

BOOK REVIEW:

Prison Life

Civil Liberties Sep 71

Inside: Prison American Style by Robert J. Minton, Jr., Ed. Random House, 325 pages, \$6.95.

Black Voices from Prison by Etheridge Knight. Pathfinder Press, Inc., 189 pages, \$5.95.

By Paul N. Halvonik

Rick Hyland, a Soledad prisoner when his contribution to *Inside* was written, gives us the following story:

"An inmate I know once helped an officer (after he requested the aid) who was being beaten by two other inmates. When the Good Samaritan went before the Parole Board he was informed that it was decidedly abnormal for one inmate to help an officer against two other inmates; why had he done so? The man told the Adult Authority member, Mr. Madden, that it had seemed the decent thing to do. Madden decried this motive and suggested that the man was so violence-prone that he even stepped in where he normally did not belong. Four years later the man is still incarcerated . . ."

I am convinced the incident actually occurred. I have heard some tall tales but this is not one of them. It is not the sort of story that a devious person would fabricate. Who would believe it? And it captures the mind of William H. Madden exactly.

Madden's reasoning will strike any normal reader as a bit baroque. Madden, to be sure, was an extreme example of the custodial mentality. But he was not, in context, an aberration. He faithfully reflected California's custodial philosophy. I cannot satisfactorily define that philosophy for you (it defies my powers of abstraction); I can only call it anti-reason. The anti-reasoner does not simply ignore reason but, as Mark Twain explained, "flings it down and dances upon it."

Anti-Reason

Two items not involving William Madden should make the point:

1) Last year I complained to the California Department of Corrections that its apartheid policy had the look of racism.

Cont'd p. 9, col. 3

Cont'd from page 1

No, they said, it was only a precaution against homosexuality.

2) A few years ago I wrote to James Park, associate warden of San Quentin, urging that the rule, then in effect, prohibiting death row inmates from publishing their manuscripts be abandoned. Mainliners could publish; why not condemned men? Where publishing was the issue, I insisted, no sensible distinction could be drawn between the condemned and other inmates. Park replied that the rule was designed to enforce the 14th Amendment. A gifted death row inmate who published his works might attract attention to his case, earn funds with which to hire an attorney and save himself from extermination. So? Well, that would give him an advantage over his condemned brethren, in violation of the equal protection of the law. Now why didn't I think of that?

If you have not previously encountered custodial-think, and these examples arouse your curiosity, then pick up a copy of *Inside*. It bristles with similar examples.

Legal Brief

Inside is a first-rate textbook on the California prison system. "Textbook," I know, suggests dull if informative fare and that is, to a slight degree, the case. The plodding section, by a stroke of good editing, is isolated in the last portion of the book. It is the prisoners' brief against the indeterminate sentence. It is informative, it is a good brief, but, being a legal brief, it is dull.

The brief is doubtless included because the inmates demanded that it be included. Of all the forms of inhumanity and capriciousness to which prisoners are subjected, nothing inspires their outrage as much as the indeterminate sentence.

It works this way. Say you sell marijuana to someone. That's a five to life sentence in California. The Adult Authority has the power to set your sentence anywhere between five and life. After two years you will be eligible for parole. You won't get it then, but you might get it the next year or never. There is no way of telling. There are no guides to prediction.

Acting reasonably with the hope that reasonable men will see the light is out of the question. (See the quotation which begins this article.) Astrology? No help. Karma? Impotent. I Ching? Forget it. If you kill someone it will diminish your chances, but that is all you know.

One day they set your maximum (maybe at 10 years) and after, say, four years, they release you on parole. Now you have six years parole or, if you violate parole, six more years inside. Right? Wrong. If, within the six-year period, you are violated (the word used both by inmates and custodians and the perfect word) you return not

for six years but, once again, for life.

You are back on the treadmill and you likely have not committed a crime. You may have been violated for "bad companions" or equally vague offenses. Your return is not accompanied by a hearing at which you can confront your accuser or introduce evidence. None of those technicalities save you this time.

Parole

The prisoners' obsession with this perverted system is understandable and their brief, is, as I say, good. It is good but not nearly as effective as the description by a narcotics offender of his yearly meetings with the Adult Authority and his conviction, each time, that they cannot conceivably deny him parole. They do. Or the tale of the inmate who had his parole revoked for a robbery of which he had been acquitted. The Adult Authority, every year, wants to know why he committed it. It is surprised, every time, to discover that he was acquitted. And concludes, every time, that the acquittal is beside the point.

These accounts of appearances before the Adult Authority are typical of the book. Aside from the concluding brief, *Inside* is free of legalisms. The essays and poems, all by prisoners, communicate an unsettlingly vivid picture of prison life in California. The arbitrariness, the isolation, the frustration, the emptiness, the homosexuality, the autosexuality, the fear, the

9

gallows humor that is gallows humor—it is almost all there. Almost, because what *Inside* lacks is the thoughts that are today primarily associated with prisoner-rebelliousness: the thoughts of black militants.

There are, I suspect, two reasons why *Inside*, although it has writings by blacks, provides us with none of the thoughts of the caged black militants. In the first place Minton, the editor, is white, and the writings are the product of a five-year program of inmate self-expression carried on under semi-official auspices. The writings assembled by Minton obviously are not the sort of writings that the officials had in mind when they let him conduct his program, but the circumstances of that program would almost surely deter black militant participation. Secondly, the events mentioned in *Inside* strongly suggest that most of the writings were composed before 1968, the year when black militancy began to become a significant voice in the prisoner-revolt chorus.

Militancy

Happily, *Black Voices* fills the *Inside* void. *Black Voices* begins with a lengthy introduction by Robert Giammanco who, we are informed, is an Italian sociologist. Skip the introduction. It is a series of turgid, Marxist clichés followed by—turgid, Marxist clichés. But, to our good fortune, the introduction is nothing like the book.

Etheridge Knight, the editor of this slender volume, contributes the best writing. Some of his poems are excellent. They are a crisp, clean, naked enterprise. But artful writing is not the point of the book. It is designed to give us some insight into the world which confronts the caged black and his theories about ways to cope with it.

Not surprisingly, there is a lot of bitterness and rage here. But you may be surprised to discover that the rage is not directed at the daily racism of the prison institution but at the society which has caged the black and spawned the institution. It is a consistent thread running through all the writings be the author young, old, literate or unaccustomed to putting his thoughts on paper.

The younger blacks, it is true, wish to challenge the inhumanity and racism of the prison institution directly, something their elders think unwise. They are not, however, inclined toward that course because they perceive prison racism as something special. Rather, they think racism must be challenged wherever one happens to be and challenged now.

No Waiting

This breach between the young and older black prisoners is illustrated in an exchange of correspondence between Knight (an older prisoner) and a group of young blacks who were transferred to the Indiana State Prison after holding a sit-in demonstration at the Indiana Reformatory. The non-violent demonstration brought a very violent response, one dead, 46 wounded and the transfer of 55 to the hole in state prison.

Knight, a prison mainliner, cautions them that fruitless confrontation will delay the day of their release and, consequently, the day when they can join the liberation struggle on the outside where they can accomplish something. Their answer: "When you die, they should put on your tombstone, *He Waited*."

This is but one of many strident criticisms of himself which the editor has put in his book. (The word "Tom" is bandied about rather freely.) It is a measure of Knight's integrity that they appear. He must be one hell of a man. It is also, of course, a measure of the unswerving determination of young blacks, inside as well as out, to refuse acquiescence in racism no

matter what the time, place or consequences.

The fashionable civil libertarian analysis of society is that our institutions are more repressive than ever but that the objects of the repression, by their disinclination to be repressed, are subverting the government's program. Neither *Inside* nor *Black Voices* undermines that thesis.

Paul N. Halvonik is staff counsel for the ACLU of Northern California. He has participated in many successful cases to secure the rights—especially the First Amendment rights—of prisoners.