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The Dilemma of Prison Reform

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The Dilemma of Prison Reform

In memory of the late Joseph D. Lohman, whose personal experiences regarding the cyclical nature of political reform movements inspired my interest in prison reform and resulted in this work.

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In 1933, when the Communists were imprisoned, I did not lift my voice. I did not say to my congregation, "Be on your guard. There is something wrong happening here." And when the feeble-minded were murdered, I said to myself, "Am I to be the guardian of the feeble-minded?" I could not even claim that I was ignorant of the persecution of the Jews, but I did nothing. I only started speaking out when the faith of the Church was persecuted. For this neglect I am greatly to blame. I have sinned.

- Pastor Martin Niemoller (Nazi Germany)

Preface

One might reasonably ask, "Why study the prison?" Most penologists would respond with statistics indicating that 95 percent of prison inmates ultimately return to the street. The more astute observer would avow that *all* inmates except those who die in the prison system will return one day to the free society. Self-preservation would dictate that concern for oneself should inspire the citizen to take a personal interest in reforming the prison.

Furthermore, perhaps one should examine the quandary in which the penologists find themselves in attempting to implement the various mandates imposed on the prison administrator. The warden is charged with the responsibility of concurrently instituting the philosophies of punishment, deterrence, retribution, incapacitation, and rehabilitation. But there may be an even more basic reason to become informed about the prison: if one wishes to study a culture and to understand it, attention should be focused on the manner in which that society deals with its deviants.

The prison is the American society in microcosm.

Examination of the prison provides a unique opportunity to study, observe, and analyze the manipulation and exploitation of man, as well as the harshness, bitterness, and underlying greed that motivate both staff and inmates in the prison community. If for no other reason, the prison should be scrutinized as a cultural phenomenon in order to examine the coarseness of human relationships without the facade of respectability that so often masks our freeworld relationships and blocks comprehension of human behavior.

Anyone who has had much contact with the field of penology, either in person or through the literature, becomes convinced that the general mode of "reform" is a long journey consisting of gradual improvements of the existing system. He becomes equally impressed with the fact that even after nearly a two-century quest for prison reform, it thus far has not been achieved. Real reform emerges from time to time only to be suppressed. The student of penology will note brief references to real reform islands along the journey. After a mutiny, the prison ship may anchor temporarily in the harbor of real reform until control is reestablished. But then the traditional prison ship will cast off and set sail for the *mirage* of real reform on the horizon.

Reform of penal practices has often appeared to follow the motto "Do something, even if it proves to be wrong." Penal measures have evolved through banishment, exile, death, corporal punishment, and institutionalization. Man eventually devised a variety of brutal techniques in an effort to suppress crime, but these have served only to escalate the war between the keepers and the kept.

The evolution of the penal system in the United States has really been a story of one alternative after another. Corporal punishment rose as a pragmatic alternative to hanging. The prison was created as an alternative to corporal punishment. To compensate for the defects of the prison, the reformatory was erected with goals of teaching, training, and curing the offender. Yet eventually it too became another prison in appearance and practice. And still other alternatives were sought.

Noninstitutional treatment in the form of probation and parole became more sophisticated. The minimum-custody camp came into existence. A host of other "correctional" fads have been tried with no more demonstrated success in halting criminality than their forerunners. Nonetheless halfway houses, reception and diagnostic centers, prerelease centers, and, more recently, community correctional centers have been heralded as reforms.

Juxtaposed on this morass of institutions has been a multitude of "programs" of varying ideology, quality, and effectiveness in aiding "rehabilitation." For our juvenile offenders, a system parallel to the adult prison system has been developed. We have changed the words describing prisons and criminals over the decades, but a rose by any other name still has thorns.

Unfortunately, these penological fads have dissipated energies, diffused the attack on criminality, confused legislators, deluded the public, and primarily have served to create more positions for staff while providing minimal improvement in goods and services for inmates. According to the American Correctional Association, over 95 percent of all corrections budgets in the United States in 1970 were allocated for those considerations having directly to do with

custody of prisoners. Only the remaining 5 percent was directed toward "treatment" programs.

If past experience is the best indicator of future patterns, then an examination of the antecedents of events could establish causal relationships. Once identified, obstacles to reform of systems can be overcome; or so one would conjecture. But it often appears that a study of history only reveals that man is apparently destined to act out the drama of life as if he were plowing new ground.

The question of whether prisons should exist or not is a moot point. Although a strong argument can be made by the abolitionists that the "walls should come down," prisons do exist and are likely to continue for the foreseeable future. In fact, for some criminal offenders there probably always will be a need for secure detention. Until the walls do come down (if ever), it appears productive for reformers to set forth an analysis of the present system and to offer some alternative modes of management.

In attempting to explain what this book is all about, it might be productive to say what it is *not*. It is not offered as a comparative study of penology. Its purpose is to answer the question: Why has prison reform not been attained after at least one hundred years of sincere efforts by generally well-meaning, experienced individuals? A secondary purpose is to provide some insight into the cyclical nature of reform movements in general and to explain why they do not achieve their objectives.

The method chosen to answer the research question is historical. The focus is on identifying the real problems. As suggested by the title, the two dimensions of the investigation are the substance of reform and the dilemmas in trying to achieve it. The history of penology is traced to provide a basis for examining contemporary prison conditions. The traditional prison management model with its facade of reform and the resultant role models for staff are contrasted with the substance of real reform. The cyclical nature of reform movements based on two case studies of real reform efforts is postulated in a theory of reform.

Analysis of the system as it is and a synthesis of successful efforts at participatory management lead to suggestions for an alternative correctional structure. A cautionary note is added lest the real reformers place hope in the traditional reform agents outside the prison system, such as the courts, the professional association, and the academicians. The book concludes with some reflections on reform.

The primary sources of material for this treatise are *The Freeworld Times*, contemporary literature, and the author's personal

experiences. The Freeworld Times was a national prison reform newspaper published by The Murton Foundation for Criminal Justice, Inc., between 1972 and 1974. The contributors—including penologists, inmates, practitioners, scholars, and laymen—probably have provided the best description of contemporary conditions and issues related to prisons and their reform.

Current research from a variety of sources is included to support conclusions drawn in the book. These evaluations are drawn from criminology, psychology, and sociology. In addition, wardens, penologists, and authorities in other fields are quoted to allow the system to define itself.

Finally, some of the author's experiences are included with the acknowledged hazard that they will appear to be self-serving. The Alaska and Arkansas experiences are relevant, and it is perhaps unfortunate that there are not other examples to demonstrate the point being made. The fact that the author was a participant in these movements is not important; the reader's attention is focused on the activities and the implications they have for reform movements. The editorial device of attempting to disguise the obvious by using the third person was deemed less than honest, so this material is presented as a first-person description.

Many individuals have contributed both to the substantive content of this book and to shaping the author's conclusions about the nature of reform, conclusions that have been formulated over the past 20 years. These unknown soldiers of reform include countless prison officials, officers, inmates, and, most importantly, the author's formidable critics who have unintentionally forced a refinement and reevaluation of his notions about real reform.

In addition to Joe Lohman, to whom this book is dedicated, special acknowledgment is given to Dr. Richard Korn for his incisive criticism of the manuscript. His assistance has been valuable in crystallizing the author's thinking, but it should not be construed as his endorsement of either the analysis or conclusions. In concise terms, these conclusions state that real reform is not a function of more money, more staff, more programs, or more studies. There must be other factors that affect reform movements. It seems that reform, or lack thereof, is a function of organizational structures, techniques of problem solving, moral courage, integrity, and vision.

What is needed at this time, after a century of "prison reform," is basic research and penologists with the courage to challenge the sacred, but unproven, tenets of penology. The entire philosophy of corrections must be reevaluated. Attention should be focused on the prison, for therein lies the greatest need and possibly the greatest potential for revolution. Contrary to popular opinion, we do have some evidence of what will work.

In essence, this book is a critique of reform movements in general. The theoretical implications for strategies of change apply to a range of disciplines beyond criminology. The book's significance depends on its application by those would-be reformers who have the courage to "dream of things that never were and ask "Why not?"

Tom Murton

Prologue

The Orbital Nature of Prison Reform Movements OR

Why We Can't Get There from Here

In order to get an idea of the nature of reform efforts in the United States, envision a planetary model that is composed of Planet Earth (the present location of the prison), a rocket ship (representing the prison itself), and the Planet Real Reform (the destination of the prison).

Certain hazards are inherent in the operation of the prison rocket ship if it is kept standing on the launching pad. The captain most certainly will tire of plotting and replotting the course while waiting for the countdown signaling the movement toward Real Reform. The crew (staff) will become restive and complain of the monotony of checking and rechecking the systems to reconfirm that the vessel is ready. The prisoner-passengers will pass the time by reading periodic information bulletins issued by Mission Control extolling the virtues of the destination and the in-flight activities designed to entertain them en route. Unfortunately, the rocket ship has been on the launching pad for ages, and the hazards are almost impossible to avoid.

During a guided tour through the ship, a visitor comments that the ship is firmly bolted to the pad; some of the passengers overhear this comment and question if they have mistakenly boarded the wrong vessel. Cabin attendants attempt to allay these fears by directing the passengers' attention to the reflection of the rocket engines through the windows. But eventually it becomes apparent that the rosy glow reflected on the cabin ceiling is caused by a multi-colored spotlight beamed through the cabin windows by Mission Control. Later, an inquisitive passenger enters the engine compartment only to discover that the thunderous roar of the "engines" is created by an amplified Muzak sound track from a previously aborted launching.

The passengers reexamine their tickets and discover that the destination is "Nowhere" instead of "Real Reform." Angry over the fraud and deception, they attack the crew, seize the captain as hostage, and demand to be taken "Somewhere." If the Mission

Controller cannot or will not issue the necessary orders to rectify the situation, he may be run off by the spectators who paid admission to see an actual launch.

A new Mission Controller is then chosen to direct the destiny of the entire space reform program. He promptly appoints concerned spectators as a Blue Ribbon Committee to determine why the launching was not accomplished. While the committee is examining the site, the Mission Controller submits an emergency request for funds to build a new vessel instead of removing the bolts that anchor the current ship to the pad. These two tactics provide sufficient time for him to conduct his own investigation and attend to more pressing problems relating to the air conditioning in the control center.

An expert consultant (someone from out of town) is chosen to assist in the inquiry. He examines the prison vessel, suggests methods of preparing it for the voyage, and charts a course toward reform. When the investigations are completed, the reports rendered, and the decisions made, resources are marshaled with much ceremony to demonstrate a sincere effort to launch the ship.

The first investment is in concrete and steel to build a new launching pad in a remote area where it will not contaminate the surrounding freeworld people. But the spectators are not willing to finance or await the construction of a new rocket ship; instead, they suggest renovation of the old, rusty hulk with a coat of paint so "we can forge ahead toward Planet Real Reform."

A new captain who has commanded many other rocket ships is selected. Although most of the applicants for the position could honestly boast of never having lost a ship in space, they neglected to inform the Mission Controller that the principal reason for this unblemished record is that they have rarely gotten one off the pad. Reform of most prisons has never even been attempted; cosmetic changes may nonetheless have created that impression. While the majority of prison ships remain on the pad of traditionalism, those which have tried some type of reform may actually succeed in getting off the launching pad. The correlation between the skills involved in keeping a rusting hulk intact on the launching site and those required to guide one in an actual voyage is never questioned—except by the passengers, whose complaints are not heard since they are quarantined and held incommunicado for the duration of the journey.

With great pomp and ceremony, the prison reform rocket ship is readied for dispatch. A new captain and crew come aboard to take the same old passengers to the supposed destination of Real Reform. Assurances are made that all ties that inhibit movement away from the site have been severed. The passengers accept the word of the captain with some caution. After all, they have seen other captains enter and leave the command module, and none has ever told them the truth or succeeded in taking them anywhere except to a safe orbit.

Security passes to the actual launch site are issued to members of the press who are present to record the details of this historic event. A new open-press policy is heralded as a major innovation. Few take the time to realize that if the launch is successful, the rocket will be literally "out of sight" thereafter and thus inaccessible to the media.

In a spectacular display, the rocket gradually rises from the pad, follows the predetermined path toward Real Reform (or so it appears to the crowd), and quickly disappears into a fog created especially for the occasion by seeding the storm clouds with the sodium iodide of reform rhetoric.

The rocket fumes dissipate, speeches are concluded, the applause subsides, and the reformer-spectators amble toward the exits, secure in the belief that at last the prison problems have been solved and real reform will be achieved. A lone figure remains after the crowd has dispersed. He seeks out the officials at the control center to ask, "Isn't this just another form of exile?" (There always seem to be some dissidents who don't really understand the master plan and always cause trouble by criticizing the sincere men who have served faithfully as commanders of other prison rocket ships.)

The Mission Controller responds, "We are sending them to outer space for training to become better citizens when they return to Earth. What? No, it doesn't seem inconsistent to me. It's obviously too dangerous to train them here, and they need the structured environment of a space ship so they can concentrate on their deficiencies." The logic of the prophet's discourse is lost in the roar of the rocket's engines as they propel the ship relentlessly toward "reform."

The camera crews linger to grind away as the rocket disappears, suspecting that this may be the last time they will be able to view the prison ship up close unless it should fail to achieve orbit and fall back to Earth in disaster.

Mission Control announces after a short time that orbit has been achieved. The ship has attained reform. The masses cheer because the prison problem has been removed from the community; the economy has improved as a result of the funds expended in creating a new launching pad from which other ships will be sent forth; and additional personnel have been employed to service the control center and serve as crews for later flights. The Mission Controller

takes pride in reciting the amount of money invested in this project, the difficulties that were overcome, and the great distance traveled. The fact that the ship is moving but never really going anywhere is disturbing neither to the captain nor to the crew. They regard reform as a place in orbit, not a destination.

The chief of state points with pride to the orbiting vessel as an accomplishment. It can be observed, at a distance, at each circuit of the Earth. Assurances are given that reform is taking place within the ship, although newsmen are unable to assess personally what is going on because the reform effort has taken it further from their view. The administrators point out that really safe shuttle craft between Earth and the rocket ship have not yet been devised and that the journey is full of peril for visitors.

The media must rely on reports from the captain of the rocket ship concerning conditions within. Periodic bulletins are issued to avert or dissipate political storms as necessary. Efforts to establish direct communication with the passengers are of no avail. As the captain explains, the passengers do not understand the functioning of the ship or guidance systems—and, besides, they cannot be trusted to operate radio equipment. Thus, they are not given communication privileges because their distorted views of the flight might cast doubts on the success of the mission and would be bad for the crew's morale.

The captain is pleased with the responsibility he has to command the refurbished vessel, which is at least going somewhere. He dutifully checks off points on the ground as he passes over them—again, and again, and again. The fact that his route is circuitous and that he will never really reach a destination poses no problems for him. After all, his sealed orders, opened once he had reached orbit, came as no surprise. He had been privately briefed both at the time of his appointment and before departure that the purpose of the mission was to achieve orbit—not to venture into the outer space toward Real Reform.

The facade of reform is achieved with orbit, and the captain is content with his lot. His quarters are better in this remodeled ship, he has a cleaner view of the world, and he no longer has to suffer, with the inmates, the smog that engulfs the control complex. And he shall remain in command as long as he keeps the ship in orbit.

¹ Crew members who challenge the correctness of the heading will voluntarily transfer to another ship or be ejected from the prison reform rocket.

The captain entertains the infrequent penological pilgrims who visit the prison ship by displaying flow charts, diagrams, and statistical tables to prove that reform has been achieved. The only negative note is sounded by the captain when he announces that if money were not so hard to get, he could hire more crew members who would do more of something which would enable the craft to achieve a more stable orbit. The pilgrims travel back to Earth and report that the reform voyage is a smashing success and that the passengers are being readied to return to Earth.

Boredom is interrupted occasionally when the passengers complain that there has been no change in their condition. They point out that although the vessel is brighter and cleaner and there are lots of leisure activities, they are not being prepared to return to Earth but are becoming more remote from it all the time.

Life on the pad was primitive but uncomplicated. Some passengers had been assigned the task of repairing the ship; others bailed out the rain that seeped in. The choice was simple: one could either patch or bail; failure to do one or the other would result in irreparable damage—either to the ship or the passenger.

In space, it is not quite clear what must be done to survive in this strange environment. Also, individual reentry back into the Earth's atmosphere entails certain hazards. It is far more complicated to journey from the space craft to a specific objective on Earth than from the rocket on the launching pad to the security fence surrounding the complex.

There appear to be as many mutinies on the reform ship as there were in the derelict ship on the pad. The only difference is that the public is not as likely to become aware of the routine disturbances because of the ship's remoteness. But eventually a disturbance occurs that seriously jeopardizes the path of reform.

Traditional techniques of suppression are applied (because the captain knows of no other approaches to problem solving), and the uprising is smothered. On at least one occasion, the captain requires reinforcements from Earth.

The only real danger to Mission Control is if the captain should become dissatisfied with the lack of a goal and decide to change orbit. This restlessness can usually be detected by the transmissions sent back to control asking permission to accelerate and lessen the risk of a decaying orbit. At this point, the captain is reminded that he must depend on Mission Control for resupply missions; if this support is withdrawn, he cannot survive in outer space. To his critics, the captain replies: "If I'm not allowed to function as the captain, I can't really take the ship anywhere. I must be *in* the ship if I am

going to continue the direction toward reform. By moving slowly, I can increase speed gradually until I achieve escape velocity and *then* I can move directly toward the planet of Real Reform."

He ignores the fact that similar vessels have been orbiting Earth for nearly two centuries—and none of them has ever gotten away from the gravitational pull of Earth interests. All he may achieve is a higher orbit that will increase the distance of travel but will fall short of breaking loose from Earth control.

The flight log reflects the number of orbits that will be recounted as achievements by Mission Control. But one day passengers realize that they are not being taken to their promised destination and claim that once again they have been cheated of reform. The fraud is exposed aboard the ship. The passengers demand either to be taken to the original objective or to be transferred to another vessel destined for Real Reform. The captain is in a dilemma because he lacks the authority for the latter and is not willing to risk the former, for he knows that it is professionally suicidal to change the mission.

This inevitable conflict results in a clash of such proportions that it becomes visible from Earth. Mission Control is embarrassed because the vessel is not responding to its programmed instructions, and the situation portends disaster. In addition to the danger that the ship will be destroyed, Control Central itself may be wiped out. News of rebellion is communicated to Earth by released passengers or by major explosions on the ship that cannot be concealed from the Earth-bound viewer. If the rebellion cannot be put down during that portion of the orbit on the dark side of the planet, it will become apparent to ground observers as it passes overhead in the next orbit.

When it is revealed that a small fleet of reform vessels is circling endlessly overhead and has never traveled anywhere, another Mission Controller is chosen to provide direction toward Real Reform. He selects a captain to gain control of the vessel and he agrees to continue to support the mission toward its destination. He rejects the present orbit and mission of the vessel and commissions the reformer-captain to take the prison ship toward the planet of Real Reform.

The reformer demands, and is granted, authority to select his own crew and to operate independently from ground control. He realizes that the traditional orbit has become comfortable to the crew and that they will resist any effort to change the direction of the vessel because they fear the unknown.

Freedom from remote control and reliance on manual control is essential if the meteorites opposing reform are to be avoided while