

LDIR#008
CORRECTIONS
1964-1970

Corrections

"CORRECTIONS," AMERICA'S prisons, jails, juvenile training schools, and probation and parole machinery, is the part of the criminal justice system that the public sees least of and knows least about. It seldom gets into the news unless there is a jail break, a prison riot, or a sensational scandal involving corruption or brutality in an institution or by an official. The institutions in which about a third of the corrections population lives are situated for the most part in remote rural areas, or in the basements of police stations or courthouses. The other two-thirds of the corrections population are on probation and parole, and so are widely, and on the whole invisibly, dispersed in the community. Corrections is not only hard to see; traditionally, society has been reluctant to look at it. Many of the people, juvenile and adult, with whom corrections deals are the most troublesome and troubling members of society: The misfits and the failures, the unrespectable and the irresponsible. Society has been well content to keep them out of sight.

Its invisibility belies the system's size, complexity, and crucial importance to the control of crime. Corrections consists of scores of different kinds of institutions and programs of the utmost diversity in approach, facilities, and quality. On any given day it is responsible for approximately 1.3 million offenders. In the course of a year it handles nearly 2.5 million admissions, and spends over a billion dollars doing so. If it could restore all or even most of these people to the community as responsible citizens, America's crime rate would drop significantly. For as it is today, a substantial percentage of offenders become recidivists; they go on to commit more, and as chapter 11 shows, often more serious crimes.

For a great many offenders, then, corrections does not correct. Indeed, experts are increasingly coming to feel that the conditions under which many offenders are handled, particularly in institutions, are often a positive detriment to rehabilitation.

Life in many institutions is at best barren and futile, at worst unspeakably brutal and degrading. To be sure, the offenders in such institutions are incapacitated from com-

mitting further crimes while serving their sentences, but the conditions in which they live are the poorest possible preparation for their successful reentry into society, and often merely reinforce in them a pattern of manipulation or destructiveness.

These conditions are to a great extent the result of a drastic shortage of resources together with widespread ignorance as to how to use the resources available. Moreover, corrections by its very nature must always work at the "end of the line" of the criminal justice system, with those whose problems have overtaxed the resources of other systems.

However, there are hopeful signs that far-reaching changes can be made in present conditions. The Commission found, in the course of its work, a number of imaginative and dedicated people at work in corrections. It found a few systems where their impact, and enlightened judicial and legislative correctional policies, had already made a marked difference; a few experimental programs whose results in terms of reduced recidivism were dramatic. A start has been made in developing methods of classification that will permit more discriminating selection of techniques to treat particular types of offenders. But many of the new ideas, while supported by logic and some experience, are yet to be scientifically evaluated. Nevertheless, the potential for change is great.

As a foundation for its work, the Commission decided that a comprehensive, nationwide survey of correctional operations should be undertaken. Relevant information existed in bits and pieces around the country, but there was no overall picture of American corrections. The structure of probation and parole programs, institutions, theories, and procedures that together make up corrections is extremely complex and diverse. A few jurisdictions have relatively small probation caseloads, an integrated system of institutions, well-trained staffs, and a variety of experimental programs. Others consist of several autonomous and antiquated county jails, a state training school for juveniles, and a huge prison farm where convicts toil under the surveillance of trustees armed with shotguns.

Release

philosophy. Realization of this goal has implications for organization, coordination, and methods.

The effects of fragmentation of correctional services and the consequent breaks in continuity must be overcome, if not by merger then at least by joint formulation and better communication of policies. Generic training for key personnel may be one way to surmount the language barriers, resolve the problems of identity within correction, and reinforce a common philosophy.

The shifting of population from rural to urban centers, which, in turn, spreads far beyond county lines, poses special problems for the organization and location of correctional services. New administrative patterns must be developed to effectively serve the correctional needs of sprawling urban areas without, at the same time, neglecting the rural population. Achievement of adequate systems of correction for large urban regions may well depend on replacing, with regional administration, the present stratification under which some correctional services are operated separately by the counties and cities in the region and others are operated by the State.

Differential treatment of offenders according to their individual needs is fundamental to the correctional task. Diagnostic services must be made available at every major decision point along the correctional continuum. This is now impossible because of the proliferation of local agencies and locally based State services, and it will continue to be impossible unless the State assumes greater responsibility for providing, developing, and stimulating the use of professional staff and clinical services.

Differential treatment of offenders implies a variety of treatment resources and alternatives. Group methods in all correctional settings, intensive counseling in small caseloads, prerelease centers, halfway houses, skill training

based on job market needs, use of volunteers to bridge the community-correction gap—these are but a few of many varied devices for helping the offender achieve a satisfactory social adjustment.

Undoubtedly, many offenders—especially those whose problems are more social than criminal—can be screened out of the correctional system without danger to the community, especially a community where remedies for their problems can be obtained through existing noncorrectional resources. The juvenile court intake and referral methods have proved the value of this policy of diversion. Application of a similar system to adult cases could reduce court dockets and correctional caseloads. Criteria for the diversion of adult offenders from the correctional process need to be developed, and, to support the policy and practice of diversion, community agencies must cooperate by extending their services to offenders.

If correction is to reach its potential, the quality of its decisions and services must be improved. Unless better means for evaluation and assessment of what works and what doesn't work are developed, much correctional planning will depend on blind chance. Computerization of data for monitoring and assessing a State's correctional systems and methods offers much promise. Its greatest contribution, perhaps, may be the incontrovertible conclusion that correctional funds ought to be allocated according to correctional effectiveness.

The opportunities for correctional service are limited only by man's humanity and intelligence. Our hope is that, through the leadership of the President, men everywhere will gain a better understanding of the contribution that correction can make to the Nation's well-being and that they will be motivated to provide the moral and financial support deserved by the magnitude of the task.

11. Correctional Standards

SELECTED BY THE SPECIAL COMMITTEE ON CORRECTIONAL STANDARDS

In November 1965, a Special Committee on Correctional Standards was appointed by the staff of the President's Commission on Law Enforcement and Administration of Justice. Its purpose was to select, from the correctional standards already published by authoritative bodies,¹ those that: (a) would be useful to the President's Commission and the survey of correction in the United States to be made by the National Council on Crime and Delinquency in 1966, and (b) were susceptible to measurement.

Correction standards are defined as the best professional thought concerning the organization and function of a correctional system. Few of those that state a numerical ratio, such as the number of personnel in proportion to the correctional population, have been tested by rigorous research and are, therefore, tentative and subject to change as means for validation become available.

The members of the Special Committee were John A. Wallace (Chairman), Office of Probation for the Courts of New York City; Kenneth S. Carpenter, Children's Bureau, U.S. Department of Health, Education, and Welfare; Fred Fant, Division of Probation, New York State Department of Correction; Benjamin Frank, Bureau of Prisons, U.S. Department of Justice (retired); Abraham G. Novick, Berkshire Farms School, New York; and E. Preston Sharp, American Correction Association.

The standards that were finally selected were reviewed by a committee consisting of Walter Dunbar, American Correctional Association; Philip Green, U.S. Children's Bureau, Department of Health, Education, and Welfare; Milton G. Rector, National Council on Crime and Delinquency; and Heman G. Stark, Governor's Conference Committee on Juvenile Delinquency.

¹ A list of the source material from which the selected standards were derived can be obtained from the Library of the National Council on Crime and Delinquency, 44 East 83rd St., New York, N.Y. 10010.



President Wright Outlines Changes To Improve ABA Retirement Plan, Announces New Funding Agent

Changes to improve the ABA retirement plan, including the naming of Equitable Life Assurance Society of the United States as administrator and funding agent have been announced by President Edward L. Wright.

Mr. Wright outlined the highlights of the new ABRA (American Bar Retirement Association) Plan in a letter sent this month to all ABA members. A prospectus was included with the letter.

In the letter, Mr. Wright described the ABRA plan as "an important financial service to our Association since it is an outstanding program for self-employed lawyers and partnerships engaged in the practice of law."

Highlights of the plan include:

△ Choice of participating in the ABRA Equity Account, whose funds are invested in common stocks, or in the ABRA Fixed Income Account which will earn interest guaranteed at an

effective annual rate of 8¼ percent through 1973. The principal also is guaranteed.

△ Ability to invest contributions in both the Equity and Fixed Income Accounts in designated percentages and to transfer funds between them once each year.

△ A wide range of choices for payment of benefits including cash, annuities (fixed and variable) or several combinations of cash and annuities.

△ Professional administration with participants receiving confirmation notices of every transaction affecting their accounts plus tax information for filing annual returns.

△ Modest Expense charges.

Complete details of the plan as modified are contained in the prospectus. It sets out eligibility requirements, describes the Equity and Fixed Income accounts, covers costs, explains when payments may be made and the various

forms of benefits.

Eligibility requires membership in the ABA or in a Bar Association represented in the ABA House of Delegates that has entered into an agreement with ABRA to qualify its members to participate in the plan. At present these are the New York State Bar Association, Illinois State Bar Association, Indiana State Bar Association, Vermont Bar Association, Oregon State Bar, and Atlanta Bar Association.

Contributions are made for each participant in the plan equal to a percentage of his annual compensation, from 1 to 10 percent but not more than \$2,500.

The expense charges reflect the economies associated with a large, true group program. The one-time enrollment fee for each participant is \$20 (other than a participant of an employer who adopted the plan prior to September 1, 1970). Annual administration charges are

Continued on Page 5

Correctional Reform Would Help Curb Violence, Jaworski Says

Failures of the nation's correctional system have contributed substantially to the violence afflicting society today, and the steps toward reform must include improving the quality of both correctional procedures and facilities, ABA president-elect Leon Jaworski told lawyers attending the Nebraska Bar Association annual meeting.

"So much of the violence with which we are afflicted can be attributed indirectly, if not directly, to failure in our correctional system," Mr. Jaworski said. "The fact is that most crimes of violence are committed by recidivists—people who have previously committed some sort of crime. This repetition of crime represents not only the occasion for further conviction and sentencing but also a failure to achieve the correctional result aimed at in the first conviction," he said.

The problems come within the scope of the administration of criminal justice, Mr. Jaworski said, and particularly apply to criminal corrections procedures and facilities. Of chief concern in seeking to solve the problems is the justness and effectiveness of policy and practice concerning the sentencing, supervision, punishment and rehabilitation of criminal offenders, Mr. Jaworski explained.

"No matter how effective our procedures for detection of crime and enforcement of the criminal law may be, no matter how fair or efficient our procedure for adjudication of guilt, the criminal law cannot be more effective in the long run than the quality of the correctional procedures brought into play once conviction has been secured," he said.

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Mr. Jaworski at the podium

Sept-11, '70

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SUMMARY PROJECT REPORT
 SOUTH CENTRAL REGIONAL CORRECTIONAL INSTITUTION
 (Preliminary Draft)
 Dr. Benjamin Frank

This paper is a preliminary and tentative draft of a summary report based largely on the papers prepared by Dr. Empey and Dr. Irony, the statistical data and other information supplied by the staff of the Division of Corrections, and the ideas and suggestions generated by the discussions of the July and August meetings. While the primary focus in these papers and discussions was on designing, programming, and staffing the proposed new South Central Correctional Institution, the frame of reference was sufficiently comprehensive to include both the articulation of a correctional philosophy in terms of new concepts and emerging trends in contemporary corrections and plans for developing an effective correctional system in a rapidly changing State.

At present, this summary paper is limited in scope to the major areas of concern as reflected in the scheduled sequence of work to be completed and in the wide range of questions discussed by the planning group. The central issues covered here are: the conceptual framework of the total project; the offender population in the Alaska correctional system; the place of the SCCI in the master plan; the program and staffing pattern of SCCI.

Changing Concepts in American Corrections

It seems appropriate at the outset to define, as specifically as possible, the changing concepts and emerging trends which are beginning to reshape the direction and content of correctional practice in the United States. Planning for change is dependant on the extent to which these concepts and trends are considered valid, relevant, and feasible.

The American correctional "system" has been severely criticized by national and state study commissions for its apparent failure to achieve an acceptable degree of success in breaking the cycle of recidivism among adult and juvenile offenders committed to correctional institutions and agencies. While recidivism may not be the sole index of the effectiveness of correctional programs, it is, nonetheless, a key factor in forming public opinion about correctional effectiveness. Accordingly, high recidivism rates continue to erode public confidence in present correctional efforts.

Furthermore, the current state of correctional practices does not permit the determination of the comparative effectiveness of various correctional programs with any significant level of confidence. With only a minimum of systematically compiled information about the offender population and in the absence of research feedback, there is no basis for developing programs and no basis for drawing conclusions about their effectiveness.

Box 1309
Fairbanks, Alaska 99701
February 14, 1969

Fairbanks Legislative Delegation
Alaska State Legislature
Juneau, Alaska 99801

Sir:

For the past six months I have been handling a substantial percentage of the juvenile appointments in the Fairbanks Superior Court. My clients come from an area between Barrow and Bethel with about half of them from the Fairbanks area. I have been continually shocked by the existing detention and treatment facilities and by the cumbersome and somewhat unfair procedures for juvenile delinquents and dependents.

At any one time there are between fifteen and thirty juveniles held in the Juvenile Detention Wing of the Fairbanks State Jail. Both delinquent and dependent children are held in the jail with no separation. There is absolutely no program of any kind available to these children: no schooling, no physical exercise program and no therapy. (There is a library with very few books, almost all of which are unsuitable and unattractive.) The first four days of detention are spent in solitary confinement awaiting physical examination and are immediately followed by physical abuse from other inmates; the juveniles regularly beat each other up with potentially serious injuries; a child with the "proper" attitude can gradually advance in the pecking order and become the abuser rather than the abused. Some of the children go "stir crazy" while others become withdrawn and still others obtain an unfortunate sophistication about their new way of life. None of them can really understand that his detention isn't punishment but is rather a step on the road to rehabilitation. In addition, due to the construction of the ceiling there is free secret access between the boys' and girls' dormitories. The children are exposed to both sexual and homosexual experiences. Almost all of the children held in "temporary" detention stay there more than two months, and I know of one girl detained there for eight months. As a result each child held there is in danger of losing a year of school, especially those who are placed outside of the available but inadequate State institutions. Most of them are in academic trouble anyway, and this loss becomes too great to overcome.

The problems in the Juvenile Detention Wing of the Fairbanks State Jail are acute, but solutions to these problems should not be exceedingly difficult. I understand that a proposal (for which there are available funds) has been made to provide the Fairbanks Jail with two part time teachers and a psychologist, that this proposal was forwarded to Mr. Lay, that his reaction could be termed lukewarm at best because the problems have not as yet caused enough pressure upon anyone at that high a level in the Department, and that he turned this proposal over to Mr. Hartman upon whose desk it is now collecting dust.

Prior to adjudication a child may be detained although the District Attorney's Office does not yet have possession of a police report from

or to which his parents are unable to locate him.

A Justice Frankfurter stated, speaking for the Court in that case:

It is one thing to say that the Government cannot make an affirmative use of evidence unlawfully obtained. *It is quite another to say that the defendant can turn the illegal method by which evidence in the Government's possession was obtained to his own advantage, and provide himself with a shield against contradiction of his untruths.* Such an extension of the *Weeks* doctrine would be a perversion of the Fourth Amendment." (Emphasis supplied).

Respondent's request that ORDER TO SHOW CAUSE be vacated, and that the petition for a Writ of Habeas Corpus be dismissed, must be and is hereby granted.

Let judgment dismissing the petition herein be entered.



Robert Charles JORDAN, Jr., Plaintiff,

v.

C. J. FITZHARRIS et al., Defendants.

No. 44786.

United States District Court

N. D. California, S. D.

Sept. 6, 1966.

Civil rights action in which plaintiff claimed to have been unconstitutionally subjected to cruel and unusual punishment. The District Court, George B. Harris, Chief Judge, held that confinement of prisoner in cell which was six feet by eight feet, four inches, in dimension, which had no furnishings except toilet, which had no interior source of light, which was not cleaned regularly and which contained no means to enable prisoner to clean himself constituted cruel and unusual punishment warranting injunction permanently restraining

prison authorities from subjecting prisoner to violations of statutes providing for equal rights under the law and authorizing civil action for deprivation of rights.

Injunction granted.

1. Civil Rights §13

State and correctional training facility were not proper parties to civil rights action based on cruel and unusual punishment. 28 U.S.C.A. §§ 1331, 1343; 42 U.S.C.A. §§ 1981, 1983, 1985(3), 1986; U.S.C.A.Const. Amends. 8, 14.

2. Constitutional Law §270

Cruel and unusual punishment clause of Eighth Amendment is applicable to states through due process clause of Fourteenth Amendment. U.S.C.A.Const. Amends. 8, 14.

3. Civil Rights §13

Civil Rights Act creates cause of action for deprivations, by persons acting under color of state law, of rights secured by the Constitution. 42 U.S.C.A. § 1983.

4. Civil Rights §1

Persons confined in state prisons are within protection of Civil Rights Act. 42 U.S.C.A. § 1983.

5. Civil Rights §12

Right to be free from cruel and unusual punishment is one of rights that a state prisoner may, in proper case, enforce under Civil Rights Act. U.S.C.A. Const. Amends. 8, 14; 42 U.S.C.A. § 1983.

6. Criminal Law §1213

Punishment is "cruel and unusual," within constitutional prohibition, if it is of such character as to shock general conscience or to be intolerable to fundamental fairness, if it is greatly disproportionate to offense for which it is imposed, or if, even though applied in pursuit of legitimate penal aim, it goes beyond what is necessary to achieve that aim, that is, it is unnecessarily cruel in view of purpose for which it is used. U.S.C.A.Const. Amend. 8.

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Ventures in Criminology

SELECTED RECENT PAPERS

Sheldon and Eleanor Glueck

Harvard Law School



Photo: Lottie Meitner-Graf

HARVARD UNIVERSITY PRESS

CAMBRIDGE MASSACHUSETTS

1964

TANANA VALLEY BAR ASSOCIATION

Committee Report on Fairbanks City Jail

The Fairbanks jail consists of two dormitory rooms, one about 24' X 36' and the other about 16' X 24'; two drunk tanks, each about 9' X 12', and a combined kitchen, dining room, coffee room, and booking room about 18' X 18'. There is a storage room - pantry in another part of the basement of the Fairbanks Police and Fire Station. The jail is located in the basement, entirely below grade. It is reached by a steep, narrow staircase, the top of which is in a sort of hall between the Fire Department and Police Department quarters on the main floor of the building.

The larger of the dormitory rooms contains 26 bunks, and the smaller contains 14 bunks; for a total of 40 bunks. Each drunk tank has a mattress or two. All prisoners are kept in the two dormitory rooms after an initial drying-out period of several hours in the drunk tanks for those who arrive inebriated. The average number of prisoners per day in 1969 was 31.5.

Of the 24 prisoners incarcerated on April 22, 1970, 16 were serving sentences of 60-90 days. The longest sentence ever served by one prisoner, so far as city officials can recall, is 13 months.

The committee is of the opinion that the jail is physically inadequate in a number of particulars:

1. Plumbing. In the 26 bunk dormitory room, there is one toilet, one washbowl, and one shower. In the 14 bunk room there is also one toilet, one washbowl and one shower. In each of the two drunk tanks (bare rooms, about 9' X 12') there is one toilet, with no washbowl, and no access to drinking water.

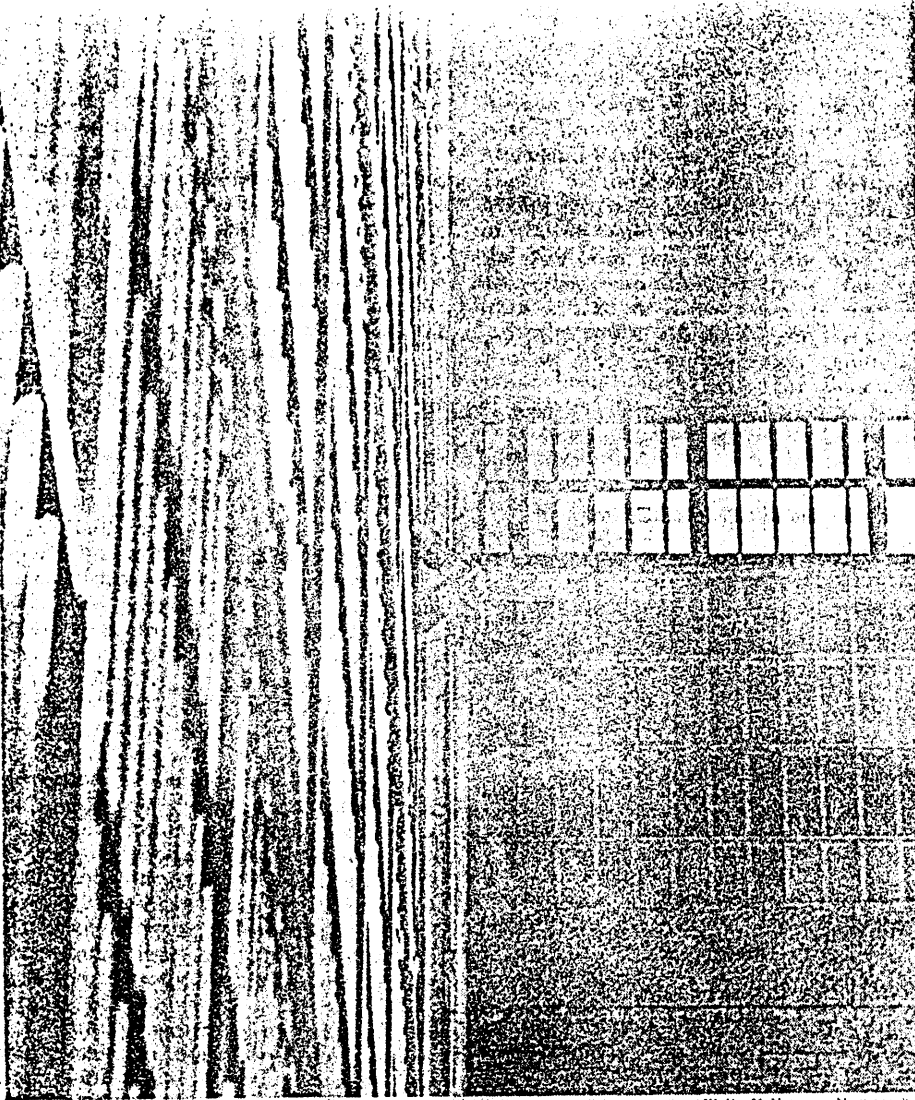
2. Light. No room in the jail receives any daylight. The whole jail is in a windowless basement. Light in the dormitory cells is from an inadequate number of bare bulbs hanging from the ceiling.

Disingenuous as that argument may be, the political slant only compounds the problem of reducing the inequities in the American penal system. The situation is horrendously expensive—in human life and public revenue. Each year 2.5 million men, women and children are locked up in local jails and in state and Federal prisons—convicted or awaiting trial for offenses that range from petty theft to first-degree murder. Each year, as many as 200,000 custodial and correctional officers are employed to deal with the offenders at an annual cost to the taxpayers of more than \$1 billion. The effort is impressive but it doesn't work. For within five years after their release from confinement, it is estimated that up to 70 per cent of the offenders will be locked up again—most of them for parole violations, many for more serious crimes. Indeed, the President's Commission on Law Enforcement and the Administration of Justice (the Crime Commission established by Lyndon Johnson) estimates that every 1,000 first-time offenders will one day become involved in more than 3,000 additional arrests—a basic factor in the nation's surging crime rate.

Clamor: The conclusion is inescapable. As Jo Wallach, a former probation officer and task-force director of another Presidential commission, this one on correctional personnel, says acidly: "Our system nurtures criminals with the same care the Air Force Academy uses to turn out second lieutenants." Today, that opinion is shared by an increasing number of influential Americans, and Richard Nixon's White House has joined the growing clamor for prison reform.

More than anyone else, it is Warren Burger, Mr. Nixon's hand-picked Chief Justice of the United States, who has crystallized the Administration's concern. After his confirmation by the Senate last year, Burger—a reputed "hardliner" on crime—chose to address the American Bar Association not on the need for more "law and order," but on the need for a "comprehensive and profound examination into our penal system." Earlier this summer, he stressed the theme again at the ABA's annual convention. Burger's appeals have brought ready response from the ABA, which has made prison reform a major project for the year. More important, Mr. Nixon appointed a task force last October to study the problem of prisoner rehabilitation and he has directed the Justice Department to find ways to modernize the American correctional system.

Beleaguered prison officials and parole officers and reformed ex-cons welcome such attention from the top. But they are rightly skeptical that much will be accomplished. For as one Justice staffer points out, reformers are up against fully two centuries of neglect and sometimes direct hostility by the public and state legislatures. The result of it all is the strong conviction that significant reform will come only if the basic premise be-



Behind bars at the Maryland Penitentiary: Does caging really 'correct'?

PRISONS IN TURMOIL

Inside the high yellow walls of California's San Quentin prison, a strident buzzer sounds at 6:30 a.m., and in the gray, concrete cell blocks, the men begin to stir. Quietly they emerge in pairs from their cages, and one by one they are counted by the guards. At 7, they start their morning shuffle to the central cafeteria for breakfast. At 8—after a shakedown for pilfered silverware—the workday begins.

After breakfast of fruit, oatmeal and toast, many inmates head for jobs in San Quentin's factories, vocational shops or academic classrooms. To the casual visitor, it looks like the very model of a modern prison testifying to California's reputation for having the most enlightened "correctional" system in the country. But H.E. Schultze, a parole officer in San Francisco, has quite another view. "I've seen men leave San Quentin so burned out by bitterness that they'll never recover," he says. "Things happen in there, terrible things, and a man has no redress. He is helpless when it happens, and his helplessness destroys him."

Inevitably, the frustration boils over into fury. Late last month, hundreds of San Quentin inmates struck after breakfast one morning—refusing to go to their jobs until the authorities dealt with their latest grievances. The strike was short-lived: guards opened up with tear gas, and the inmates were driven back to their cells, where they spent their wrath by ripping out toilets and washbasins. In the 118-year history of San Quentin, the newest uprising may have appeared insignificant. But it was symptomatic of a new wave of unrest in the nation's prisons—a ferment with political overtones that is likely to produce continuing turmoil for years to come.

Noisy: Both the inmates at San Quentin and those who took over several floors of the Tombs, Manhattan's lockup for men (NEWSWEEK, Aug. 24), had noisy allies outside the walls. Black militants and white radicals are increasingly trying to make "U.S. prisons into ideological battlegrounds." Convicts, they proclaim, are not lawbreakers at all but "political" prisoners of an oppressive society.

JOURNAL
SUPPLEMENT

HOUSE - SUPPLEMENT NO. 18

May 27, 1970

"20 May, 1970

TO: House of Representatives
Sixth State Legislature

FROM: The Special Committee on McLaughlin Youth Center
Rep. Genie Chance, Chairman
Rep. John Sweet
Rep. Helen Bierne

The Special Committee on McLaughlin Youth Center convened in Anchorage on May 4, 1970 at 9:00 A.M. in the Alaska Methodist University Auditorium. Committee members present were Rep. Genie Chance, Chairman; Rep. John Sweep; Rep. Helen Bierne. News media were restricted due to the fact that personalities and professional reputations would be under discussion. Fifty-five persons registered at the door, including currently employed personnel at MYC, former employees, foster parents and the family court judge. There were also several members of the administrative staff at MYC who did not register. Commissioner of Health and Welfare, Bert Hall; Director of the Division of Corrections, Charles Adams; and Superintendent of McLaughlin Youth Center, David Arnold were present. Of those present, testimony was offered by 35 persons. All testimony was tape-recorded. The hearing lasted from 9:00 A.M. until 7:00 P.M. with an hour lunch break.

FINDINGS OF COMMITTEE:

Although many problems were brought out during the hearing, most of them appear to be attributable to three main inadequacies:

1. Inadequate facilities
2. Inadequate staff
3. Inadequate communications

A further explanation of each of the above problems follows.

1. Inadequate facilities: As of midnight, May 3, 1970, the population of McLaughlin Youth Center was 133. This included 87 boys and 46 girls. Of this number, 46 were being detained awaiting disposition of their cases by the court. By crowding beds into dormitories and effecting some make-shift arrangements with temporary plywood walls in the only cottage, the current capacity was rated by the department as 125.

2. Inadequate staff: On the day of the hearing, there were 45 full-time Group Counsellors, covering five units of juveniles on three shifts. Group Counsellors are the personnel who work directly with the juveniles and provide constant behavioral counseling. The staff pattern indicates that on the 8:A.M. to 4:P.M. shift, there are 15 counsellors. On the 4P.M. to midnight shift, there are 15 counsellors.

Life

July 10, 1970

pp 54-64

With little to guide them, three good men must say 'yes' or 'no' as convicts plead for freedom

PAROLE BOARD

by DONALD JACKSON

The following article is based on a single day's docket of parole board hearings at the Connecticut Correctional Institution, Somers, Conn. Four of the 17 cases before the board that day are reported here. The conversations have been compressed, though not altered. The names of the inmates have been changed, but the facts of their cases have not.

The parole board hearing room at the Connecticut prison is bright and sunny. The inmate sits in a chair directly across the table from the three board members. There are no guards in the room.

The parole board hearing room is one of the pits of criminal justice. Other pits—the police interrogation room, the courtroom, the jury room—are better known, but in a way the parole board is society's court of last resort. An inmate becomes eligible for parole after serving part of his sentence. The board must then decide whether to keep him in prison or to free him



Aug. 1970 Ramparts

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The Soledad Brothers: How a Prison Picks Its Victims

THINK OF CALIFORNIA'S Monterey County and you'll probably imagine quaint shops in Carmel, gnarled pines hanging wind-swept above one of the most dramatic beaches on the West Coast, or exclusive mountain hide-aways for the wealthy. You may remember that Joan Baez has her school for non-violence in Monterey, that the Esalen Institute offers sessions in sensitivity training, or that hitchhiking hippies are taking over beautiful Big Sur.

Images of the easy life come to mind quickly. But there is another side to the county not mentioned in Chamber of Commerce leaflets and not part of the tourists' beaten paths. Inland from the resorts lies the Salinas Valley, flat acres of rich farmland whose white owners once employed vigilance committees and strike-breakers to intimidate and occasionally kill migrant workers. This is the part of the county that John Steinbeck saw. South from Salinas is an even uglier reality—Soledad Prison. Here, the violence and brutality that were once part of the chaos of the Depression have been evoked again with the murders of three of the prison's black inmates.

When Soledad (more properly known as California Training Facility at Soledad) opened in 1946, it was touted as a progressive institution. Perhaps it is, but over the years prisoners have come to know it as the "gladiator school" or the "front line" because of the intensity of the racial hostility which exists between guards and inmates, and among the inmates themselves. Letters detailing the brutality of daily life inside the prison have made their way to inmates' families and attorneys and finally to the attention of legislators in Sacramento. Finally, in early June of this year, California State Senator Mervyn Dymally made an inspection of the maximum security part of the prison, accompanied by two staff members and Bay Area attorney Fay Stender. The group wanted to distribute a questionnaire, to be filled out and returned on the spot by prisoners so that no one would be punished for complaining about conditions.

The plan ran afoul of Ray Procnier, Director of the California Department of Corrections, and of the czars of the prison. "If there's any questionnaire," said Procnier, "I'm going to put it in there. If there's anything wrong going on down here, we want to be the first to know about it." Dymally submitted, and after touring the prison's "O" wing, the senator's group reassembled in the warden's office to talk over what they had learned from brief discussions with inmates. They were especially concerned about black prisoners' complaints about food being contaminated, urine

in their coffee and similar harassments.

"It's my opinion that the food is not being tampered with," said Procnier. "From a management point of view, we don't want it. There's just a bad set of feelings going around this joint." When Dymally suggested that there must be some basis for the fact that so many letters and complaints had mentioned this, Procnier turned to his prison officials. "Now I want you to tell me the truth," he warned. "Has it ever happened that someone has urinated in anyone's coffee?" When the four men shook their heads from side to side in unison, he turned back, satisfied.

After they had asked a few more questions and received Procnier's arbitrary answers, Dymally's group left Soledad without ever getting to the prison's major problem—the rampant racism that has led to a series of murders of black inmates and, more recently, to the outrageous framing and prosecution of three others who have become known as the Soledad Brothers.

A BLACK INMATE IN Soledad's maximum security section wrote recently about the racial hatred there: "On —, A.B. and myself were transferred to Soledad Correctional Facility. We were placed in the Max Row section, 'O' wing. Immediately entering the sallyport area of this section I could hear inmates shouting and making remarks such as, 'Nigger is a scum low-down dog,' etc. I couldn't believe my ears at first because I knew that if I could hear these things the officers beside me could too, and I started wondering what was going on. Then I fixed my eyes on the wing sergeant and I began to see the clear picture of why those inmates didn't care if the officials heard them instigating racial conflict. The sergeant was, and still is, a known prejudiced character towards blacks. I was placed in cell No. —, and since that moment up til now I have had no peace of mind. The white inmates make it a 24-hour job of cursing black inmates just for kicks, and the officials harass us with consistency also."

On "Max Row," prisoners remain in solitary confinement in little cells like iron boxes 23-1/2 hours a day. Heavy screens, not just bars, shut them in, and they are fed through holes in their respective doors.

Another prisoner wrote from "O" wing about food service there: "The prison officials here stopped serving the meals and deliberately selected the Caucasian and Mexican inmates to serve the meals and they immediately proceeded to poison our meals by filling food to be issued to us with

(Text continued on page 48)

by Eve Pell