

Prisoners Use Legal Weapons in Fight for Rights

by Ilene Barth

A quiet revolution is taking root in prisons across the nation. Inmates are attacking their jailers, not with home-fashioned clubs and knives, but with lawsuits.

Cincinnati. Inmates of the Cincinnati Workhouse sue city officials, contending that the century-old stone jail in which they are incarcerated violates the constitutional prohibition against "cruel and unusual punishment."

Washington, D.C. Women prisoners charge that the Women's House of Detention is unsanitary and overcrowded. They also maintain that district prison system discriminates against women.

Joliet, Ill. Statesville inmates sue prison administration. Their complaint: guards will not protect prisoners from assaults by other prisoners.

Lansing, Kans. A pending lawsuit by Kansas State Penitentiary inmates attacks censorship of mail to lawyers and newspapers.

Stormville, N.Y. Over half of Green Haven State Correctional Facility's 1800 prisoners organize to form a labor union. In another action, an individual inmate sues for right to marry.

Prisoner discontent is nothing new. But until recently, courts took a hands-off attitude toward prisoner complaints.

Inmate treatment was the warden's business—unless the lid blew off in a bloody riot. Now, however, prisoners with grievances are backed by high-powered lawyers from such organizations as the American Civil Liberties Union or the NAACP Legal Defense Fund. And judges are beginning to define just what rights prisoners have.

"I saw seven people slit their wrists during the eight months I spent in the Cincinnati Workhouse," says 22-year-old James Kahles. "It's medieval."

The Workhouse has been called "medieval" before, as long ago as 1929 in a

Board of County Supervisors report. Yet it remains physically unchanged. Prisoners sleep on straw-mattressed iron-bar beds in tiny dungeon-like cells without lights or plumbing. The stench of chamberpots fills the Workhouse air.

William Whitworth, acting superintendent of the Workhouse, blames the jail's condition on voter apathy. "The public says, 'These people are criminals. Where do you want to board them, Holiday Inn?'" He joins the inmates in hoping the city will authorize substantial renovation or a new institution.

The prisoners in the Washington, D.C., Women's House of Detention are making a similar request. That jail at least has plumbing and electricity in the cells. But according to the lawsuit it is roach-infested, unhygienic, and so overcrowded that convicted women and women awaiting trial, adult women and juveniles, healthy women and sick women, are crushed together and forced to abide by the same strict prison regimen.

Women's prisons worse

What's more, declares attorney Ann Macrory, Washington's prison system is particularly hard on women who, unlike male prisoners, are not granted administrative hearings before being confined in bleak punishment cells. Nor do the



A cellblock inside Illinois Statesville Prison. Inmates call conditions brutal.



Among the growing number of prisoners filing suits is Peter Butler, an inmate of Green Haven, New York State, who won permission to write to his fiancée.



Dorothy Thomas, a law secretary, "met" Butler through legal correspondence, says, "I knew right away he was something special." Now they seek right to wed.

women have meaningful vocational or recreational programs. "The Women's Detention Center was designed for card-playing Victorian spinsters," she charges.

The atmosphere is one of despair, with women draped listlessly across their cots staring at the ceiling.

Compared to the grim exteriors of city jails, the outside of Statesville Prison in Joliet, Ill., looks like a country resort. Striped awnings shade its windows; the front lawn sports well-tended gardens.

But inside, cellblocks are circular with four layers of cells stacked one upon another. A triple-bunk bed dominates each cell.

One inmate, however, has a room to himself and—with the help of \$3000 worth of lawbooks—has converted his cell to more or less of a live-in legal library. He is G. Daniel Walker, a "jailhouse lawyer" who has pressed a number of suits against Statesville, and has also helped over 300 fellow inmates with their criminal appeals.

Censorship challenged

The winds of litigation blow in Kansas, too, where former Kansas State Penitentiary inmate Eddie Cox has challenged censorship of mail to lawyers and newspapers. Cox has been moved to a federal prison.

Both Walker and Cox are extremely articulate champions of prison reform. But there the resemblance stops. Cox, presently serving time for conspiracy to sell narcotics, has the pale, unhealthy visage of a man who has spent a lot of time in solitary confinement. Walker, however, with a tan gained from playing baseball in the prison yard, looks much like the urbane advertising executive he was before his conviction for shooting and wounding a policeman in a quarrel over a traffic violation.

Yet Walker claims that his—or any other inmate's—continued good health is jeopardized by the lawlessness that pervades Statesville. One of his suits alleges that prison authorities fail to protect men from sexual attacks and murderous assaults by other prisoners. He also contends that while charges are routinely filed against an inmate who attacks a guard, no action is taken against an inmate who assaults another prisoner.

Crimes suppressed

"A crime is a crime no matter where the offense occurs," declares Walker in his petition. "The fact that prison officials suppress the crimes occurring within the prison is an obstruction of justice, and nowhere within the Criminal Code of the State of Illinois does it state the laws of the State are only for the 'good.'"

So far, this law and order man of

continued



Adversaries: Eddie Cox and Warden Raymond Gaffney. Cox asserts mail censorship inhibits free speech of both inmates and their outside correspondents. Gaffney says some prisoners rate better treatment, but others are dangerous.



Prisoner G. Daniel Walker in his cell and Warden John Twomey in his office. "Jailhouse lawyer" Walker has pressed several suits against Statesville Prison, which he calls an armed camp, and cites his "big investment in law books."

PRISONERS CONTINUED

Statesville Penitentiary has won an injunction against search of the legal papers in his cell, and a prison-wide ban against censorship of outgoing legal mail. He also helped organize a successful lawsuit against the prison for confining inmates to a special punishment unit without first notifying them of specific misconduct charges and giving them a hearing.

The court has not yet rendered an opinion in Eddie Cox's mail censorship case. But after it was filed, Kansas State prison officials stopped inspecting legal

mail.

"I think reading any mail is a violation of the First Amendment guarantee of free speech," asserts Cox. "There are ways to examine mail for contraband without reading it. It's unbearable to think a prisoner's letters to his wife are being chucked over in the mailroom."

The reason penal authorities peruse the personal mail of prisoners is summed up by Leon Vincent, superintendent of the Green Haven State Correctional Facility in New York State. "We want to keep in touch with what a prisoner's state of mind is. We want to

know his thinking," explains Vincent.

Green Haven is not currently being sued on this issue. But it is being pressed on the highly volatile question of prisoner unionization. Over half its inmates have signed union authorization cards, and the 30,000-member District 65 of the Distributive Workers of America has agreed to affiliate with the prisoners union, subject to ratification by members of both unions.

Inmates at Green Haven work in a variety of prison industries, including flag making and the manufacture of men's underclothing. The immediate concerns of the prisoners are raising the mean wage of 59 cents per day, obtaining better job training on modern machinery, and exercising some say over work area safety conditions. Most likely, the eventual goals will be similar to National Council on Crime and Delinquency guidelines which recommend that prisoners earn at least established minimum wages and contribute to their own room and board while incarcerated.

It's not yet clear, however, whether prisoners have the right to bargain over labor conditions. The question is now being considered by New York's Public Employment Relations Board.

On another front, Green Haven inmate Peter Butler is challenging New York State's civil death statute which provides that persons serving life sentences are shorn of most legal personality. For example, they cannot enter contracts. The contract 29-year-old Peter Butler wants to enter is marriage. His fiancée, Dorothy Thorne, is co-plaintiff in the suit.

"I think wanting to get married shows maturity and stability that the prison should recognize as a good thing," says Peter Butler. "The law may consider me dead, but I'm very much alive."

What do wardens think of all these prisoner suits? Understandably, they are reluctant to comment about matters still under litigation. After all, they're the ones being sued.

As a group, prison administrators are wary of awarding inmates personal freedoms which, in their view, would make the prison population less manageable. They point out that prisoners are precisely those people who have proved their disregard for normal community standards.

Raymond Gaffney, retired Army colonel and Warden of Kansas State Penitentiary, makes this observation: "People think wardens sit around and pull out prisoners' fingernails all day. The public expects us to take their failures and turn them into plastic Casper Milquetoasts. But I don't deal with machines, I deal with very complicated human beings."

Warden Gaffney of course, is a complicated human being himself. So while he doesn't oppose all prison litigation, he finds it difficult in conversation to conceal his hostility toward Eddie Cox, the prisoner who sued him.

Reform needed

Warden John Twomey of Statesville describes his position this way: "Prisoners who sue you cause you to re-evaluate. But the status quo position can be a good one or a bad one.

"Certainly, prisons need reform. And I sometimes suspect that prisoners who become rehabilitated do so in spite of prison. But prison, like any other bureaucratic institution, has built-in obstacles to communication and change."

G. Daniel Walker, who communicates with Warden Twomey mainly through the courts, says, "The prison years are dead years. Men are frozen in immaturity by being deprived of fundamental liberties. Our lives are dominated by petty rules which have no valid security purpose but are great tools of harassment. My aim is to drag Corrections scratching, screaming, and kicking into the 20th century."

Many more such challenges from the nation's prisons are sure to ring through the courts this decade. And whatever judges decide in the resulting barrage of opinions, one thing is certain. Prisons will never be quite the same again.