

1/16/71

Dear Gary,

Time has a depressing story, "The Shame of the Prisons" this week.

For reasons that I think obvious, I ask you to comment on this quote:

"Psychologist H. J. Eysenck offers a fascinating discussion of how certain depressant or stimulant drugs can be used to make a patient feel sick whenever he commits a specific anti-social act. 'Given the time and resources', adds Psychologist Barry F. Singer, 'a behavioral-therapy program can make a bank robber want to vomit every time he saw a bank, could make an armed robber shudder every time he saw a gun.'"

I have also just heard of a planned book that I only slightly comprehend, having to do with the beneficial effects of something I do not understand, some kind of alpha rays, applied with electrodes to the head, to induce good thoughts, etc. This system is also supposed to make hypnosis easier to induce. (Which reminds me, if you have read Kaiser, would you say that Sirhan was exceptionally easy to get into a hypnotic state, rarely if ever resisted, etc.?)

The question I have relates to both. Could either system be used for the opposite purpose, if either can be as represented? Could bad thoughts, bad conditioning, be induced by these methods?

Could Sirhan, for example, have been conditioned to a special and intense hatred of RFK? From the Copenhagen case, I can believe he could have been conditioned to believe RFK the embodiment of evil and his, Sirhan's, obligation was to do something about it. I also can believe that impulse or action, after hypnosis, could be triggered by some special impulse, for example, the sight of a certain object. Perhaps this could have been the victim himself, or certain kinds of noises.

If you have time, satisfy my curiosity, to the degree you can.

Thanks,

HW

THE LAW



PHOTOGRAPH BY BOB LANGRISH

The Shame of the Prisons

It is with the unfortunate, above all, that humane conduct is necessary.

—Dostoevsky

PRESIDENT Nixon calls them “universities of crime.” Chief Justice Burger has become a crusader for their reform. Legislators have taken to investigating them—and citizens have finally begun to listen. After decades of ignoring their prisons, Americans are slowly awakening to the failure that long neglect has wrought.

It is not just the riots, the angry cries of 426,000 invisible inmates from the Tombs to Walla Walla, that have made prisons a national issue. Public concern is rooted in the paradox that Americans have never been so fearful of rising crime, yet never so ready to challenge the institutions that try to cope with it. More sensitive to human rights than ever, more liberated in their own lives and outlooks, a growing number of citizens view prisons as a new symbol of unreason, another sign that too much in America has gone wrong.

It is a time when people have discovered with a sense of shock that the blacks who fill prisons (52% in Illinois) see themselves as “political victims” of a racist society. It is a time when many middle-class whites are forced to confront prisons for the first time, there to visit their own children, locked up for possession of pot or draft resistance. A time when many judges have finally begun to make personal—and traumatic—inspections. After a single night at the Nevada State Prison, for example, 23 judges from all over the U.S. emerged “appalled at the homosexuality,” shaken by the inmates’ “soul-shattering bitterness” and upset by “men raving, screaming and pounding on the walls.” Kansas Judge E. Newton Vickers summed up: “I felt like an animal in a cage. Ten years in there must be like 100 or maybe 200.” Vickers urged Nevada to “send two bulldozers out there and tear the damn thing to the ground.”

The Big House

It will not be easy to raze, much less reform, the misnamed U.S. “corrections” system, which has responsibility for more than 1.2 million offenders each day and handles perhaps twice as many each year. Since 1967, four presidential commissions, dozens of legislative reports and more than 500 books and articles have pleaded for prison reform. But the system remains as immutable as prison concrete, largely because life behind the walls is still a mystery to the public. Most Americans think of prisons only in terms of the old “big house” movies starring James Cagney and more recently Burt Lancaster.

In fact, the corrections system is not a system at all. It is a hodgepodge of un-

coordinated institutions run independently by almost every governmental unit in the U.S. Pacesetter federal institutions (20,000 prisoners) range from maximum-security bastilles like Atlanta Penitentiary to a no-walls unit for tame young offenders in Seagoville, Texas. The states offer anything from Alabama’s archaic road gangs to California’s Men’s Colony West, one of the nation’s two prisons for oldsters. There are forestry camps for promising men and assorted detention centers for 14,000 women. Some juvenile institutions are the best of the lot because reformers get the most political support at that level. But many areas are still so lacking in juvenile facilities that 100,000 children a year wind up in adult pens.

The Jail Mess

Two-thirds of all U.S. offenders technically serving time are actually outside the walls on parole or probation, but most offenders have at some point encountered the worst correctional evil: county jails and similar local lockups. Such institutions number 4,037—a fact not even known until last week, when the federal Law Enforcement Assistance Administration published the first national jail census. Jails usually hold misdemeanants serving sentences of a year or less. More important, they detain defendants awaiting trial: 52% of all people in jails have not yet been convicted of any crime. Of those, four out of five are eligible for bail but cannot raise the cash. Because courts are overloaded, unconvicted defendants may linger in crowded cells for months or even years.

To be sure, jails vary widely from two-cell rural hovels to modern urban skyscrapers. But the vast majority treat minor offenders—and the merely accused—more harshly than prisons do felons, who commit graver crimes. The jail mess is typified by New Orleans’ Parish Prison, a putrid pen built in 1929 to hold 400 prisoners. It now contains 850—75% of them unsentenced. Money and guards are so short that violent inmates prey on the weak; many four-bunk cells hold seven inmates, mattresses smell of filth and toilets are clogged. Prisoners slap at cockroaches “so big you can almost ride them.”

Jail conditions frequently breed hardened criminals who then go on to the prisons themselves, the second anomaly in a pattern that stands as a monument to irrationality. The typical U.S. felon is sentenced by a judge who may have never seen a prison and has no idea whether x years will suffice. Leaving the courtroom, where his rights were scrupulously respected, the felon has a good chance of being banished to one of 187 escape-proof fortresses, 61 of them built before 1900. Now stripped of most rights, he often arrives in chains

SOLITARY CONFINEMENT IN TEXAS

and becomes a number. His head sheared, he is led to a bare cage dominated by a toilet. In many states his cellmate may represent any kind of human misbehavior—a docile forger, a vicious killer, an aggressive homosexual.

In this perverse climate, he is expected to become socially responsible but is given no chance to do so. He is told when to wake up, eat and sleep; his letters are censored, his visitors sharply limited. His days are spent either in crushing idleness or at jobs that do not exist in the "free world," such as making license plates for a few cents' pay an hour. In some states, he cannot vote (even after his release), own property or keep his wife from divorcing him. He rarely gets adequate medical care or sees a woman. Everything is a privilege, including food, that can be taken away by his keepers.

If he is accused of violating one of scores of petty rules, he is haled before the "adjustment council" without right to counsel. If he denies guilt, he can be punished for implying that his accuser guard lied; if he admits it, he may lose "good time" (eligibility for parole) and perhaps land in solitary. The lesson is clear: truth does not pay.

If he happens to be a rich criminal, a Mafia type, life in some prisons can be easy. Ill-paid "hacks" (guards) may sell him anything from smuggled heroin to a girlish cellmate. More often he is a complete loser; for him, prison is synonymous with poorhouse. Already angry at life's winners, he becomes even more insensitive to others in a doomed universe whose motto is "Do your own time": trust no one, freeze your mind, be indifferent. Unequipped for normal society, he may well be headed back to prison as soon as he leaves. In fact, he may come to prefer it: Why struggle in a world that hates ex-convicts?

Everyone knows what prisons are supposed to do: cure criminals. Way back in 1870, the nation's leading prison of-

ficials met in Cincinnati and carved 22 principles that became the bible of their craft. "Reformation," they declared, "not vindictive suffering, should be the purpose of the penal treatment of prisoners." Today, every warden in the U.S. endorses the ideal of rehabilitation. Every penologist extols "individualized treatment" to cure each inmate's hang-ups and return society's misfits to crime-free lives. But the rhetoric is so far from reality that perhaps 40% of all released inmates (75% in some areas) are reimprisoned within five years, often for worse crimes. Says Rod Beaty, 33, who began with a \$65 forged check, became an armed robber, and is now a four-time loser in San Quentin: "Here you lose all sense of values. A human life is worth 35¢, the price of a pack of cigarettes. After five years on the inside, how can you expect me to care about somebody when I get outside?"

Slavery in Arkansas

Without question, the U.S. boasts some prisons that look like college campuses—humane places that lack walls and shun official brutality. Guards chat amiably with inmates; men are classified in graded groups, promoted for good conduct and sped toward parole.

And yet, rehabilitation is rare. By and large, mere aging is the main cause of going straight. For inmates between the ages of 16 and 30—the vast majority—neither the type of prison nor the length of sentence makes any significant difference. The repeater rate, in fact, is rising. Something is clearly wrong with a system that spends \$1 billion a year to produce a failure record that would sink any business in a month. Consider a random sample of prisons from the worst to the best:

ARKANSAS. Whether in 110° F. summer heat or winter cold, 16,000 acres of rich southeastern Arkansas land will always be tilled. This is the Cummins Prison Farm, where 200 convicts stoop in

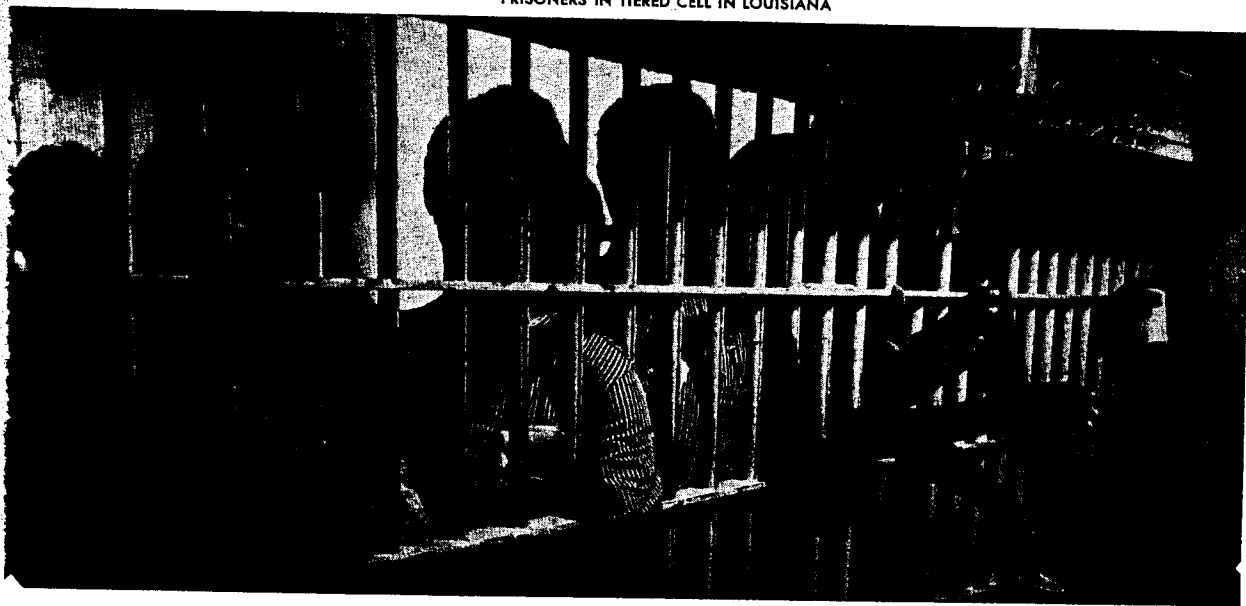
the vast cotton fields twelve hours a day, 5½ days a week—for zero pay. Such are the wages of sin in what may be the nation's most Calvinistic state.

A virtual slave plantation in the 20th century, Cummins takes all kinds of errands and turns them into white-clad "rankers" who work or perish. Toiling from dawn to dusk, they move in a long line across the fields, supervised by a horseman in khaki and five unmounted "shotguns" (guards) who "push" the serfs along. At each corner of the field stands another guard, armed with a high-powered rifle. All the guards are convicts, the toughest at Cummins. Hated by rankers, the trusties are picked for meanness in order to keep them alive off duty. They are killers, armed robbers, rapists—ready to gun down the first ranker who strays across an imaginary line in the fields.

After three skeletons were dug up on the farm in 1968, national publicity moved the state to do a little fixing. Gunning trusties lost some power, 60 more free-world staffers arrived, \$450,000 was allotted to replace some men and mules with farm machinery. Robert Sarver, head of the Arkansas penal system, is pushing hard for improvement against stiff odds. But Cummins still lacks any schooling, counseling or job training. For a college-trained social worker, the state pays only \$593 a month; Cummins can barely attract civilian guards (\$330). Says Sarver: "We can't guarantee a man's safety."

Last year U.S. District Judge J. Smith Henley ruled that imprisonment in Arkansas amounts to unconstitutional "banishment from civilized society to a dark and evil world." He ordered the state to reform Cummins by the fall of 1971 or face an order to close the place. But the evil world persists. With no pay, Cummins prisoners survive by selling their blood or bodies. To blot out the place, they sniff glue and gobble smuggled pills. Some mornings, 200

PRISONERS IN TIERED CELL IN LOUISIANA



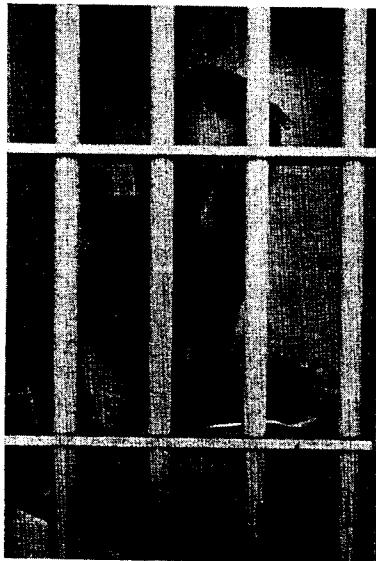
LEONARD FREED—MAGNUM



DINNER AT TEXAS STATE PENITENTIARY



FIELD WORK UNDER GUARD
CELL AT TEXAS STATE



men are too stoned to work. Since gambling is pervasive, loan sharks top the prison pecking order. They charge 50¢ per dollar a week and swiftly punish defaulters. In a single month last summer, Cummins recorded 19 stabbings, assaults and attempted rapes. The worst of it is the privacy-robbing barracks, where 100-bunk rooms house all types, from harmless chicken thieves to homicidal sadists, and the young spend all night repelling "creepers" (rapists). "You're all there in the open," shudders a recently released car thief named Frank. "Someone's stinking feet in your face, radios going, guys gambling. You never really get to sleep. What's worse is the fear. There's no protection for your life. I kept thinking 'if' I get out—not 'when.'"

INDIANA. With its 40-ft. walls, the gray castle in Michigan City looks its part: a maximum-security pen for 1,800 felons, including teen-age lifers. Inside, the walls flake, the wiring sputters and the place is falling apart. Indiana spends only 1.5% of its state budget on all forms of correction.

Like many legislatures, Indiana's insists that prisons make a profit. Last year Indiana State Prison turned out 3.5 million license plates, among other things, and netted the taxpayers \$600,000—no problem when inmates get 20¢ an hour. Inmates also provided the prison's few amenities. Many cells are jammed with books, pictures, record players and tropical fish in elaborate tanks. There are two baseball diamonds, three miniature golf courses, tennis, basketball and handball courts—all equipment paid for by the inmates' recreation fund.

The prison needs far more than play. It teems with bitter men, one-third of them black. Some of the toughest are young militants transferred from Indiana State Reformatory at Pendleton, where 225 blacks staged a sitdown last year to protest the prolonged solitary confinement of their leaders. Instead of using tear gas or other nonlethal weapons, Pendleton guards fired shotguns pointblank into the unarmed crowd, killing two blacks and seriously wounding 45. One official gasped: "They slaughtered them like pigs."

At Indiana State, Pendleton survivors and other young blacks grate against 245 guards, most of them middle-aged whites and some close to 70. This is a U.S. pattern: only 26% of all prison guards are younger than 34; only 8% are black. To compound Indiana State's age and racial tensions, only a third of the inmates actually work. Boredom is chronic. The prison has only 27 rehabilitation workers; job training is absurd. Since the state provides few tools, vocational classes make do with donated equipment: archaic sewing machines, obsolete typewriters, TV sets dating to Milton Berle.

Why not send some promising Indiana inmates to work or school outside? "Their victims would disagree,"

says Warden Russell Lash, a former FBI agent. Lash, only 29, is a good man hampered by his budget and the voters' fears. His first duty, he says, is "custody."

CALIFORNIA. Though it leads all states in systematic penology, California has the nation's highest crime rate. Critics also claim that the system is characterized by a kind of penal paternalism that becomes psychological torment. In a much touted reform, California judges give indeterminate sentences; corrections officials then determine each offender's fate according to his presumably well-tested behavior. Thus 66% of all convicted offenders get probation, 6% work in 20-man forestry crews, and only 13.5% of felons go to prison. Despite rising crime, California's prison population (26,500) has actually dropped by 2,000 in the past two years.

All this saves millions in unneeded prison construction. But it fills prisons with a higher ratio of hard-core inmates who disrupt the rest. And because of indeterminate sentences, California "corrects" offenders longer than any other state by a seemingly endless process (median prison stay: 36 months) that stirs anger against the not always skilled correctors. Says one San Quentin official: "It's like going to school, and never knowing when you'll graduate."

Something is not quite right even at the state's cushiest "correctional facilities" (bureaucratized for prisons), some of which could pass for prep schools. At no-walls Tehachapi, near Bakersfield, inmates can keep pianos in their unbarred rooms, get weekend passes and join their wives at "motels" on the lush green premises. Yet Tehachapi is full of repeaters, prison-dependent men who soon violate their paroles and return.

These days, California's black prisoners are rebelling at places like Soledad, a seeming garden spot in the Salinas Valley that looks like a university campus. Soledad's 960 acres throb with activity: tennis, basketball, weight lifting, a dairy, a hog farm. Inmates earn up to \$24 a month turning out toilet paper and handsome furniture for the judges and prosecutors who got them the jobs. But for 180 rebels confined in Soledad's "X" and "O" wings, there is no play or work. Because they scorn prison rules, they are locked up tighter than lions in a zoo.

Many are blacks who see themselves as political victims, others whites who hate the blacks. Racial tension is so bad that some prisoners wear thick magazines strapped to their backs to ward off knife blades. In January 1969, the prisoners were allowed to exercise together in a small yard. Before long, a guard shot and killed three blacks. According to the guard's testimony before a Monterey County grand jury, the blacks were beating a white inmate. The guard said that he fired a warning shot, then killed the attackers. Though black witnesses insisted that there was no warning shot, the grand jury ruled

justifiable homicide. At Soledad not long after that ruling, a white guard was thrown off a balcony to his death.

The accused killers are three unrelated blacks who call themselves the Soledad Brothers. They include George Jackson (see page 54), one of the angriest black men. In one of his many despairing letters to Angela Davis, the black Communist, Jackson wrote: "They've created in me one irate, resentful nigger—and it's building."

Costly Cages

The idea that imprisonment "corrects" criminals is a U.S. invention. Before the 18th century, prisons mainly detained debtors and the accused. Punishment itself was swift and to the point. Europeans castrated rapists and cut off thieves' hands; the Puritans put crooks in stocks and whipped blasphemers—then forgave them.

In 1790, Philadelphia's Quakers started a humane alternative to corporal punishment: they locked errants in solitary cells until death or penitence (source of penitentiary). Soon the U.S. was dotted with huge, costly, isolated cages that deepened public fear of those inside and reinforced a U.S. spirit of vengeance against prison inmates.

Caging has crippled the entire system. Burdened with vast forts that refuse to crumble (25 prisons are more than 100 years old), wardens cope with as many as 4,000 inmates, compared with the 100 that many penologists recommend. Archaic buildings make it difficult to separate tractable from intractable men, a key step toward rehabilitation. The big numbers pit a minority against a majority, the guards against the prisoners. Obsessed with "control," guards try to keep inmates divided, often by using the strong to cow the weak. The result is an inmate culture, enforced by fist or knife, that spurs passivity and destroys character.

Even though two-thirds of all offenders are on parole or probation, they get the least attention: 80% of the U.S. correctional budget goes to jails and prisons; most of the nation's 121,000 correctional employees simply guard inmates and worry about security. Only 20% of the country's correctors work at rehabilitation and only 2% of all inmates are exposed to any innovative treatment.

Federal prisons lead most of the U.S. in job training; yet few released federal inmates find jobs related to their prison work. With notable exceptions, like California, most states provide no usable training, partly because unions and business have lobbied for laws blocking competition by prison industries. At least one-third of all inmates simply keep the prison clean or do nothing. Most of them need psychiatric help. Despite this, there are only 50 full-time psychiatrists for all American prisons, 15 of them in federal institutions, which hold only 4% of all prisoners.

The failure of American prisons, hu-

mane or inhumane, to change criminal behavior is hardly their fault alone. The entire American criminal justice system shares the blame. It is perfectly human, if somewhat bizarre, for a criminal to see himself as a victim. The U.S. reinforces that defense: most crimes are committed for economic reasons by the poor, the blacks and other have-nots of a society that stresses material gain. In fact, only 20% of reported U.S. crimes are solved; half the crimes are never even reported. Since justice is neither swift nor certain, the caught criminal often sees his problem as mere bad luck in a country where "everyone else" gets away with it.

He has a point. Americans widely ig-



JAIL RIOT IN NEW YORK CITY
A monument to irrationality.

nore laws they dislike, whether against gambling or marijuana. The nicest people steal: roughly 75% of insurance claims are partly fraudulent. Uncaught employees pocket \$1 billion a year from their employers. To poor offenders who go to jail without bail the system is unfair, and the legal process strengthens that opinion. If a man cannot afford a good lawyer, he is pressured to plead guilty without a trial, as do 90% of all criminal defendants. He then discovers that for the same crime, different judges hand out wildly disparate sentences, from which 31 states and the federal courts allow no appeal.

So the prison gets a man who sees little reason to respect state-upheld val-

ues. Even if he actually leaves prison as a reformed character, he faces hazards for which no prison can be blamed. In a Harris poll, 72% of Americans endorsed rehabilitation as the prison goal. But when it came to hiring an ex-armed robber who had shot someone, for example, 43% would hesitate to employ him as janitor, much less as a salesman (54%) or a clerk handling money (71%). This is obviously understandable; it also teaches ex-cons that crime pays because nothing else does.

Even parole supervision is often cursory and capricious. Many parole agents handle more than 100 cases; one 15-minute interview per month per man is typical. The agents can also rule a parolee's entire life, even forbid him to see or marry his girl, all on pain of reimprisonment—a usually unappealable decision made by parole agents, who thus have a rarely examined effect on the repeater rate. To test their judgment, Criminologists James Robison and Paul Takagi once submitted ten hypothetical parole-violator cases to 316 agents in California. Only five voted to reimprison all ten men; half wanted to return some men but disagreed on which ones.

Groping for Change

Can prisons be abolished? Not yet. Perhaps 15% or 20% of inmates are dangerous or unreformable. Still, countless experts agree that at least half of today's inmates would do far better outside prison. President Johnson's crime commission advocated a far greater shift to "community-based corrections" in which prisons would be a last resort, preceded by many interim options designed to keep a man as close as possible to his family, job and normal life—not caged and losing all self-reliance.

Sweden provides a fascinating model. Each year, 80% of its convicted offenders get a suspended sentence or probation, but forfeit one-third of their daily pay for a period determined by the seriousness of their offenses. The fine can be a tidy sum. After Film Maker Ingmar Bergman angrily cuffed a critic two years ago, he was convicted of disturbing the peace and fined for a 20-day period. Total: \$1,000.

Swedes who actually enter prison mostly work in attached factories, earning nominal wages to make products for the state. Some promising long-term inmates attend daytime classes at nearby schools and colleges. All live in comfortable private rooms, furnished with desks and curtains, and are eligible for short, regular furloughs to visit their families. For several summers, groups of ten or so life-termers have been given three-week vacations, accompanied by only two guards.

Most of Sweden's 90 prisons contain no more than 120 inmates; one-third of all inmates live in open institutions without bars or walls. Guns are unheard of, some wardens are women, and inmates often carry keys to their own rooms. The escape rate is high

(8%), but fugitives are rapidly caught, and Swedes are more interested in the statistic that really counts: in a country where the average prison sentence is only five months, the repeater rate is a mere 15%.

With its small, homogeneous population, Sweden has advantages that cannot be duplicated in urban, congested, racially tense America. Even so, the U.S. is groping in the Swedish direction—slowly:

► In New York City, a pioneering program started by the Vera Foundation waives money bail for offenders who can show job stability or family ties pending trial. Results suggest that perhaps 50% of jail inmates could be freed in this way, cutting the U.S. jail bill (\$324 million per year) by half.

► Kansas has heeded Psychiatrist Karl Menninger, a searing prison critic (*The Crime of Punishment*), and set up a felon's "diagnostic center" near the Menninger Clinic in Topeka. The state now sends all prison-bound felons to the center for exhaustive tests by four full-time psychiatrists and numerous other experts. Result: half these men get probation. Among all such Kansas probationers, the failure rate has dropped to 25%, much less than in other states. Congress has approved a similar \$15 million center in New York City to screen federal defendants after arrest.

► North Carolina's innovating "work-release" program (also common in federal prisons) sends 1,000 promising inmates into the free world each day to function normally as factory workers, hospital attendants, truck drivers. Another 45 prisoners are day students at nearby colleges; one did so well that he got a faculty job offer.

► Senator Mike Mansfield has introduced a bill that would pay up to \$25,000 apiece to victims of federal crimes, then empower the Justice Department to sue convicted offenders to recover the money. States would get federal grants to copy the plan. Of all U.S. offenses, 87% are property crimes, and restitution as the entire punishment makes sense in many cases unless violence is involved. Variations include Sociologist Charles Tittle's idea: the state would repay victims immediately, then confine and employ property offenders at union wages, keeping half their pay and putting the rest in trust for their use upon release.

The big trouble is that penology (from the Latin *poena*, meaning penalty) is still an infant art given to fads and guesswork, like the 1920s reformers who yanked tens of thousands of teeth from hapless inmates on the theory that bad teeth induced criminality. Even now, penology has not begun to exploit the findings of behavioral scientists who believe that criminal behavior is learned, and can be unlearned with the proper scientific methods.

They know that misbehavior can be changed by "punishment" if a reward for good behavior follows very swiftly.

If a reward (like parole) is delayed too long, they say, the subject forgets what he is being punished for, becomes aggressive and may go insane. In this sense, the Puritan use of stocks followed by forgiveness worked far better than U.S. prison terms, some of them as incredibly long as 500 or even 1,500 years. For many U.S. offenders, especially first-timers, the mere shame of arrest and conviction is quite enough to prevent repetition.

Applying the principle of "response cost," some psychologists also say that a punishment must be in the same terms as the crime. Instead of fining a speeder, for example, they would immediately impound his car or license and make him walk home. Conversely, a cash theft might be dealt with not by jail but by

a stiff fine equivalent to reparation. Another possibility for changing criminal behavior is "aversion therapy," which is used, for example, to cure bed wetting in children. Instead of chiding or coddling the child, the therapist has him sleep on a low-voltage electric blanket linked to a battery and a bell. Urine, which is electrolytic, then activates the bell, the child awakes and goes to the bathroom. A cure usually follows soon.

Since crime is often emotionally satisfying, a major problem is how to banish its thrills. One way is suggested by the work of Psychologist Ivar Lovaas with certain disturbed children who consistently try to mutilate themselves. He noticed that when the children went on a rampage, nurses warmly cuddled them and thus unconsciously rewarded their

From Killers to Priests:

Most U.S. inmates are faceless, nameless men—mere crime statistics converted to prison numbers. But even behind the walls, some have overcome that anonymity, or retained their original notoriety. Among them:



SMITH

EDGAR SMITH. No American has endured death row longer (13 years, 7 months) than Edgar Smith—and few inmates have achieved greater self-rehabilitation. In 1957 he was a high school dropout of 23, an ex-Marine and jobless drifter. That summer he was charged with killing an acquaintance, a Ramsey, N.J., schoolgirl whose body was found in a deserted sand pit, her skull crushed by a 14-lb. boulder. Though Smith vehemently denied guilt, he was convicted on circumstantial evidence and sentenced to die in the electric chair at Trenton State Penitentiary. Instead of vegetating in his cell, Smith, now 36, has fully employed his genius-level IQ (154). He has read scores of books, rushed through college correspondence courses and written two published books, one a novel (*A Reasonable Doubt*) and the other a blast at U.S. justice (*Brief Against Death*). Still proclaiming his innocence, he has also become a first-rate jailhouse lawyer, personally filing appeals that even the judge who sentenced him admits show "the consummate skill of a seasoned practitioner."



JACKSON

GEORGE JACKSON. As a small boy growing up in one of Chicago's black ghettos, Jackson was so intrigued by his first sight of a white skin that he walked up and touched it. His curiosity earned him a swift blow on the head with a baseball bat. Since that time, Jackson, whose brother Jonathan was cut down while leading a raid on the Marin County courthouse last August, has battled white society. For eleven years, Jackson, 29, has served time in California prisons for the \$70 robbery of a gas station—7½ years of that time in solitary confinement. Though eligible for parole after his first six months, he has been repeatedly turned down, and continues to promote black rage and militancy among inmates. His own rage has gone partly into self-help training: 1,000 push-ups a day, heavy reading, and the writing of letters so striking that they have recently been published in a book, *Soledad Brother: The Prison Letters of George Jackson*. He now sits in San Quentin's maximum-security wing, awaiting trial on new charges of murdering a white prison guard at Soledad Prison last year. If convicted, Jackson faces a mandatory sentence: death in the gas chamber.



HOFFA

JAMES HOFFA. Once the omnipotent union boss who ruled the nation's 1,650,000 Teamsters from his elegant Washington office, Jimmy Hoffa, 57, now lives in a first-floor cell in the medium-security federal prison at Lewisburg, Pa. During the first four years of his eight-year term for

destructiveness. Instead Lovaas now jolts the kids with an electric cattle prod, often stopping the behavior pattern in hours or minutes. In his book *Crime and Personality*, Psychologist H.J. Eysenck offers a fascinating discussion of how certain depressant or stimulant drugs can be used to make a patient feel sick whenever he commits a specific antisocial act. "Given the time and resources," adds Psychologist Barry F. Singer, "a behavior-therapy program could make a bank robber want to vomit every time he saw a bank, could make an armed robber shudder every time he saw a gun."

Unhappily, all this seems remote. Only a fraction of 1% of the nation's entire crime-control budget is even spent on research. Beyond that, the system is mired

in bureaucratic inertia and fiddle-faddle. Many exciting ideas are never institutionalized, the same problem that impedes school reform. In 1965, Psychologist J. Douglas Grant and his wife put 18 hardened California inmates (half of them armed robbers) to work studying how to salvage their peers. They blossomed into impressive researchers, skilled at statistics, interviews, proposal writing and the rest. Today, 13 of Grant's men are doing the same work outside. One former illiterate is getting a doctorate, one man heads a poverty-research company, two are federal poverty officials. Only one is back in prison. To Grant, this shows that criminals can be cured by trying their best to cure other criminals—an idea confirmed by many other experiments and self-

help groups like Synanon and Alcoholics Anonymous.

But prison officials rebuffed Grant's idea, just as they do the work of other convict groups seeking the same result. Instead of self-help, they favor trained officials working with fewer prisoners or parolees, a costly process that may well have little or no effect on the repeater rate. Thus skeptics wonder about efforts like the Federal Government's new \$10.2 million Robert F. Kennedy Youth Center in Morgantown, W. Va., where 180 staffers work on a mere 200 teen-age offenders, two-thirds of them car thieves. After detailed classification (from "inadequate-immature" to "socialized-subcultural"), the kids are plunged into quasi-capitalism: an incentive system that pays each boy points and pennies for doing his chores and studies well. The pennies are used for room rent and other needs, the points for earning privileges. The idea is intriguing, but the yearly cost per boy is huge (\$9,000 v. \$6,000 in an average juvenile home), and the results are not yet clear.

25¢ on the Dollar

Criminologist James Robison, who does research for the California legislature, is among those who question the accuracy of many penal statistics. He even disputes the much-vaunted results of the California Youth Authority's Community Treatment Project, a famous experiment in which convicted juvenile delinquents were not confined but given intensive tutoring and psychotherapy. After five years, only 28% had their paroles revoked, compared with 52% of another group that was locked up after conviction. As a result, the state expanded the project and cut back on new reformatories, saving millions. Robison, though, has proved, at least to his satisfaction, that the experimenters stacked the deck by ignoring many of the kids' parole violations. He argues that most penal-reform funds are wasted on salaries for bureaucrats, who mainly worry about pleasing their bosses. "For every dollar spent on the criminal justice system," he insists, "we get back about a quarter's worth of crime control."

Given the facts of penal bureaucracy and sheer ignorance, critics like Robison sometimes wonder whether the only rational solution is simply to unlock all jails and prisons, which clearly breed crime and hold only 5% of the nation's criminal population while costing far more to run than all the crimes committed by their inmates. Pessimism is well founded, but the encouraging sign is that few if any Americans defend the system as it is. From the President to the lowliest felon, the nation wants a humane system that truly curbs crime. This is the year of the prisons, the year when Congress may double federal spending (to \$300 million) to spur local reform, the year when something may finally get done and Americans may well heed Dostoevsky's goading words.

Six Men Behind the Bars

jury tampering, Hoffa the tough guy has seemingly been a model prisoner. He spends most of his days working in a humid subbasement shop making and repairing mattresses for his fellow prisoners. He gets no pay, whereas his former salary was \$100,000 a year. Polite but somewhat remote from other inmates, Hoffa lifts barbells in the prison gym, attends church services, does a lot of reading and takes periodic walks round the prison's quarter-mile circular track. He may not walk out of the prison gates for many years. Rejected for parole in 1969, he gets a second chance this March. But if his current appeals fail, he faces four more five-year sentences on charges that he misused union funds.

THE BERRIGANS. After being convicted for their 1967-68 draft-board raids in Baltimore and Catonsville, Md., the nation's most famous peace criminals, Fathers Daniel and Philip Berrigan, jumped bail and eluded FBI agents for weeks before their capture last year. Despite their confinement in the minimum-security federal prison at Danbury, Conn., the two Roman Catholic priests are still bucking the system. Daniel, 49, a Jesuit and poet, is serving a three-year sentence and working as a dental assistant. Philip, 47, a member of the Josephite fathers and a polemicist, is in for six years and doing office work. Together they lead a great books seminar for their fellow inmates. But the imprisoned priests' main interest is prison reform. As self-assigned advocates for the nation's 20,000 federal prisoners, the Berrigans have already filed a class-action suit asking federal courts to halt censorship of prisoners' manuscripts, and to allow all inmates to preach, write and teach freely behind the walls.

JAMES EARL RAY. Officially, he is just another state prisoner in cellblock C at Brushy Mountain Penitentiary in Petros, Tenn. But Warden Lewis Tollett keeps a special eye on the man who is serving 99 years for the murder of Dr. Martin Luther King Jr., and vows that he will never escape. Indeed, Ray, 42, would need a miracle to bust out of Tennessee's only maximum-security prison, a stark structure of white stone in the rugged Cumberland Mountains, where inmates used to dig coal round the clock for 25¢ a ton. Things are far better now, but only a masochist would try to get away. Ray's isolated world consists of his cellblock's 21 other inmates, some of them blacks. Up at 5:30 a.m., he spends eight hours a day as a "block man" (janitor) sweeping and mopping the place, gets a brief recess in the prison gym. At 5 p.m., he is locked up, then toils over his typewriter. Ray and his lawyers still hope for a new trial in state criminal court in Memphis, so each night he churns out more legal memorandums for the lawyers before going to sleep.



DAN BERRIGAN



PHIL BERRIGAN



RAY