

9. EMPOWERMENT

1. David Greenberg, "Problems in Community Corrections," *Issues in Criminology*, Spring 1975, p. 1.

2. *Ibid.*, pp. 23-29.

3. *Ibid.*

4. This section is based on "Philadelphia's House of Umoja," *New York Times*, February 23, 1976 and an article in *Corrections Magazine*, May/June 1975, pp. 45-47, as well as an interview by PREAP with Sister Falaka Fattah, June 8, 1976.

5. This section is based on Grover Sales, *John Maher of Delancey Street* (New York, Norton, 1976); "Alternatives to Prison: Delancey Street Foundation," *Fortune News*, June 1974; articles in *Corrections Magazine*, September 1974, July/August 1975; as well as the group's promotional literature.

6. This section is based on "Stickin' with the Union: A Brief History of the Prisoners' Union," *NEPA News*, April/May 1976; "History of the Prisoners' Union," *The Outlaw*, January/February 1973; "Right to Participate," *The Outlaw*, January/February 1976; and *Minnesota Prisoners Union Newsletter*, October 1, 1974.

7. Subscriptions to *The Outlaw* are available from Prisoners' Union, 1315 18th Street, San Francisco, California

94107 at the following rates: free to prisoners; \$4 students; \$8 regular.

8. *Evora v. Davoren*, Massachusetts Supreme Court, October 19, 1974.

9. *O'Brien v. Skinner*, 94 Supreme Court 740 (1974).

10. David Wm. T. Carroll, "The Voting Booth with Steel Bars: Prisoners' Voting Rights and *O'Brien v. Skinner*," *Capitol University Law Review* (Columbus, Ohio), Vol. 3 (1974), pp. 245-65.

11. This section is based on an interview with Dave Collins by PREAP, May 27, 1976.

12. Charles E. Reasons and Russel L. Kaplan, "Tear Down the Walls? Some Functions of Prisons," *Crime and Delinquency*, October 1975, p. 369.

13. *Ibid.*, p. 367. Other unintended prison functions noted: Prisons serve as a training ground for criminals and help provide a supply of criminals sufficient to maintain the criminal justice system. Prisons also sustain professors who deliver lectures on criminal law and write textbooks on criminal law, as well as the whole apparatus of police, detectives, judges, executioners, juries, etc.

14. Gabriel Kolko, *The Roots of American Foreign Policy* (Boston, Beacon, 1969) p. xii.

15. *Ibid.*

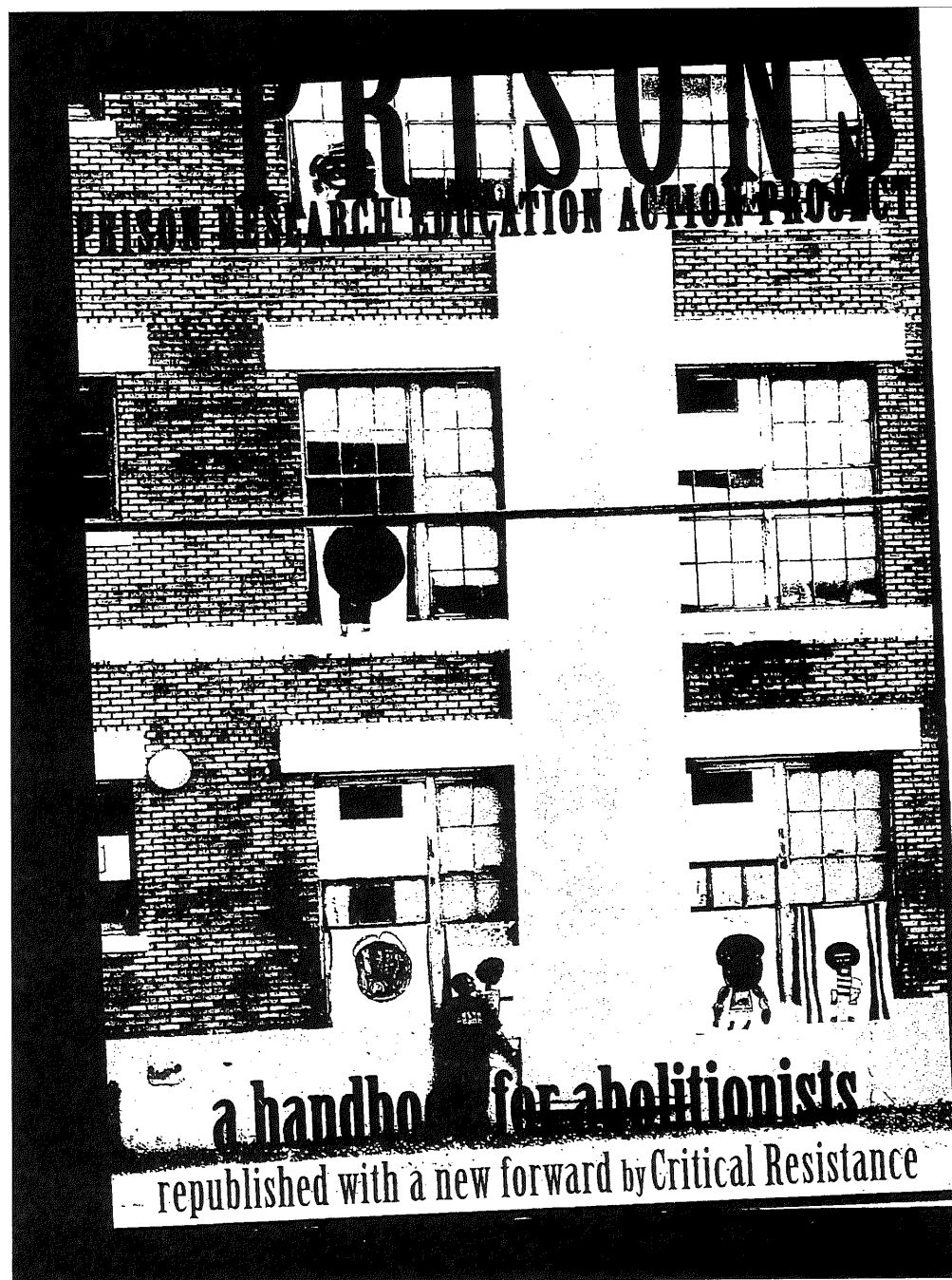
16. *Sourcebook of Criminal Justice Statistics—1974*, U.S. Department of Justice, LEAA, National Criminal Justice Information and Statistics Service, Washington, D.C., July 1975.

17. *NACLA Research Methodology Guide*, North American Congress on Latin America, P.O. Box 226, Berkeley, California 94701, or Box 57, Cathedral Park Station, New York City, 10025.

18. *The Criminal Justice System in Connecticut*, Connecticut Planning Committee on Criminal Administration, Hartford, Connecticut, 1975. 1976 payroll figures secured by telephone conversation with Public Information Office, Connecticut Planning Committee on Criminal Administration, August 20, 1976.

19. Original research on state budgets and funding sources by Robert Martin, Urban Planning Aid, Inc. 639 Massachusetts Avenue, Cambridge, Massachusetts 02139.

20. Available from ACA, 4321 Hartwick Road, Suite L208, College Park, Maryland 20740.





EPILOG

Prison, we have been taught, is a necessary evil. This is wrong. Prison is an artificial, human invention, not a fact of life; a throwback to primitive times, and a blot upon the species. As such, it must be destroyed.

Prisons never have achieved their stated end. Constant revision of their official function—reformation, punishment, deterrence, rehabilitation, treatment, reintegration, to name a few—has failed to justify what they do. What they do can never be justified.

Nevertheless, the institution endures. Its walls remain firmly rooted in the rich soil of remote places. Hundreds of thousands of men and women make their livelihood from it. The relic remains among us, flanked by newer models, because we instinctively shrink from the recognition of our worst failures as a society.

We say, "No more." Finally, after centuries of reform without change, a monumental conclusion has been reached: prison must be abolished! No matter how formidable the walls and sturdy the locks, how numerous the difficulties, regardless of the immensity of the power wielded by those it protects and preserves, the monster must be overcome.

Allowed to survive, it will prevail, over us all. At a time when prison populations across the

United States are soaring to unprecedented levels, when more and more fortresses are springing up thruout the land, when crime and unemployment are up, and when the very world itself appears on the verge of one form of totalitarianism or another, of course abolition is a radical concept. But then, so is freedom. So is love. And so is peace.

Remember the words of Herbert Read: "What has been worthwhile in human history—the great achievements of physics and astronomy, of geographical discovery and of human healing, of philosophy and art—has been the work of extremists—of those who believed in the absurd, dared the impossible."

Remember, too, that less than two hundred years ago, slavery still was a fundamental institution, regarded as legitimate by church and state and accepted by the vast majority of people, including, perhaps, most slaves.

Imprisonment is slavery. Like slavery, it was imposed on a class of people by those on top. Prisons will fall when their foundation is exposed and destroyed by a movement surging from the bottom up.

This is an imperfect book, but it is a beginning. A friction to stop the momentum. Carry on. We love you all!

—Scott Christianson

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write the Freedom of Information Commission, Office of the Secretary of State, 30 Trinity Street, Hartford, Conn. 06115 for a copy of Public Act No. 75-342. Not a perfect bill, but a very good beginning.

If legal help is needed on your right to information, contact the closest American Civil Liberties Union office. The Connecticut Civil Liberties Union, 57 Pratt Street, Hartford, Conn. 06103, has a handy brochure entitled, "Your Right To Government Information; Questions and Answers on Connecticut's Freedom of Information Act."

Educating the public

A primary purpose of your prison research is public education. One good example of how prison research has been pulled together into an effective educational piece is found in an abolitionist pamphlet, *The Price of Punishment: Prisons in Massachusetts*, written by Prison Research Project. (See resource section). Information is made interesting and understandable by the use of attractive lay-out and graphics.

While continually focussing on the oppressive role of guards, the pamphlet separates the role of guards from the human beings serving in those roles. They remind us that part of the job of abolishing prisons is to overcome the opposition of the men and women who run them and make a living off the system. Most guards come from the same class background as prisoners, and they end up in prison for much the same reason: they have little chance of finding other employment. A guard learns no skills that would lead to better opportunities. Also like prisoners, guards graduate from prison to prison and then to the forestry camps. A few guards become wardens, but for most the job is a dead end.

They hope guards may come to realize that they are prisoners of the system and themselves rebel against its inhumanity. But right now guards are struggling to keep their livelihood, just as prisoners are struggling for the right to earn one. The guards too must be offered a way out of the prisons. Because of the inability of the state to offer them other employment, the state has encouraged guards to sabotage even small reforms in the system.

Research/action as organizing

We've particularly called your attention to a method of data gathering we call advocacy research. As advocates of prison abolition our goal is to gradually decrease and limit the functions of prisons in our society. The research we chose to

undertake and the data we chose to gather support this long range goal.

As advocacy researchers, our first task is to identify the *central and most compelling situation* we wish to change thru our research/action strategies. For instance, to use a chilling metaphor: If we were researching Auschwitz concentration camp, we would not in good conscience choose to do a study on air pollution. That was not the central problem there. The central issue was the fact that millions of bodies were burning in those furnaces.

Likewise in prisons, abolition research/action advocates have a central task: To end the system of caging which is cruel, inhuman and wasteful of human potential. We do not go into prisons or the power structure to measure the efficacy of caging or rehabilitation. All our research/action strategies are rooted in ending the system.

While local designs for research/action projects will vary, all serious prison abolition groups require a research/action component. By creating research/action collectives, both state and local, expertise can be developed in a short period of time, isolation can be overcome and members will benefit from each other's accumulated experiences. Researchers will be surprised to discover how much important information about the prison system they can uncover, particularly with the cooperation of prisoners inside the walls.

The Massachusetts pamphlet, *The Price of Punishment* is but one example of how research materials can be used to educate the public and bring about change. Materials can also be used in leaflets, articles, discussions, legislative testimony, television programs, letters to the editor and public conferences.

Most importantly, prison research/action collectives can form the hub around which prison moratorium groups can organize, new legislation can be drafted and abolition strategies and tactics can develop.

Empowered by our knowledge of the prison system and strengthened by our belief in the humanity of our goal, our movement to abolish cages can provide impetus for those who believe that change is possible, even though the forces that oppose our struggle are powerful.

Those who profess to love freedom and yet deprecate agitation are those who want crops without plowing. This struggle may be a moral one, or it may be physical, but it must be a struggle. Power concedes nothing without a demand. It never did and it never will.

—Frederick Douglass, 1857

THE POWER OF WORDS

In order to shape a new vision of a better future, every social change movement discovers the need to create its own language and definitions. Language is related to power. The world is differently experienced, visualized and described by the powerful and the powerless. Thus, the vocabulary coined by those who design and control the prisons is "dishonest." Dishonest because it is based on a series of false assumptions. In creating a new system, we need to consciously abandon the jargon that camouflages the reality of caging and develop honest language as we build our movement.

Prisoners perceive the use of "systems" language as denying them the reality of their experience:

Just the very fact that they call us "inmates"—that's like calling a Black a "nigger" or a Jew a "kike." It says that you are flawed; there's something wrong with you. You're an "inmate" and this is a hospital; this is going to make you well. Well, this isn't a hospital and I'm not flawed. I'm not an inmate. I'm not sick. And there's nothing here being done to make me any better.

—A prisoner, interviewed by Mike Wallace on "60 Minutes," CBS/TV, August 24, 1975

In this handbook, we begin to define and use honest language. But, as with many new ideas, our tongues and brains often remain captives of the old system long after our hearts are committed to the new. To disengage ourselves, we record some of the words we choose to use in this book.

Abolitionist—Person who believes that prisons have failed. Person who advocates the abolition of prisons as a long term goal. Person who seeks to build the "caring community."

Abolitionist reforms—A reform which does not strengthen or legitimate the prevailing prison system.

Attrition model—A social change model which gradually restrains/reduces the function of prisons in society.

Cage—Refers to places of involuntary confinement in prisons or jails. Dishonest language calls them "rooms" or "residencies."

Caring community—Where power and equality of all social primary goods—liberty, opportunity, income and wealth and the bases of self-respect—are institutionally structured and distributed to all members of the community and where the spirit of reconciliation prevails.

Collective criminality—Reflects institutional assaults on whole social groups or on the public. Examples include racism, starvation, war and corporate pollution.

"Corrections"—Use of quotes draws attention to the contradictions in this dishonest term, denoting programs, procedures or processes which punish rather than correct.

Criminal (in)justice systems—Denotes lack of justice in a series of procedures beginning with arrest and ending with release from prison or parole, which are not part of a single coherent system.

Decarceration—Modes of getting people out of prison. Also referred to as "depopulation."

Excarceration—Programs or procedures that move away from the notion of imprisonment as response to lawbreaking.

Guards—Refers to people who are paid to keep other people caged in jails and prisons. Dishonest language calls them "correctional officers."

The moot—An informal airing of a dispute which takes place before neighbors and kin of the disputants. It is noncoercive and allows the disputants to discuss their problems in an atmosphere free from the questions of past fact and guilt.

Political—Refers to power and power relationships, especially power that is connected to the state. A "political choice" can refer to a course of action (or inaction) adopted when alternative courses of action are available.

Prisoner—A person held in custody, captivity or a condition of forcible restraint. Dishonest language calls them "inmates" or "residents."

Prisons—Places of confinement. Dishonest language calls them "correctional facilities" or "reformatories."

Reconciliation—Some instruments of reconciliation are mediation, restitution, persuasion, and other nonviolent behavior which are utilized to restore both the wrongdoer and the wronged to lives of dignity and integrity.

Segregation—Units within a prison that punish by isolating prisoners from the rest of the imprisoned population. Also called "solitary confinement." Dishonest language calls them "adjustment" units.

Nonviolent crimes—Crimes in which there is no physical injury, often referred to as "nonviolent" crimes. To use the term "nonviolence" involves no merely an absence of overt violence but positive efforts toward reconciliation.

Victims—All who suffer either by collective social and economic or individual acts of violence

NINE PERSPECTIVES FOR PRISON ABOLITIONISTS

Perspective 1: Imprisonment is morally reprehensible and indefensible and must be abolished. In an enlightened free society, prison cannot endure or it will prevail. Abolition is a long range goal; an ideal. The eradication of any oppressive system is not an easy task. But it is realizable, like the abolition of slavery or any liberation, so long as there is the will to engage in the struggle.

Perspective 2: The message of abolition requires "honest" language and new definitions. Language is related to power. We do not permit those in power to control our vocabulary. Using "system language" to call prisoners "inmates" or punishment "treatment," denies prisoners the reality of their experience and makes us captives of the old system. Our own language and definitions empower us to define the prison realistically.

Perspective 3: Abolitionists believe reconciliation, not punishment, is a proper response to criminal acts. The present criminal (in)justice systems focus on someone to punish, caring little about the criminal's need or the victim's loss. The abolitionist response seeks to restore both the criminal and the victim to full humanity, to lives of integrity and dignity in the community. Abolitionists advocate the least amount of coercion and intervention in an individual's life and the maximum amount of care and services to all people in the society.

Perspective 4: Abolitionists work with prisoners but always remain "nonmembers" of the established prison system. Abolitionists learn how to walk the narrow line between relating to prisoners inside the system and remaining independent and "outside" that system. We resist the compelling psychological pressures to be "accepted" by people in the prison system. We are willing to risk pressing for changes that are beneficial to and desired by prisoners. In relating to those in power, we differentiate between the *personhood* of system man-

agers (which we respect) and their *role* in perpetuating an oppressive system.

Perspective 5: Abolitionists are "allies" of prisoners rather than traditional "helpers." We have forged a new definition of what is *truly* helpful to the caged, keeping in mind both the prisoner's perspective and the requirements of abolition. New insights into old, culture-laden views of the "helping relationship" strengthen our roles as allies of prisoners.

Perspective 6: Abolitionists realize that the empowerment of prisoners and ex-prisoners is crucial to prison system change. Most people have the potential to determine their own needs in terms of survival, resources and programs. We support self-determination of prisoners and programs which place more power in the hands of those directly affected by the prison experience.

Perspective 7: Abolitionists view power as available to each of us for challenging and abolishing the prison system. We believe that citizens are the source of institutional power. By giving support to—or withholding support from—specific policies and practices, patterns of power can be altered.

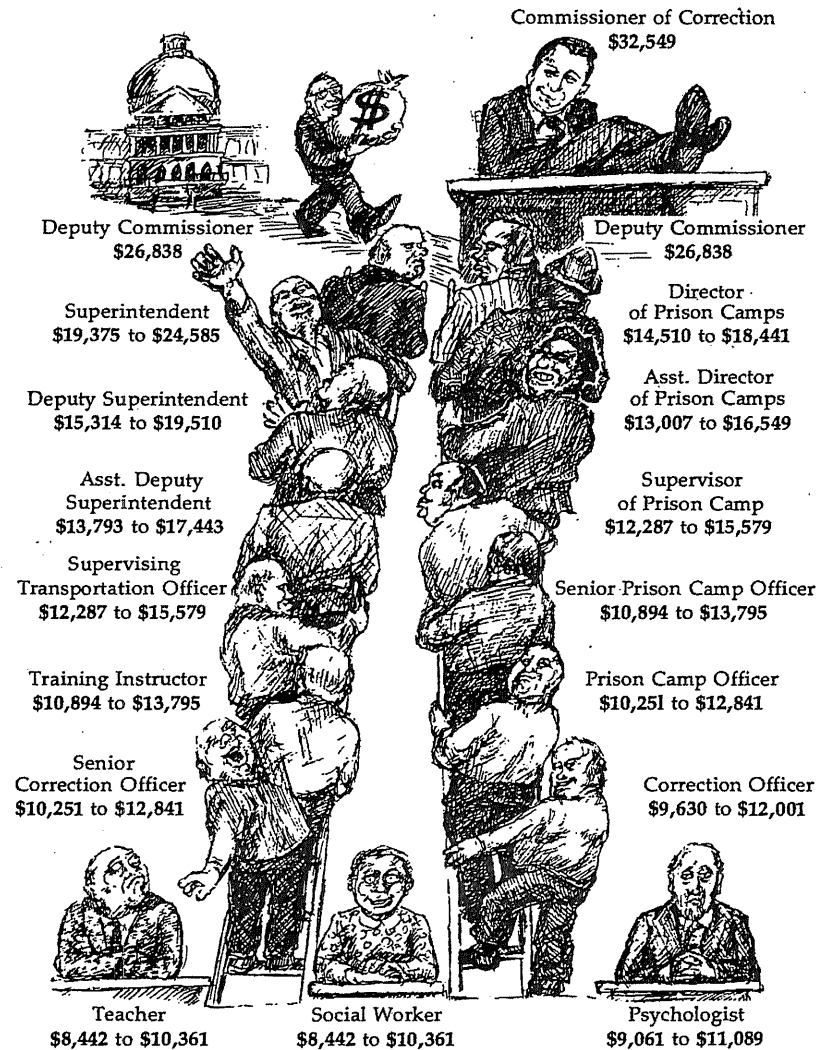
Perspective 8: Abolitionists believe that crime is mainly a consequence of the structure of society. We devote ourselves to a community change approach. We would drastically limit the role of the criminal (in)justice systems. We advocate *public* solutions to *public* problems—greater resources and services for *all* people.

Perspective 9: Abolitionists believe that it is only in a caring community that corporate and individual redemption can take place. We view the dominant culture as more in need of "correction" than the prisoner. The caring communities have yet to be built.

Paper cuttings Mark Morris



Department of Correction Pay Scale



Drawing from *The Price of Punishment: Prisons in Massachusetts*

ABOLISH ATTICA, CREATE JOBS

ON THE 5th ANNIVERSARY OF THE ATTICA TRAGEDY,
WE INVITE YOU TO PARTICIPATE IN

Religious Services Conducted by Church leaders:

Sunday evening, Sept. 12, 8:00 p.m.
— on the immorality of prisons —
Monday morning, Sept. 13, 10:00 a.m.
— on the closing of Attica —

at Trinity United Methodist
Church, Park at Lansing,
Albany — one block
south of State Street
and three blocks west
of the Capitol.

Walk to Governor Carey's Office to Propose Abolition of Attica Prison:

Monday morning, Sept. 13, 11:00 a.m.

from Trinity Church down
State Street to the
Capitol

WE PROPOSE

- Abolition of Attica Prison
- No new beds, no new prisons
- Reduced total inmate population in N.Y.S. prison system
- Comprehensive plan for decarceration and ceiling maintenance
- Jobs, not jail, for the poor
- Economic conversion to alternative jobs for guards

Sponsors

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Irene Jackson — Task Force for Humanity in Criminal Justice, 362 State St., Albany 12210
ph. 518-482-0214

- How the "company store" or commissary is run and use of profits.
- Guards unions and their role in blocking prison change.

With the exception of guards' unions, information can be found on all these issues in the documents mentioned above. Feedback from prisoners, ex-prisoners and prisoners' presses is essential in your research because they more than anyone know how the system really works.

Your right to public information

Remember that the information you seek from public agencies is essentially public information. Many states have fairly comprehensive public information laws which detail procedures for securing information from uncooperative bureaucracies. Withholding of information can and must be challenged.

In Connecticut, for instance, the Freedom of Information Act (Public Act 75-342) opens meetings of state and town agencies to the public and restricts the use of executive session when the public can be excluded. It also gives every person the right to inspect and copy most public records held by state and town agencies. A Freedom of Information Commission which can act on citizen complaints, has the power to investigate alleged violations of the act. It may hold hearings, examine witnesses, receive evidence, and may order public agencies to comply. The commission also has subpoena power and the power to fine an official. A decision of the commission may be appealed within 15 days to the Court of Common Pleas for the county in which the public agency or official is located. Such appeals have priority over most actions, so speedy resolution of differences is assured.

If your state doesn't have a Freedom of Information Act, and you would like to sponsor one,

Leaflet distributed
by the New York
Moratorium on
Prison Construction
at Albany, New
York demonstration
on the fifth anniversary
of Attica

1. TIME TO BEGIN

Voices of abolition

It's time to stop talking about reforming prisons and to start working for their complete abolition. That means basically three things:

First, admitting that prisons can't be reformed, since the very nature of prisons requires brutality and contempt for the people imprisoned.

Second, recognizing that prisons are used mainly to punish poor and working class people, and forcing the courts to give equal justice to all citizens.

Third, replacing prisons with a variety of alternative programs. We must protect the public from the few really dangerous people who now go to prison. But more important, we must enable all convicted persons to escape the poverty which is the root cause of the crimes the average person fears most: crimes such as robbery, burglary, mugging or rape.

—Prison Research Project, *The Price of Punishment*, p. 57

Fervent pleas to abolish prisons collectively present powerful testimony to the necessity of bringing an end to caging:

The spirit of the Lord is upon me because He has anointed me; He has sent me to announce good news to the poor, to proclaim release for prisoners and recovery of sight for the blind; to let the broken victims go free, to proclaim the year of the Lord's favor.

—Jesus, quoted in Luke 4, 16-30

That Jesus called for the abolition of prison, comes as no surprise. However, during the past century, there have been constant and unexpected calls for prison abolition. Here we present a few from the wide spectrum of abolitionist voices.

Judge Carter, of Ohio, avowed himself a radical on prison discipline. He favored the abolishment of

prisons, and the use of greater efforts for the prevention of crime.

He believed they would come to that point yet... Any system of imprisonment or punishment was degradation, and could not reform a man. He would abolish all prison walls, and release all confined within them...

—Minutes of the 1870 Congress of the American Prison Association/American Correctional Association

There ought to be no jails; and if it were not for the fact that the people on the outside are so grasping and heartless in their dealings with the people on the inside, there would be no such institutions as jails... The only way in the world to abolish crime and criminals is to abolish the big ones and the little ones together. Make fair conditions of life. Give men a chance to live... Nobody would steal if he could get something of his own some easier way. Nobody will commit burglary when he has a house full. The only way to cure these conditions is by equality. There should be no jails. They do not accomplish what they pretend to accomplish. If you would wipe them out there would be no more criminals than now. They terrorize nobody. They are a blot upon any civilization, and a jail is an evidence of the lack of charity of the people on the outside who make the jails and fill them with the victims of their greed.

—Clarence Darrow, An Address to the Prisoners in the Cook County Jail, Chicago, Illinois—1902

The proposal toward which the book points... is... nothing less than that penal imprisonment for crime be abolished... The author can hardly escape the apprehension that the mass of the public will dismiss this as preposterous and impossible. And yet nothing is more certain in my

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opinion than that penal imprisonment for crime must cease, and if it be not abolished by statute, it will be by force.

—Julian Hawthorne, *The Subterranean Brotherhood* (New York, McBride, Nast, 1914) pp. xii-xiv

We must destroy the prison, root and branch. That will not solve our problem, but it will be a good beginning. . . . Let us substitute something. Almost anything will be an improvement. It cannot be worse. It cannot be more brutal and more useless.

—Frank Tannenbaum, *Crime and the Community* (New York, Ginn, 1938)

The American prison system makes no sense. Prisons have failed as deterrents to crime. They have failed as rehabilitative institutions. What then shall we do? Let us face it! Prisons should be abolished.

The prison cannot be reformed. It rests upon false premises. Nothing can improve it. It will never be anything but a graveyard of good intentions. Prison is not just the enemy of the prisoner. It is the enemy of society.

This behemoth, this monster error, has nullified every good work. It must be done away-with.

—John Bartlow Martin, *Break Down the Walls* (New York, Ballantine, 1954) p. 266

The prison, as now tolerated, is a constant threat to everyone's security. An anachronistic relic of medieval concepts of crime and punishment, it not only does not cure the crime problem; it perpetuates and multiplies it. We profess to rely upon the prison for our safety; yet it is directly responsible for much of the damage that society suffers at the hands of offenders. On the basis of my own experience, I am convinced that prisons must be abolished.

—Ralph Banay, formerly in charge of the psychiatric clinic at Sing Sing Prison, "Should Prisons be Abolished?" *New York Times Magazine*, January 30, 1955

Elsewhere it has been shown that prisons provide no real safety for society and no real reform of criminals. Most people realize this, at least insofar as they agree that crime is generally caused by social factors and in the long run can be dealt with only by changes in the social and economic spheres. Why the logical next step of abolishing the prison system is not made seems to be because, as with other aspects of our society, it is easier to fall back on a distant and impersonal system that

already exists than to try to create new alternatives.

—Gunnar Knutson, ex-prisoner, *Behind Bars* (Chicago, Cadre, December 1970)

One of the most difficult and one of the most ignored of our social problems is the problem of prisons—a problem which might be ameliorated thru drastic prison reform, but which can be solved only thru the abolition of prisons.

The elimination of imprisonment may at first seem like a radical step, but alternatives to imprisonment are already widespread—fines and probation are often used, and traffic law violators are sometimes sentenced to attend classes in driver education. The advocacy of prison abolition implies simply that other courses of action, including, sometimes, doing nothing at all, are preferable to imprisonment.

—David S. Greenberg, *The Problem of Prisons*

Today's prison system should be abolished because it is a system predesigned and constructed to warehouse the people of undeveloped and lower economical communities. Under the existing social order men and women are sent to prison for labor and further economical gain by the state. Where else can you get a full day's work for two to sixteen cents an hour, and these hours become an indeterminate period of years. This is slave labor in 20th century America. . . .

Our only hope lies in the people's endeavor to hear our protest and support our cause. Building more and better prisons is not the solution—build a thousand prisons, arrest and lock up tens of thousands of people; all will be to no avail. This will not arrest poverty, oppression, and the other ills of this unjust social order. . . . We need people who will stand up and speak out when it is a matter of right or wrong, of justice or injustice, of struggling or not struggling to help correct and remove conditions affecting the people, all I ask is that the people support us, I will break my back in helping bring peace and justice upon the face of the earth.

I've seen too much injustice to remain mute or still. The struggle against injustice cannot be muffled by prison walls.

—A letter from prison by John Cluchette, printed in Angela Davis, *If They Come in the Morning* (New York, Signet, 1971)

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

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fiscal year. This information is the most complete you will be able to find, and probably will require the assistance of a clerk in the office.

Also available in the comptroller's office, but more difficult to get access to, are copies of the receipts for every transaction carried out by every state agency in the past year. This includes not only receipts for purchases of food, equipment, office supplies, but also receipts of hotel bills, expense accounts and mileage reports submitted by legislators and state officials. In obtaining this type of information you must know precisely what you are looking for: names, dates, specific companies, etc.

By law, the *State Purchasing Agent's office* either approves in advance or actually purchases all supplies for every state agency. This law is often broken, but the records of every transaction still must be filed with the purchasing agent. Most comptroller's offices have duplicates of the purchasing agent's records, and are most often more cooperative, so scout the purchasing agent's office as a last resort.

In New York, for example, the State Division of Standards and Purchase handles all contracts, materials, equipments and supplies and arranges yearly open contracts, against which institutions write individual contracts. Specifications for services such as laundry, elevator repair, etc., are determined by local institutions which prepare contracts and go thru bidding procedures. Contracts up to \$500 require three to five bidders. The Department of Audit and Control and the Attorney General's office have responsibility for overseeing this process.

The offices of the *State Department of "Corrections"*, depending on what type of information you want and what you want it for, vary in their cooperative spirit. If you lack inside sources in the agency, go directly to the director's office, to the business agent, the treasurer or the public relations' office with your request.

It is necessary to be extremely persistent when asking state officials for financial information. Just about every financial document put out by state officials is inherently political, so some are reluctant to give out information without knowing how it is going to be used. If you rely on any one source of information, you will probably not have accurate information. For that reason, any complete study should involve cross-checking several sources.

(5) National sources of information can also be helpful in your research. In particular, LEAA thru the National Criminal Justice Information Service has published a series of invaluable studies. Here are some that we have found most useful:

- *Expenditure and Employment Data for the Criminal Justice System*. Includes data for the federal government, each state government and local governments within each state in six sectors of activity: police protection, judicial, legal services and prosecution, indigent defense, "correction" and "other criminal justice."

- *Sourcebook of Criminal Justice Statistics*. Focuses on state and local data in six categories: Characteristics of the "Criminal Justice" Systems, Public Attitudes toward Crime and "Criminal Justice"—Related Topics; Nature and Distribution of Known Offenses; Characteristics and Distribution of Persons Arrested; Judicial Processing of Defendants; Persons under "Correctional" Supervision.

- *The Nation's Jails*. Information in jail facilities, service and programs including location and size, physical facilities, separation of inmates, meal services, medical and recreational facilities, employees, social and "rehabilitative" programs.

- *Survey of Inmates of Local Jails—Advance Report*. The first nationwide attempt to assess the socioeconomic characteristics of the jail population, including demographic data, reason for incarceration, bail status, length of pretrial confinement and sentence.

- *Prisoners in State and Federal Institutions*. Information on sentenced prisoners in federal and state prisons.

- *Report on Corrections*. One of six reports prepared by National Advisory Commission on Criminal Justice Standards and Goals, financed by LEAA, dealing with problems of "corrections" and proposing standards on rights of prisoners, diversion, pretrial release, community alternatives, etc. Appendix includes list of parent agencies responsible for administering "correctional" services by state.

A non-LEAA national source is *Directory: Juvenile and Adult Correctional Departments, Institutions, Agencies and Paroling Authorities of the U.S. and Canada*, published by the American Correctional Association.²⁰

(6) In addition to salaries and contracts for materials and services, crucial prison issues to research include:

- Numbers of prison personnel in ratio to prisoners.

- Profiles of individual prisons.

- Kinds of prison industries if any; post-release skills they provide if any; wages paid to prisoners if any; wages paid to personnel in charge of programs; net amount of profit or loss to prison.

- Medical and drug experimentation on prisoners.

instance, it is titled: *The Criminal Justice System in Connecticut* and contains salary ranges for personnel, categorized budgets and other interesting information.

- Libraries and League of Women Voters groups will be helpful in locating information you need for county and local levels of bureaucracies.

(2) Fill in the charts with the names of persons appointed or hired to fill important organizational positions. Also list legislators who serve on the prison-related committees and the names of employees who fill the upper echelons of the state and regional planning agencies of the LEAA.

- Check hiring practices and credentials of employees and appointees.

- To check on conflicts of interest, find out the business, union, political and other affiliations of prison bureaucrats and managers. Check *Polks City Directory* which is developed for use by business and gives the address, occupation and business ownership (if any) of every person in the telephone book.

- If you are checking prominent people, consult *Who's Who in America* or various regional or state versions. Be particularly alert to any corporate connections.

- Middle level people, particularly Jay Ceas, are often listed in *Outstanding Young Men of America*.

- The one best source on women is *Who's Who of American Women*.

- The most important business source is *Poor's Register of Corporations, Directories, and Executives* which lists alphabetically about 27,000 banks and industrials, along with their directors, officers and a little business information.

- *The New York Times Index* is a gold mine on names and subjects of interest to power structure research, as are local newspaper "morgues."

- For further information in researching professionals and corporate people by affiliation, see *NACLA Research Methodology Guide*.¹⁷

(3) While most states no longer profit from running prisons, those who run them do. One unstated function of federal, state and county prison systems is to provide thousands of employees and hundreds of contractors with a living. The following sources focus on "correctional" salaries and contract procedures:

- LEAA state and regional bureaucracies' salaries and budgets are published by each State Planning Agency and are available at state or regional offices. The numbers of people employed

by this bureaucracy is startling. In the small state of Connecticut, for instance, there are over 70 LEAA state and regional employees who received over \$800,000 in salaries in the fiscal year 1975-1976.¹⁸

- Prison bureaucracy salary ranges are set by state personnel agencies. In the state of New York, for instance, salary scales are set by Civil Service with the Office of Employee Relations of the Executive Department. "Correctional" unions negotiate with that office.

- Breakdown on salaries paid to "correctional" personnel are available from many sources: State Auditor's Report, State Comptroller's Office, State Department of "Corrections," Department of Civil Service or the Legislative Budget.

(4) State budgets and financial reports also reveal much that is important.¹⁹ The most convenient source for examining these is the *State Auditor's Report* on a particular agency, available from the auditor's office, or for inspection in the state library. Unfortunately, the most recent report is likely to cover a period eight or ten months prior to the time of your research.

A second source is the most recent *Annual Budget*, available from the Legislative Documents Room. The budget is a legislative bill like any other bill, which gives a brief listing for each agency and its subdivisions, showing how much money the agency is authorized to spend and how many staff it may hire. Don't neglect supplemental budget bills, since special appropriations are often passed well after the annual budget is appropriated. Keep in mind that the legislative budget will not include federal funding figures.

Each agency's budget must first be approved by the legislative committees in charge of that agency before being approved by the legislature as a whole. Particular committees might be the source of budget data, but before contacting a committee office, it is a good idea to sound out a Senator or Representative on the committee who might be sympathetic to your cause.

The Budget Bureau has copies of the complete budget for the current fiscal year for every state agency and is perhaps the best place for getting a full breakdown of an agency's planned expenditures on staff, supplies, etc. Federal funding data and supplemental budget information will not be included. Most importantly, it does not show what actually will be spent, only what is authorized.

The *State Comptroller's office* has a detailed breakdown of each agency's complete expenditures in the last fiscal year and in part of the current



Photo Mark Murray

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 Shame of Prisons," *Time*, January 18, 1971

It is time to begin to dismantle the prison system—lock, stock and bar. It is beyond renovation. The only way to save it is to destroy it—or, most of it.

No objective examination of the best prison system can avoid the conclusion that it is primitive, coercive, and dehumanizing. No rational, let alone scientific, appraisal of treatment or rehabilitation programs within the prison setting can assess them as anything but a total sham. The best efforts of correctional personnel are doomed to frustration and failure, whether measured by recidivism rates or any other reasonable standards of "progress."

—Emanuel Margolis, senior editor, *Connecticut Bar Journal*, Vol. 46, 3 (1972)

I am persuaded that the institution of prison probably must end. In many respects it is as

intolerable within the United States as was the institution of slavery, equally brutalizing to all involved, equally toxic to the social system, equally subversive of the brotherhood of man, even more costly by some standards, and probably less rational.

—Federal Judge James Doyle, Western District of Wisconsin, *Morales v. Schmidt* 340 *Federal Supplement* (W.D. Wis. 1972) pp. 544, 548-49

Forget about reform; it's time to talk about abolishing jails and prisons in American society.

The killing of George Jackson and the massacre at Attica have turned a real but hesitant concern about prisons into a sizable movement. . . .

Still—abolition? Where do you put the prisoners? The "criminals?" What's the alternative?

First, having no alternative at all would create less crime than the present criminal training centers do.

Second, the only full alternative is building the kind of society that does not need prisons: A decent redistribution of power and income so as to put out the hidden fire of burning envy that now flames up in crimes of property—both burglary by

the poor and embezzlement by the affluent. And a decent sense of community that can support, reintegrate and truly rehabilitate those who suddenly become filled with fury or despair, and that can face them not as objects—"criminals"—but as people who have committed illegal acts, as have almost all of us.

—Arthur Waskow, resident fellow, Institute for Policy Studies, *Saturday Review*, January 8, 1972

No longer am I interested in or concerned with prison reform. Neither am I interested in or concerned with making life more bearable inside prisons or protecting the legal rights of those behind the walls. I am interested only in the eradication of prisons.

Should this seem to be the attitude of a "hard-core," "bitter," "incorrigible" radical, the credit must go to those who lock my barred door each night.

—James W. Clothey, Jr., Vermont Prisoner Solidarity Committee, *NEPA News*, January 1974

We need to create an atmosphere in which abolition can take place. It will require a firm alliance between those groups, individuals and organizations which understand that this will not happen overnight. Just as the slavery abolitionist movement extended over decades, we must be prepared to struggle at length. But we must start, we must fuel the fires, we must make the alliance that will gain us victory.

—John Boone, former Commissioner of Corrections, Massachusetts, *Fortune News*, May 1976

We are working for a society in which the worth and the preservation of dignity of all people is of the first priority. Prisons are a major obstacle to the realization of such a society. NEPA stands for the abolition of prisons by all means possible.

We believe that the primary task of the prisoner movement at this time is to organize and educate in the communities, work places and prisons to develop the mass support needed to abolish the prison system.

—Resolution passed by the Ex-Con Caucus, 2nd Annual Northeast Prisoners' Association Meeting, Franconia, New Hampshire, *NEPA News*, April/May 1975

Scores of groups focus on changing portions of the criminal (in)justice systems but few links exist between our efforts. We have no common ideo-

logy, language or identification of goals, no mechanism for a coalition. Yet the basis for an alliance is present.

Prison abolitionists arise from a living tradition of movements for social justice. Most especially is their connection with the 19th-century struggle against slavery. Imprisonment is a form of slavery—continually used by those who hold power for their own ends. And just as superficial reforms could not alter the cruelty of the slave system, so with its modern equivalent—the prison system. The oppressive situation of prisoners can only be relieved by abolishing the cage and, with it, the notion of punishment.

Advocates of swift & massive change

The most common cry for abolition is one using such slogans as "Tear Down the Walls" and "Free All Prisoners." These anguished demands have been issued by a wide range of persons including judges, physicians, prisoners, ex-prisoners and anarchists, to name a few.

Very often this graphic message is accompanied by calls for community alternatives, or if none can be satisfactorily developed—no alternatives at all. Doing nothing is seen as a better response than imprisonment.

The demand for immediate abolition of prisons speaks to the urgency of freeing prisoners from oppressive situations. It admonishes us to act swiftly to end imprisonment. Such demands also serve to raise public consciousness to the need for fundamental change.

Mere repetition of slogans, on the other hand, does not suggest a process for crumbling those walls, and it may even play into public fear. The myth that prison protects is widespread. To a public immersed in the myths of prison protection, the image of prison walls suddenly being torn down can create unnecessary fear and a backlash that ultimately may inhibit change.

Nevertheless, it is important to observe that the closest anyone has come to abolishing an existing prison system, involved a relatively abrupt strategy. The almost total abolition of juvenile prisons in Massachusetts occurred because of a rare combination of personal creativity and the power invested in that person by the legislature. Dr. Jerry Miller, Director of the Department of Youth Services, in three years emptied all but one juvenile prison in Massachusetts by "transferring" the young prisoners into a variety of community alternative living situations. Miller believes "swift and massive change" is the only sure way to phase out juvenile

than addressing their real need for empowerment and voluntary social services. Most often, research is designed and information is categorized so that key connections between the oppressive institution and behavior are not made. Meanwhile, criminologists benefit financially from sizeable research grants handed out by those who have the power to decide who and what shall be studied.¹²

We have been socialized to believe that only a select few professionals and academics are competent enough to engage in serious prison research. But what if the machinery were reversed? What if abolitionists declared that pertinent prison research is of the variety that exposes the prisons' hidden functions and its waste of economic and human resources? Further, what if powerful prison bureaucrats and managers' affiliations, budgets, contracts and economic and political gains were pried into, analyzed, cross referenced and systematically scrutinized and the results published?

By engaging in prison research with the goal of systems change, we not only shatter the myths about who can competently conduct the research, but determine for ourselves which issues and situations require investigation and public exposure.

Prisons, even while their functions continue to diminish, must be made more open and accountable to the public. Closed institutions have no place in a democratic society. Prisons are public places, paid for by the citizenry who have rightful access in terms of entree, as well as information. Education about the reality of prisons cannot come from the powerful front offices of those who are the keepers. Rather, the recipients of the system—the prisoners, in combination with their research allies on the outside, can authentically document the terrible costs and wastes of imprisonment.

Prisons as industry: Jobs

Abolitionists recognize that the economies of some localities are totally dependent on prisons and jails in much the same way that certain districts rely upon Pentagon contracts. Aside from other functions erroneously or correctly linked to prisons—they do provide jobs:

The prisons give employment to over 70,000 persons, many of whom would have difficulty procuring positions elsewhere. This is especially true of the custody staff, given their relatively low educational attainment and lack of skilled training. Many members of the treatment staff—counselors, sociologists, psychologists, and teachers—have no

more than a bachelor's degree in subject matter, which, in today's job market, is a surplus commodity. At the administrative level, many of the positions are obtained thru political patronage as a reward for political loyalty, an element of no relevance in the nongovernmental job market. The penitentiary also gives employment to the para-professional whose skills are not well enough developed to be marketable in private employment.¹³

Breaking the cycle of economic dependence on prison industries is not an easy task, but we are convinced that the fantasic fiscal and social costs of prisons—when fully conveyed to the people—can act as a tool for change.

To understand policy one should know the policy makers—the men of power—and define their ideological view and backgrounds.¹⁴ Most of us believe that bureaucracies make decisions based on neutral, independent rationale, denying that people of power who comprise the bureaucracies are more than disinterested, perhaps misguided public servants. The fact, of course, is that people of power do come from specific class and business backgrounds and ultimately have a very tangible material interest in the larger contours of policy.¹⁵

Research methodology

To better perceive the nature of prison bureaucracies, how they are structured, the interests of those who comprise them and the power they wield, requires information about sources of relevant data:

(1) First, it is a good idea to construct organizational charts for your state or local prison bureaucracies. Include charts for LEAA State and Regional Planning Agencies and prison-related legislative committees.

- For the agency administering a prison see *Sourcebook of Criminal Justice Statistics*, Table 1.130, "Agency responsibility for administering correctional services, by state, January 1971," pp. 167-69.¹⁶

- Or visit the Secretary of State's office or the public library for a copy of "State Legislative Manual," sometimes called the "Blue Book" (or "Red Book") which contains an outline of the responsibilities of state agencies, biographies of key state officials, plus other useful information.

- Most LEAA State Planning Agencies put out a comprehensive description of the entire state criminal (in)justice systems. In Connecticut, for

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attention to Velleca's campaign focussed also on the registration drive. It was simple to obtain the ten signatures of resident registered voters that required the town Registrar of Voters to go into the prison and register anyone who claimed to be a resident of Concord.

Because so many precedents have been set—women's suffrage, the voter registration struggle in the South—election laws are slanted in favor of the denied classes. Any citizen who wishes to challenge an individual's eligibility may do so, but the burden of proof rests with the challenger to show cause. The benefit of doubt is with the intended registrant.

Tho a continuing battle against prisoner registration was waged in Concord, led by a prominent and vocal citizen, over 300 prisoners were registered (out of a prison population of 500) and were able to vote in the election. Others voted thru absentee ballots from the town where they had lived prior to their imprisonment.

Carl Velleca conducted, with the help of community supporters, a vital and instructive campaign. Coffees held by Velleca and his committee attracted sizeable groups of people each Sunday night. These meetings resulted in the setting up of a group to develop ways that prisoners could become involved in the community, contribute to the community, and gain, thereby, a new level of empowerment.

Velleca lost. But his campaign was effective: as many citizens voted for him as had had contact with him—he was able to reach the people. And support for his candidacy came from unexpected places. Local newspaper reporters gave their own

money toward his campaign fund, Warden Genakos of Concord announced his intention to vote for Velleca, a vocal conservative in town completely reversed his position after contact with Velleca, and admitted publicly that it was "great" he was running and a good idea that prisoners vote.

And the prisoner vote? It answered the most frequent fear aroused by prisoner registration—no bloc vote could be discerned. Many prisoners voted for candidates other than Velleca.

Dave Collins says that thru the concept of prisoners sharing in the political process—voting, running for office—the inevitability of major changes within the prisons themselves, especially the larger ones, can be foreseen. A long range goal is education of the community to accept smaller, more open facilities and to substitute alternatives. A shorter range view sees an increase in the self-esteem of prisoners—and the right to vote is a big step in that direction. With prisoners involved in the community, influencing in a modest way the political actions that affect them, the process of empowerment begins. Starting from this concept, one can foresee:

- Prisoners feeling *part* of the community.
- Community involvement with prisoner issues.
- Prisoner involvement with community concerns.
- The image of prisoners being humanized.
- Prisoners as a new constituency for political office-seekers.
- The legitimization of prisoners and ex-prisoners as an effective political force.
- Access to prisons for community people.

and the antiwar activists, we are committed to expose the immense economic and human costs of prison—its destruction, waste and exploitation. By identifying the structures and decision-making processes, the people and institutions that comprise the prison/industrial complex, we begin to cast light on some hidden functions of prisons which serve particular interests.

Researching the prison power structure

Most traditional prison research studies captive prisoner populations rather than their slave environment and keepers. These studies often further the manipulation and control of prisoners, rather

For years, I have condemned the prisons of America. I have always said that the prison system as it exists in America today, should be abolished. As I have grown older, I have seen no reason to change that view.

—Judge Bruce McM. Wright, address to prisoners at Green Haven Prison, New York, August 17, 1975

If the choice were between prisons as they now are and no prisons at all, we would promptly choose the latter. We are convinced that it would be far better to tear down all jails now than to perpetuate the inhumanity and horror being carried on in society's name behind prison walls. Prisons as they exist are more of a burden and disgrace to our society than they are a protection or a solution to the problem of crime.

—*Struggle for Justice*, p. 23

institutions: "Slow-phased winding down can mean no winding down," and often insures they'll "wind up" again.¹

Individual prison closings have been cited by some prison changers as examples of "Tearing Down the Walls." This is usually not the case. For instance, Vermont's Windsor Prison was shut in August 1975, leaving Vermont the only state other than Alaska without a maximum security institution. However, dispersment of 22 prisoners into "secure" federal institutions in other states and the balance of the population into smaller community

prisons merely re-distributed prisoners—it didn't abolish caging. The walls still stand.

Constitutionalists

The most hopeful constitutionalists support the theory that prison walls will eventually collapse under the weight of mounting legal pressure. They recommend a dual strategy: pressures by prisoners "via constitutional case law" from within, and social and legal pressure from reformists, legal advocates and abolitionists, from without.²

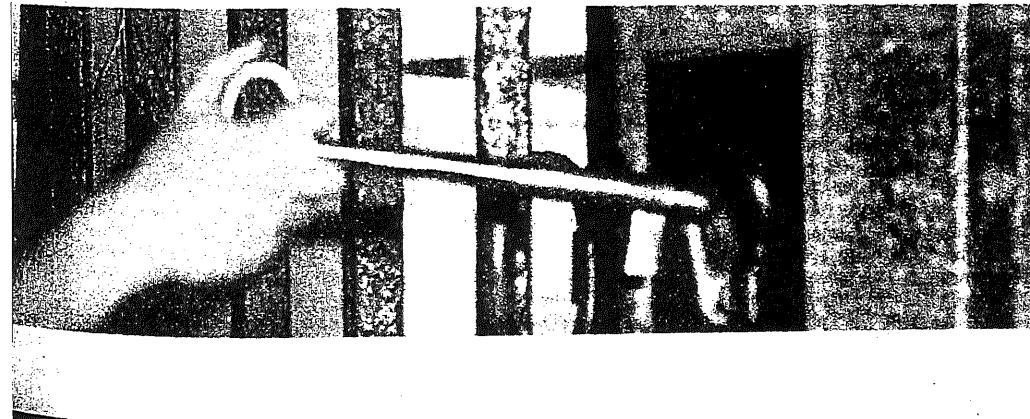
Many prison litigation advocates describe prisons as "lawless agencies," almost totally non-responsive to due process of law—or law itself.³ Because the constitution *should* follow a person into prison, the prisoners' legal struggle is one for rights—not privileges which can be manipulated or withdrawn as a control device. Prisons lack substantive and procedural safeguards to redress grievances. Since rights cannot be guaranteed, prisons *per se* are profoundly unconstitutional and illegal.⁴

These legal advocates are optimistic about the courts' ability to demand that prison administrators enforce rights for prisoners. They see the system gradually rendered impotent by a combination of forces.

Others, tho constantly loyal and active in the movement for prisoners' constitutional rights, are less optimistic. They caution against exaggerating the possibilities of litigation, both in impact and implementation.⁵ They remind reformers and abolitionists of the enormous problems which lie in translating a court decision into reality.

Whether or not we are skeptical of constitutional approaches, we can appreciate them as one

Still in use: ancient lock & key to front gate, Auburn Prison



Empowering the movement

Closed and secretive prison hierarchies do everything in their power to preserve the myths they have woven and to discourage those outside its tight little circles from discovering the true nature of institutional violence carried on in the name of "corrections."

Fortunately, authentic information about the reality of prison oppression and its human costs have not been completely cut off from the public. From the inside, rebellions, uprisings and strikes at Attica, the Tombs, Rikers Island, Folsom and countless other prisons send loud, clear messages, shattering the myths concocted by prison managers.

Like our predecessors, the slavery abolitionists

of the most promising components of a movement to abolish prisons. Four substantial forces for change are at work in a dynamic pattern:

- **Prisoners.** The movement for constitutional rights has been and is prisoner led. Beginning in the 1960's, sparked by the Black Muslims' struggle for religious rights, thru 1970 when an entire state penitentiary system was successfully challenged on a constitutional level,⁶ prisoners moved the struggle from the specific to the general. Encouraged by their occasional successes, prisoners have plunged wholeheartedly into the study and practice of law. "Jailhouse lawyers" have won significant victories, and, as a result, are frequently subjected to additional punishments by prison managers. In San Quentin alone, the number of prisoner-prepared writs increased from about 50 in 1960 to more than 5,000 in 1970.⁷

Politically aware prisoners see the use of legal tools as part of an effective strategy to acquire power over their own lives. Other prisoners view the courts as the single hope for relief from prison oppression. Whatever the motivation, a legally empowered prisoner population is crucial to any effective prison strategy.

- **Advocacy lawyers.** In the late 1960's, individual lawyers, usually acting on their own, took up the cause of prison reform. Many were civil rights lawyers who followed their clients into jail. Others represented draft resisters and Black radicals. They have been crucial to the constitutional gains of prisoners. Their impact broadened the questions to be litigated and developed a substantial field of prisoner advocacy law. A wealth of supportive documents, literature, reportage and programs are valuable legacies of their commitment to prison change.

- **Progressive judges.** A few judges have played important roles. They learned of inhumane physical punishments and other civil rights violations from spectacular briefs filed by prisoners and legal advocates. Growing more sophisticated about incarceration and citing such sociologists as Erving Goffman and Gresham Sykes, they began to rule on the constitutional issue of cruel and unusual punishment.

- **The Prison Change Movement.** Prisoner support groups, including the ex-prisoner movement, have helped open prisons to the outside, permitting important liaisons with media and civil libertarians. Issues of due process and other legal rights, appeal to both reformists and abolitionists. Some reformists support prisoners' struggles to gain the same rights as other citizens merely to make prisons more lawful and rehabilitative settings. In contrast,

abolitionist proponents of litigation are convinced that implementing prisoners' rights will in the long range, upset the balance of power within the institutions, making prisons, as we know them, inoperative.

Advocates of moratorium

In response to an unprecedented wave of prison/jail construction across the country,⁸ the prestigious National Council on Crime and Delinquency (NCCD) issued a policy statement in April 1972, calling for a halt to construction of all prisons, jails, juvenile training schools and detention homes, pending maximum utilization of non-institutional alternatives to incarceration.⁹

In January 1973, the National Advisory Commission on Criminal Justice Standards and Goals¹⁰ recommended a ten-year moratorium on prison construction "unless an analysis of the total criminal justice and adult corrections systems produces a clear finding that no alternative is possible." They also recommend the phasing out of mega-institutions at the earliest possible time.

William Nagel, Director of the American Foundation and a former prison administrator, has repeatedly called for a moratorium on building new prisons, jails and training schools.¹¹

Organizations representing ex-prisoner groups, religious denominations, prison reformers, abolitionists and others have added their voices to the swell for moratorium. The National Moratorium on Prison Construction, established in Washington in February 1975, provides staff, data and funding for a national impetus to halt federal and state construction.

Peace advocates

The peace movements' strategies and tactics are often the same as abolitionists; so are the individuals and institutions opposing them. But compared to antiwar activists, abolitionists are fledglings in challenging the criminal (in)justice systems' war model, its militarized terminology and weaponry, its command and control systems and its threat of massive retaliation.

Allowing public views of crime and criminals to be shaped by those who strategize the "war on crime" is equal to permitting perceptions of war and politics to be shaped by Pentagon generals. The peace movement provides us with an analysis of events and alternative solutions to foreign policy problems. A similar nonmilitary interpretation of crime and justice issues is needed. Solutions free from the violence of caging or death are required. It is essential that abolitionists join together to

menting a system of voter registration by mail. Vermont enacted a law making ballots available to all prisoners in 1972. Massachusetts is registering voters thru the efforts of a prison change group we describe below.

Among the many decisions on the question of voting rights, two cases are key precedents to cite when arguing for enfranchising prisoners. In *Evers v. Davoren*,⁸ the Massachusetts Supreme Court extended absentee ballot voting rights to Massachusetts prisoners for the first time. In his decision, Justice Wilkins held that where the right to vote exists, that right may not be diminished by procedural obstacles. Since the Massachusetts Commonwealth had never expressly denied them the right to vote, prisoners were enabled to vote on absentee ballots.

A similar case in 1974, *O'Brien v. Skinner*,⁹ was brought before the U.S. Supreme Court. Here, the failure to include prisoners in an absentee voting scheme was challenged as a denial of equal protection of the laws under the 14th Amendment. The court held that prisoners who are otherwise legally qualified to vote cannot be denied the right solely because of incarceration.¹⁰ If the state provides no other method of voting for prisoners, the statute which excludes them from absentee voting denies them the equal protection of the laws.



States which expressly prohibit convicted persons from voting by statute or constitutional amendment are not affected by either *Evers v. Davoren* or *O'Brien v. Skinner*. These cases only apply to states which have no laws against prisoners voting and where prisoners are not included in absentee voting schemes. People in states which expressly prohibit felons from voting have two options: They may bring a case to court to declare such laws unconstitutional under the 14th Amendment. Or they may try to amend the state constitution, a longer process taking two or three years, but worthy of the effort.

A prisoner voting rights project

The empowerment of prisoners thru involvement in the electoral process is beginning in Massachusetts. A three-year-old project sponsored by the American Friends Service Committee (AFSC) has succeeded in making registered voters of several hundred prisoners in Massachusetts' institutions.¹¹ The project is staffed by ex-prisoners and utilizes the support of volunteers within prisons and from surrounding communities.

The project was initiated by Dave Collins. After his release from Norfolk prison, he and others did research on the financial and political relationships between prisons and the towns in which they are located. They discovered that agreements had been made between the Norfolk Board of Selectmen and prison administrators that affected prisoners negatively. Prisoners had no knowledge of these agreements and no input into them. Prison townships submitting requisitions for federal money—such as minority funding—include the largely Black prison population but when the money is spent, programs are unavailable to prisoners.

The group also studied the election statutes. They learned that in Massachusetts prisoners are not specifically excluded from eligibility to vote.

Prisoner voting rights in Massachusetts were strengthened by the *Evers v. Davoren* decision which extended absentee ballot voting rights to prisoners.

The project selected Concord for its first effort to register voters. It was chosen because the town is liberal and because it's less economically dependent on the prison than other Massachusetts prison towns. Keeping a low profile, the group began organizing for prisoner voter registration.

The project got a boost when, coincidentally, a prisoner named Carl Velleca announced his intention to run as a candidate for Selectman. Media

Prisoner registers to vote at Concord Prison. Photo Ray Lussier

ordinary citizen except those expressly or by necessary implication, taken from him [her] by law." Consequently, the presence or absence of the "right" to unionize turns on both the possession of this right by the ordinary citizen and the constitutional, statutory and practical considerations which might specifically or by necessary implication withdraw this right from the inmate. The right of the ordinary citizen to form and participate in labor unions has been well established. However, there is some question as to whether this right has been specifically or impliedly withdrawn from inmates.

If prisoners have a constitutionally protected right to engage in some form of labor unionization, it is important that this right be safeguarded and that its exercise be allowed to the fullest extent possible. In the absence of a "constitutional right," it might never be less desirable to allow the formation of such organizations.

—Paul R. Comeau, "Labor Unions for Prison Inmates: An Analysis of a Recent Proposal for the Organization of Inmate Labor," *Buffalo Law Review*, Spring 1972

Importance of prisoners' unions

To the "correctional" bureaucracy a union of prisoners is a contradiction of penal terms, for it is an affirmation of community and of rights, two attributes a prisoner is supposed to shed along with civilian clothes in the induction process. Since a prison regime is absolutist, and hence peculiarly susceptible to the absolute corruptions of power, a ruthless attempt to crush the incipient prison movement is a clear and present danger. Only informed, insistent, massive public support of the prisoners can counter this threat.

The union movement is no modest reform proposal, no effort to gild the cage. By striving to establish the rights of the prisoner as citizen and worker, it seeks to diminish the distinctions between [the prisoner] and those on the other side of the walls. In a profound sense the ultimate logic of such a movement is abolition, for to the degree that those distinctions are obliterated, to the same degree the prison is stripped of its vital function.

—Jessica Mitford, *Kind and Usual Punishment*, pp. 295-97

Prisoners, organizing on the inside, need the help of all prison changers. Their message directed to other prisoners for unity and change also applies to those of us on the outside:

Convicts are the real experts on prisons. And convicts, more than any other group of individuals,

Mr. Carlson [director of the Federal Bureau of Prisons] adds that if prison authorities do not "go to bat" in state legislatures for prisoners, the prisoners themselves should not expect to have much influence with legislators. "As Louisiana's late Governor Huey Long used to say, 'There ain't any votes in prison,'" comments Mr. Carlson.

—*U.S. News and World Report*, March 1, 1976, p. 67

have a vested interest in achieving real prison change. There is only one thing that can stop Union representation and this is your silence. Your rights will never be returned as a gift. You must unite and collectively and peacefully bring about the changes. We want changes. Things are not going to work themselves out. Others will not do it for you. You need not stand alone.

—"Don't Criticize, Organize," *The Outlaw*, January/February 1976

Prison changers who advocate the empowerment of prisoners will find prisoners' unions a crucial issue to actively support by lending their skills, financial aid and public pressure and by subscribing to *The Outlaw*.

Prisoners' voting rights

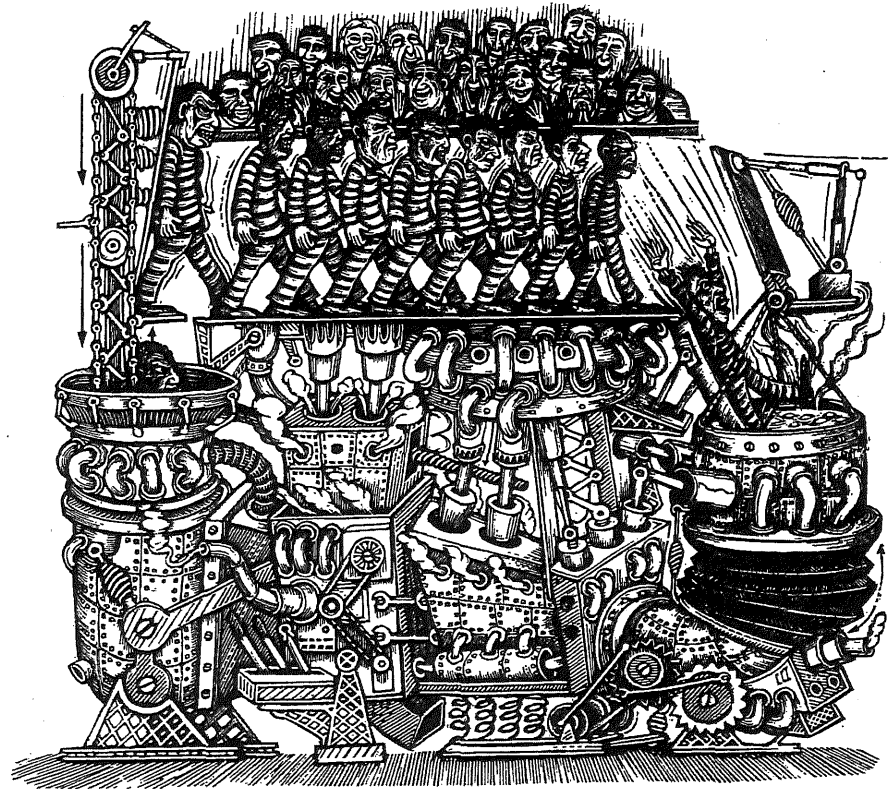
Assuring prisoners their right to vote can help break down the walls between prisoners and communities. Enfranchising prisoners restores their civil life by recognizing them as citizens with the privileges and responsibilities of citizenship.

Two hundred years ago, the only people who could vote were white male landowners who were not in prison. The requirements that a person own property, be of a particular race or a favored sex have been dropped; only those classed as felons remain disenfranchised.

In most states, citizens convicted of felonies lose forever the right to vote, unless their citizenship rights are restored by some procedure. While in prison, few prisoners are allowed to exercise their constitutional right to vote.

Disenfranchisement may be a proper response in convictions for crimes directly related to the electoral process, such as treason, bribery or electoral fraud. However, the blanket denial of voting rights to all prisoners is unjustified.

Legal aspects. New laws make prisoner voting rights an attainable goal. For instance, in July 1976, a law became effective in California imple-



Woodcut by James Grashow

begin to build that kind of movement capability.

In the eyes of some, we are already bound together. They have dismissed us as "dreamers, crackpots and sentimentalists."¹² But we have learned that the real "dreamers" are criminal (in)justice planners who place poor and powerless people inside exorbitantly expensive cages for arbitrary periods of time, expecting this cruel process to "rehabilitate" individuals and reduce crime.

It is appalling to discover that altho "experts" and "professionals" have few solutions to the problems of crime, they remain welded to the gargantuan, bureaucratic and bankrupt prison system. It is a system that continues to expand as it fails, grinding up billions of taxpayers' dollars along with the lives of prisoners and their families, spewing out damaged human beings, further alienated from their communities.

Tho the above strategies cover a wide range of concepts and tactics, most prison changers are bound together by at least two commonly held beliefs:

- Few people believe all prisons should be abolished simultaneously or that all persons should always be free of social control. The majority of prison changers believe that prisons can be eliminated for all but a very few who require restraint or limited movement for periods of time. Clarity is needed on the process and criteria for restraint and on the nature of the responses and settings most appropriate for that very small group.

- There is also wide agreement on declaring a moratorium on prison/jail construction and the necessity for building community resources and services as alternatives to prison. Criteria for community alternatives are important to determine,

since they could be masks for prison in all but name. Without close scrutiny we could find ourselves supporting a new round of damaging controls, inflicted upon an even greater number of citizens.

Developing an ideology

In reversing the prison response to crime and social inequities, we need to be confident that our abolitionist advocacy is rooted in the most humane, useful and realistic points of view. Most changes needed to reduce crime and eliminate prisons lie outside the criminal (in)justice systems—in the cultural values and institutions of society.¹³ These causal factors necessitate broader systemic analysis. For the purposes of this handbook, however, we limit our focus to the connections between social, economic and cultural causes of crime and the use of prisons as a social control mechanism.

On the basis of our analysis, we have formulated a series of practical abolitionist actions. These strategies rest on an ideology—a set of beliefs and values which serve as reference points for our actions.

We advocate a three-pronged abolitionist ideology: (1) Economic and social justice for all, (2) concern for all victims and (3) rather than punishment, reconciliation in a caring community.

Economic & social justice

Persons in daily touch with society's victims, have more clarity about injustice in our society than they do a vision of what a just system might entail. Most of our energies and responses have been directed toward bringing occasional relief to the victimized—issue by issue, cruelty by cruelty—on both sides of the wall. We cannot profess an innocence of the root causes that give rise to collective injustices of racism, poverty, sexism, ageism and repression which flourish in our society while, at the same time, we continue to relieve individual sufferings. Unequal distribution of power and wealth does not occur in a vacuum. It results from a series of economic, social and cultural arrangements which benefit only a few.¹⁴

Justice is difficult to define. Traditionally we think of it in terms of fair dealing and the rescue of the exploited, associating it with freedom, social progress and democracy. But when we speak of justice as being "meted out" as a retributive response, the term is used not as something good, helpful or valuable, but as something to hurt and punish.¹⁵

For the abolitionist, justice is not simply a

collection of principles or criteria, but the active process of preventing or repairing injustice.¹⁶

If there were but one word to describe the necessary ingredient for acquiring a more just economic and social order, that word would be "empowerment."

... *People must be treated as complete human beings; they must be afforded the freedom of the whole range of society, in all its phases and aspects. People must be asked to think free and reach for everything they want to be and be given their social share of the means to achieve it. This requires community participation, a new socialization which is mutually supporting.*

—The Action Committee of Walpole Prison, *NEPA News*, April/May 1975

The creation of new, caring communities where power and equality of all social primary goods¹⁷ will be institutionally structured and distributed to every member is implicit in the long range goals of those who would see penal sanctions drastically reduced and eliminated. But the new community will not miraculously appear. Its creation rests upon the participation and empowerment of all its members.

The focus on power is the major issue. The only meaningful way to change the prevailing American system of liberty for the free, justice for some, and inequality for all, is thru shifts in the distribution of power.¹⁸ Any ghetto dweller can link powerlessness to poverty—it is caused by lack of money. They are poor because they have first, insufficient income, and second, no access to methods of increasing that income—that is, no power.¹⁹

Who decides? Who benefits?

If being poor is having no money, "poverty in the U.S. is almost a picayune problem. A redistribution of about \$15 billion a year (less than two percent of the Gross National Product) would bring every poor person above the present poverty line."²⁰ The amount involved is less than half the U.S. annual expenditure on the Vietnam War.

Yet decisions are now being made by the powerful to spend at least \$20 billion on the construction of new prisons to house the powerless. Cages which cost from \$24,000 to \$50,000 each to construct²¹ will provide space behind the walls for many who have never had decent housing in the community. In New York, it will cost an average of \$13,000 a year to keep each prisoner on the cage side of the wall. A willingness to commit

California Correctional Officers' Association threatened to strike, stalling at least temporarily an agreement between union members and top administrators of CDC.

A few victories—particularly in the area of court decisions—have helped keep the union alive. In California, prisoners have won the right to possess *The Outlaw* and union membership cards. In North Carolina prisoners now have the right to meet, circulate a newsletter and solicit memberships in prison.

Minimum wage. The struggle to bring prisoners' working conditions and wages up to those of free laborers will be a long and hard one. The struggle is aided by organizations such as The National Council on Crime and Delinquency, which advocates adequate compensation of prison labor. Recognizing the slave conditions to which prisoners are subjected, their Board of Directors' policy statement reads in part:

The present condition of prison industries limits the value of [work programs]. The deficiencies vary from prison to prison... The pay for inmates employed in prison is too low to be regarded

as wages. The average prison laborer receives from ten cents to 65 cents a day. Few institutions pay inmate workers for a day's work what the federal minimum wage law requires for an hour's work. The rate of pay... is only a token... a daily rebuke to the inmate, reminding him [her] of society's power to exploit at will.

This counterproductive prison labor system must be changed. An inmate receiving equitable payment for work performed will be able to provide some support of his [her] family, continue payments on social security... make some payment for room and board, and save money to assist himself [herself] upon return to society.

Therefore, the National Council on Crime and Delinquency urges the introduction of federal and state legislation requiring that an inmate employed at productive work in a federal, state, or local institution shall be paid no less than the minimum wage operative nationally or in his [her] state.

Advocacy lawyers are needed to assure the rights of prisoners to unionize:

In theory, "a prisoner retains all the rights of an

The Think Tank Concept

The Think Tank Concept evolved out of the People's Party and their efforts to establish the Green Haven Prisoner's Labor Union, which was eventually denied recognition as public employees by the Public Employees Relation Board in December 1972.

In September 1972 a dialogue was held at Green Haven Prison comprised of prisoners, prison administrators and thirty community representatives. This meeting was the first step towards bringing about a needed change in the traditional policy of viewing prisons as private enclaves, operated as the sole responsibility and authority of the state. A series of small community-prisoner meetings followed, providing the structure for the Think Tank Concept: a highly active group of prisoners who work to bring forth changes in both the prison and the community.

Since its inception, in addition to creating the Malcolm-King Harlem College Extension and other prison-based degree courses, the group established a community re-entry agency field office within the prison (Project Second Chance); contributed to the development of a family counselling service in Harlem for the families of prisoners; developed a counselling and training program using prisoners on work release with the Division for Youth at the Goshen Center for Boys; did consultant work with over 50 agencies and organizations around the state; assisted in the development of a Health Assistant training program; established the Think Tank Concept Annual Awards Program for outstanding community leaders and sponsored numerous seminars and conferences on crime, education, "corrections" and juvenile justice.

In 1975 the Think Tank was awarded a national citation for voluntary service to the community from the National Center for Voluntary Action. Their president, Roger Namu Whitfield, was selected as one of the Outstanding Young Men of America for 1975 in spite of being a prisoner.

Presently the Think Tank publishes *Voices for New Justice*, a state-wide alternative newspaper which focusses on critical social and criminal justice issues. The Think Tank Concept has become an institution, providing vital and needed service to the New York State community.

—excerpted from Dasil Velez, "Think Tank Concept," 1976 Greenhaven Prison, Stormville, New York

prisons in California and *The Outlaw* was contraband material inside.

A spring 1973 issue of *The Outlaw* included an "authorization slip" which designated the Prisoners' Union as the signer's official bargaining agent. Hundreds of slips were mailed in from prisons across the country.

This opened up the possibility of organizing Prisoners' Union affiliates in several other states, including Minnesota, Wisconsin, Michigan, Oklahoma, Ohio, North Carolina and New York. By the end of 1975, close to 23,000 men and women prisoners were members.

Struggle was a part of this phenomenal growth. California organizers were still locked out of the prisons. Possession of a union card was equivalent to possession of contraband. Inside unions in Ohio, Michigan and New York collapsed because of harassment by prison officials. Outside organizers in Minnesota were locked out of the prisons. Prison organizing was declared illegal in Wisconsin and outside organizers were threatened by police, inside organizers beaten or subjected to arbitrary disciplinary procedures.

The union has had to deal with intense opposition from prison administrations. Even unionized prison employees—who might have been expected to show some solidarity with prisoner unionizing efforts—have opposed the Prisoners' Union. The



Prisoners' Union logo

Authorization for Representation
by the Prisoners' Union
1315 18th St.
San Francisco, Calif. 94107

Having jurisdiction over the classification of work done by me.

Name _____ Address _____

Number _____ Prison _____

Class of Work Done _____

Witness

I hereby authorize the agents or representatives of said Union to represent me and to act as a collective bargaining agent in all matters pertaining to rates of pay, hours or employment and all other terms and conditions of incarceration.

Date _____ Signature _____

these resources to the community would improve the lives of those who are targets for imprisonment as well as society in general.

Thus the questions "Who decides?" and "Who benefits?" are most relevant. They must be raised repeatedly. If the just equalization of power, resources, income and self-respect could rehabilitate the community, who decides otherwise? As abolitionists seek answers by engaging in power structure research, strategies for change will emerge.

True community requires the exercise of power as a condition for self-esteem and full humanity. The need for potency, which is another way of phrasing the struggle for self-esteem, is common to all of us. "We see its positive form in the rebellion at Attica, where the leader of the revolting prison inmates proclaimed: 'We don't want to be treated any longer as statistics, as numbers. . . . We want to be treated as human beings, we will be treated as human beings.'"²²

At Attica the response by those in power to requests for humane treatment was raw force—resulting in a massacre. At the time of the 1971 rebellion, Black and Spanish-speaking prisoners made up 70 percent of the prison population; 50 percent of the prison population received 25 cents a day for their labors; all were fed on a daily budget of 65 cents each in an atmosphere of daily degradation and humiliation charged with racism. And little has changed since 1971.²⁴

Prison is a microcosm of society. The abuse of selected and particular segments of the population labelled "criminal" is rampant on both sides of the walls. The struggle for justice should be the primary agenda for all concerned Americans.

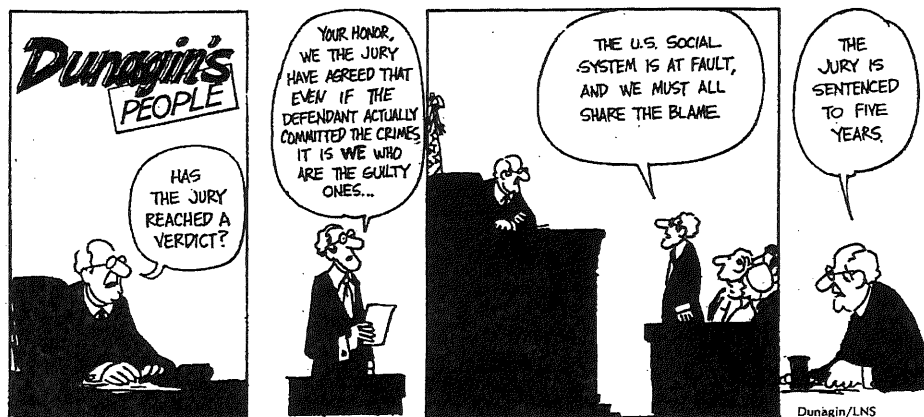
Concern for all victims

Abolitionists define victims as all those who have suffered either by collective or individual acts of violence. Victims usually feel powerless to alter their situations since few avenues for relief are available.²⁵

Without relief or opportunities for constructive action, feelings of powerlessness can easily turn to rage and violence.²⁶ Thus, out of frustration, victims often become victimizers themselves, setting off new cycles of punishment and violence. The need to "get even" is satisfied by engaging in vengeful behavior toward the oppressor or a symbol of the oppressor. If no other remedies are apparent, victims of collective social and economic oppression strike back at society and its members. Victims of individual criminal acts strike back by demanding long prison terms or sometimes death for the lawbreaker. In order to break this cycle of violence and vengeance, as well as bring needed relief, all victims must have access to services, resources and redress of grievances.

The voices of victims of violent and repressive societal structures and practices can be heard thru prisoners' perceptions of themselves as "victims of a society which never gave them a chance; victims of a criminal justice system which selects a few to be incarcerated; and victims of a prison system which breeds a bitterness and self-contempt. It is understandable, then," they say, "when a public cries out 'What about the victim?' that the man or woman in the prison cell responds with, 'I am a victim. What about me?'"²⁷

Collective victims of institutional racism and



sexism, of familial violence, of corporate indifference, of the lawlessness of prisons and other total institutions all cry out, "What about me?" What aid and relief is there for these victims of violent acts not presently considered illegal?

The long range solutions are clear. Relief for victims of social structures and practices will occur as we move toward a just society, casting out inequities, racism, sexism, violence and lawlessness and inhumane institutional practices. In the interim, we must hear victims' grievances and respond to their emergency needs. And like all members of the community, victims must be empowered to act upon their repressive situations—to change them by nonviolently countering the forces that victimize them.

Victims of individual criminal behavior are forgotten people, seldom collectively identified as a group with immediate and crucial needs. Rarely are they at the center of public policy,²⁸ even the protection of the society is a responsibility of the state. Ironically, most victims of violent crimes are from economically deprived or minority groups; thus, they are twice victimized.

Public attention fostered by the media is riveted on punishment of selected lawbreakers, ignoring the plight of victims. The criminal (in)justice systems shift the focus away from the victim's needs to punishment of the lawbreaker. Millions of taxpayers' dollars are wasted in punishing and incarcerating the poor and minorities, while little is spent in responding to victims' (or lawbreakers') needs. The victim's physical or material loss or damage, personal degradation, suffering and grief are hardly acknowledged as the systems concentrate on revenge against the lawbreaker. Punishment of the lawbreaker becomes the main business of the state.

In almost all cases, damage done to the victim is regarded as a private matter, to be dealt with by the victim alone. Draining the lawbreakers' financial resources thru legal expenses and fines or removing them from the community thru incarceration, prevents them from making direct restitution to the victims. Thus one important remedial option for victims and wrongdoers is eliminated. In lieu of restitution to victims, the development of state victim compensation plans is crucial to the victims' well-being, especially that majority who are poor.²⁹

An entire range of victim services can be made available to the victims of crime, preferably by peers. They include listening and responding to victims' emergency needs; arranging for restitution

by the victimizer; securing compensation from the state; providing personal, psychological and legal support and re-education and training to avoid further victimization.

The availability of remedies for victims of crime is central to reducing the victims' need for vengeance and retribution, which grows hand in hand with frustration in failing to find relief.³⁰

Reconciliation rather than punishment

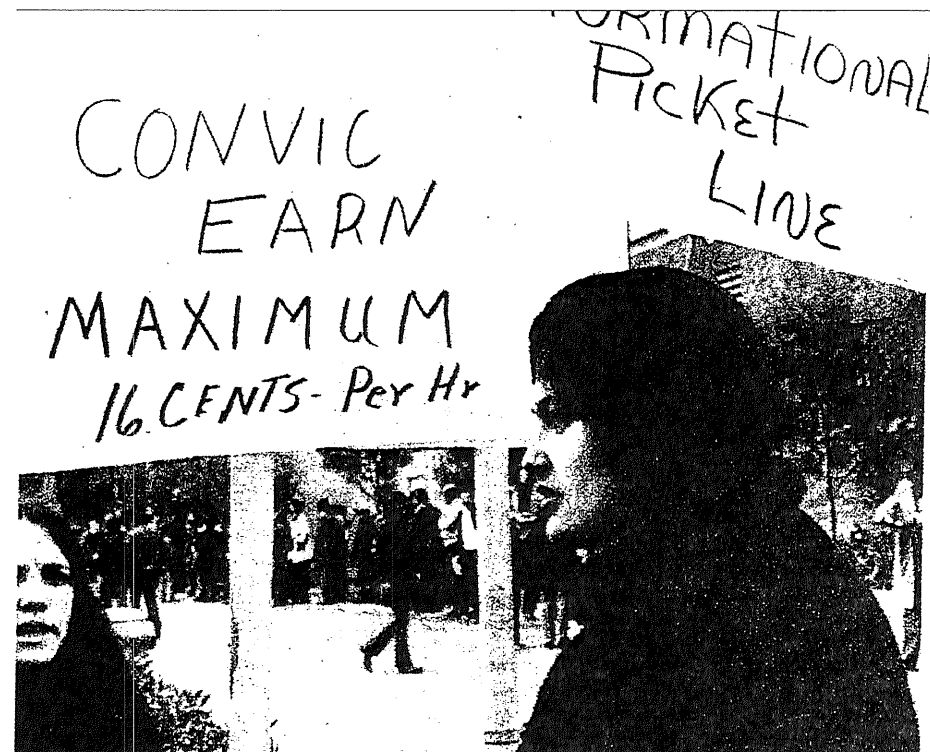
The present criminal (in)justice systems care little about the wrongdoer's need or the victim's loss. The abolitionist response seeks to restore both the lawbreaker and the victim to full humanity, to lives of dignity and integrity in a caring community.³¹

The community we hope to build is one that assures us our basic needs and inwardly binds us in responsibility for each other. The commission of crimes by individuals from all strata of society, and the almost total disregard for the victims of crime is a reflection of the breakdown of community—the lack of rootedness in the *idea* of community.

Abolishing the punishment of prison is a fundamental step in abolishing the present punitive criminal (in)justice systems.³² Helping both wrongdoer and wronged to resolve their differences thru mediation, restitution and other reconciliatory practices, are alternatives we can build into the new system of justice.

Restitution offers the broadest range of possibilities on which to base a new system of justice. Restitution as we define it requires the wrongdoer to restore the victim to his/her situation before the criminal act occurred. But what is referred to as "creative restitution" can go far beyond that temporary response. It is described as a life-long voluntary task that requires "a situation be left better than before the offense was committed . . . beyond what any law or court requires, beyond what friends and family expect, beyond what a victim asks, beyond what conscience or super-ego demands . . . only a 'second mile' is restitution in its broadest meaning of a complete restoration of good will and harmony."³³

Do the conditions for a new reconciliatory system exist in our fragmented, technological and competitive society? The potential is there, the yearning for true community is consistent with ideals common to our culture. The Christian principle of loving kindness toward every neighbor, including the wrongdoer; the Jewish principle of *chesed* or steadfast love binding the total community; the Golden Rule of universal benevo-



Prisoners' Union demonstration, San Francisco, California

We are convinced that there will be no progress unless prisoners and ex-prisoners participate in shaping the solution. First, prisoners' and ex-prisoners' perspectives are absolutely necessary to define the problem and to construct solutions. If anything has been learned from the events of the last 20 years, it is that "outsiders" alone are unable to define a particular group's problems and work for their solution without the full participation, if not the leadership, of the target group. Secondly, by and large prisoners have come from social segments which have been denied participation in the society's political and economic institutions. Therefore, to solve their "problems," they must be allowed to develop skills in participation and to gain access to the society's political and economic arenas.

—Willie Holder, President of the Prisoners' Union, *Fellowship*, November 1975, p. 7

- Establishing workers' rights for prisoners, including the right to organize collectively and to bargain over working and living conditions.

- Restoring civil and human rights for prisoners and ex-prisoners.

Underlying the basic goals is one theme: unity. Union people realize how prison guards and administrations use every means possible to fragment prison populations and prevent prisoners from reaching common grounds on common issues.

During its first two years the Prisoners' Union focussed on California, publicly confronting the Department of "Correction" (CDC) at every turn. Class action suits were initiated on behalf of prisoners. The inner workings of the prison system were exposed to the public thru a basic education program. Publication of *The Outlaw* was started, a monthly journal in which prisoners express themselves and keep in touch with prison happenings across the country.⁷

Organizing was not without struggle. Known union representatives were barred from entering

parole board elected by popular vote of the people.

(24) A full time salaried board of overseers for the state prisons.

(25) An immediate end to the agitation of race relations.

(26) Ethnic counselors.

(27) An end to the discrimination in the judgment and quota of parole for Black and Brown people.

(28) That all prisoners be present at the time that their cells and property are being searched.

A bill of rights for prisoners

This composite bill of rights for prisoners has been assembled from various state prisoners' demands:

- Right to organize prisoner unions.
- Right to adequate diet, clothing and health care.
- Right to vote and end second-class citizenship.
- Right to furloughs or institutional accommodations to maintain social, sexual and familial ties.
- Right to noncensorship of mail, literature and law books.
- Right to access to the press and media.
- Right to procedural and substantive due process to guarantee rights.
- Right to personality; resistance to coercive attempts by "correctional" staff to change behavior thru brain surgery, electric stimulation of brain, aversion therapy, hormones or modification techniques.
- Right to properly trained counsel.
- Right to be free from racial, ethnic and sexist discrimination.
- Right to freedom from mental and physical brutality.
- Right to have the community come into the prison.
- Right to have surveillance teams in prisons to monitor rights, protect prisoners' due process and see that they have access to their own files.
- Right to make restitution in lieu of further incarceration.
- Right to know their release date at time of entry to the prison.

In all the demands that come out of America's prisons, and there are thousands, there has never been a mention of wall-to-wall carpet or color t.v. The demands have always been for the bare necessities of decent human existence, for constitutional

rights and for changes in the judicial and penal systems. Yet prison managers are deaf to these demands and focus on pastel paint and modern architecture where the same indignities are perpetuated.

Prisoners' Union

Labor unions in American prisons are in a place similar to conventional labor unions at the turn of the century: embryonic, strongly resisted, considered subversive, dedicated to participatory democracy and willing to make sacrifices. Unionization would be a major step in the empowerment of prisoners and it may contribute to lessening the violence in prisons.⁶

Prison labor unions are not an American invention. The first successful prisoner labor union was organized in Sweden. Since 1966, the union, which represents the vast majority of Swedish prisoners, has carried out a long series of successful negotiations with the government. Every effort has been made to make the prisoners' wages the same as free wages. Prisoners pay rent for their cells and board for their food. They are encouraged to pay their debts in the free community, including restitution to the victims of the crimes. They pay taxes and generally have enough left at the end of the month to save around \$50.

Additional benefits from unionization have been a good working relationship with Swedish industry, widely available vocational training, safer prison factories, eligibility for workmen's compensation and, perhaps most important of all, the democratic involvement of prisoners in forming their own destiny.

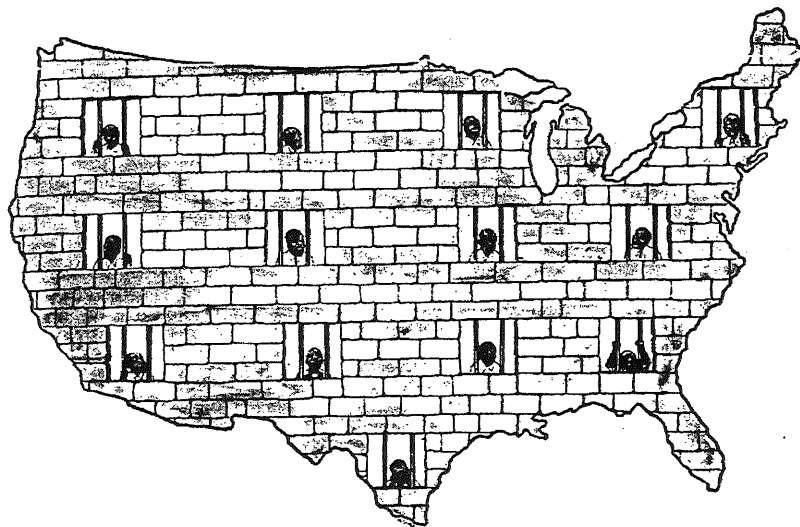
The union is credited with diminishing violence in prisons, lowering recidivism and making prisons more open institutions in Swedish society.

The strike at Folsom prison, California in spring 1970 gave birth to the U.S. prisoner union movement. This 19-day work stoppage was remarkable in that it was a nonviolent, non-rule-breaking event.

The following January ex-prisoners and parolees in California, some of them veterans of the Folsom strike, held a statewide convention to lay the foundation for forming the Prisoners' Union. By midsummer the union had been incorporated and its major objectives established for changing the condition of prisoners.

Goals of the union fall under three headings:

- Abolishing the indeterminate sentencing system and replacing it with short, fixed determinate sentencing.



lence—all are cherished ethics. But they are more than abstract ideals to which abolitionists aspire. They are ideals to be made operational in our programs and strategies to abolish prisons.

Theologian, criminologist and prisoner alike see the healing and restoration of community as the way to reconciliation between the wrongdoer and the wronged:

The wheels of criminal justice should turn in the effort to restore the wholeness of the community. In many so-called primitive societies, especially in Africa, that is the goal in practice. A case is not completed, in many an African village or tribal council, until victim and family are reconciled with offender and family in such a way as to draw the whole disrupted community together. Often it is far from being easy. It would be even harder here in our complex society, but only as we work for that goal can we hope to heal the wounds that are both causes and effects of crime.

—L. Harold DeWolf, theologian in "Crime, Justice and the Christian," *ESA Forum*—7

... and this is what works, and what has always worked, among people who care for each other, and who give each other offense. The offense is viewed as a joint responsibility. The offense is taken as a symptom that something is drastically wrong—and that something decisive is needed to correct it ... restitution and mutual service as instruments of reconciliation—these are the ways in which offenses are dealt with among the kind of

conscience which demands that they treat others as they themselves would wish to be treated ... the change called for is the transformation of a criminal justice system based on retaliation and disablement to a system based on reconciliation thru mutual restitution.

—Richard Korn, criminologist in "Of Crime, Criminal Justice and Corrections," *University of San Francisco Law Review*, October 1971, pp. 44-74

We are not condemned to live in crime—fear, oppression, constriction, depression, joblessness, sickness. We have the power to create, and we must free that power as it has never been freed before. And, as it always has, once freed, it will offer us a world of inconceivable wonder.

—The Action Committee, Walpole Prison, *NEPA News*, April/May 1975

Abolition strategies

We must keep in mind that with the exception of capital punishment, prison is the ultimate power the democratic state exercises over a citizen. That prisons fail miserably at their professed objectives—rehabilitation, deterrence and protection—is immaterial to their survival. These failings, along with cruel, dehumanizing prison practices, have constantly been exposed by rebelling prisoners, by shocked reformers, by governmental commissions and academicians. But exposés alone do not determine the fate of prisons.

It would be interesting to see what percentage of Black men and women would be sent to prison if they were not subjected to racism and discrimination, were granted a relevant education and an equal opportunity to prosper as other American citizens, and were spared the psychological sabotage that has been directed upon their minds.

However, Black and poor people are also exploited as a class, and forced to work for slave wages. They are subjected to a luxurious society that advocates the acquiring of wealth as the means to happiness and prosperity; a society that incessantly displays a multitude of riches, yet denies them the means to acquire same; a society that makes every action a crime and yet only Black and poor people subjected to prosecution.

—K. Kasirika and M. Muntu, "Prison or Slavery?" *The Outlaw*. December 1971

Prison is central to the Black experience because it is the culmination of many other repressive and discriminatory forces in society. The process begins with the white cop on the beat shaking down and cursing out the Black kid, and it continues thru segregated and spirit-blighting schools, thru the juvenile court, thru meaningless and dead-end jobs, demeaning welfare policies, the adult court, the probation officer . . . and in all of these, except for a few big cities, the administrators are white and the subjects Black or Latin.

—Herman Schwartz, "Prisoners Rights: Some Hopes and Realities," *A Program for Prison Reform*, p. 49

What determines the survival and expansion of prisons is their success in controlling *particular segments* of the population. Prisons, the end repositories of the criminal (in)justice systems, maintain the concept of a "criminal class" selected with discretion. Such discretionary power can be wielded indiscriminately by functionaries such as police, district attorneys, judges and the parole apparatus.³⁴

Functionaries of the criminal (in)justice systems represent the *powerful and influential*. Their use of vast discretionary power distorts the principles of justice. Recognizing and identifying the locus and misuse of such power is central to an abolitionist approach to prison change.

If we are unclear about power and how it operates, we will be impeded in our ability to properly analyze specific prison situations. As a result we will find ourselves grappling with only the outer layers of the criminal (in)justice systems rather than the core. We will be relegated to acting upon surface reforms—those which legitimize or strengthen the prison system. We define abolitionist reforms as those which do not legitimize the prevailing system, but gradually diminish its power and functions.

This is the key to an abolitionist perspective on social change. Abolition is a long range struggle, an unending process: it is never "finished," the phasing out is *never* completed. Strategies and actions recommended in this handbook seek to gradually limit, diminish, or restrain certain forms of power wielded by the criminal (in)justice systems.

The pressure is excessive for abolitionists to immediately produce a "finished" blueprint, to solve every problem, to deal with every "criminal" before we can begin to deal with and change the systems. The first step toward abolition occurs when we break with the established prison system and at the same time face "unbuilt ground." Only by rejecting what is "old and finished" do we give the "new and unfinished" a chance to appear.³⁵ Pursuing an abolition *continuum strategy*, we can undertake a program of concrete, direct and immediate abolitions of portions of the system beginning with abolishing further prison/jail construction.

Sometimes our recommended strategies and actions utilize conventional judicial and legislative processes. Abolitionists are not apprehensive about working within the system, so long as it permits us to change and limit the system. When systemic options prove inadequate, abolitionists strive for

The real prison is loneliness that sinks its teeth into the souls of men and emptiness that leaves a sick feeling inside. It is anxiety that pushes and swells. It is uncertainty that smothers and stifles. The real prison is memory that comes in the night, its cry like the scream of a trumpet. It is frustration, futility, despair and indifference. . . . It is the mute dream of men who have been paying a debt for 5, 10, or 20 years and more, and who don't know if their debt will ever be paid in full.

—Frederick W. Michaelson, "The Real Prison," *Fortune News*, January, 1975

under which society has forced us to live. We are indignant and so, too, should the people of society be indignant.

The taxpayers, who just happen to be our mothers, fathers, sisters, brothers, sons and daughters, should be made aware of how their tax dollars are being spent to deny their sons, brothers, fathers and uncles justice, equality and dignity.

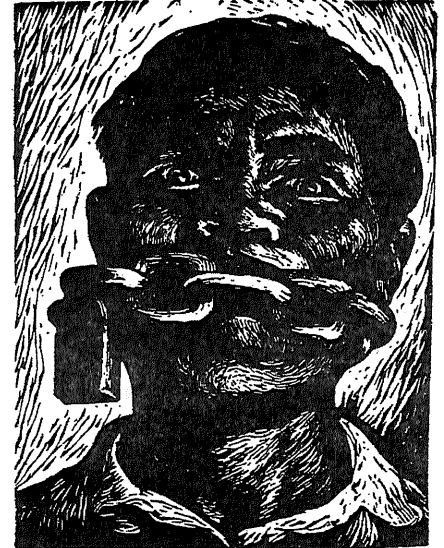
—Respectfully submitted, . . . Inmates of the 9th floor, Tombs Prison, August 11, 1970

The Attica demands presented in D Yard in September 1971 included an end to slave labor, constitutional rights to religious, political and other freedoms, full release without parole when conditional release is reached, educational and narcotic treatment programs, adequate legal assistance, healthy diet, more recreational facilities and time, and the establishment of inmate grievances committees as well as other procedures.

The manifesto from the Folsom Prison strike is representative of the many documents carefully written and posted by prisoners all over America. These are the most authentic voices from prison: those on the receiving end of the system.

Folsom prison strike manifesto

- (1) We demand legal representation at the time of all Adult Authority hearings.
- (2) A change in medical staff and medical policy and procedure.
- (3) Adequate visiting conditions and facilities.
- (4) That each man presently held in the Adjustment Center be given a written notice with the Warden of Custody signature on it explaining the exact reason for his placement in the severely restrictive confines of the Adjustment Center.
- (5) An immediate end to indeterminate adjustment center terms.
- (6) An end to the segregation of prisoners from the mainline population because of their political beliefs.
- (7) An end to political persecution, racial persecution, and the denial of prisoners, to subscribe to political papers.
- (8) An end to the persecution and punishment of prisoners who practice the constitutional right of peaceful dissent.
- (9) An end to the tear-gassing of prisoners who are locked in their cells.
- (10) The passing of a minimum and maximum term bill which calls for an end to indeterminate sentences.
- (11) That industries be allowed to enter the



institutions and employ inmates to work eight hours a day and fit into the category of workers for scale wages.

(12) That inmates be allowed to form or join labor unions.

(13) That inmates be granted the right to support their own families.

(14) That correctional officers be prosecuted as a matter of law for shooting inmates.

(15) That all institutions who use inmate labor be made to conform with the state and federal minimum wage laws.

(16) An end to trials being held on the premises of San Quentin prison.

(17) An end to the escalating practice of physical brutality.

(18) Appointment of three lawyers from the California Bar Association to provide legal assistance for inmates seeking post-conviction relief.

(19) Update of industry working conditions.

(20) Establishment of inmate workers' insurance.

(21) Establishment of unionized vocational training program comparable to that of the Federal Union System.

(22) Annual accounting of Inmate Welfare Fund.

(23) That the Adult Authority Board appointed by the governor be eradicated and replaced by a

An abolition paper

Qualities of a prisoner ally

There are many ways of "helping" prisoners. One is to impose what you think is "best" for them. This is the typical approach of well-meaning "experts" and "professionals" who are members of the criminal (in)justice bureaucracies.

Another way of "helping" prisoners is thru charity. We use charity in prison to provide relief of suffering and to express compassion. But there are problems with charity: Charity creates dependency. It communicates pity rather than shared outrage and can romanticize the prisoner. Charity sometimes relieves the sufferings of prisoners, but it does not alter the basic conditions responsible for the sufferings.

A third way of helping prisoners is to become their ally. These are some of the qualities of a prisoner ally as compared to those of the "charitable" person:

- The charitable person does not think of altering the prisoner's persistent need for help. The prisoner must always depend on the good will of the charitable.
- The prisoner ally helps the oppressed prisoner become empowered to change his/her situation.
- The charitable person often acts out of guilt and pities the prisoner who is seen as a "poor soul."
- The prisoner ally treats the prisoner as an ally in change, sharing anger about prison oppression.

steals from another, the men tell him, "You're a pig. Just like the System." The brother gets embarrassed. Then the men say, "It's no big deal, we know it won't happen again." Then they pat him on the back, give him a cigarette, and it's over.

When the guards returned exactly a year ago today, as I write, Jerry and Bobby Dellelo . . . were stripped, beaten, run naked across broken glass and thrown in the hole. The administration doesn't want the prisoners to exercise responsibility, but when the prisoners had the responsibility of running the prison, the prisoners virtually ended violence at Walpole, and generally ran the prison better than it had ever been run before.

. . . Superintendent Vinzant has a different perspective on prisoner solidarity. "All prisoner solidarity does is to foster disrespect, tension, and

• The charitable person might think the prisoner's situation comes from some fault within the prisoner.

• The prisoner ally identifies social and cultural forces that contribute to the cause of prisoners' oppression.

• The charitable person often has a plan for the prisoner, who is not regarded as a peer.

• The prisoner ally and the prisoner strategize together, mutually; no one must be "thanked."

• The charitable person expects the prisoner alone to change.

• The prisoner ally works with the prisoner and takes mutual risks, experiencing change also.

• The charitable person has his/her own view of what the prisoner must feel.

• The prisoner ally understands the prisoner's experiences thru the prisoner's own words.

• The charitable person has easy access to the criminal (in)justice bureaucracies.

• The prisoner ally often has a stormy relationship with the bureaucracies, because s/he is perceived as threatening to persons who hold power in the system.

Note: Obviously, we are not proposing that the ally and charitable person are always so very opposite or that people ever actually fulfill either role in exactly the manner presented here. Rather, our purpose is simply to contrast the basic qualities of these two relationships. Learning how to become an ally is an abolitionist task.

abuse between the prisoners and the guards. . . .
—Donna Parker, *NEPA News*, June 1974

Prisoners' demands are no secret. Whether prisoners are bursting from their cages in anger and frustration or coolly presenting carefully drawn manifestos, their message is the same:

We are firm in our resolve and we demand, as human beings, the dignity and justice that is due to us by right of our birth. We do not know how the present system of brutality and dehumanization and injustice has been allowed to be perpetuated in this day of enlightenment, but we are the living proof of its existence and we cannot allow it to continue. The manner in which we chose to express our grievances is admittedly dramatic, but it is not as dramatic and shocking as the conditions

newer and more creative approaches—building alternatives to existing structures and processes.

As with all social change, prison abolition produces many paradoxes. We work in the here and now: a quarter of a million prisoners suffer in cages; plans or construction are underway for the building of hundreds upon hundreds of jails and prisons while the economy declines for the poor and the powerless. To move from this shocking reality toward the vision of a just, prisonless society, requires a host of inbetween strategies and reforms.

These interim, or abolishing-type reforms, often may appear to contradict our long range goal of abolition, unless we see them as part of a process—a continuum process—moving toward the phasing out of the prison system. If interim strategies become ends in themselves, we will reinforce the present system, changed in detail only.

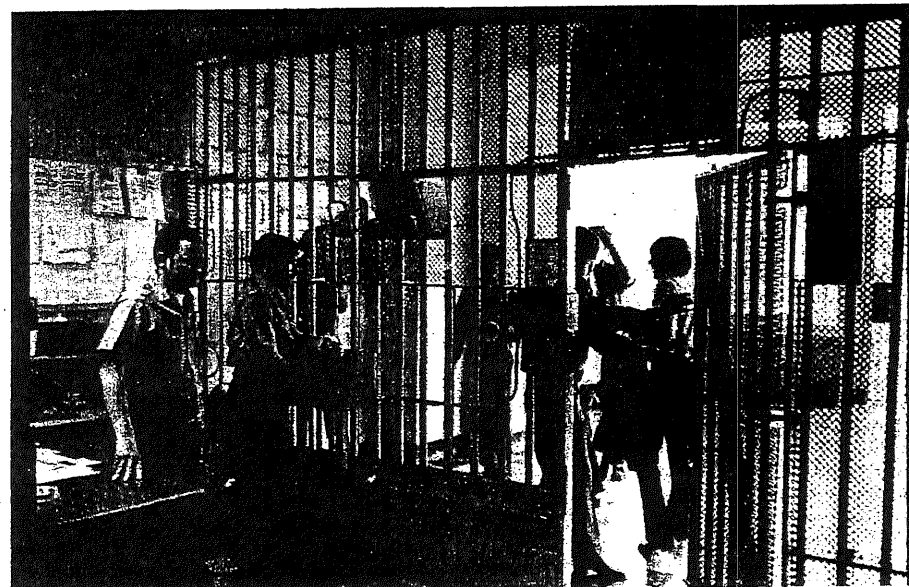
Modern reforms attempt to mask the cruelty of caging. Our goals are not diverted by handsome new facades, the language of "treatment" and prison managers who deftly gild the bars. Present reforms will not abolish the cage unless they

Behind the words "failure" and "counter-productive" lies this plain fact, which ought to be confronted and accepted: *If our entire criminal justice apparatus were simply closed down, there would be no increase, and there would probably be a decrease in the amount of behavior that is now labelled "criminal."*

—Gilbert M. Cantor, "An End to Crime and Punishment," *The Shingle*, p. 105

continue to move toward the constant reduction of the function of prisons.

The abolitionist's task is clear—to prevent the system from masking its true nature. The system dresses itself up: we undress the system.³⁶ We strip it down to the reality: the cage and the key. We demystify. We ask the simple but central political question: "Who decides?" We raise the moral issue: "By what right?" We challenge the old configurations of power. We begin to change the old, begin to create the new.



Ken Light/LNS

Power & prison change

Power, which comes from the root word "posse" or "to be able," can be described as the ability to cause or prevent change—to be able to make decisions about the arrangements under which we live and about the events which make up the history of our period. Power should be of overriding concern to all human beings: what we are able to bring about by our own will and action regardless of societal barriers or limitations, determines the quality of our lives.³⁷

We have been socialized to accept the most common view and mystique of power, reflected in the pyramid-like structures which dominate our lives: governmental, military, corporate, educational and other hierarchical institutions and bureaucracies. This learned view sees power vested in and emanating from those at the top of the pyramid, controlling those who occupy lesser roles or stations. Power from this perspective is seen as relatively fixed—strong and unyielding, not changeable. People who are not in designated power roles are considered dependent upon the decisions of those who are.³⁸ This view promotes the concept of powerlessness and supports the assumption that people will always have very little control over their own lives. Their choices seem limited indeed: if they cannot get to the top of the pyramid themselves, and few have access, they must obey and fit into the dictates of the existing power structure.

Abolitionists reject this monolithic view of power. We do not consider ourselves dependent on the dictates of the criminal (in)justice systems. Rather, we see the system as ultimately dependent upon our support and cooperation for its existence.

This assumption about institutional power leads to the concept of individual empowerment, supporting the view that power is available to each of us for challenging and abolishing cages. We believe that citizens are the primary source of all power, including prison power. By giving or persistently withholding support of any prison policy or practice, prison power can be altered and diminished.

As Frederick Douglass came to see, the source of power did not rest in the slavemaster, but in the

slaves—once they realized they could refuse to be slaves. Similarly, striking prisoners have demonstrated that the power of prisons does not lie in prison managers but in the prisoners who give their consent and cooperation in making prison life possible. When that consent and cooperation is withdrawn, prisons cannot function. Those of us outside the walls need to recognize that we give our consent and cooperation to prisons.

It is our responsibility to discover the ways and points at which our lives touch the prison structure—how and when we become collaborators with the evil system of caging. By uncovering those links, we can withdraw our complicity and begin to exercise moral and political power by refusing to cooperate with the caging process.

There are many ways to reduce our complicity with the prison system. For example, do we intervene when prison budgets are prepared, demanding that prisons be cut back and the monies placed in community alternatives? Do we present alternative budgets and organize education/action protests to help get them adopted? Do we escalate our noncooperation by withholding our taxes that pay for cages in the same spirit that antiwar activists withhold taxes that pay for war?

Abolitionists can identify other points where we are linked to the system of caging. Thru elected legislators, thru penal codes enacted into law in our names, thru our use of the systems' dishonest language and in dozens of other ways we give our daily consent to the prison system—consent which we have the power to withdraw.

It is crucial also that abolitionists learn how to research the prison power structure. To diminish the prison pyramid, we must know how the pyramid is built. Who are the rulers and their functionaries? Are they elected, appointed or volunteers? What are their qualifications? What interests do they represent? Who has the power to make decisions about which issues?

Another aspect of power is that it cannot merely be stored for emergencies. If we do not use power, it passes away. Once lost, it may not be found.

People must understand that power bases like Delancey Street and an economy that provides these small enclaves with its own self-fueling system, without help from the government and large foundations, are the only way that enough strength can be developed to make change.

We are teaching legislators, criminal justice committees, and reform groups how to start Delancey Streets that take on the unique personalities of their leaders and their communities. . . . The head of the French drug program . . . is sending French prisoners to Delancey Street . . . so that other countries can see how we've built, not just an alternative to the prison system, but a working model to improve the tenor of all society.

—John Maher, as quoted in Grover Sales, *John Maher of Delancey Street*, p. 168

robbery and burglary, stayed for two years. He left before "graduating" because, as he said, he felt ready. After six months on his own, he was still "clean" and working in Menlo Park installing airplane interiors.

Empowering prisoners

People who support the prison movement still need to understand what self-help and self-determination are, because these are the basic philosophies we operate under. They simply mean that prisoners are helped by prisoners. And organizations concerned with prisoners should be run by and for prisoners.

—Russ Carmichael, *NEPA News*, April/May 1975

It seems strange to me that convicts or ex-convicts are never consulted about prison matters, nor even considered for consultation, when they are what prison is all about and the only true professional.

—Robin E. Riggs, *The Outlaw*, March/April 1975

I think the prison leadership has to come from the people suffering from the serious plight of prison. There are many people in our ghettos thruout the country who are in minimum security type prisons where the walls are not visible. I think that a lot of people can support our movement, but I do definitely believe that the movement must

Whether Delancey-like projects can be created by others elsewhere remains to be seen. Dr. Donald Cressey of the University of California believes that the reason such self-help programs "work so much better than official programs is that they're not really replicable." In fact, he has stated, the easiest way to destroy such a program would be to make it official and "bureaucratize" it. Successes such as Delancey Street support Dr. Cressey's thesis that the best resocialization programs are run not by professionals but by community people.

John Maher puts it this way: "The great myth of the last 20 years is that we are failing [to curb addiction and crime] because of public apathy and lack of funds." He considers Delancey Street a thriving refutation of that myth and a reaffirmation of the axiom that hard work, self-sacrifice, and relating within a family-like situation are the best antidotes to antisocial activity.

People say that won't work with everybody. Of course not. Penicillin don't work with everybody, so what do you do, give it up? We are not a program whose responsibility is to cure everybody in the world. We are an access route for those people who are willing to make some sacrifice to dignify their lives.

be initiated by the people who are oppressed the most by those particular possibilities or plights.

—Arnold Coles, *NEPA News*, April/May 1975

A national priority was discussed. The most obvious one came out—convicts speaking for themselves; not sociologists, counselors, administrators, etc., but convicts. The most important national priority is the convict voice in their own destiny.

—Stephanie Riegel, "The National Prisoner Union Conference," *The Outlaw*, June/July 1975

Last spring when the guards went out on strike, the prisoners ran Walpole for nine weeks. Aside from the day to day running of the prison, including the kitchen, educational and vocational programs, prison industries and daily counts, the prisoners took care of their own internal problems. There were no rapes or killings.

The movie "3,000 Years and Life" was filmed at this time. It shows Jerry explaining how wrongdoers are corrected by persuasion and embarrassment in front of peers. He said that if one con

received federal aid, welfare funds or large foundation grants.

The project's first home was a mansion that had been the consulate of the United Arab Republic, located in an elegant San Francisco neighborhood, Pacific Heights. They eventually lost this house after a zoning battle, the struggle brought them much community support.

Convinced that people with problems should not allow themselves to be made invisible, Delancey Street members proclaim their right to live in Pacific Heights. They have built strong working ties with a variety of community organizations, including labor unions, feminist groups, gay liberationists, senior citizens' groups, the Prisoners' Union, United Farmworkers Union, the Black community and sympathetic politicians. They now have a dynamic, economically self-fueling community of over 350 people occupying two large buildings and an apartment complex in and around Pacific Heights.

John Maher and members of the family believe in self-management by people affected by social injustice. Maher maintains that the "primary thrust for the poor should be the development of their own capital and their own labor," so they can acquire real economic and political power. Delancey Street trains its people in real life skills so that they will have tools and resources to bring to the larger community; yet, in their quest for power, they always remain outside of the system and not dependent upon it.

Thru their philosophy of self-management and self-reliance, family members have created a network of businesses that support them and their work. Much of their food, clothing and furniture is donated. No one at Delancey Street receives a salary, either for work done at the residences or at the businesses. Each member is given approximately \$20 a month walking-around money.

Delancey Street businesses include: A moving company with a fleet of more than 30 cars, trucks,

If a group of addicts and convicts can organize, with no violence, along multi-racial lines, and produce an economically cooperative situation—health care, employment, education—without the endless "help" of professional social workers and the government—this means that the myth of the impotence of the people has forever been put to rest.

—John Maher as quoted in foreward to Grover Sales, *John Maher of Delancey Street*

busses and vans. An automotive repair shop that also restores antique vehicles. A construction business. A potted plant and terrarium business, started in the greenhouse on top of a Pacific Heights mansion. Delancey Street, A Family Style Restaurant, has become a fashionable place to eat; recently the California Liquor Control Board granted it a wine and beer license, despite the fact that it is staffed by ex-prisoners.

The family structure of Delancey Street is rigid and authoritarian. New members are required to show their obedience by men shaving their heads, women wearing no makeup or jewelry. Drugs and alcohol are prohibited, as are physical violence and "promiscuity." A commitment of at least two years is required, tho a family member may stay as long as s/he wants. Goods a newcomer brings are confiscated and redistributed within the community according to need.

All family members are required to participate in a game, which is based on the Synanon game. Encounter-like confrontations allow players to release repressed emotions. Arguments and disagreements that arise during the day are left to smolder till evening, when the parties involved can fight it out and work it out in the game. Newcomers must play at least three times a week; veterans less often. One family member puts it bluntly, "The games are our medicine."

Today more than half the referrals to Delancey Street are the result of official recommendations. Considerable effort is devoted to educating members of the criminal (in)justice systems, including twice weekly luncheons to which skeptical judges, probation officers and parole agents are invited.

Other outreach efforts include The Delancey Street Welcoming Committee which greets neighborhood newcomers with flowers and offers of help. A Crime School Clinic teaches Bay Area store managers and security officers how to defend against rip-off artists, shoplifters and pickpockets (for a \$250 fee). Delancey Street people helped in the \$2 million food giveaway which was part of the Patricia Hearst ransom.

Of the hundreds of men and women who have been Delancey Street members, only one has been arrested while a resident. The drop out rate is under 40 percent. Despite backgrounds of drug addiction and criminal activity, many who left Delancey Street without official sanction have been able to make it in the community on their own. One former family member, who came to Delancey Street in 1970 after persuading a judge not to sentence him to a long term for armed

NOTES

1. TIME TO BEGIN

1. See Videotape of Jerry Miller at JSAC (Joint Strategy and Action Committee) meeting, "Stop Prison Construction," Northern California, February 16, 1974, American Friends Service Committee Videotape Section, Philadelphia.

2. Eugene V. Natale and Cecelia F. Rosenberg, "And the Walls Come Tumbling Down: An Analysis of Social and Legal Pressures Bearing on the American Prison System," *New York Law Forum*, Vol. 19 (1974), p. 611.

3. David Greenberg and Fay Stender, "The Prison as a Lawless Agency," *Buffalo Law Review*, Vol. 21 (1972), pp. 799-838.

4. Max Stern, "Cruel and Usual Punishment: A Constitutional Lawyer Argues Prisons are Illegal," *Boston After Dark*, Special Supplement, *Massachusetts—Do'n' Time*. "Prison life is profoundly unconstitutional. What goes on inside Massachusetts' state and county institutions not only transgresses the Bill of Rights, but, indeed, is the very antithesis of the rule of law."

5. Fred Cohen, "The Discovery of Prison Reform," *Buffalo Law Review*, Vol. 21 (1972), p. 887.

6. *Holt v. Sarver*, 309 *Federal Supplement* 362, 365 (E.D. Ark. 1970)—involved the first judicial attack on an entire system and demonstrated the value of a class action as opposed to an individual lawsuit.

7. Jessica Mitford, *Kind and Usual Punishment*, p. 255.

8. See materials developed by the National Moratorium on Prison Construction, Washington, D.C. for statistics on projected jail and prison construction nationwide. In "A Perspective on Crime and Imprisonment," November 1975, the cost of prison construction during next period of planning is an estimated \$20 billion.

9. *A Halt to Institutional Construction in Favor of Community Treatment*

(pamphlet), National Council on Crime and Delinquency, New Jersey, June 1974.

10. *Corrections, Report of the National Advisory Commission on Criminal Justice Standards and Goals*, p. 597.

11. William Nagel, *The New Red Barn: A Critical Look at the Modern American Prison*, p. 148.

12. Benedict S. Alper, *Prisons Inside Out*, p. 199.

13. *Struggle for Justice, A Report on Crime and Punishment in America*, prepared by a working party of the American Friends Service Committee. We frequently cite this book. Hereafter, it will be referred to as *Struggle for Justice*. This quote is from pp. 12-13... "the impossibility of achieving more than a superficial reformation of our criminal justice system without a radical change in our values and a drastic restructuring of our social and economic institutions..."

Also *Toward a New Corrections Policy: Two Declarations of Principles, Statement of Ex-Prisoner's Advisory Group*, p. 18. "If we are advocating the advancement of corrections, we must also become advocates for social change in the larger society."

14. See Richard K. Taylor, *Economics and the Gospel* (Philadelphia, United Church Press, 1973). Also Susanne Gowan, George Lakey, et al., *Moving Toward a New Society* (Philadelphia, New Society Press, 1976).

15. Karl Menninger, *The Crime of Punishment*, p. 11.

16. Lenore Cahn, ed., *Confronting Injustice: The Edmund Cahn Reader* (Boston, Little Brown, 1966) pp. 385-97. See also for concept of citizens as "consumers of justice."

17. John Rawls, *A Theory of Justice* (Massachusetts, Belknap, 1971) pp. 302-303. Social primary goods are defined as "liberty and opportunity, income and wealth, and the basis of self-

respect... are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored."

18. William Ryan, *Blaming the Victim*, p. 240.

19. *Ibid.*, p. 134.

20. *Ibid.*, pp. 117-18.

21. See footnote 8.

22. Rollo May, *Power and Innocence* (New York, Norton, 1972) p. 32.

23. See *Attica: The Official Report of the New York Commission on Attica* (New York, Bantam, 1972).

24. "Attica is Termed as Bad as Before 1971 Rebellion," *New York Times*, July 21, 1976. See also "Attica prison—five years later: Reforms spotty, despite funds hike," *Albany Knickerbocker News*, September 14, 1976.

25. For history of victims, see Stephen Schafer, *Compensation and Restitution to Victims of Crime*. Also Schafer's *The Victim and His Criminal*.

26. Hans Toch, *Violent Men: An Inquiry into the Psychology of Violence* (Chicago, Aldine, 1969) p. 220. "Violence feeds on low self-esteem and self-doubt, and prison unmans and dehumanizes; violence rests on exploitation and exploitativeness, and prison is a power-centered jungle."

27. "What About the Victims?" *Fortune News*, March 1975, p. 2.

28. Robert Martinson, "The Paradox of Prison Reform" in Gertrude Ezorsky, ed., *Philosophical Perspectives on Punishment*, p. 323. Martinson advocates shifting attention from the offender (and the state) to the public and especially to the victim, placing the victim at the center of public policy.

29. Schafer, *The Victim and His Criminal*, p. 112. *Restitution in criminal/victim relationships concerns restoration by the wrongdoer of the victim's position and rights that were damaged or destroyed during the criminal attack. It is an indication of the responsibility of*

the lawbreaker. **Compensation**, on the other hand, is an indication of the responsibility of society which compensates the victim for the damage or injury caused by the criminal attack.

Historically, restitution was a living practice. The change from vengeful retaliation to restitution and compensation was part of a natural historical process, to end tribal and personal vendettas for injuries committed. Restitution offered an alternative which was in many ways equally satisfying to the victim or the victim's family and served as a requital of the injury. The influence of state power over restitution was gradually increased. As the state grew more powerful, it claimed a larger and

larger share from the compensation given to the victim.

30. Martinson in Ezorsky, ed., p. 323. "I suggest it should be the aim of public policy to protect the public and to inhibit vengefulness by compensating the victim for the failure of the state to provide protection. Revenge wells up when the victim feels the state abandoned him; he has no place to turn for help. Then 'fear of crime' is magnified out of all proportion to risk. Folk-justice is vengeful and subject to intolerable injustice, because the only gain is the momentary alleviation of feelings."

31. See David Janzen, "Jesus and the Offender," *Liberty to the Captives*, October 1, 1973.

32. See Gilbert M. Cantor, "An End to Crime and Punishment," *The Shingle*, May 1976.

33. Albert Eglash, "Creative Restitution," *Journal of Criminal Law*, Vol. 48 (1958).

34. *Struggle for Justice*, p. 124.

35. Thomas Mathieson, *The Politics of Abolition*, pp. 24-25.

36. *Ibid.*, p. 208.

37. May, pp. 99-100; Ryan, p. 242. See also, C. Wright Mills, *The Sociological Imagination* (New York, Oxford University Press, 1959) p. 40.

38. Gene Sharp, *The Politics of Non-violent Action*. See Chapters I and II for further analysis and examples of these concepts.

2. DEMYTHOLOGIZING OUR VIEWS OF PRISON

1. William Ryan, *Blaming the Victim*, pp. 3-29.

2. *Ibid.*, p. 195. Also James S. Wallerstein and Clement J. Wyle, "Our Law-Abiding Law Breakers" in *Probation*, 1947, pp. 107-12: A survey of 1698 New Yorkers, slightly weighted toward the affluent classes, showed that 91 percent said they had committed one or more felonies or serious misdemeanors after the age of 16. The mean number of offenses was 18. None of the sample had been classified as criminal. Also Austin L. Porterfield, *Youth in Trouble* (Fort Worth, Leo Potishman Foundation, 1946) pp. 32-35: A comparison of 337 college students with a group of 2,047 "delinquents" known to the Fort Worth Juvenile Court revealed that the delinquent acts of the college students had been as serious as those of the group prosecuted. On the average every 100 male students has committed 116 thefts before college, but few were ever in court except for traffic violations.

3. George Ives, *A History of Penal Methods: Criminals, Witches, Lunatics* (London, Stanley Paul and Co., 1914) p. 307.

4. Sidney Harris, "Crime Talk for Rochester Bail Fund," April 24, 1973, p. 1.

5. President's Commission on Law

Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (New York, Avon, 1966) pp. 148-49, 151: "The offender at the end of the road in prison is likely to be a member of the lowest social and economic groups in the country, poorly educated and perhaps unemployed..."

6. *Struggle for Justice*, p. 75.

7. Lois G. Forer, Judge, Court of Common Pleas, Philadelphia, *The Death of the Law* (New York, McKay, 1975) p. 6.

8. Mitford, *Kind and Usual Punishment*, p. 71.

9. Scott Christianson, "Doomsday Justice: The Use of Collective Responsibility for Dealing with Corporate Crimes against Humanity," unpublished ms., School of Criminal Justice, Albany, New York, p. 1.

10. Altho we favor expanding the law in this respect, we do not advocate overall enlargement of the criminal law. On the contrary, we favor reducing criminal law substantially, thru decriminalization and other limitations.

11. Mitford, p. 63.

12. National Moratorium on Prison Construction, "A Perspective on Crime and Imprisonment," November 1975, Washington, D.C., p. 6.

13. Theodore R. Sarbin, "The Myth of

the Criminal Type," *Monday Evening Papers*, No. 18, pp. 3-4.

14. Charles Loring Brace, *The Dangerous Classes of New York*, as reported in Lawrence M. Friedman, "The Tolerance Level for Crime," *Nation*, April 6, 1974.

15. Sarbin, p. 4.

16. Paul Takagi, "Course Outline and Bibliographies—The Correctional System," *Crime and Social Justice*, Fall/Winter 1974, p. 85: "Black people today [are] rendered socially useless by cybernation and the export of jobs by multinational companies... The role of the state is to prevent minority and radical movements from collaborating and strengthening by criminalizing this population; the state, short of that, co-opts the movement thru poverty programs, or neutralizes it thru promises of legal redress..."

17. *The Challenge of Crime in a Free Society*, pp. 64-69.

18. See Edwin M. Schur, *Our Criminal Society*, p. 125.

19. Alberta E. Siegel, Ph.D., Prof. of Psychology, Stanford University, in the *Surgeon General's Report by the Scientific Advisory Committee on Television and Social Behavior*. Testimony before the Subcommittee on Communications of the Committee on Commerce,

sheltered more than 300 boys and young men, belonging to 73 different street gangs. Only ten are known to have been arrested since leaving the house.

For the past decade gang wars killed about 30 persons a year in Philadelphia, nearly all of them Black, but in 1975 the toll dropped by half. Criminal justice experts believe that the House of Umoja had a considerable role in this. Agreement has been reached among gangs from all parts of the city that the House of Umoja is neutral territory. No one who lives there is to be harmed. The House serves as a crisis intervention center to help avoid gang wars and to try to prevent killings if quarrels do erupt.

Sister Falaka's formula is based on the perception that a street gang provides the same emotional and material security for its members that an extended family would. The House of Umoja tries to do the same thing, but it forbids destructive behavior. "The House of Umoja is not about breaking up gangs," Sister Falaka says, "It's about stopping killing."

But the House also makes sure its members know how to fight with their hands and teaches members to recognize other kinds of gangs—the kind Sister Falaka calls "the gang in city hall and the gang in Washington that pulled off Watergate."

All the brothers, as members of the House are called, earn money from odd jobs for carfare, pocket money and nominal House dues. Something more important than money in the House of Umoja is the African names that the brothers earn—for their efforts to master the House's philosophy, for the help they give each other, for work they do to improve the House and for community service. Brothers must earn an African first name, and they then go thru seven stages to earn full membership in the extended family. At that point they are given the family name, Fattah.

The brothers attend classes in the African component of their program at the House. They go to regular Philadelphia schools for academic or vocational education. The current group of brothers includes seven students at a Philadelphia community college, all of whom earned their high school equivalency certificates while living at the House.

Sister Falaka does not think it would be easy to replicate the House of Umoja in other cities, but she says it is not impossible. If two brothers from another city come to live in the House for several months, and then went back and took some brothers with them, particularly those who have earned their Fattah names, it might work. "But we cannot

write down a manual," she says. "The House is a family, not a social agency..."

Sister Falaka acknowledges several "negatives" about the operation. One is the image of the House in the community. Altho a public opinion survey taken two years ago found that 70 percent of the persons polled supported the House, Sister Falaka says, "We want it to be more. People avoid Frazier Street. We want (the community) not to be afraid of kids who look rough." The opinion survey was taken in a door-to-door canvass of the Frazier Street neighborhood by the House of Umoja brothers and other youngsters as a Neighborhood Youth Corps Project.

Continuing problems with the police pose another problem for the House of Umoja. If something is reported stolen in the neighborhood, Sister Falaka says, the police tend to assume that one of the brothers was responsible. Local police commanders, after meeting with the Sister, have agreed to call her in times of difficulty, instead of "kicking the doors in."

The House of Umoja should never again have to scramble for funds. It is a rare example of self-management by community people and has met needs that were previously thought to be "unmeetable." It deserves wide support by the community and its funding agencies.

Delancey Street Foundation

Delancey Street Foundation is a self-supporting family of ex-prisoners.⁵ Its program is based on the proposition that the best people to resocialize drug addicts and lawbreakers are their peers. Within this context, Delancey Street provides food, housing, medical and dental care, education, entertainment and job training for its family members. A large portion of its success is due to the unbounded energy and charisma of John Maher and Dr. Mimi Silbert. Tho based in San Francisco, it is named for the street where Maher grew up in New York City.

Maher was a small-time hood and dope addict who spent eight years at Synanon. He became critical of Synanon because of its insulation from the social upheavals going on around it. Maher felt that former addicts could and should be able to make it in the larger society. In 1970 he left Synanon to found Delancey Street.

The new project was started with virtually no money. In just a few years it has built itself into a "million dollar foundation." From the beginning it has been financed by the work of members and by voluntary contributions, mostly small. It has never

and grass roots community organizations. The list of needed services and resources is very long.

Community solutions

Two examples of community self-management present fresh solutions to problems most communities have not dealt with, and which systems people cannot deal with: street gangs and ex-prisoners who are former drug addicts. Both groups have been labelled "incorrigible" and "dangerous" and would probably be defined by system managers as people who present a danger to society. Both projects, "The House of Umoja" and "Delancey Street" are true alternatives to "community corrections." Both demonstrate the concept of empowerment within a caring community.

House of Umoja

The House of Umoja (Swahili for "unity") is a small project in Philadelphia focussed on helping young Black gang members.⁴ It is "controversial" because its leaders lack formal social work training and because it approaches residential living in an unorthodox way.

Sister Falaka Fattah and her husband, Black David, supervise several two-story row houses on a narrow street in West Philadelphia. The project began in 1969 after Black David—a former gang member—made a three month study of Black youth. To gather information he frequented "bars, pool rooms, attended a lot of funerals and went to hospital emergency rooms—just hung out on the corner mainly."

Black David attributes the gang problem largely to the fact that the needs of young people are not being met by their families.

The Fattahs decided what was needed was the re-creation of the family—giving those without a family, or with a fragmented family, a place to feel wanted. Sister Falaka began to see possible solutions to the violence of street gangs in "the strength of the family, tribal concepts, and African value systems." A far cry from "correctional" systems solutions!

Adaptation of the African "extended family" concept plus speaking Swahili provide gang members with alternatives to their street-life culture.

Altho they had no source of funding, the Fattahs invited 15 members of the South Philadelphia Clymer Street gang to live with them and their six sons in a row house on North Frazier Street. All gang members were between the ages of 15 and 17—an age when "it's difficult to stay alive and out of jail," as Sister Falaka points out. The leader of



Sister Falakah Fattah, House of Umoja

the gang, or "runner," had had his life threatened by another gang and the police were after him.

After a year in which Sister Falaka and Black David tutored them in English, mathematics and economics, along with such things as preparations for job interviews, Sister Falaka recalled, "we were all alive, no one was in jail and no one wanted to go home—and in the meantime, we had picked up seven more from other gangs."

Of the original group, seven are now in college, seven have regular jobs and one is in jail. Members of the Clymer Street gang who did not come to the House of Umoja are now among the leaders of organized Black crime in Philadelphia, according to Sister Falaka.

Altho the city's Department of Public Welfare initially objected to a request by probation officers that boys be placed there, on the ground that the house was too unorthodox, the department eventually came to see the value of the House of Umoja. The Welfare Department, along with other city agencies, now contributes funds for placements.

Since its beginning, the House of Umoja has



9. EMPOWERMENT

One of the few consistent trends over the past decades has been a slow, very painful, but steady increase in the rights of people formerly excluded from any decision making arena. Black people, women, Chicanos, industrial workers, farm workers, gay people; all have far to go before equality of opportunity and treatment is a reality, but all have come very far from where they were 40 years ago. The struggle is no less intense now; the outcome in any single situation is problematic, but overall the extension of power to more and more people cannot be stopped.

—*The Outlaw*, January/February 1976, p. 2

Empowering the community

Empowerment is more than a belief; it is a concept that governs the way we interact with people. It is also a method—one which reflects the values of human dignity, respect for growth of consciousness and the integrity of relationships. Empowerment means that people and communities have the ability to define and deal with their own problems. Successful self-management requires access to and control of proper resources, but lack of access in no way reduces the clarity with which affected people perceive their own problems and needs. Empowerment is essentially a political process—redistributing power among the heretofore powerless. Empowerment assumptions undergird and effect the quality of programs abolitionists support.

The empowerment models we advocate in this handbook are not to be confused with “community corrections” referred to by systems people. As abolitionists we essentially identify as community alternatives, those programs created by affected people: ex-prisoners, community workers, drug addicts, alcoholics, rape victims, street crime

victims and others. These are programs and alternatives that evolve directly from experience and need and are controlled by participants.

Contrast this with the systems’ definition of “community corrections.” This term is applied to a wide variety of “correctional” activities for accused or convicted adults or juveniles, administered outside the jail, reformatory or prison. It includes traditional probation and parole, halfway houses, group homes, pretrial release and sometimes explicitly rehabilitative programs.¹ A common ingredient in all these programs is that decision-making power remains in the grip of the system.

Understandably, this concept of community “corrections” as an alternative to mass institutions appeals to a broad spectrum of prison changers.² Enlightened systems managers, professionals, ex-prisoners and abolitionists alike are united in the belief that a move from massive institutions toward the community is desirable:

- Most judges prefer sending younger lawbreakers to alternative programs to escape the damaging effects of prison.

- Some administrators use community “corrections” to provide a progressive facade which quiets reformist critics, even tho community centers accommodate only a tiny fraction of the state’s prison population.³

- Most prisoners regard any change that gets them outside prison walls as an improvement. Prison changers thus support community alternatives, even tho they are controlled by the system.

However compelling the move away from institutional punishment to community punishment, words of caution seep thru:

As an ex-offender I will guarantee you that I will select prison over your community treatment. And

the fact that you can give me evidence that the offenders constantly seek these doesn’t mean anything to me, because we’re all familiar with the bargain-with-the-devil kind of phenomenon in human history. Human beings are consistently willing to make bad bargains for immediate gain, and regret it later. And the convicts are included in this: You offer them a chance to avoid incarceration, and they will take the bad bargain of the community treatment. And many of them regret it.

—John Irwin, “Rehabilitation Versus Justice,” *Changing Correctional Systems*, First Alabama Symposium on Justice and the Behavioral Sciences, University of Alabama, 1973, p. 64

A word of caution. The development of these alternatives, designed to divert offenders from institutions by means of community alternatives, should not be controlled by those presently in command of conventional correctional systems. Decisive participation by the private sector is indispensable. True alternatives are competing alternatives: the correctional establishment is poorly prepared, both by tradition and ideology to nurture its own replacement. The surest way to defeat such a program would be to place it under the control of those who have been unable either to acknowledge or to correct their own fundamental errors. . . . The opposition of those presently in charge can be counted upon. That opposition must be resisted and overcome. A history of failure confers no credential for determining the future. The past can only reproduce itself: it cannot create something new.

—Richard Korn, criminologist in *University of San Francisco Law Review*, October 1971, pp. 71-72

Paradoxically, abolitionists who support moving away from systems’ control also support efforts to remove prisoners from closed, security-oriented institutions to the less restrictive setting of the community as quickly as possible. Some systems-controlled programs can be viewed as first steps along the way—from cage to street. Others might be perceived as interim strategies in our work toward more sweeping changes. At the least, systems alternatives provide an opportunity to educate the public about the concepts of decarceration and excarceration, and most importantly, in many instances they bring desired relief to the caged. Prison changers will need to evaluate their local situations and decide where to place their energies.

Services needed

If researchers went from community to community in the poor urban centers of our nation, there is little doubt that the shopping lists for resources and services would be very similar. People know what they need to improve their lives. It is also clear that without a variety of services and resources being made available to all people, options for sentencing to community-controlled groups will be limited.

These alternatives have always been available for the rich, because they have access to the needed resources and services. Dr. Richard Korn, formerly director of education and counselling in New Jersey State Prison, points out that innovative and sympathetic community treatment of lawbreakers is not radical or even new. They are no more than what is provided “by the well-to-do on behalf of their deviant members.”

In every middle class and upper class community there are psychiatrists specializing in the treatment of the errant youth of the well-heeled, frequently with the full approval of the police and judicial authorities. Should private out-patient treatment prove inadequate, there is a nationwide network of relatively exclusive residential facilities outside the home community. Every Sunday, The New York Times publishes two pages of detailed advertisements by private boarding schools catering to the needs of “exceptional youth” who are “unreachable” by means of “conventional educational methods.” . . . They reflect an honest recognition that the private, unofficial treatment of offenders is vastly superior to most available public programs. Keeping children out of reformatories is a widely approved and worthy objective, irrespective of whether the children are rich or poor. The scandal lies in the fact that such alternatives are denied to the poor, thru nothing more deliberate than the incidental fact of their inferior economic position. The inequity of this situation provides one of the strongest moral grounds for overcoming it. Once it is recognized that the “new” approaches advocated for the correctional treatment of all are essentially similar to those already serving the well-to-do, the ethical argument for making these services universally available becomes unassailable.

—Richard Korn, pp. 66-67

Needed services identified by the poorer communities, then, are requisites for alternatives to prison for the poor. This realization provides an important linkage between prison change groups