

The responses of the judges, probation personnel, participants, service agencies, media and English public have been overwhelmingly supportive. Some volunteers have continued their service work beyond the required hours, either in paid or volunteer status. Program staffs are now resisting pressure to expand the use of community service for those failing to pay fines. Such an expansion would dilute the present thinking that community service is a substantial punishment which can substitute for imprisonment. □



To Louisiana Coalition on Jails & Prisons
From L. Webster #72510

Where Do I Go From Here?

I am in a world that hold me Prisoner, And Has naught But my Dreams For which even Those's Has Failed me. My [illegible] Dreams of [illegible] Success in [illegible] Society And The System To unrest. [illegible] Pay For The Mistakes That They Say I Made In Human Error, And my Soul Has Exiled For Ever. I Lay Awake At nights List-ening with Sorrow As The Human [illegible] Around Me Turns And Turns in nightly. [illegible], Frustrated, More dead Than Alive, Go To work, Get Fed, Locked up, Sleep With one Eye open....Survive. Don't Take other's Souls like you'v Taken Mine's, why Am I Such A Savage Fool? my Soul is gone, I am [illegible] A Tool. Why has Society Cast me is such A mold? no Hopes, Few Dreams, And Horrors untold, Very Few of us Here Committed unpardonable Crimes, But All Resign Them Selves To just doing The Time. Some Robbed, Some Killed, And Sadly Shot dope, But God Knows That I didn't do Murders, But That is A [illegible] Reason To Confiscate his Soul And Squash All his Hopes! Oh" nothing is For Ever, They Say; And All Things Change But will it Be To Late? Will I Still Have A mind Mr. Andrews. John Doe, Think Before you Vote To Turn A man in to An Arsenal And Set His Soul Afloat. Don't Send him Here if he's not Already Dead, Let Him Keep his Soul if he Has A Chance.

By Leotis Webster
#72510 - C.B.A., Angola, La.
70712

* *Information on crime and punishment in these countries was supplied by Polly Smith and Becki Ney, Assistant to the Director and Research Assistant, respectively, at the American Foundation.*

photo by Jackson Hill

From Where I Stand

By Wayne Brooks

The key to keeping people from committing crimes is correcting the economic system that leaves unfulfilled the real and psychological needs of the poor class.

Society would be better off to kill every one of us than do what they are doing now: keeping men and women in these hellholes for unrealistic periods of time. I'm not advocating this, because life is precious, but keeping people for years and years in this abnormal, loveless environment and then expecting them to cope with living in society is ridiculous. The majority of prisoners are set free some day. A man will control his rage in here because he has got a .30-.30 cocked at his head, but when you release him into society, you're releasing a human explosive.

A British study has indicated that nine years is the maximum time a person can spend in prison without it causing him permanent physical or psychological harm, and I would agree with that. In the old days, all the prison system wanted out of you was to make you work till you dropped. The human body can take that, but now they have brought in psychologists and psychiatrists who do nothing but keep you locked up all the time, and keep you knocked out with drugs. I personally have never had prison psychologists prescribe me tranquilizers; in fact, I have filed numerous civil rights complaints seeking a ban on the use of such drugs except for mentally ill persons. But here there is nothing to keep a man's mind occupied, and the monotony makes you worse when you leave than you were when you entered.

It would be better to do away with prisons altogether than to operate them this way. They are nothing but colleges for crime, violence and homosexuality. Every man in here believes he has been treated unfairly by the courts, so how can society expect him to respect the law when he gets out?

One solution would be mandatory sentencing: make the punishment fit the crime and not the individual. If the ruling class wants to make a certain act a crime, then everyone convicted of it should receive the same punishment. All discretion should be taken away from the courts, the corrections people and the parole boards, because so long as they have discretionary power, the influential and the affluent will escape equal punishment.

The poorer and darker the offender is, the harsher his or her punishment will be. These people are the product of an oppressive environment which the state and federal governments permit to exist to maintain the dominance of the ruling, wealthy class. Prisons are simply an instrument of class and ethnic oppression designed to make poor and uneducated folks go along with the status quo. Imagine a prison system inhabited by people convicted of crimes peculiar to the affluent, such as price-fixing, buying political influence, violating minimum wage laws and safety standards, and you will see how distant this fantasy is from the prisons we have today.

Since it is obvious that we will have prisons for some years to come, I would suggest that they be run like a city. Free enterprise, that is, free industry, should be encouraged to come into the prison, and convicts should be paid the prevailing wage. Require us to pay room and board; require us to support our families; require us to compensate the victim; give us training in marketable skills. Allow us to bring our girlfriends, wives and children in here. The long prison sentences imposed on me have caused my wife to divorce me and cost me the loss of her love, and also that of my daughter. . . .

Make social services available on a par with the free world. For instance, if we were earning a wage, we could pay a qualified doctor when we needed one. And we could maintain our dignity and pride. It is punishment enough just to deprive a person of his freedom, unless society just wants to put a bullet through our heads.

The key to keeping people from committing crimes is correcting the economic system that leaves unfulfilled the real and psychological needs of the poor class, and causes people to commit violent and sexual crimes. The next best deterrent is swift and sure justice, not the threat of unimaginable prison terms or the death penalty. I also believe that property crimes should be handled in civil courts and the offender required to make restitution.

Each judicial district should have a restitution center. Anyone who commits a crime where there is a property loss should fully compensate the victim, and possibly make double compensation. If this offender has a family and a job in the community, I think it would do more harm than good to take him

away from his wife and family and put him in the institution center, but he should be required to make restitution and come to the center for counseling. People without community roots should be housed in the center and be helped to locate a suitable job, make restitution and pay room and board. Georgia now has two victim restitution centers, and North Carolina has a small program of the same kind. Minnesota has for six years experimented with a program in which non-dangerous offenders with fewer than three convictions sign contracts with their victims and, after a brief stay in jail, begin working to make restitution. This type of program will work and should be expanded, rather than build more costly prisons.

The way things are now, not only does the victim lose his property, but he also must pay for the offender's upkeep in prison, and this is big money now. The offender also becomes bitter and gets an education in how to commit every crime in the book. □

Wayne Brooks, a 40-year-old native of Gaston County, North Carolina, and a US Coast Guard Veteran, has served 20 years in prison. He is currently incarcerated at Central Prison in Raleigh, NC, and helped organize the NC Prisoners' Union there in 1971. The Union disbanded after the Supreme Court upheld prison regulations forbidding the group to hold meetings and forbidding inmates from soliciting membership.

Have-ah-good Days

(In remembrance of Michael Krauss, a revolutionary, who really cared about people, 9/24/74)

sing us no have-ah-good days, child
while out there beyond our steeled-off world
hungry people wilt and scream pain

sing us no have-ah-good days, child
while in the midst of silver-blue aloneness
love-deserted people shuffle down angry streets

sing us no have-ah-good days, child
while in this scurfed society
men are murderously hated
for tenderly touchin in public parks

sing us no have-ah-good days, child
while human beings isolated years upon years
away from human kindness
bitterly crawl into themselves and rage

sinnnGGG!!
no have-ah-good days sing us, child
until blazin with courage in the pathway
of Michael Krauss commie!fag! and proud
you have created some have-ah-good days, child.

— Henry N. Lucas
Florida State Prison
Starke, Fla.

Dream

The last dream I had
was about my future.
I dreamed I was a rich man.

— Charles Massey, 18
South Carolina prison

Book Reviews

This Grotesque Essence: Plays from the American Minstrel Stage

By Gary D. Engle. Louisiana State University Press. 1978. 304 pp. $14.95.

By Floyd Barbour

This Grotesque Essence: Plays from the American Minstrel Stage, is a look at mirrors and an examination of what they mean in terms of public art and private pain. Gary D. Engle has compiled 22 plays from minstrelsy's heaven, the 1830s to 1870s. These afterpieces, as they were called, afford an excellent opportunity to experience one of the most popular forms in American entertainment history.

Kent Walker in his 1931 *Staging the Amateur Minstrel Show* tells us that "the first minstrels were an order of men in the Middle Ages who united the arts of poetry and music and sang to the harp verses of their own composing, who appear to have accompanied their songs with mimicry and action, and to have practiced such various means of diverting as were much admired in those rude times, and supplied the want of more refined entertainments." The same could be said about the rise of minstrel art in this country. However, the most significant feature of American minstrelsy was the creation of the blackface clown.

Winthrop D. Jordan in *White Over Black* states that "it was a strange and eventually tragic happenstance of nature that the Negro's homeland was the habitat of the animal which in appearance most resembles man." Similarly, it is probably a tragic happenstance that the most persistent and influential image of blacks came from the minstrel tradition and its blackface clown. Engle emphasizes that it is false to believe that minstrelsy developed from plantation entertainments among black slaves in the South. There was little Afro-American influence on the music, dance or inspiration. The language derived from white entertainment conventions, not as a reflection of black speech patterns. The minstrel clown evolved out of the racial fantasies of northern urban whites. The minstrel show mirrored a reality which existed mainly in the imagination of whites. In his essay "The Negro in the American Theatre," Sterling Brown wrote:

> It must be remembered that Ethiopian minstrelsy was white masquerade. Negro performers were not allowed to appear in it until after the Civil War; it was composed by whites, acted and sung by whites in burnt cork for white audiences. It succeeded in fixing one stereotype in the American consciousness: the shiftless, lazy, improvident, loud-mouthed, flashily dressed Negro, with kinky-hair and large lips, over-addicted to the eating of watermelon and chicken (almost always purloined), the drinking of gin, the shooting of dice and the twisting of language into ludicrous malformations. Life was a perennial joke or "breakdown."

Lewis Hallam, a white actor, is credited with having given the first performance of what could be called a minstrel routine. In 1769 in New York he played the role of a black slave in a production of Isaac Bickerstaff's *The Padlock*. It was left to Thomas D. Rice and Daniel Decatur Emmett in the nineteenth century, however, to raise the blackface clown to national prominence. In 1828, somewhere along the Ohio River, T. D. Rice began to imitate the singing and shuffling of a black hostler. His skit was received with enthusiasm and American minstrelsy was on its way.

Rice is generally regarded as the father of the form. He established the epic figure of Jim Crow, a theatrical darky whose childish ways and foolish posturings went straight to the psyche of America. Rice had many imitators and in 1843 The Virginia Minstrels was formed. Many bands followed, including the famous Christy's Minstrels and White's Kitchen Minstrels. Engle's introduction gives a fine and fluid accounting of this early period.

A full evening of minstrel performance consisted of three parts: "The First Part," the "Olio" and the "Afterpiece." The First Part was an entertainment complete in itself. Loften Mitchell describes the structure of the performance in *Black Drama*:

> Minstrelsy had a definite form. The first half of the performance had a group of at least seventeen men, all elaborately costumed, their faces blackened with burnt cork. These men sat in a half-circle. At the center was the interlocutor, or master of ceremonies, a "straight man" who fed jokes to the comedians and was the butt of their replies. On the other side of the interlocutor were at least seven singers, dancers, monologists or other featured performers. At the end of each line were the "end men," Mr. Bones and Tambo, so named for the instruments they played. Mr. Bones and Tambo were the leading comics.

The Afterpieces — whether short farces, political satires or pantomimes —

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climaxed the shows. They achieved their success by combining the various theatrical forms that constituted the first part of the show. *This Grotesque Essence* makes it possible for us to encounter their lacerating humor. For instance, a wonderful Shakespearean burlesque entitled "Desdemonum" is included in this collection.

The minstrel clown, Engle says, "was a grotesque and cruel caricature of American blacks. He was intended by the white mentality that created him to serve as a comic representation of the racial minority which was forced to occupy the lowest class in American society." The sad thing is that those very people were also seen as the safety valve for that society's fears and projections. The minstrel did not mirror the life of blacks, but the minstrel stereotype was so pervasive that even blacks found it next to impossible to counter its force. The space between the lives of black Americans and the life of the theatrical blackface clown was real and touching — too often, however, America didn't observe this truth and began to confuse the theatrical exaggeration with the human reality. This caused undue misconceptions and contributed to the gulf between races which persists to this day.

And blacks were not the only ones to be lampooned in this way. *This Grotesque Essence* makes it clear that other ethnic groups began to make their appearances on the minstrel stage. Soon blackface Irishmen, Germans, Jews and Orientals could be seen. As immigration began to widen its impact on American culture, the minstrel show continued to mirror American racism.

Engle provides us with a needed and authoritative collection. In his introduction he states that "in a true democracy the will of the majority rules. . . . For better or worse, the characteristic art of a democracy is shaped by the will of the audience, not of the artist." He provides excellent examples of this as well as insightful commentary. These plays probe the mentality of the common man during the nineteenth century and suggest that in a democracy we are often victims of our own images. □

The following is an excerpt from Old Zip Coon, *a minstrel play typical of the post-Civil War era, contained in* This Grotesque Essence.

OLD ZIP COON — *An Ethiopian Eccentricity, In One Scene*

SCENE: *The common room of Zip Coon's house on the Old Plantation, opening on the verandah — the cotton and cane fields beyond — the Mississippi in the distance.*

(Zip, elegantly dressed, reading a newspaper and smoking a cigar, with his feet on a table on which are decanters and glasses. White boy presenting a huge mint julip.)

Zip: Dere, clar you'self! *(drinks)* Dis brandy isn't so good as de last; *(smacking his lips)* Shall hab to discharge my wine merchant if he don't improve, for sartin. Maybe it's my taste, but somehow 'taint half so good as de ole Jamaica massa used to gib us to wash de hoe cake down with. It's mighty comfortable to be rich, to be sure, but it's debbelish tinsome to hab to keep up de dignity all de time. O, for one good old-fashioned breakdown, like we used to hab when massa run de old plantation for us, and all we had to do was play de banjo and loaf. *(looking right and left)* Nobody looking! Maybe 'taint genteel, but here goes for a try. *(Walks around and sings)*

Long time ago we hoe de cotton,
Grub among de canebrake, munch de sugar cane,
Hunt coon and possum by de ribber bottom,
Past and gone de happy days — nebber come again!

Ho, hi! How de moments fly!
Get up and do your duty
While de time am passin' by!
(breakdown, throws off his coat)

Dere we knock de banjo, make de sheepskin talk,
Shout until the rafters to de chorus ring:
If de massa see us, make him walk his chalk,
Trabel libely o'er the boards, cut de pigeon wing.
Ho, hi! etc. *(Break.)*

Cuff: *(Cuff Cudlip, with a small bundle on his shoulder and in a ragged suit, peeps in and softly enters. Throws bundle down and joins in breakdown.)*

Hoe it down libely, dere's nobody to fear,
De gate am off de hinges, no obersear dere;
No one in de cornfield, all de coast is clear,
Here de ball a-ringin', step up and pay your fare!

Both: Ho, hi! etc. *(break)*

Cuff: Hy'al it's no use talking — nigger will be nigger! *(Puts his bundle on table and takes chair). . . .*

Scenes From
THE ORIGINAL CHRISTY MINSTRELS
AT MECHANICS HALL, 472 BROADWAY N.Y. IN 1847

Black Tennesseans, 1900-1930

By Lester C. Lamon. The University of Tennessee Press, 1977. 320 pp. $12.50.

By David E. Alsobrook

Lester C. Lamon's *Black Tennesseans, 1900-1930* is a coherent, forceful study of the black experience during this period. Professor Lamon's volume is based on a skillful blend of black sources, including materials in the Library of Congress and Fisk University, the booster-oriented *Nashville Globe*, and a number of oral history interviews. Lamon's enthusiasm for his subject permeates the entire book.

The author gives considerable attention to black businessmen in Tennessee. In spite of an abundance of energy and booster rhetoric, black businessmen frequently failed. Reasons for failure included: inadequate investment capital, inferior business education and vocational training, limited clientele and white competition. Lamon quotes one black entrepreneur who saw "the 'opportunity' to operate a separate business" as one of the greatest "mockeries to which . . . the American Negro has been subjected."

Lamon directly relates black business inadequacies to the "half-a-loaf" philosophy inherent in Tennessee's Jim Crow educational system of the day. Before 1900 only a handful of white Tennesseans favored appropriations for black education. Many whites, according to Lamon, believed that an educated black was "a good plowhand spoiled." Gradually, white philanthropic organizations such as the General Education Board, the Jeanes Foundation and the Slater and Rosenwald Funds, brought some economic relief to black schools in the state. Whites grudgingly accepted the work of these groups since state tax

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A Return Visit: Frances Newman

By Chris Mayfield

In 1926, a female librarian at Georgia Tech published a novel which became an immediate and scandalous success across the country. Within six months after its first appearance, this novel was banned in Boston, published in London and had gone into five printings in the United States. Atlanta society was in an uproar over the adventures of the heroine, a carefully brought-up Atlanta socialite who traveled both sides of the Atlantic hoping to be relieved of her virginity. The book was *The Hard-Boiled Virgin*; and the author – that unlikely spinster librarian – was Frances Newman, who died two years afterwards. A mere 50 years later both her name and the book have sunk practically into oblivion, and copies of Frances Newman's books are mostly relics on the back shelves of libraries.

Despite its title's brazen ring, *The Hard-Boiled Virgin* does not approach even the outer limits of pornography. The subject of the novel is a woman's ideas and emotions, rather than a set of actual lurid experiences. Frances Newman was a serious writer who also enjoyed a considerable reputation in her day as an avant-garde thinker and literary critic much admired by literati such as H. L. Mencken, Compton MacKenzie, Thornton Wilder and James Branch Cabell. Nevertheless, she was certainly in many ways a bona fide product of Atlanta's hidebound high society.

Newman was born in Atlanta in 1888, the youngest and homeliest of five children in a family noted for its prestigious social standing and traditional good looks. From an early age she accepted the fact that her stringy black hair, sallow complexion and elongated upper lip meant that she could never compete with her gorgeous sisters in the world of debutantes and Saint Cecilia Balls. Instead, the family library soon became a great source of consolation and amusement. Like Virginia Woolf, she was largely self-educated, and her lack of a university education became a source of mingled embarrassment and stubborn pride.

Some of the white, rich South's most treasured illusions about itself and its past – the myth of the happy slaves, the fiction of the superior male – were to Newman just so much malarkey. She herself attributed most of her enlightenment about the realities of slavery to her own mammy, Susan Long, a former slave. "If you grow up," wrote Newman, "hearing of mistress' sons who set dogs on a little girl three years old to see her run, who beat the slaves, and who didn't tell them they were free, you can't admire the antebellum South completely."

Slavery and black people do not play much of a part in Newman's fiction, however. She was much more concerned with the experiences of women within her own small privileged class. Her one published short story, "Rachel and Her Children" (*American Mercury*, 1924), centers on the true feelings of an old lady who all her life has been squeezed and squelched and silenced into other people's conceptions of her role as a well-bred Southern wife and mother. Looking back on her youthful marriage to an elderly tyrant, old Mrs. Overton reflects, "People hardly talked then of the boredom of sitting at the other end of the table from the wrong man every morning; certainly they never talked of the occasions when there wasn't a table between one and the wrong man." The story is a masterpiece of irony and understatement, and is perhaps the angriest piece of fiction she wrote.

Social truths were important to Newman, but she believed (somewhat haughtily) that they must be explored with elegance, wit and above all with

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expenditures for black education could remain low. Although philanthropy raised some black hopes, the majority expected little more than "half a loaf" from their white overlords in the way of educational opportunity.

There were notable exceptions to the pattern of failure, such as A. N. Johnson, a wealthy black undertaker and business booster in Nashville; however, Johnson had acquired much of his wealth before moving from Mobile to Nashville in 1907. Booker T. Washington's rigid supervision of the National Negro Business League stifled the creativity of many young black tradesmen, but the legendary Washington attracted many prominent black Tennesseans to the League, including James Carroll Napier and Richard Henry Boyd of Nashville and Robert R. Church and Bert M. Roddy of Memphis. But while these men prospered, black businessmen on the whole did not fare well. Lamon's chapter on "Bootstrap Capitalism" is a poignant account of black bank failures during these years.

Lamon also focuses on black Tennesseans who actively resisted the strictures of Jim Crow society. During the early years of the twentieth century, streetcar boycotts erupted in several Tennessee cities as municipal authorities attempted to segregate mass transit systems. The Nashville boycott of 1905 was particularly significant because several black businessmen organized a short-lived, black-owned transit company. Lamon also devotes a chapter to black progressivism, which brought together many urban, middle-class blacks in a movement for better conditions.

In addition to these examples of black protestors, a number of Negroes worked effectively within the existing political structure, especially in the cities. Hiram Tyree of Chattanooga served for 14 years on the city's board of aldermen and for seven years on the city council. In essence Tyree became a ward boss, dispensing patronage and serving on municipal committees. When Chattanooga switched to commission government in 1911, Tyree lost much of his political clout. Men such as Tyree, Eugene L. Reid and Charles Griggsby in Chattanooga, Joseph Trigg in Knoxville

sophistication, a quality in which she considered most American writers sadly lacking. Her own literary mentor was the eccentric and daring James Branch Cabell, and her writing style (unfortunately, in some ways) harkens back to that of those late Victorian dandies, Walter Pater and Oscar Wilde. As a reviewer and critic with an increasingly wide audience, she blasted realistic American writers such as Theodore Dreiser, Eugene O'Neill, Sinclair Lewis and F. Scott Fitzgerald. Fitzgerald was so deeply incensed by her comments on *This Side of Paradise* that he wrote to her saying, "This is the first letter of any kind I have ever written to a critic of my book . . . but there are comparisons you brought up which make me as angry as my book evidently made you." Typically, Newman was delighted with this letter; she liked shocking people and relished her reputation as a wickedly strong-minded critic.

Despite her intellectual bravado, Frances Newman was still a member of Atlanta's highest society, and many of her pleasures and preoccupations were those to which she had been brought up. Like her fictional creation, Katharine Faraday, she could not bear to walk down Peachtree Street in any other than her best hat. Beautiful clothes were an obsession, one which practically suffocated her second novel under a superfluity of yellow crepe de Chine negligees and perfect little blue felt hats. Clothes, and flowers, and exquisite meals, and being called on and praised by charming men — these were all part of life's essential luxuries.

Newman herself realized the paradoxes inherent in the psychology of an intellectually inclined Southern belle, and in fact this is what *The Hard-Boiled Virgin* is really about. Katharine Faraday is an attractive, brilliant and extremely socially sophisticated young woman. She chooses to expend a great deal of energy looking for the right man, a man who can swing open the magic doors of sexual experience. But the old Southern mores which theoretically she despises still have their grip on her. Near the end of the book, when six or seven delightful gentlemen have failed to measure up, Katharine begins to worry that perhaps "she really was a Southern lady and . . . would never be swept off her feet." At last she allows herself to be seduced by a fourth-rate playwright. But the experience turns out a great disappointment and leaves her feeling, strangely enough, even more "hopelessly virginal" than before.

The Hard-Boiled Virgin is by no means a sad book, though, as Katharine Faraday is one of those people who enjoys the chase rather than the reward anyway. And what the reader enjoys are Katharine's deliciously witty observations on the foibles of mankind, and on the many delights and absurdities of its relation to womankind. Katharine is also an unabashedly sensual being, and through her Newman gives us one of the earliest American portraits of feminine sexual desire. Newman herself took pride in the book because, she said, "I do think it is about the first novel in which a woman ever told the truth about how women feel."

In 1928 Newman published her second novel, *Dead Lovers are Faithful Lovers*, a very ambitious and obscure exploration of the psychology of a *menage a trois*. In *The Hard-Boiled Virgin*, Newman's long involved sentences and monotonous paragraphs were kept in balance by a lively movement of the plot and a clear focus on the heroine. But in this work there is little movement of any kind; a gorgeous spectacle is presented, but everything in it is as dead as the title itself.

Soon after the publication of *Dead Lovers are Faithful Lovers*, Newman developed a mysterious and agonizing eye ailment, which eventually prevented her from writing or reading anything at all. Finally she was discovered lying in a coma near her New York hotel room, and she died three days later without regaining consciousness. She was 40 years old. It is useless, of course, to speculate on what her later novels and stories might have been like, though there's little doubt that more would have been written. But as the first Southern novelist to write seriously about the true lives of Southern ladies, Frances Newman deserves the attention of readers today, and rewards that attention well. □

and Solomon Parker Harris in Nashville exemplified those urban blacks who manipulated the political system to their advantage. Lamon argues that even though Tennessee stopped short of legislative disfranchisement, by 1913 poll taxes, white primaries, splits within the Republican Party and the commission form of local government had "sealed off the ballot box from black politicians as well as a large number of Negro voters."

Professor Lamon's book is a significant contribution to black historical literature and should rank with similar state studies such as David Gerber's *Black Ohio and the Color Line, 1860-1915* and John Dittmer's *Black Georgia, 1906-1920*. Still, it has shortcomings. His topical arrangement assists readers who are concerned with specific subjects, and for the most part, the chapters are linked by adequate transition. But the final chapter, dealing with the Fisk University student strike of 1925, seems out of place. A more incisive concluding chapter is badly needed. Lamon could also have strengthened his work by summarizing the careers of some of the black leaders appearing throughout the narrative, with comments about accomplishments and failures. Without such assistance, the reader must piece together information about these men from the entire book.

Lamon admits in his preface that he was torn between writing a study of a specific black community and a history of blacks in the entire state. In actuality, *Black Tennesseans* is weighted heavily toward black urban centers. Lamon deals with some fresh topics, such as black unionism, but more is needed about specifics of the black urban experience. For example, are there identifiable generic patterns of black demography and residential settlement in Tennessee cities? Also, more details are needed about the development of black business districts. Although the author gives a detailed view of key individuals' lives in the cities, too much is left unsaid about black social structure — in particular, the family unit.

One of Lamon's stated purposes was to provide "a broad historical framework of institutional and political events and attitudes," which could be "the essential background for more specific efforts." In this goal, he has succeeded. □

Walter Hines Page: The Southerner as American

By John Milton Cooper, Jr. The University of North Carolina Press, 1977. 457 pp. $15.95.

By Jerrold Hirsch

At the time of his death, Walter Hines Page's reputation and fame seemed secure. He had been the innovative editor of *Forum*, *Atlantic Monthly* and *World's Work*, and a partner in the publishing house of Doubleday and Page. As a Southerner and American he had worked for sectional reconciliation, Southern economic regeneration and racial harmony. He preached a gospel of universal education, industrial training, farm ownership and the development of natural resources as the road to Southern salvation. He played an active role in such Northern-financed philanthropic organizations as the Southern Education Board. Page promoted the 1912 campaign of fellow Southerner Woodrow Wilson for the presidency; in return, Wilson made Page the American ambassador to London, where he served during the critical years from 1913 to 1918.

Yet few today remember Page. And this is true despite the fact that a high school in Cary, North Carolina, a library at Randolph-Macon College and a school of international relations at Johns Hopkins University are named after him, and that he is one of only three Americans honored at Westminster Abbey. Cooper's study, however, shows that an examination of Page's life can be useful not only to specialists in Southern and American history, but also to those who ponder the dilemmas and responsibilities of being Southerners and Americans. In his examination of Page's response to the problems of the post-reconstruction years, Cooper fuses personal, regional and national history.

The way to understand Page, Cooper argues, is to see him as an individual trying to reconcile his Southern and

Walter Hines Page

American identities. With each advance in his career he moved further and further away from his native North Carolina — most of his adult life he lived in Boston and New York — yet he continued to think of himself as a Southerner. Throughout his life Page argued that sectional hostility was needless: one could be both a Southerner and an American, and go beyond the choice between remaining loyal to the myths of a glorious old South or accepting the values of the urban-industrial North.

In trying to expand Southern cultural horizons, Page was also hoping to make a career for himself in the South. He always argued that his efforts as editor of the Raleigh State *Chronicle* had met a hostile reception and that he had had to leave North Carolina and the South because he was a prophet without honor in his own country. He saw himself as a heretic driven into exile for arguing that the Civil War should be forgotten, Negroes educated and the authority of the church and the Democratic Party questioned. Cooper does not agree and points out that Page had carefully avoided offensive criticism throughout his personal tenure with the *Chronicle*. According to Cooper, Page left the South because he had outgrown it, professionally and culturally. Nevertheless, the South remained his spiritual home and was constantly on his mind.

As a publisher and reformer, he often played the role of an ambassador trying to explain the North and South to one another. He argued that the ante-bellum South, with its plantations and

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aristocracy, was a perversion of an earlier democratic South that had not only resembled the rest of the nation, but had provided it with great democratic thinkers and leaders. Indeed, the South could once again play a role in national life if Southerners would focus on their true history. Thus Page could work for change and still claim to be a loyal Southerner.

Other Southerners, like Atlanta newspaperman Henry Grady, worked for a New South while romanticizing the Lost Cause; Page could not do this. Like Grady, he thought he was working to lay the basis for a prosperous Southern future; but Page differed in placing primary emphasis on agricultural improvement rather than industrial development. Nevertheless, he was totally unsympathetic towards the radical Populists who sought dramatic changes in their society's economic, political and social arrangements. He accepted the white South's rationalizations for the abandonment of Reconstruction and did nothing to challenge Jim Crow or other inequities.

According to Page, education was the panacea, the key to Southern progress. Eventually it would solve the problem of race relations. Through education, he thought, whites and blacks would acquire the skills that would lead to individual and regional uplift and the material progress which would ultimately produce racial harmony, justice and cultural achievement. The ultimate target of Page's reform efforts was neither political nor economic, but cultural.

Cooper provides the reader with a basic framework for examining Page's life and aspects of the Southern liberal tradition, but he offers no assessment of Page's ideas. Instead, Cooper chooses to paraphrase them, thus missing the chance to reassess their strengths and weaknesses and the tradition of which they are part. Nor does he indicate their relationship to such later developments as the business progressivism of the 1920s. Ignoring the rhetoric, what actually was accomplished by the Gradys and Pages?

Page's views have not gone uncontested elsewhere. For example, the Agrarian critic Donald Davidson, writing during the Great Depression, argued that Page represented a bankrupt philosophy. Instead of a future of material plenty, there had been a total economic collapse: "The years have gone by, and the tomorrow Page longed for has come. It is not as bright as Page thought it would be; it is not a millenium." Some historians have criticized the inadequacy of Page's program and what they considered his unrealistic optimism. Even Page admitted that blacks had not received anywhere near an equal share of the funds spent for public education; educational reform and white supremacy had proved compatible. And Page's equation of material progress and cultural achievement cries out for serious qualification. Prosperity alone cannot change undemocratic social arrangements, nor can it create a democratic culture.

While Page's view of Southern history might be useful to a moderate white Southern reformer, it denies significant aspects of the past and offers little to those who envision an egalitarian future in which the contributions of blacks and women to Southern life and history are acknowledged. In rejecting the world the slaveholders made, he ignored the world the slaves made.

Southern reformers still have to face the questions Page addressed. What is the relation of the South to the rest of the nation? What are the solutions to Southern problems? Can the South change and still remain the South? Page talked about selective adaptation of Northern ways, yet he never made clear what he wanted to preserve. That challenge remains for those who wish to maintain a distinctive Southern identity. Finally they face a question that Page no doubt never considered: Can the term Southerner refer to blacks as well as whites? The answers to these questions are important to Americans, North and South. They are especially important to those seeking to define and identify a Southern liberal tradition. Page, however his views are finally assessed, is part of that tradition.

Page knew what it meant to be critical of one's own — the ambivalence, the doubt, the loneliness. In his 1909 novel *The Autobiography of a Southerner*, Page admitted his ambivalent feelings about the South: "If those that I loved did not live here, would I ever dream of coming back?" But he also knew that he was "a part of this land, had roots in it, felt it, knew it, understood it, believed in it as men who had come into life somewhere else could not."□

Nothing Could Be Finer

By Michael Myerson. International Publishers, 1978. 245 pp. $3.95.

By Bob McMahon

Within many a fat book there is trapped a thin book screaming to get out. *Nothing Could Be Finer*, Michael Myerson's exposé of the repressive reality underneath North Carolina's progressive mask suffers at times from the author's inability to leave things out or to fully organize what he has included.

Despite these flaws, and despite bludgeoning the reader with an unremitting, heavy-handed sarcasm, Myerson has written a worthwhile book. This is particularly true as he follows the case of Ben Chavis and the Wilmington 10, the central thread which ties his material together. Much of the material on Chavis' activities and the background to the Wilmington 10 trials is not readily accessible anywhere else.

In January, 1971, black students in Wilmington, NC, walked out of their schools. The boycott was one of a wave of student protests in North Carolina aimed at the abuses of Nixon-style public school desegregation. Ben Chavis, a community organizer on the staff of the United Church of Christ Commission for Racial Justice, had provided important organizing and leadership skills in a number of these protests. Church leaders in Wilmington asked that he come to help the students there.

The pattern for racial relations in Wilmington had been set in 1898. In that year a mob organized by whites Democrats forced a city council run by a coalition of Negro Republicans and white Populists out of office, then went on to burn the black section of the city. The bodies of many black residents were left floating in the Cape Fear River.

In February, 1971, in the wake of a black student march on the board of

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education, vigilantes again descended on the black community while local authorities stood aside. For four days, gun battles continued between black residents and night-riding whites. The National Guard was finally sent in to seize the black protest headquarters after a white was killed. For the next year, sporadic violence by white vigilantes continued in Wilmington.

Meanwhile, Chavis and his political ally, Dr. James Grant, had come to the attention of federal and state authorities as two of the leading "black militants" in North Carolina. Arrested numerous times, Chavis was acquitted on had charges dropped in all of the cases against him until September, 1972. At that time, along with nine others active in the Wilmington movement, he was convicted of firebombing a grocery store. The three key prosecution witnesses later admitted they had lied at the trial, and then turned around and recanted their admissions of lying.

Myerson has woven around his account of these events a wide-ranging look at the underside of North Carolina's history, politics and criminal justice system. His portrait of the state will not be recognized by those familiar only with the state's self-laudatory official image of "progressivism." Precisely because he sets out to hold up a mirror to a state which has avoided looking at itself squarely, Myerson's own errors damage his case.

Exploring the ties of contemporary North Carolina political leaders to the segregationist leaderships of the 1950s and 1960s, Myerson tends to lump them all together rather than deal with how some may have changed positions or even strategies in the intervening years. For example, he cites former Justice I. Beverly Lake, hard-line segregationist leader of the early '60s, as the "Godfather of the Morgan wing of the Democratic Party" in 1974. In fact, that year Lake – as unabashed a racial reactionary as graced any state supreme court in the country – broke publicly with Morgan: the latter had gone over to the "enemy" by soliciting black support at a state NAACP convention.

Myerson has missed the determination of white North Carolina political leaders in the past few years to seek accommodation with moderate black leadership around a business-oriented economic development program. Such state leaders as Gov. Jim Hunt want to put racial confrontations behind them – and are willing to make limited concessions to accomplish that end – in order to get on with the serious business of making money.

The historical accounts in the book also suffer from odd quirks. In repeated references to "reconstruction democracy," Myerson confuses the Populist-Republican coalition of the 1890s with the Reconstruction Era 20 years earlier. The Democrats' Redshirt thugs in 1898 are repeatedly called the Klan, an organization that ceased to exist 20 years before and would not be revived for another 20. His discussion

of the period is even more confused because he almost totally avoids mentioning the white Populists.

Myerson's effort to link North Carolina developments in the early 1970s with national policies set by the Nixon administration is also obscure at points. The discussion of school desegregation policies and the federal role in the Wilmington 10 case is adequate, but other material — such as a section on behavior modification — has an air of having been thrown in with the hope the reader will find some linkage.

Perhaps *Nothing Could Be Finer* would have been less uneven had the author undertaken a less wide-ranging survey. While it is one of the best accounts available of the civil rights struggle in North Carolina in the 1970s, it still leaves much room for more to be said on that topic. □

One Kind of Freedom

By Roger L. Ransom and Richard Sutch. Cambridge University Press, 1977. 409 pp. $19.95.

By Paul M. Pruitt, Jr.

Four years have passed since cliometricians Robert Fogel and Stanley Engerman published their two-volume study of slavery, *Time on the Cross*. Cliometrics is the study of history (Clio being the muse of history) by means of computers and mathematical formulas; such scholars spend years marshalling statistics and running programs. *Time on the Cross* was greeted by the news media as evidence that "scientific" history had come into its own, though — favorable publicity notwithstanding — the work touched off an academic furor.

Humanists were at a loss to challenge the abstruse computations which proved, according to Fogel and Engerman, that the slaves had internalized the work ethic and ambitions of the master class. After a year of controversy, however, Herbert Gutman's *Slavery and the Numbers Game* proved that the cliometricians were not mathematician-gods. Trained in both conventional and quantitative history, Gutman uncovered statistical errors in *Time on the Cross* and revealed that its authors had based many interpretations upon "soft" (i.e., non-statistical) evidence. More importantly, he made the point that when the computers are switched off, biased humanity must decide what the figures mean. Never again will the results of a cliometric study be taken so widely upon faith.

Roger L. Ransom and Richard Sutch's *One Kind of Freedom: The Economic Consequences of Emancipation* goes far toward redeeming the quantitative genre. General and technical points are together in one generously documented volume, written with the comprehension of the lay reader in mind. The authors were likewise fortunate in picking an uncontroversial topic. C. Vann Woodward drew the general outlines of the post-bellum Southern economy in *The Origins of the New South* (1951); *One Kind of Freedom* expands and elaborates upon Woodward's standard account of the rise of sharecropping. Any native of the Deep South can verify the descent of small farmers into debt peonage by examining the probate records of his or her home county. Yet Ransom and Sutch have, by their statistical approach, achieved insights which make *One Kind of Freedom* well worth reading.

Utilizing census schedules and the archives of the Dun and Bradstreet Companies, Ransom and Sutch have traced a transformation in the Southern economy. Antebellum cotton production was attuned to the plantation system; credit was obtained through "factors" who lived in urban centers (Charleston, New Orleans) and managed large geographical areas. With the loss of the slave wealth upon which credit had been based, the focal point of business activity shifted to local arenas where relatively small-time merchants were best able to assess the risks of a given neighborhood. At the same time thousands of freedmen, anxious to avoid plantation-style gang labor, began to negotiate renting and sharecropping agreements as a compromise between the close supervision desired by the landowners and the freedom desired by a landless peasantry. By the 1870s, the country merchant had assumed a central role in cotton production. Operating in areas where banks were unknown, he was the ultimate agent of Northern goods and credit; he alone could supply equipment, seeds and foodstuffs to a spreading economy of small farms.

Profit maximizers extraordinary, the country merchants carved out what Ransom and Sutch call "territorial monopolies": areas large enough to produce a steady profit but small enough to fall under the intimate supervision of one man. Within each of these small dominions, the merchant-monopolist was able to set interest rates as high as 60 to 75 percent, and determine what combination of crops would be planted. Considering the steady decline in the price of cotton during the decades following emancipation, it is no wonder that landowners and tenants alike fell into the trap of those unrelenting and unavoidable interest rates. Because it was in the interest of the merchant to keep his customers dependent, farm improvements were usually neglected or discouraged within the sharecropping arrangement, with the result that millions of acres were exhausted by over-planting with cotton and corn.

Ransom and Sutch maintain that the system was most destructive where racism and profit-maximizing operated most closely. In the Black Belts, all of the tools of advancement were denied to sharecroppers — good schools, political rights, land ownership — by terrorism if need be. And, though the same laws of debt and dependency operated upon the small farmers of the hill country, the white "yeomanry" were prevented from making common cause with their black fellow-sufferers by that racism which had shaped the economic and political institutions of the New South. Readers of C. Vann Woodward will note *One Kind of Freedom* confirms one of the chief arguments of the Independents and Populists of the 1880s and 1890s: a combination of local oligarchies ruled the South. In the light shed by Ransom and Sutch, the interracial "class" union promoted by the Populist radicals seems as far-sighted and courageous as it indeed was.

For all the valuable information it contains, however, *One Kind of Freedom* is not without defects. The authors have chosen to use 27 widely separated counties to represent what they call "the Cotton South." They exclude such extensively sharecropped cotton lands

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as the Tennessee Valley in north Alabama. By focusing so closely upon black farmers, Ransom and Sutch have to some degree slighted the class-exploitation theory of Southern poverty which their work clearly implies.

Other problems are endemic to cliometric history. As Herbert Gutman pointed out, "the profit motive" cannot be equated with the complexity of human motives; but the economists persist in treating us as profit-maximizers. Even the country merchants deserve better — not to mention the freedmen. The height of ridiculousness must surely be Ransom and Sutch's effort to "prove" that freedom was more profitable than slavery for the average black. In order to make the point, *One Kind of Freedom* solemnly places an economic value upon the leisure and self-determination which seemed as precious as heaven to the freedmen themselves.

Fortunately, the authors realize the limitations of computerized history. In the general introduction they modestly state: "Ultimately, it is impossible to obtain the insight which comes with abstraction and simultaneously retain the full richness of detail and variety that is the reality of human experience." So long as the aims of historical studies include the capturing of past "reality" as well as present "insight," cliometrics will remain a fascinating tool — not a replacement — of the humanistic approach.□

Books on the South

This list consists of books published since August, 1978. Book entries include works up to November, 1978. Dissertations appeared in the Dissertation Abstracts Index *during June-July, 1978.*

The entries are grouped under several broad categories for your convenience. Mention of a book here does not preclude its being reviewed in a future issue. Unsolicited reviews of publications of general interest to our readers are welcome. Recent works are preferred.

Copies of the dissertations are available from Xerox University Microfilms, Dissertation Copies, PO Box 1764, Ann Arbor, MI 48106. The cost is $7.50 for microfilm and $15 for xerographic.

ECONOMICS, HISTORY AND POLITICS

"Careers of Lawyers in Politics: The Case of the Georgia General Assembly," by Charles M. Moon, Jr. Dissertation. Georgia State University.

"Confederate Monetary Policy," by James F. Morgan. Dissertation. Oklahoma State University.

Credit and Borrowing in Texas: Consumer's Rights and Duties, by William R. Willard and Frederick E. Felder. Craighead Publications, 1978. $5.95.

"An Empirical Analysis of Multibank Holding Company Performance in Texas," by Frederick H. Hays. Dissertation. Louisiana State University.

Federal Courts in the Early Republic: Kentucky, 1789-1816, by Mary K. Tachau. Princeton University Press, 1978. $16.50.

"Fifteen Southern Blue Collar Workers: The Potential for Populist Politics," by Robert E. Botsch. Dissertation. University of North Carolina at Chapel Hill.

"Florida Gold: The Emergence of the Florida Citrus Industry, 1866-1895," by Jerry W. Brooks. Dissertation. University of North Carolina at Chapel Hill.

"The Great Southern Drought of 1930-31: A Study in Rural Relief," by Nan E. Woodruff. Dissertation. University of Tennessee.

"Historical Studies of Western North Carolina: An Annotated Bibliography," by Nancy K. Pope. Dissertation. Duke University.

"The History of the Textile Workers Union of America, CIO, in the South, 1937 to 1945," by Paul D. Richards. Dissertation. University of Wisconsin at Madison.

"'Just Lookin' for a Home: The Cotton Boll Weevil and the South," by John D. Helms. Dissertation. Florida State University.

"Legislative Turnovers and Political Careers: A Study of Texas State Legislators, 1969-1975," by Lawrence W. Miller. Dissertation. Texas Tech University.

"The Louisiana Stalkwagg," by Francis J. Wetta. Dissertation. Louisiana State University.

"Matronage: Patterns in Women's Organizations, Atlanta, Georgia, 1890-1940," by Darlene R. Roth. Dissertation. George Washington University.

The New River Controversy, by Thomas J. Schoenbaum. John F. Blair, Pubr., 1978. $10.95.

"Race and Politics: The Evolution of the White Supremacy Campaign of 1898 in North Carolina," by Robert H. Mowley. Dissertation. University of North Carolina at Chapel Hill.

"Racial Violence in the South During World War II," by James A. Burran, III. Dissertation. University of Tennessee.

The Social Base of City Politics: Atlanta, 1865-1903, by Eugene J. Watts. Greenwood Press, 1978. $17.95.

"The Social Mobility of New Orleans Laborers, 1870-1900," by David T. Keerns. Dissertation. Tulane University.

The South Since 1865, by John S. Ezell. University of Oklahoma Press, 1978. $14.95.

Southern Federalists, 1800-1816, by James H. Broussard. Louisiana State University Press, 1978. $22.95.

"The United Mine Workers of America and the Coal Operators: The Political Economy of Coal in Appalachia," by Curtis I. Seltzer. Dissertation. Columbia University.

"Wisdom as Freedom: The South's Response to the Emancipation of the Slaves in the British West Indies, 1833-1861," by Joe E. Wilkins. Dissertation. University of South Carolina.

Women Power in Textile and Apparel Sales, by Eric Hertz and Jerry Sherman. Fairchild Books, 1978. $7.95.

BLACK EXPERIENCES IN THE SOUTH

Afro-American Literature and Culture, 1945-1975: A Guide to Information Sources, Volume 6, ed. by Charles D. Peavy. Gale Research Co., 1978. $18.00.

Afro-American Poetry and Drama, 1760-1975: A Guide to Information Sources, ed. by Genevieve E. Fabre et al. Gale Research Co., 1978. $18.00.

The Black Almanac, by Alton Hornsby, Jr. Barron's Educational Series, 1978. $6.95.

"Black Colleges as Social Intervention: The Development of Higher Education within the African Methodist Episcopal Church," by Juanita J. High. Dissertation. State University of New Jersey at New Brunswick.

"The Black Laborer, the Black Legal Experience and the United States Supreme Court, with Emphasis on the Neo-Concept of Equal Employment," by Melik Simba. Dissertation. University of Minnesota.

Black Religion in the New World, by George E. Simpson. Columbia University Press, 1978. $22.50.

Black Violence: Political Significance of the 1960s Riots, by James W. Button. Princeton University Press, 1978. $18.00.

"The Development of Black Education in Tennessee, 1865-1920," by Cynthia G. Fleming. Dissertation. Duke University.

The Dred Scott Case: Its Significance in American Law and Politics, by Don E. Fehrenbacher. Oxford University Press, 1978. $15.95.

"The Education of the Slave-Quarter Community: White Teaching and Black Learning on the Antebellum Plantation," by Thomas L. Webber. Dissertation. Columbia University.

"The Federal Courts and the Black Man in America, 1800-1883: A Study of Judicial Policy-Making," by Jordan M. Smith. Dissertation. University of North Carolina at Chapel Hill.

"The Free Negro in the Antebellum New Orleans Press," by William J. Nelson, Jr. Dissertation. Duke University.

Freedmen's Schools and Textbooks: Black Education in the South, 1861-1876, ed. by Robert C. Morris. AMS Press, 1978. Reprint of 1970 edition. 6 volumes: vols. I & II, $27.50; vols. III-V, $19.00; vol. VI, $11.00.

Hard Trials on My Way: Slavery and the Struggle Against It, 1800-1860, by John A. Scott. New American Library, 1978. $1.95.

"The Human Side of Black Political Experience," by Cecil E. Harrison. Dissertation. University of Texas at Austin.

"The Indigenous Civil Rights Movement and Cultural Change in North Carolina: Weldon, Chapel Hill and Monroe: 1946-1966,"

by Marcellus C. Barksdale. Dissertation. Duke University.

"Making Their Own Way: Southern Blacks' Migration to Pittsburgh, 1916-1930," by Peter Gottlieb. Dissertation. University of Pittsburgh.

"The Necessity of Myth: A History of the National Negro Business League," by John H. Burrows. Dissertation. Auburn University.

A New Deal for Blacks: The Emergence of Civil Rights as a National Issue: The Depression Era, by Harvard Sitkoff. Oxford University Press, 1978. $14.95.

"Perceptions of Florida Educators and School Board Members Regarding the Impact of School Integration on the Academic Gains and Social Acceptance of Negro Children," by Paul Edwin Salvadi. Dissertation. Florida Atlantic University.

Production Relations, Class and Black Liberation: A Marxist Perspective in Afro-American Studies, by Clarence J. Munford. Humanities Press, 1978. Price not set.

"Race and Politics in North Carolina, 1872-1901: The 'Black Second' Congressional District," by Eric D. Anderson. Dissertation. University of Chicago.

Slave Religion: The "Invisible Institution" in the Antebellum South, by Albert J. Raboteau. Oxford University Press, 1978. $14.95.

A Stranger in the House, by Robert Hamburger and Susan Fowler-Gallagher. Macmillan Publishing Co., 1978. $8.95.

"Tar Heel Blacks and the New South Dream: The Coleman Manufacturing Company, 1896-1904," by Allen E. Burgess. Dissertation. Duke University.

They Was Just Niggers, by Michael Fedo. Branch and Branch Pubs., 1978. Price not set.

Trabelin' On: The Slave Journey to an Afro-Baptist Faith, by Mechal Sobel. Greenwood Press, 1978. $25.00.

BIOGRAPHY AND AUTOBIOGRAPHY

"C. Vann Woodward: American Educator," by Julia Ann Oliver Hall. Dissertation. University of Mississippi.

A Calhoun County Mississippi Boy, by Glover Moore. University of Mississippi Press, 1978. $5.00.

A Disciple in Blue Suede Shoes, by Carl Perkins. Zondervan Publishing House, 1978. $6.95.

Far West of Lambarene: Memoirs of a Medical Practice in Rural Texas, by Gene Schylar. Hawthorn Books, 1978. $10.95.

Frank Porter Graham: The Biography of a Southern Liberal, by Warren Ashby. John F. Blair, Pubs., 1978. $12.95.

Irony in the Mind's Life, by Robert Coles. New Directions Publishing Corp., 1978. $4.95.

"John C. Calhoun as Secretary of War, 1817-1825," by Roger J. Spiller. Dissertation. Louisiana State University.

"John George Jackson: A Biography," by Stephen W. Brown. Dissertation. West Virginia University.

Leaders in the Textile Industry. Textile World, 1978. $35.00.

"Moncure Daniel Conway: The Development and Career of a Southern Abolitionist," by Ursula Wolf Pitman. Dissertation. Boston College.

Norman's Natchez: An Early Photographer and His Town, by Joan and Thomas Condy. University of Mississippi Press, 1978. $25.00.

A Retreat Life, by Vera Bush Waisbord. Indiana University Press, 1977. $15.00.

William Berry Hartsfield, Mayor of Atlanta, by Harold Martin. University of Georgia Press, 1978. Price not set.

EDUCATION

"An Analysis of a Curriculum Supplement Especially Designed for Tucker Prison Inmates, Arkansas Department of Corrections," by Robert J. Grissom. Dissertation. University of Florida.

"The Gaston County Schools: The Merger of Three Administrative Units, 1965-1975," by Jimmie E. Martin. Dissertation. Duke University.

"The Growth of Private Schools and Their Impact on the Public Schools of Alabama (1955-1975)," by William John Heron. Dissertation. University of Alabama.

"An Historical Perspective: The History of the Kate Duncan Smith, Daughters of the American Revolution School, Grant, Alabama," by Charles H. Edmonds. Dissertation. University of Alabama.

"A History of Louisiana State University Division of Continuing Education, 1928-1973," by John B. Powell, III. Dissertation. Louisiana State University.

"The Impact of Alien Immigration on Public Policy and Educational Services on Selected Districts in the Texas Educational System," by Amado Robledo. Dissertation. University of Houston.

"A State of the Art of Community Education in South Carolina: The Historical Basis and Current Status," by Nancy C. Cook. Dissertation. University of South Carolina.

"A Study of the Atlanta Public Schools Ethnic Heritage Studies Project's Multiethnic Student Resources, Staff Development Processes and Multicultural Press," by Arnold H. Heller. Dissertation. Georgia State University.

"A Study of the Newport News Pupil Desegregation Process," by Guy H. Queenberry. Dissertation. VPI.

"A Study of the Techniques Involved in Developing a Campaign for a Local Bond Referendum for School Construction in North Carolina," by Lamar J. Propst, Jr. Dissertation. Duke University.

"Vocational Rehabilitation of Youthful Offenders in the State of Florida," by Jesse B. Tanner. Dissertation. Florida State University.

CULTURAL PERSPECTIVES

Bradford to Barrow: A History of Barrow County, Georgia, from the Earliest Days to the Present, ed. by Fred C. Ingram. Cherokee Publishing Co., 1978. $25.00.

The Cherokee Indian Nation: A Troubled Nation, by Duane H. King. University of Tennessee Press, 1978. Price not set.

Creole Gumbo and All That Jazz: A New Orleans Cookbook, by Howard Mitcham. Addison-Wesley Publishing Co., 1978. $10.00.

Coca-Cola, by Pat Watters. Doubleday & Co., 1978. $12.95.

Georgia from Reban Gap to Tyree Light, by E. J. Kahn, Jr. Cherokee Publishing Co., 1978. $4.95.

History of Butts County, Georgia, 1825-1976, compiled by Lois McMichael. Cherokee Publishing Co., 1978. $25.00.

I Heard the Old Fisherman Say, by Patrick B. Mullen. University of Texas Press, 1978. $15.00.

A Journey Through Texas: A Saddle Trip on the Southwestern Frontier, by Frederick L. Olmsted. University of Texas Press, 1978. $12.00.

My Old Kentucky Home, Goodnight, by Mary A. Kelly. Exposition Press, 1978. $10.00.

"The Printing Firm of Robert Reid with a Descriptive Bibliography of its Imprints," by Christopher J. Gould. Dissertation. University of South Carolina.

Selma: Her Institutions and Her Men, by John Hardy. Reprint Co., 1978. Reprint of 1879 edition. $15.00.

"Social Organization and the Sea: A Gulf Coast Shrimp Fishery," by David M. White. Dissertation. Southern Methodist University.

Sullivan's Hollow, by Chester Sullivan. University of Mississippi Press, 1978. $5.00.

"Tejanos and Texas: The Native Mexicans of Texas, 1820-1890," by Andrew A. Tijerina. Dissertation. University of Texas at Austin.

"Traditional Louisiana French Folk Music: An Argument for its Preservation and Utilization as a State Cultural Heritage," by Mary Louise Lewis Wilson. Dissertation. University of Pittsburgh.

LITERATURE

"The Artist in Shadow: Quentin Compson in William Faulkner's **The Sound and the Fury**," by Jimmie Lee Kelly. Dissertation. University of North Carolina at Chapel Hill.

"Faulkner's **Sartoris**: A Comprehensive Study," by Merle W. Kaiser. Dissertation. New York University.

"George Washington Cable: The Marriage of Romance and Realism," by Pauline E. Schave. Dissertation. University of Kansas.

"A Living Mistrelsy: The Poetry and Music of Sidney Lanier," by Jane S. Gabin. Dissertation. University of North Carolina at Chapel Hill.

The Living Female Writers of the South, ed. by Mary T. Tardy. Gale Research Co., 1978. Reprint of 1872 edition. $35.00.

"**The Mind and the Heart of Love**: Eros and Agape in the Fiction of Flannery O'Connor," by Suzanne T. Allen. Dissertation. University of Detroit.

"The Short Fiction of Eudora Welty," by Bernard D. Pettit, III. Dissertation. Columbia University.

A Still Moment: Essays on the Art of Eudora Welty, ed. by John F. Desmond. Scarecrow Press, 1978. $6.50.

Tennessee Studies in Literature, Vol. XXIII, by Allison Ensor and Thomas Heffernan. University of Tennessee Press, 1978. Price not set.

"'Tomorrow is Another Day': Woman, Man and Society in Selected Fiction of Seven Southern Women Writers," by Anne G. Jones. Dissertation. University of North Carolina at Chapel Hill.

Walker Percy: An American Search, by Robert Coles. Little, Brown & Co., 1978. $12.50.

INDEX FOR VOLUMES V & VI

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WHILE THERE IS A SOUL IN PRISON

1979 Peace Calendar and Appointment Book

The War Resisters League has a handsome, spiral-bound calendar book available for 1979 which features:

- a page for each week in the year
- quotations from prisoners or ex-prisoners, including Eugene V. Debs, Emma Goldman, Rosa Luxemburg, Jill Raymond, Ethel & Julius Rosenberg
- brief sketches of some political prisoners such as Sacco & Vanzetti, and Ammon Hennacy; and descriptions of the prison reform movement
- poetry by prisoners
- photography, drawings, sketches
- prison resource list of organizations and periodicals, and a selected reading list.

The calendar is titled *While There Is a Soul in Prison* and is available at $3.50 per copy (four for $12) from War Resisters League/Southeast, 108 Purefoy Road, Chapel Hill, North Carolina 27514.

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If you'd like to contribute something to any of these issues, please drop us a note and we'll send information on deadlines, themes, etc.

If you are seeking ways to become personally involved in the movement to change our criminal justice system for the better, we may be able to direct you to a prisoner who would like a visitor or to an organization which would value your talents and time. Please write to Tony Dunbar, c/o Southern Exposure, PO Box 230, Chapel Hill, NC 27514.

If you or your group would like a study guide to use while reading this book and becoming more familiar with the prison system in your community, write to:

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Chapel Hill, NC 27514

We wish to extend our thanks to the following persons who, in addition to those appearing in Still Life, *made this issue possible: Edith Alston, Susan Cary, Ellen Clarke, Claire Cosner, Ken Denberg, L.C. Dorsey, John Egerton, Robert Tommy Fields, Kenny Foscue, Andy Hall, Jacqueline Hall, Susie Hamrick, Chris Harris, Jennifer Johnson, Chan Kendrick, Cliff Kuhn, Hastie E. Love, John Lozier, Michael McCallum, Page McCullough, Alan McGregor, John Natkie, Bob Powell, Rabbit, Rebecca Ranson, Amanda Ray, Rick Reed, T.J. Reddy, Susan Seigel, Susan Snider, Diane Wood, Jim Wooten, and W.H. and Carol Ferry and the Day Foundation.*