The Canadian Penal Press: A Documentation and Analysis

Robert Gaucher

The penal press is a world-wide phenomenon which reached the height of its achievement in the 1950s and 1960s, particularly in North America. A survey taken in the United States in 1959 found that there were more than 250 penal press publications in Canada and the United States, reaching an estimated readership of two million (Collins Bay Diamond, January, 1959). Russell Baird (1967), in his study The Penal Press (which focuses exclusively on the United States), discovered that the penal press started in the late nineteenth century, with Summary (1883) from Elmira Reformatory in New York State laying claim to being the first publication. It was followed by Our Paper (1885), Massachusetts Correctional Institution at Concord, and Prison Mirror (1887) of the Minnesota State Penitentiary at Stillwater (Baird, 1967). The Canadian penal press officially came into being on September 1, 1950 with the publication of Kingston Penitentiary’s Telescope. Since then there have been more than one hundred separate penal publications produced and published by prisoners in Canada’s federal penitentiaries.

I have read and subscribed to numerous penal press publications since the early 1960s, but did not give them the serious consideration they are due until recently. My new interest was spurred by my doctoral research into the history of Canada’s penitentiary system, and the dearth of available documentation which provides an account of the experiences of criminalization and incarceration from the perspective of those subjected to it. While working on my reconstruction of the history of the development of Canada’s prison system (See Gaucher, 1982; Gaucher, 1987), I came to readily accept the arguments of historians such as George Lefebvre (1949) and George Rude (1970) concerning the necessity of taking into account what they refer to as “history from below”. In my research I discovered neither organised sources nor analytic texts which addressed this aspect of Canadian criminal-justice in its formative years, and I would argue that the same situation holds for the contemporary post World War II period. My interest has also been heightened by pedagogical concerns. Frustrated by having to rely on sensational commercial work by writers like Roger Caron (1978) and Steven Reid (1986), or specious academic products whose editors force feed prison writers to reproduce the editors’ perspectives and
prejudices (See Adelberg and Currie, 1987), I had almost given up assigning such ethnographic reading to criminology students. Upon re-examining some of the penal press publications I had accumulated over the years or currently receive, it became clear that they constituted an exceedingly rich ethnographic source of prisoner experience and prison life in Canada during the post-war period of prison reform and change.

A distinction needs to be made between what I define as "outside directed magazines" and "inside directed or joint magazines". Outside directed magazines are intended to serve as a means of communication with the Canadian public, and therefore feature analysis of contemporary criminal-justice issues and serious prose on the experience of criminalization, incarceration and recidivism. Joint magazines are directed at the population of a particular prison and focus on reporting institutional activities such as sports, social events and club endeavors, and on providing information on new programs and legislation, coming events and internal news. Both provide insight into the perspectives and understanding of prisoners and the everyday experience of prison life in Canada.

In the outside-directed publication, one can trace prisoners' views on the whole post World War II program of prison reform and expansion, on changes in social control legislation and its implementation, and on the major problems and concerns that dominate their lives while in prison and after release. For example, one can trace the history of the parole board, from its initial proposal and eventual creation through its changes and adjustments up to the present. It is possible through these publications to discover the central issues debated and to gain an insight into prisoners' perceptions, conclusions and recommendations vis-a-vis conditional release. Within these publications as a whole, one also discovers the burning issues of responsible prison editors and writers over the past four decades. In the 1950s, a major theme was the problem of juvenile delinquency, and prison writers expressed strenuous opposition to the incarceration of youthful offenders in maximum security (warehouse) penitentiaries. Another major focus was on penal reform programs and vocational and educational training. Through their press, prisoners lobbied on the prison reform issue, in an attempt to gain public and official recognition of the need to reaffirm and go forward with newly developed programs. The problems of post-release, the stigmatization of a prison record and the need for post-release facilities and work opportunities for the released "reformed convict" -- were also addressed. More localized concerns were also thoroughly debated in these journals. For
example, British Columbia Penitentiary's *Transition* (1951-1966) often focused on the area of drug addiction, drug legislation, the legalization of drug use (following the British model of that period), and the use of the Habitual Criminal Act to control drug users.

Even the strictly "joint magazine" provides (in total) a fertile insight into the everyday activities of prison life and prisoners' concerns and problems. One also gets a sense of the "temper and feel" of a particular penal institution through its publications. For example, Warkworth Institution's *The Outlook* (1972-1989) presents an image of a tightly controlled institution in which the inmates are somewhat subservient and pliable to the authority of the staff and administration, while publications from Millhaven Penitentiary (e.g., *Odyssey*, 1978 - 1982) reflect the high level of tension, despair, and opposition which has characterized that institution's history.

Special publications produced by specific prisoner groups (and speaking only for those groups) such as Native Brotherhood groups, Lifers' Groups, or Alcoholics Anonymous groups, provide a particular perspective on criminal-justice and correctional issues. They also reflect the historical changes that characterize Canadian society in this period. In this regard, I have found the publications of Native Brotherhood groups to be particularly interesting. As the people of Canada's First Nations' perception of their role and social situation changed in the containing society, these changes were reflected in the move towards traditional ways, and spiritual understanding amongst Canada's large incarcerated Native population. The history of the Native Brotherhoods and Sisterhoods in Canada's penitentiaries can be researched through the penal press, and in doing so one encounters many outstanding Native leaders, such as Malcolm Norris (Dobbin, 1981) and Art Solomon who were instrumental in their development.3

**CANADIAN MEMBERSHIP IN THE INTERNATIONAL PENAL PRESS**

The penal press and its exchange network was a major international phenomenon in the 1950s and 1960s. The legacy of this phenomenon is apparent in the continuation of the penal press today. While the centre of interest was the United States and Canada, most European nations (including Soviet block countries), Australia, New Zealand, Latin American and Far Eastern nations had prisons which published magazines as members of the International Penal Press network. Membership in the International Penal Press was a dominating factor throughout these two decades, providing direction, form and encouragement to prison writers and editors throughout the network, and acting as an unofficial but highly influential censor. A publication was not a success until it was formally recognized within
the penal exchange columns of the network's publications, and many new magazines or new editorial staffs waited anxiously for the network's approval or disapproval. Publications which were "too supportive" of prison regimes and administrations, those which were too bitter and cynical, or those which simply did not meet the demanded standards of quality (demeaning rather than raising the public's view of prisoners) were openly censured in the penal exchange columns. To receive wide-spread recognition was the ultimate sign of success, as was the reprinting of outstanding articles in fellow penal press publications. Canadian penal press publications were no exception to this rule, and until the demise in the late 1960s of the principal magazines from Canada's maximum security penitentiaries, Canadian publications were staunch members of this network.

The Canadian penal press peaked in the 1950s, with widespread outside distribution. Kingston Penitentiary's Telescope (1950-1968) was the forerunner of penal publications here, establishing the credibility needed to gain official support -- and it was strongly supported by Penitentiary Commissioner R. B. Gibson and his office. After publishing for six months within the institution (September 1959 to February 1951), it was allowed to solicit outside subscribers. By June 1951 it had 625 outside subscribers, which grew to 1,500 paid subscribers by June, 1958. The Kingston Prison for Women provided columns, articles, and poetry from January 1951 and editorial staff from May 1952 until the mid-1960s. The success of Telescope opened the door to publications from all the remaining penitentiaries, with the exception of The Kingston Prison for Women. Saskatchewan Penitentiary's The Pathfinder (February 1951) was the second subscribed magazine, followed closely by British Columbia Penitentiary's Transition (March 1951), Ste. Vincent de Paul's Pen-O-Rama (May 1951), Dorchester's The Beacon (July 1951) and Stony Mountain Penitentiary's Mountain Echo (September 1951) and the Collins Bay Diamond (January 1952).

This is the roster of publications that firmly established the penal press tradition in Canada. Each with its own individual style and focus, they ably represented Canada in the international network. Next to Telescope, Pen-O-Rama (1951-1968) was the most successful, by 1958 having a paid subscribers list of 4,000 and numerous outside advertisers. A fully-bilingual magazine (all articles translated), it is noted for its outstanding prose on prison life and serious treatment of criminal-justice and penology issues. Like all of these Canadian publications, it benefited from the stability and continuity of its editorial staff and their serious commitment to the standards of the International Press. Except for The Beacon (1951-
1971), all were printed in institutional print shops as adjuncts to vocational training programs, giving the high quality writing within their pages a high quality presentation.

The importance of stable, continuous editorial groups needs to be stressed, for this stability enabled staff to learn their trade and maintain the quality that developed over a long period of time. These Canadian publications clearly reflect the high standards and abilities of their staffs. Mentioning only a few: Gord Marr, Cliff Bastine and Sam Carr of the first editorial group of *Telescope*, Vladimir Nekrassoff of *Pen-o-Rama*, Gus Constantine and Lyle Jennings of *The Pathfinder*, Blondy Martin and Gord Thompson of *Transition*, Tony Ricardo of *The Beacon* (whose eight plus consecutive years as editor, 1953-1960 is the record), W. Lake and Bud Winters of *Mountain Echo*, and Nancy Ward-Armour of *Tightwire*. Outstanding writers and poets such as Doug Bevans, Harvey Blackstock, Frank Guiney, G. Hjalmarson, Steve Reid and George Watson all appear in these pages, as do outside supporters of note such as Earle Stanley Gardner, whose eloquent support of the penal press in other publications was constantly reprinted in the International Penal Press. The widespread distribution of these publications and the support of public figures like Gardner heightened media attention and the Canadian penal press was acknowledged, refuted, and analyzed in the outside media throughout this period. Some of Canada's major penal reformers were also enthusiastic supporters, and spokespersons such as Alex Edmison figure prominently in these publications.

The problems facing editorial staff were and are considerable. Confined by the isolation of incarceration, faced with the prospect of pleasing both administration and fellow prisoners, constrained by often unintelligible censorship demands, and in the first two decades, by the prospect of being panned throughout the penal press network, editors had to walk a tightrope of conflicting demands and expectations in a situation where failure could have serious personal consequences. As long as the right tone was attained, one which pleased the Commissioner's office, prison administrators and prison populations, the continuity of staff and publication required to maintain a quality product was forthcoming. This held throughout the 1950s, but changes in the mid-1960s spelled the end of this golden era of the penal press in Canada.

**HISTORY AND DEVELOPMENT OF THE CANADIAN PENAL PRESS**

The Canadian penal press got its tentative beginning with the publication of *Vocation* (1949-1954), a correctional staff produced publication involving prisoner writers at the Federal Training Centre
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at Laval, Quebec. It was an occasional publication which focused on and lobbied for the new vocational training program being put into place within the federal penitentiary system, and which was already established in this prison. With the permitting of sports programs (1949), largely prisoner organised, there was a tentative encouragement of prison populations to get involved in their own reform and to take some small measure of self-determination in prison life. This led to the creation of a weekly, *Sports Bulletin*, at Ste. Vincent de Paul in May 1950, the Kingston Penitentiary's *Softball Review* in the same year, and *Sports Week* in April 1951 in Dorchester Penitentiary. Similar "joint magazines" may have been published in other penitentiaries at this time, though I have found nothing to that effect. The *Collins Bay Diamond* (1951-1968) exemplifies the process of their early developments. Commencing as an inside sports magazine in 1950, it became an outside directed penal publication in April 1951, and started taking paid subscriptions in January 1952.

*Telescope* established the credibility of this endeavour and served as a notice to the penitentiary authorities that penal publications were a positive means of selling the new "humanized reform-oriented prison" they were in the process of trying to create under the leadership of Commissioner R.B. Gibson. Magazines were officially encouraged and financially supported by both the Commissioner's office and senior management. The professional presentation of these publications, the product of vocational print shop programs, spoke highly of the scope and quality of the "new" vocational training component of the "new" penitentiary system. In short, these magazines were a valued means of publicity for the "new" penology, and their large paid subscription lists, advertisers, and country wide distribution assured that the message got across to the public. News media and literary circles responded and gave additional publicity to these unofficial organs. In the 1950s, the Canadian penal press was constantly publishing letters of congratulations and support from Commissioner Gibson and his staff, from the particular institution's administration and the classification staff, and from supportive prisoner aid and voluntary assistance groups.

I am not suggesting that these prison magazines did not represent the voice of the prisoner, as their penal press mandate demanded, and as their logos and mottos suggested. This collaboration of prison editorial staffs and penal administrators was tenuous if somewhat contradictory. Certainly the penological innovations of this era were supported by prison populations, and editorial staff also "had" to meet prisoners' demands and deal with their perceptions of the role and function of the penal press. However, this was a period of optimism
throughout the penitentiary system, and prisoners were also affected by it and gave tenuous, but real support to the liberalization of the regime (e.g., sports, outside visitors and groups) and to the promise of serious vocational and educational training programs becoming available. So prison editors were supportive of the direction of the new penology in Canada, and came to constitute one of the most important and influential lobbies for its implementation in the federal system. Furthermore, these early editors accomplished even more by consistently presenting a substantial, critical analysis of Canadian criminal-justice and penology. The articles from the penal press in the 1950s constitute an important critical mass of commentary and analysis on penal issues in the formative years of Canada's modern prison complex.

By the late 1950s, the effectiveness of the new reformative and increasingly rehabilitative (i.e., treatment oriented) penology was being questioned. For prisoners the promise of the continued development of vocational and educational opportunities was not being met. Nor was acceptance by and reintegration into civil society of "reformed convicts" forthcoming. By this time prisoners who had "benefited" from vocational training (etc.) were returning to penitentiaries with a different story. Discovering that their vocational and trade credentials were not accepted outside, that stigmatization was as problematic as ever, and that promised employment opportunities did not materialize, they added an important ingredient to the developing cynicism vis-a-vis the new "reformative" penology. And so, the temper and internal social relations within our penitentiaries started to change for the worse. Increasingly, reform programs were used by prison staff and the new parole authorities as a "hoop" through which the convict had to jump to win release. As the rising refrain from front line custodial staff; "The cons are running the joint..." started to have an effect on official and public perceptions, as well as staff actions and, therefore, internal staff-prisoner relations, the penal press came under a new, critical scrutiny. The growing internal problems resulting from the "control versus reform" contradiction, spilt over onto the pages of the Canadian penal press. The chummy, positive relationship of editorial staff to the Commissioner's office and prison administrators changed to one focusing on the issue of censorship, and the failure of reform programs (existing as policy) to be actually implemented in the spirit and material manifestation promised. The result was a constant turnover of editorial staff, irregular publication (affecting subscriptions, advertising and distribution) and a lack of consistency in style, form, and content. The tone of the writing reflects the situation, and is more biting, openly critical and oppositional, or muted
and silenced. The key to keeping this penal press flotilla in the water was their membership in the International Penal Press, and the network's intersubjectively shared conversation over the goals, focus and necessity of the penal press.

By openly discussing their problems, the International Penal Press provided support, answers and strategies for dealing with the changing circumstances of their publications. A fixation with the role of the penal press, and the role and function of the editor and editorial staff is highly characteristic of the Canadian penal press in the 1960s and indicates a number of important factors being addressed. First, as tension rose within the penitentiaries and prisoners increasingly rejected the new penal programs as a fraud masking the traditional goals of domination of the prisoner by the prison complex, the format, style and substance of the prisoners' publications became an important point of contention within prison populations. The population's demand that their magazines more stridently air prisoner's grievances was made in a period when censorship was heavy and administrative demands were largely in contradiction with those of the prisoners. This is played out in the pages of this press with the endless discussion and editorial commentary on the question of tone and content -- bitterness and "crying" charges being countered with exhortations to be positive or to write more substantial critical analysis. Second, the process of penal reform itself slowed in the 1960s, the result of strong custodial staff opposition to a liberalized penal regime and the rehabilitative goal, and of a growing confusion and self-doubt amongst senior management staff of the penitentiary service, and their academic and professional advisors and supporters. In this atmosphere, the penal press was a liability whose previous officially endorsed lobbying activities were now defined as "incessant demands", particularly their lobbying "to continue to move forward" towards the originally stated goals of prisoner reform through training and opportunity, an essentially critical task expressed as front line experience.

By the mid-1960s, the majority of the original Canadian penal publications had ceased publication or were going through their death-throes. In the winter of 1968, The Beacon reported that it was the only publication still operating from a maximum security prison in Canada, and was the last of the original group of publications. It also ceased publication later in that year.

The Canadian penal press is transformed at this moment. Its focus on educating and conversing with the public, its strong identification with the International Penal Press, the regularity and continuity of its publications, its widespread distribution and large readership, and the
prisoners' positive evaluation of their publications' goals and achievements, disappeared. The lack of the Penitentiary Service's continued financial support and curtailment of outside subscriptions and distribution was justified administratively as the product of the irregularity of penal press publications. Tighter censorship and new rules in the form of Commissioners' Directives pushed prison publications to be much more "joint-oriented", amounting to inside informational newsletters, containing far less substantive writing by prisoners, particularly on criminal-justice and correctional issues. The highly characteristic irregularity of publication (mid-1960s to present), and constant change in format, style, quality and even title, indicate the massive destabilization of prison populations and therefore prison publications, which was taking place at this time. The wholesale classification of prisoners and their redistribution into different types and classes of penitentiaries started seriously in the mid-1960s with the commencement of a major prison construction program. Later, a "rehabilitative system model" was put into place which encouraged, indeed demanded, that prisoners move through the system towards less secure institutions and gradual release through "community corrections": temporary absences, day parole, parole and mandatory supervision. This movement within the prison population was supplemented by the constant use of involuntary transfers. Though there were other important factors in the destabilization of the prisoner community (e.g., the new rehabilitation programs and new prison regimes) and its drift towards a state of social disorganization, it was the constant movement of prisoners which had the most debilitating effect on the editorial continuity and regularity of publication for the Canadian Penal Press. Add to this situation a constant turnover of editorial staff and the closing down of publications because of disputes over institutional censorship and the growing turmoil developing in the larger penitentiaries, and the demise of the Canadian penal press in this period is easily understood.

The exceptional history of Tightwire (1973-1989), the penal press publication of the Kingston Prison for Women, confirms the importance of institutional and editorial stability on the continuity of the penal press. A bi-monthly that started publishing in 1973, it represents the penal press of the past in terms of its consistency of policy, format and quality. It is the only Canadian publication of note which maintained its ties to the International Penal Press network into the 1980s. It presents a consistently critical analysis of Canadian criminal-justice and corrections, and ably addresses the particular problems of women who are caught within the social control bureaucracy. I attribute the stability and consistency of Tightwire to
the lack of wholesale transfers and constant movement of this prison population (because no other federal facilities exist) and the minimal changes in the internal regime which have occurred. Constant changes in policy and program demands in federal (male) penitentiaries, under the guise of prison and prisoner reform, have contributed strongly to their social disorganization. This has not happened at Kingston Prison for Women, and is reflected in the regularity and quality of Tightwire's sixteen years of continuous publication.

There were a number of exceptional magazines in the 1970s. The Outlook (1972 - 1989) published from Warkworth Institution is the longest current, continuous publication. I especially enjoy Tarpaper (1971-1980) from Matsqui Institution, with its exceptional graphics and cartoons, and a strong commitment to publish substantive analytical essays on social control issues. Taken collectively, the post 1960s era of Canadian penal publications present a portrait of the changing composition of our federal institutions' populations, their internal social relations and organisation (increasingly disorganization) and the basis for current problems and debates.

The Canadian penal press has experienced something of a resurgence in the 1980s, and once again includes some high quality, outside-directed writing. A new understanding of the penal press has been developing, and its editors have provided it with a new format and style. Of particular note are special group publications, such as the Collins Bay John Howard Society Group's Tocsin (1982-1989) or the "Infinity" Lifer Group's newsletter, The Fallacy of Life (1986-1989). Special Group publications can be traced back to the 1960s. In 1965, the Jaycee Group at British Columbia Penitentiary commenced publishing Bridgeview (1965-1973?), the first such publication, which concentrated on its club activities and the Jaycee program. Many Native Brotherhood Groups had newsletters and magazines dating back to the 1960s. What is new is the specific and exclusive criminal-justice focus of some of these recent penal press publications. I have traced this strand back to its prototype, Quarter-Century News (1973), the publication of a criminal-justice study and self-help group at Millhaven Penitentiary. It was followed by Odyssey (1978-1982), the magazine of a similar type of group at Millhaven. The latter is a highly critical, analytical and combative publication. Today these special group publications, along with a few more traditional (stable) publications like Tightwire and The Outlook, constitute the core of prisoners' writing on criminal-justice in the penal press.
A CATALOGUE OF THE CANADIAN PENAL PRESS

The following catalogue of Canadian publications is not exhaustive, and also contains gaps in the information I have collected on publications listed. The difficulties in documenting and cataloging the Canadian Penal Press are considerable. There are no records of these publications at institutional or headquarters' levels, and no organised collection of any scale exists except my own. Two other large collections are held by the National Library (Ottawa) and the library of the Department of the Solicitor General. Prison disturbances and fires have taken their toll on inside collections, and the lack of facilities to preserve internal collections have added to the problems. The irregularity of publication and constant creation of new magazines (titles) in the 1970s and 1980s add another dimension to locating and mapping their publication. Through a close reading of my holdings, I have been able to identify the dates on which most of these publications commenced, but I have found it much more difficult to ascertain the dates when they ceased publication. Specifics of these lists and of my collection are available upon request. I am interested in contacting anyone who has worked on or with Canadian penal press publications, who might know of other holdings, or who have issues they would be willing to donate to the collection or which I could reproduce.

ATLANTIC REGION

Dorchester Penitentiary

<table>
<thead>
<tr>
<th>Magazine</th>
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<tbody>
<tr>
<td>Sports Week:</td>
<td>An inside magazine. Weekly commenced April 12, 1951 to summer 1951.</td>
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<tr>
<td>The Boomerang:</td>
<td>An outside directed magazine: series information minimal. Monthly commenced publication in June, 1979; date ceased publication unknown.</td>
</tr>
<tr>
<td>The Echo:</td>
<td>A special group magazine of the Jaycees. Monthly commenced publication July, 1968 to August, 1976(?).</td>
</tr>
</tbody>
</table>
**The Dry Road:** A special group magazine of Alcoholics Anonymous. Monthly published in 1960; series information is minimal.

**Shepody Sampler:** An inside magazine of Dorchester Farm Annex. Occasional commenced April, 1979; series information minimal.

**Hill Top Journal:** An inside magazine. Monthly commenced publication April 9, 1986 to 1986(?).

**Springhill Institution**

**The Communicator:** An outside directed magazine. Monthly commenced publication in 1972 to 1986(?).

**QUEBEC REGION**

**Ste. Vincent de Paul Penitentiary (Laval)**

**Sports Bulletin:** An inside magazine. Weekly commenced publication May 17, 1950 to September, 1951.

**Pen-o-Rama:** An outside directed magazine with wide distribution, fully bilingual. Monthly commenced publication May, 1951 to November/December, 1968.

**Exodus:** An inside magazine in French. Monthly commenced publication November, 1970 to 1971(?); series information minimal.

**Ravon D'Espair:** An inside magazine in French. Bi-monthly commenced publication in October/November, 1976 to 1977(?); series information minimal.

**L'Optique:** An outside magazine in French. Monthly commenced publication in November, 1982 to October, 1986(?).

**Federal Training Centre (Laval)**

**Vocation:** An inside magazine, prison staff directed, bilingual. An occasional commenced publication November, 1949 to April, 1954.
<table>
<thead>
<tr>
<th>Magazine</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Horizons</strong></td>
<td>An inside magazine in French. Monthly commenced publication March, 1956 to December, 1967.</td>
</tr>
<tr>
<td><strong>Leclerc Institution</strong></td>
<td>Contact An outside directed magazine, bilingual. Bi-monthly commenced publication December, 1961 to June, 1973(?)</td>
</tr>
<tr>
<td><strong>Archambault Penitentiary</strong></td>
<td>Pen-Vista: An outside directed magazine, fully bilingual. Monthly may have commenced publication in May, 1977; series information minimal.</td>
</tr>
<tr>
<td><strong>Cowansville Institution</strong></td>
<td>La Gazette: An outside directed magazine, in French. Occasional commenced publication in June, 1976 to October, 1976(?).</td>
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<tr>
<td></td>
<td>L'Incubateur: An inside magazine, in French. Monthly published June, 1979 to August, 1979; series information minimal.</td>
</tr>
<tr>
<td></td>
<td>Le Vendredi 13: An inside magazine, in French. Monthly commenced publication December, 1986 to 1987(?).</td>
</tr>
<tr>
<td><strong>Port Cartier Institution</strong></td>
<td>Le Clairon: An outside directed magazine, in French. Bi-monthly commenced publication in April, 1988 to present.</td>
</tr>
<tr>
<td><strong>ONTARIO REGION</strong></td>
<td>Kingston Penitentiary</td>
</tr>
<tr>
<td><strong>Telescope:</strong></td>
<td>An outside directed magazine; Canada's first subscribed penal press publication. Monthly commenced publication September, 1950 to 1968(?).</td>
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<tr>
<td><strong>Changing Times:</strong></td>
<td>An outside directed magazine. Monthly commenced publication January, 1974 to 1975; series information minimal.</td>
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<tr>
<td><strong>Key Hole:</strong></td>
<td>An inside magazine. Bi-monthly commenced publication April/May, 1980 to November, 1980(?); series information minimal.</td>
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**Collins Bay Penitentiary**

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<thead>
<tr>
<th><strong>C.B. Diamond:</strong></th>
<th>Started as an inside sports magazine in 1950, then outside directed magazine from April, 1951. Monthly commenced publication April, 1951 to April, 1968(?).</th>
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<tbody>
<tr>
<td><strong>Avatar:</strong></td>
<td>An outside directed magazine. Monthly commenced publication June, 1974 to September/October, 1978 when replaced by <strong>C.O.N.T.A.C.T.</strong></td>
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<tr>
<td><strong>C.O.N.T.A.C.T.:</strong></td>
<td>An outside directed magazine. Bi-monthly commenced publication October/November, 1978 to 1981(?).</td>
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<tr>
<td><strong>Ice Carrier:</strong></td>
<td>An inside magazine. Monthly commenced publication May, 1986 to present.</td>
</tr>
<tr>
<td><strong>CONquest:</strong></td>
<td>Ten-plus Fellowship Group Newsletter. Monthly commenced publication February, 1970; series information minimal.</td>
</tr>
<tr>
<td><strong>Olympiad News:</strong></td>
<td>Newsletter of the &quot;Exceptional People's Olympiad Committee&quot;. Quarterly commenced publication Spring, 1978 to present.</td>
</tr>
<tr>
<td><strong>Fallacy of Life:</strong></td>
<td>An outside directed magazine of the Infinity Lifers' Group. Occasional commenced publication October, 1986 to present.</td>
</tr>
<tr>
<td><strong>Spiritual Newsletter:</strong></td>
<td>An outside directed religious magazine. Bi-monthly commenced 1986(?) to present.</td>
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### Joyceville Institution

| **Joyceville Journal:** | An inside magazine. Monthly commenced publication April, 1961 to June, 1966. |
| **Pendulum:** | Started as an outside directed magazine, but by 1981 was inside magazine. Monthly commenced publication March, 1979, but is only occasional (numerous stoppages in publication) to 1987(?). |

### Kingston Prison for Women

| **The Voice Inside:** | An outside directed magazine, previously published under another title (unknown). Monthly commenced publication June, 1971 to 1972(?); series information minimal. |
| **Inside Looking Out:** | An inside magazine. Bi-monthly commences in 1972; series information minimal. |
| **Tightwire:** | An outside directed magazine. Bi-monthly commenced publication in 1973 (date unknown) to present. |

### Warkworth Institution

### Millhaven Penitentiary

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<tr>
<th>Magazine</th>
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<tbody>
<tr>
<td>Momentum</td>
<td>An outside directed magazine. Bi-monthly, date commenced publication unknown; published in 1976; series information minimal.</td>
</tr>
<tr>
<td>Millhaven Flash</td>
<td>An inside magazine. Bi-weekly commenced publication in summer of 1986; series information minimal.</td>
</tr>
<tr>
<td>The Partisan</td>
<td>An outside directed magazine. Bi-monthly commenced publication April/May, 1988 to present.</td>
</tr>
<tr>
<td>Quarter Century News</td>
<td>A special group publication of a criminal justice and self-help group. Quarterly commenced publication in Fall, 1973 to 1974; series information minimal. First penal press publication from Millhaven.</td>
</tr>
<tr>
<td>Odyssey</td>
<td>A special group publication of a criminal-justice study and self-help group. Bi-monthly that commenced August/September, 1978 to November 1982(?).</td>
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### Beaver Creek Correctional Camp

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<th>Magazine</th>
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<tbody>
<tr>
<td>The Lodestar</td>
<td>An outside directed magazine. Quarterly commenced publication in May, 1965 to winter 1971.</td>
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### PRAIRIE REGION

### Saskatchewan Penitentiary

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<th>Magazine</th>
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<tbody>
<tr>
<td>The Pathfinder</td>
<td>An outside directed magazine. The second penal press publication with subscribers. Monthly commenced publication February, 1951 to 1966(?).</td>
</tr>
<tr>
<td>The New Outlook</td>
<td>Series information minimal; published in late 1970.</td>
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<tr>
<td>Magazine</td>
<td>Description</td>
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<tr>
<td><strong>Sounds of Silence:</strong></td>
<td>Series information minimal. Possibly started in 1977; known published in 1979.</td>
</tr>
<tr>
<td><strong>OFF The Wall:</strong></td>
<td>An inside magazine. Monthly uses former title, commenced publication March, 1986 to 1987(?).</td>
</tr>
<tr>
<td><strong>The Vince McLeod Communicator</strong></td>
<td>Special group publication of Toastmasters International. Occasional commenced publication in 1977 to December, 1978.</td>
</tr>
<tr>
<td><strong>The Inner Voice:</strong></td>
<td>Special group publication of Toastmasters International. Occasional commenced publication February, 1979; date ceased publication unknown.</td>
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**Stony Mountain Penitentiary**

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<thead>
<tr>
<th>Magazine</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Mountain Echo:</strong></td>
<td>An outside directed magazine. Monthly commenced publication September, 1951 to May/June, 1965(?).</td>
</tr>
<tr>
<td><strong>Inside-Outside:</strong></td>
<td>An inside magazine. Monthly commenced in 1968 to 1969; series information minimal.</td>
</tr>
<tr>
<td><strong>Terminator:</strong></td>
<td>An outside directed magazine. Bi-monthly commenced publication January/February, 1974 to 1977(?).</td>
</tr>
<tr>
<td><strong>Vanguard:</strong></td>
<td>An inside magazine. Bi-monthly commenced publication in 1979(?) to 1980(?); series information minimal.</td>
</tr>
<tr>
<td><strong>Stony Mountain Flyer:</strong></td>
<td>An inside magazine. Monthly commenced publication in 1978(?) to 1983(?); series information minimal.</td>
</tr>
<tr>
<td><strong>For the Record:</strong></td>
<td>Series information minimal. Published in 1986 and 1987.</td>
</tr>
<tr>
<td><strong>Terminator:</strong></td>
<td>An outside directed magazine. Monthly commenced publication Spring, 1988 to present.</td>
</tr>
<tr>
<td><strong>New Dawn:</strong></td>
<td>Special group magazine of Alcoholics Anonymous. Quarterly, date commenced publication unknown; 1953 to 1958 published, possibly continues in 1960s.</td>
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<tr>
<td><strong>Native Brotherhood Newsletter:</strong></td>
<td>A special group magazine of Native Brotherhood. Occasional commences in Spring, 1985 to (?); series information minimal.</td>
</tr>
<tr>
<td><strong>Tunnel Newsletter:</strong></td>
<td>A special group newsletter of Omega Lifers’ Group; outside directed. Occasional commenced publication in March, 1985 to present.</td>
</tr>
<tr>
<td><strong>The Justice Group:</strong></td>
<td>A special group magazine of a criminal-justice study group. Occasional commenced publication in Spring, 1987 to present.</td>
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</tbody>
</table>

**Drumheller Institution**

| **Inside News:** | An inside magazine. Weekly commenced publication in 1972(?) to 1975(?). |
| **Slammer:** | An outside directed magazine. Monthly commenced publication in October, 1974 to 1979(?). |
| **The Issue:** | An inside magazine. Published eight times per year commencing in February, 1984 to 1985(?). |

**Bowden Institution**

| **Ghost Courier:** | An outside directed magazine. Bi-monthly commenced publication 1984(?) to 1987(?) |
| **The Insider:** | Series information minimal. |
PACIFIC REGION

**British Columbia Penitentiary**

<table>
<thead>
<tr>
<th>Magazine</th>
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<tbody>
<tr>
<td><strong>Transition</strong></td>
<td>An outside directed magazine. Bi-monthly commenced publication March/April, 1951 to 1963(?)</td>
</tr>
<tr>
<td><strong>Bridgeview</strong></td>
<td>A special group magazine of Jaycees. Monthly commenced publication April, 1965 to 1973(?)</td>
</tr>
<tr>
<td><strong>Indian Echo</strong></td>
<td>A special group magazine of the Indian Educational Club; outside directed. Quarterly commenced Winter, 1966 to January, 1971(?)</td>
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</tbody>
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**Matsqui Penitentiary**

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<thead>
<tr>
<th>Magazine</th>
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<tbody>
<tr>
<td><strong>Con-notes</strong></td>
<td>An inside magazine. Monthly commenced publication in 1977(?) to 1978(?) ; series information minimal.</td>
</tr>
<tr>
<td><strong>Catch-22</strong></td>
<td>An inside magazine. Weekly commenced publication in 1979(?) to February, 1981(?) ; series information minimal.</td>
</tr>
<tr>
<td><strong>Native Echo</strong></td>
<td>A special group magazine of the United Native Club. Series information minimal; published in 1974.</td>
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**William Head Institution**

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<thead>
<tr>
<th>Magazine</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Out of Bounds</strong></td>
<td>An outside directed magazine. Monthly commenced publication March, 1980 to present.</td>
</tr>
<tr>
<td><strong>Indian</strong></td>
<td>A special group magazine of Indian Educational Club; outside directed. Occasional commenced publication in October, 1967 to September, 1969(?)</td>
</tr>
<tr>
<td><strong>The Messenger</strong></td>
<td>A special group magazine of Indian Educational Club; outside directed. Occasional commenced publication in 1970(?) to 1972(?)</td>
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## Mountain Institution

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<th>Magazine</th>
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<tr>
<td><em>Con-versely:</em></td>
<td>An outside directed magazine. Monthly commenced publication in Spring, 1976; series information minimal.</td>
</tr>
<tr>
<td><em>OFF The Wall:</em></td>
<td>An outside directed magazine. Series information minimal; commenced publication May, 1981.</td>
</tr>
<tr>
<td><em>The Mountaineer:</em></td>
<td>An inside magazine. Monthly commenced publication June, 1983 to (?).</td>
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## Mission Institution

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<th>Magazine</th>
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<tr>
<td><em>Scraper:</em></td>
<td>An outside directed magazine. Bi-monthly probably commenced publication November/December, 1976 to 1980(?).</td>
</tr>
<tr>
<td><em>Mission Medium:</em></td>
<td>An inside magazine. Bi-weekly commenced publication September 1, 1980 to November, 1983(?).</td>
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## Kent Penitentiary

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<th>Magazine</th>
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<tr>
<td><em>Cemetery Road:</em></td>
<td>An outside directed magazine. Monthly commenced publication in Spring, 1981(?) to 1985(?).</td>
</tr>
<tr>
<td><em>Kent Times:</em></td>
<td>An outside directed magazine. Bi-monthly commenced publication in August, 1986 to 1988(?).</td>
</tr>
</tbody>
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NOTES

1. The latter is of particular note, having been started through the financial contributions and editorial support of a group of prisoners which included three of the infamous Younger Brothers, Cole Younger playing a major role in its production (See Baird, 1967).

2. To try and offset this problem we have recently started this new publication, the *Journal of Prisoners on Prisons* which presents the analysis of prisoners and former prisoners on various aspects of criminal-justice and corrections.

3. Art Solomon, an Ojibwa spiritual leader and elder, has devoted the last two decades to establishing Native religious rights in Canada's prisons. He has twice been awarded honorary doctorates from Canadian universities, is a member of the International World Council of Churches Steering Committee, and a central figure in the International Prison Abolition movement.

4. Penal exchange columns were featured in most penal publications throughout the 1950s and 1960s. They served as a means of recognition, comaraderie and censorship, and as a way to carry on internal debates and to maintain contact.


6. Blackstock, Hjalmardon and Reid have published commercial books on prison and their lives, while Frank Guiney has written the best historical pieces on prison life and its subculture that I have encountered in the pages of the penal press. He has also been the recipient of numerous awards for his poetry.

7. See for example, E.S. Gardner's articles in his column "The Court of Last Resort" in *Argosy* magazine throughout the 1950s. His pieces such as "The Importance of the Penal Press" were reprinted by many of the Canadian penal press publications.

8. Note that institutional financial support, large paid subscribers lists, and advertisers allowed publications to be distributed free to many media outlets and professionals working within the criminal-justice system.


10. The irregularity of publication should be noted. This listing provides overall publishing dates. The inclusion of a (?) indicates exact date unknown; in all other instances dates have been verified. My current collection holdings include approximately 1,300 issues of the publications listed.

REFERENCES


Revolutionary Literature = Contraband

Mumia Abu-Jamal

The people enjoyed real freedom of thought
The masses’ rights were respected;
The few who insisted on publishing things
Were the only ones effected.

Heinrich Heine (1797-1856)

Heine’s insightful expression of state repression versus peoples ‘rights’, is not locked in granite, reflecting one fleeting point in time. The Germanic poet’s sentiments equally apply to today’s reality, specifically those in several American prisons, where an increasing number of prisoner-subscribers to the radical weekly, Revolutionary Worker (RW), are being told by prison censorship bodies, and by some courts, that the RW will not be allowed.

The Revolutionary Worker is the organ of the Chicago-based Revolutionary Communist Party, U.S.A., a body which embraces a Marxist-Leninist-Maoist thought. RW is a colorful, expressive tabloid that offers national and global news analysis from a radical slant. The cover, centerfold, and back page are often multicolored. The writing style is breezy, colloquial, attempting an open ‘average Joe’ tone, free of puzzling jargon. Its layout is often loose, with little use for the bars, linings and/or graphs of many American newspapers, as reflected perhaps best in the Wall Street Journal. RW graphics tend to blend with the text, as in a recent instance where a three-quarter page length photo of an American Republican Cabinet official was depicted with a reptilian forked tongue slithering out of a toothy smile. RW can be entertaining, as much for its offbeat writing, as its creative, provocative graphics.

RW may be the antithesis of the tight staid Wall Street Journal. Perhaps that is why over 500 prisoners from some thirty U.S. prisons subscribe to it.

Perhaps that is one reason why, intermittently, since late May 1985, and totally, since October 1987, RW has been deemed verboten at Huntingdon State Prison in south-central Pennsylvania.

May 13, 1985 marked the long-planned police assault against, and aerial incendiary bombing of, the Philadelphia homes and headquarters of the Black Naturalistic Move Organisation, leaving smoldering ashes of carnage and death of men, women and children behind. Scores of homes were
razed by fire. Many radical and mainstream publications covered the urban holocaust, each from its own political perspective. The spectrum ranged from the conservative *U.S. News and World Report*, which decried the massive property losses, whilst opining that the fact that Philadelphia's mayor was Black was indicative that racism was not a factor in the bombing; to the *RW* which interpreted the 'Nightmare on Osage Ave.' as state terrorism launched against a Black Rebel clan and fronted by a Negro puppet politician, in hock to his very soul to the ruling class. To be sure, a number of radical, leftist papers featured remarkable coverage reflecting an extraordinary event. But, after the smoke cleared, few adopted an editorial, ongoing stance on the Move Massacre. Fewer still provided reduced rate or free subscriptions to indigent prisoners. *RW*, among others (notably the *Workers Vanguard*, organ of Spartacist League, U.S.A.), did all three.

The *U.S. News and World Report* was never censored; *RW* was censored often. At Huntingdon, *RW* papers were repeatedly seized, based upon a section of Administrative Directive 814, which prohibits publications "which advocate violence, insurrection or guerrilla warfare against the government or which create a clear and present danger within the context of the Correctional Institution."

(Pennsylvania Department of Corrections Admin. Directive, Sec. IV.A.3).

Since October 1987, some thirty prisoner-subscribers at Huntingdon have been totally denied their weekly *RW*, based upon the pretext cited above. The stated purpose of the Directive 814 is to give wide latitude to inmate subscribers of publications to satisfy the educational, cultural, informational, religious, legal and philosophical needs of prisoners.

Huntingdon subscribers fall within a wide range: Black Nationalists, Prison Activists, Anarchists, Move Rebels and Socialists are among the thirty-odd individuals who routinely pass *RW* on to other interested readers.

The writer, despite prolonged *pro se* litigation in the U.S. District Court, and repeated institutional requests for a clear statement of what material was deemed offensive to censors, was never provided an answer stating what was objectionable. Repeated appeals netted *pro forma* responses, which woodenly cited the relevant rule supposedly violated, but not the material found to be objectionable, nor why.

Huntingdon Prison, located in Pennsylvania's rural, white, central counties, bears a black inmate population of over fifty percent
Pennsylvania has an African-American population of about ten percent, akin to the U.S. population as a whole.

Only after the Revolutionary Communist Party (RCP) --Prisoners Revolutionary Literature Fund (PRLF), and interested civil attorneys made inquiries of government officials did a "reason" emerge for the total ban visited upon issues of RW. The culprit, censorship officially informed PRLF spokespersons, was a brief announcement on page two of every issue, titled "3 Main Points", authored by RCP Chair Avakian. Specifically, one point rankles censors: "The system we live under is based on exploitation -- here and all over the world. It is completely worthless and no basic change for the better can come about until this system is overthrown." Here then, 'the clear and present' danger. Accordingly, RW has been totally banned at Huntingdon. Since September 1988, another prison has joined the RW ban-wagon, namely, Lewisburg Federal Prison at Lewisburg, Pennsylvania. By contrast, one of America's largest prison systems, New York State, specifically allows RW and states as much in it's media review guidelines.

Recently, editors at RW excluded the '3 Main Points' from selected issues. Did this mean RW was no longer excluded? It did not. Reportedly, the September 5, 1988 issue did not feature the '3 Main Points'. On September 23, 1988, subscribers were given censorship notices rejecting that issue on the identical grounds noted above, a strong suggestion that the given objections are purely pretext. Is the actual basis a political distaste for a publication which unabashedly names this system as imperialistic, and exploitative? Does this degree of censorship impact upon the right wing, often racist, publications at Huntingdon?

White prisoner-subscribers here receive White Aryan Resistance (WAR!); NAAWP News (National Association for Advancement of White People); Thunderbolt; National Vanguard (N.V.), and the like, periodically and relatively hassle-free. The author has reviewed WAR! and ATTACK!, organs of the White Aryan Resistance and the National Alliance (from Arlington, Virginia), which call for a "revolution" against "this corrupt system". One issue of Attack! (No 12, 1972) features "Revolutionary Notes - 7" which boasts of the merits and limitations of a number of small arms, from the 9mm (SW) to the .30 M1 Carbine, complete with illustrations, and descriptive texts. These articles, some 150 of them, deal with paramilitary matters, cultural enhancement of European values, and scandalous portrayals, via caricature and cartoon, of African, Indian, and Jewish peoples. Indeed, one article from a 1984 compilation describes Der
Fuhrer, Adolph Hitler, as "Kind", "appealing" and even "maudlin"! These materials are free from censorship. Radical materials which criticize the U.S. Empire are freely and routinely censored.

White prisoners may subscribe to fascist-oriented materials, which deify Hitler, belittle (or praise) the World War II Holocaust of millions of Jews, Gypsies, Communists, and others, and liken Jews to stereotypical shylocks, and Africans to servile Sambos, without significant comparative censorship, as afflicts RW. Perhaps more significantly, literature of this type supports psychic and racial barriers between prisoners, and inhibits development of any degree of political/ideological unity amongst prisoners vis-a-vis the administrators. As in the "free world", racism is a valuable tool of division which rulers use to manipulate the ruled.

Pornography, soft and hard-core, also circulates quite freely here. Prisoners routinely receive and circulate materials depicting a provocative panoply ranging from male/female penile-vagina sex, penile-anal sex, and oral sex; to homosexual oral, anal and digital sex; to human/bestial sex. In a state where conjugal visits have never been allowed, and where the very notion of penitentiary was initially conceived and implemented under strong Quaker influence, prisoners may fantasize to ones hearts content about myriad sexual couplings, but no more. Presently, eight States and a number of countries, Canada, European and Third World, provide conjugal visits. In the State where America's Constitution was molded, written and ratified, and where the Pennsylvania Constitution specifically grant broad press freedoms, the RW stands victim to a state-initiated total ban at Huntingdon. As the Move Rebels of Philadelphia were excepted from the expansive guarantees of the United States/Pennsylvania constitutions as reflected by the May 13, 1985 police bombing so too, the Free Press Rights boasted in both Constitutions, apparently does not apply to RW. Add another log to the fire.

Prisoner-subscribers to the Black Nationalist Monthly, Burning Spear, published by the Oakland, California-based African Peoples Socialist Party, face a similar ban at Huntingdon, but the Spear is not banned by other state prison media bodies. The Spear offers news and analysis on political, social and cultural issues affecting the global Black community. The Spear too is banned. Appeals to prison administrators have resulted in as little specific responses, as in the case of RW censorship appeals.

What of court challenges to this wave of censorship? The federal courts, having been duly Reaganized, offer poor prospects for a pro se prisoner-litigant, who pits his meager resources and research tools
against the computerised, professional arsenal of government counsel.

The naming of conservatives to the Federal Bench during the Reagan Administration leaves the majority of the bench with an ideological bent of "deference" to the executive branch, with little appreciation of individual and/or prisoners rights, as preserved in the Bill of Rights. This bodes ill for the impoverished, the imprisoned, the powerless, who dare to believe the lofty rhetoric that resonates within the Constitution, or more importantly, try to apply it.

As the issues raised here address far more than the narrow question of "prisoner's rights", but rather impinge upon the First Amendment rights of publishers of alternative and radical publications, it is the publishers who must join in the struggle with prisoner-subscribers, to liberate the minds of men from the mental shackles of an exploitative, oppressive system. There is no safe middle ground.

Until publishers recognize their principled, interwoven interests lie with those who read, and thus consume their product, the corporate major media will, by portraying crucial censorship issues in terms of yet another "prisoner's rights" case, marginalize and obfuscate it's impact and import.

Poet Heine's insightful observation, cited in this article's opening, bears reflection. He shows, in poetic clarity, how an increasingly repressive state camouflages it's acts, with grandiose, glorious and utterly hypocritical words.

Incredibly, it would be easier for prisoners at Huntingdon to receive an edition of Barricada from Managua (I know a subscriber here of the Sandinista's English edition), than to get a copy of Chicago's RW. There's the pity. As with every assault on folk's rights by this system, resistance must be the response. This article is one form. How you, the reader, may opt to respond may be another.

"The worst kind of tyranny is that over the mind."

Anonymous

A people can never acquiesce to the State's imposition of mental contraband.
NOTES

1. Although at first glance such a tripartite grouping (i.e. Marx - Lenin - Mao Tse-Tung) may appear somewhat unorthodox, the Revolutionary Communist Party/U.S.A. is of the view that Mao Tse-Tung thought, or the political philosophical view of the late chairman, have enriched marxist theory, and further, that the present pro-western regime in Beijing is deeply revisionist.

2. The Legislative Budget and Financial Committee Report places Black inmates at fifty-two percent of Huntingdon's population; the statewide figures for the Black inmate population is fifty-seven percent. These figures count Hispanics as "whites", so the statistics are conservative.

3. See New York Directive 4572. Sec. II.H.6., which states, in part, "...publications such as Revolutionary Worker shall generally be approved".


5. The world's first 'penitentiary' was opened in Pennsylvania in 1790 as the Walnut Street Jail, based upon 'penitence.' This "Philadelphia System" was copied globally (Takagi, 1980).

6. The United States Constitution, Amendment One and the Pennsylvania Constitution, First Article, both promise free press rights.; the latter in Article II, Section 7 notes, "The free communication of thoughts and opinions is one of the invaluable rights of man" (See Pennsylvania Declaration of Rights and Constitution).

7. Both a state and federal grand jury declined to indict any officials involved in the May 13th Move Massacre; nine Move people presently serve 100 year sentences for allegedly killing a cop in 1978, despite admitted knowledge of their innocence.

8. A notarized affidavit of a Spear subscriber showing that Spear is not censored at another prison accompanied this article (ed.).

9. On May 15, 1989, a predominately Reagan-appointed majority of the United States Supreme Court held prison officials needed "greater flexibility" in determining which publications to censor. Abbot v. Thornburgh makes it easier for federal prison wardens to exclude critical, and predominately leftist material.

REFERENCES


Preventive Detention in the United States: Crime Fighting Weapon or Political Tool of The Right?

George Peter Jr.

The recent U.S. Supreme Court decision upholding the constitutionality of preventive detention laws has been viewed as a major victory for conservatives, and another in a series of setbacks for civil libertarians. For nearly two decades the primary goal of conservative crime control strategy has been to remove dangerous criminals from the streets, and it is anticipated that this ruling will facilitate the rapid incorporation of similar laws throughout the country. The effect these laws will have upon crime is open for debate.

Preventive detention authorizes a judge to incarcerate accused criminals before trial if the individual is deemed dangerous to the community, and if the probability exists that the defendant will commit additional crimes when release on bail is granted. Its goal is to circumvent the long standing principle that the sole purpose of bail is to guarantee the appearance of the accused at trial. In this study we will review the history of preventive detention in the United States, and based on studies from the cities of Washington, D.C. and Boston, Massachusetts examine its use.

The call for preventive detention is directly related to the bail reform movement of the 1960s. Reformers perceived jails as poorhouses, since only people of low income were unable to raise bail money. Since confinement was not based on guilt or innocence, bail reformers attacked the system for discriminating against the poor. The culmination of this movement was the 1966 Federal Bail Reform Act, which directed the implementation of such non-monetary procedures as “release on recognizance”. In rapid order many states incorporated similar laws, and the percentage of defendants held in jail before trial dropped from fifty-two per cent in 1967 to thirty-eight per cent in 1979.

No sooner were reforms in effect than opposition arose. Probably the most notable of the early proponents of preventive detention was the former governor of Alabama, George Wallace, who cynically noted that criminals were released on bail before the victim was out of the hospital.
A dramatic increase in crime occurred at this time. For example, in 1966 there were 5.6 murders per one hundred thousand population, in 1972, 9.41 and conservatives saw a connection between the two (Wilson, 1975: 15); they viewed bail reform as another liberal social experiment clearly harmful to society. In response, a special Judicial Council Committee was formed to examine the impact of the Bail Reform Act in the District of Columbia; their primary recommendation: the legalization of preventive detention. Their findings were forwarded to President Nixon, who endorsed the concept in 1969. Preventive detention became law in the District of Columbia in 1970.

The implementation of this law gives us the opportunity to examine the practice of preventive detention. To be held without bail, a person has to be charged with a crime of violence or a dangerous crime. A formal hearing is held to determine whether probability of guilt exists; additionally, the defendant must have been convicted of a crime during the previous ten years, be a drug addict, or be on parole or probation. To ensure a degree of due process, the accused has a right to a speedy trial within sixty days of arrest; otherwise s/he will be released on bail.

With the law firmly in place, Georgetown University and the Vera Institute conducted a study to determine its effect during the law's first six months. Their findings were startling: of the 6,000 felony defendants brought before the bar, prosecutors filed but twenty detention motions, which resulted in eight detentions. Of these eight detentions, five were reversed on appeal or reconsideration. A sixth was dismissed when the grand jury would not indict the suspect. Judicial initiative led to two additional detentions. All tolled, only four persons were detained through trial during the reported period (Thomas, 1976: 231-232).

Preventive detention's surprising nonuse was simple to explain, and it had little to do with liberal judges. The law was not used because prosecutors simply did not need it. Since robbers, for example, have little or no money, merely setting the bail at a level beyond their financial means would keep them effectively detained. Eisenstein and Jacob (1977:200) discovered that the average bail for armed robbers was $7,719 in Chicago and $23,686 in Baltimore.

Therefore, rhetoric notwithstanding, preventive detention has traditionally been practiced by the American criminal justice system. Judges and prosecutors have always used high bail to detain those defendants they viewed as dangerous, despite the Eighth Amendment and the legal principle that the purpose of bail is to ensure the defendant's appearance at trial. In his study on bail setting practices in place before the 1966 Act, Frederic Suffet found a considerable degree of cooperation among judges, prosecutors, and defense attorneys in setting high bails, with disagreements arising in
only twelve per cent of the cases. This practice was challenged but not entirely eliminated by the bail reform movement (Suffet, 1966).

Much research has been conducted to determine how well felony defendants succeed in not reoffending while free on bail. Since preventive detention is invoked in the interest of public safety, the court's ability to predict reoffenses is crucial, and deserves further attention. One way in which the question of predictability might be investigated is to determine the frequency of felony arrests among defendants who are currently under release on bail. A 1970 study by the National Bureau of Standards indicates that approximately seven percent of persons released on bail after being charged with a felony were subsequently rearrested for another felony; however, there were marked variations (Thomas, 1976). Defendants charged with certain types of crime had particularly high failure rates. For example, individuals arrested for possession of illicit drugs were very likely to go out and use drugs right away -- and be rearrested. On the other hand, there was an extremely low failure rate for sex offenders. The highest failure rate of any category observed was robbery; about thirty percent of all robbers freed on bail were rearrested for robbery. If we expand the rearrest record to include rearrest for any type of felony, robbers fail at a rate greater than fifty percent.

Society's commitment to the individual's right to release on bail is strongly tested based on these failure rates. Indeed, a conservative would view the figures as proof positive that a reduction in the crime rate could be accomplished by incarcerating the few dangerous offenders; however, even if this relationship were correct, the identification of potential recidivists is problematic. Predicting human behaviour is an imprecise art; errors made in the name of preventive detention inflict a heavy burden upon the individual and society. Two mistakes can be made. First, defendants who in fact will not commit violent offenses while out on bail may be detained. Second, those who will commit violent crimes while out on bail may not be identified. We are faced with serious social costs in both cases. Incarcerating people unnecessarily imposes a tremendous financial cost on the defendants' family and society, since detaining the accused often relegates his family to the welfare roll, while the expense of building additional jail space falls upon the populace. On the other hand, failing to incarcerate the truly dangerous people means that many innocent citizens might be victimized.

Two independent studies of preventive detention have determined that only five percent of those defendants eligible for detention would be arrested for another violent offense while free on bail. A Boston study discovered that 5.2 percent of those originally arrested for a violent offense were rearrested for another violent crime, while the National Bureau of Standards study determined that five percent of those eligible for detention under the Washington D.C. law were
subsequently rearrested for another violent crime. It is quite clear
that attempting to identify recidivists within the original group would
be difficult, if not nearly impossible. The apparently simple solution to
the problem is to detain all the defendants. The Boston study implied
that nineteen non-dangerous people would have to be detained in
order to detain one dangerous person. The monetary costs of such a
practice are clearly prohibitive, while the social cost of unnecessary
incarceration is more difficult to establish (Erwin, 1971).

Although many people believe they can identify dangerous repeat
offenders, in practice, we simply lack the ability to determine who is
dangerous and who is not. The District of Columbia bail agency
examined the detention records of two judges of the District of
Columbia Court of General Sessions to ascertain their ability to spot
potential repeat offenders. Judge Halleck detained fifty-one percent
of 200 defendants before him, while Judge Alexander detained only
twenty percent of his defendants. The rearrest rate for those
defendants released on bail was strikingly similar: eight percent for
Judge Halleck, and nine percent for Judge Alexander. It is clear that
Judge Halleck's ability to identify dangerous repeat offenders was no
better than Judge Alexander's, although he detained 2.5 times as
many defendants (Thomas, 1976: 239-240).

Preventive detention has shown itself to be a problematic policy,
pleasing neither politicians on the right or left. It has failed to be the
panacea for crime control that conservatives perceived it to be, while
liberals view it as a further erosion of the rights of the individual in
American society. The irreconcilable differences of opinion about this
issue were clearly elucidated in the U.S. Supreme Court's decision.
Writing for the conservative majority, Chief Justice William H.
Rehnquist stated "when the government proves... that an arrestee
presents an...articulable threat", a court "may disable" the defendant.
He concluded that jailing a defendant was not punishment, but
merely congressional "regulation" (U.S. v. Salerno, 107 S.Ct. 2095
[1987]). In a strident dissent, Justice John Paul Stevens argued,
according to that reasoning, why should "dangerous" defendants be
released, even if acquitted? Surely, "it is...unrealistic to assume that
the danger will vanish if a jury happens to acquit them."

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Powerlessness: A Source of Evil

Joseph E. McCormick

Rollo May, in his book *Power and Innocence* (1972), argues that lack of power in people’s lives is the breeding ground for violence. When people are powerless to effect change in what is perceived as a hopeless situation, the by-products are the destructive forces of bitterness, apathy, frustration, rage, and violence. The events leading to the infamous Kingston Penitentiary riot festered in a state of hopeless frustration for a lengthy period of time before the carnage. Both inmates and guards felt powerless to effectively influence their situation. Both sides were victims of the same social cancer: powerlessness.

To focus on the problem of powerlessness in the criminal justice system, the philosophy behind incarceration must be understood. Canada statistically has one of the highest rates of imprisonment in the western world. The ultimate aim of incarceration is fourfold: the punishment of offenders, the protection of society, the deterrence of crime, and to a lesser degree the rehabilitation of offenders. Recidivism rates approaching eighty percent (Parliamentary Subcommittee on Penitentiaries, 1977:35) clearly indicate that incarceration as a means of rehabilitation is ineffective. Indeed, incarceration of non-violent offenders is a grossly expensive waste of time, money and manpower. A significant body of correctional professionals have adopted the “nothing works” philosophy,* concluding that penal facilities serve only as warehouses. Such fatalism, while perhaps understandable, is yet another manifestation of powerlessness. It is time to concentrate on the central problem instead of being dominated by it.

Historically, the Canadian justice system is conservative by nature, built on the traditions and experience of British judiciary and penology. More recently it has adopted aspects of the American models. It must be recognized that modern society has abdicated responsibility for its social blemishes to institutional care. The burdens placed on our courts and penal institutions exist largely because we have turned correction of our prodigal sons and daughters over to a bureaucratic *industry* of baby-sitters. The term *industry* is not a misnomer for it encompasses police, judges, lawyers, clerks, guards, psychologists, and a host of other professionals who depend directly on the continuance of criminal deviance for their livelihoods.

Every year governments lament the costs of criminal justice. Yet, every year each segment of the industry applies for a larger slice of the budgetary

*This philosophy, as a recognized school of thought, evolved primarily out of a highly controversial study conducted by Martinson (Spring 1974) and has since been shown to be a flawed and defeatist attitude by Canadians (see Gendreau, 1981).
pie. With all our advancement we remain a society that seems unable, or unwilling, to cope with its own deviance. Worse, the institutions designed to control and alleviate it may be inadvertently contributing to its very increase. Increased budgets for manpower by police, for example, produces a ripple effect that is felt throughout the industry. More police lay more charges, further taxing the courts, jails, and prisons. Politicians cry for tougher law enforcement in response to perceived need; media sensationalism of a few high profile cases cause emotional panic; the justice system bemoans the frustrations of a revolving door syndrome; the economic and social cost of a failing and self-perpetuating industry is appalling. The result is the frustration of powerlessness experienced at every level, while parliamentary study upon study produce few, if any, meaningful solutions.

The consensus is that the system does not work. Yet, the people who are most affected by it, offenders and correctional workers, are powerless to change the system for the better. Many good people come to work in corrections, well motivated to be effective, fair, and progressive, only to become disillusioned, frustrated, and apathetic. Likewise, offenders who had a genuine desire and the potential for effective rehabilitation leave embittered, resentful, and angry. Are the two sides diametrically opposed? I argue that in desired goals, often not. However, a cumbersome system that clings to a peculiar mixture of nineteenth century penchant for bars and twenty-first century promise of enlightened thinking robs both the offender and worker of the opportunity to achieve those goals. In short, rehabilitation and punishment are not compatible. Prisons warehouse the dangerous and punish the guilty. They are incapable of fostering rehabilitation and ought not to pretend otherwise.

Canada has modest reason to be proud of its alternatives to incarceration. Community service programs, fine options, and victim/offender reconciliation, while exceedingly worthwhile, are barely initial steps; mere band-aid approaches to a malignant cancer. None of these advances solves the more acute problems that daily affect the lives of the two groups striving to function behind prison walls. Two-thirds of those incarcerated pose no threat, other than that of being a nuisance to society. Overcrowding is a problem common to all penal facilities, no matter how rapidly built. Tensions produced by powerlessness are dramatically highlighted only after tragedy strikes. The suicide of a young woman in Winnipeg’s Public Safety Building, the senseless slaughter of two living unit officers in Stony Mountain Penitentiary, and murder upon murder in Millhaven Institution bring fleeting attention to bear on the symptoms.
Ignored are inmates who lose their sanity in solitary confinement; physical and emotional violence; slavery to drugs and homosexuality; an unwieldy bureaucracy that frustrates workers equally as much as inmates; staggering illiteracy rates; lack of meaningful programs; the loss of basic human dignity. When the symptoms of powerlessness manifest themselves in the extreme, an apathetic society shrugs its shoulders and attributes the blame to faulty administration. The symptoms are usually misinterpreted as the fundamental problem.

For the inmate, powerlessness to change the dehumanizing aspects of incarceration (alienation from family and community, boredom, loss of individuality, surrender of decision making, absence of meaningful reconciliation) is a threat to his/her existence. If the inmate capitulates to the system, he/she is in danger of becoming a non-person and institutionalized, while expression of individuality can result in being labelled as incorrigible. For the correction worker, powerlessness to be able to effect meaning in their profession and lack of goal attainment and career satisfaction lead to apathy and acquiescence to the "rut system". The system subjects the average worker to a mindless routine of key turning and inmate counting and bureaucratic processes.

Powerlessness to change effectively a hopeless situation causes people to think and behave irrationally. When despair replaces hope, the potential for cruelty exists. Game playing and manipulation of people for power advantage becomes an exercise that turns well intentioned people against one another: inmates against guards, guards against guards, inmates against inmates.

Correctional workers complain of the lack of discipline, administrative inconsistency, the absence of respect for authority, and constant tension. They are forced to endure the childish behavior from adults and live with the continual risk of danger. Inmates complain of harassment by vindictive guards, lack of communication, staff incompetency, overcrowding, and lack of privacy for the most basic of human needs. Both sides grow bitter and become estranged actors in a tragic comedy.

The irony of so-called rehabilitation is that it promotes the very behavior it should be discouraging. Both sides resort to game playing, out of frustration. Inmates feel compelled to lie and manipulate to gain limited access to parole oriented programs. Staff use acceptance or denial as a lever to place pressure on inmates for information. The stick and carrot approach is brutal psychological warfare, carried out in the vilest of trenches. The power struggle, thus, uses the best of systems for the worst of intentions.
The growing problem of recidivism can be viewed as a polarization of those unable or unwilling to cope with life in the real world. "Doing time" is easier than struggling to survive in a world with which ex-offenders are ill-equipped to deal, and from which they outcast. Not only are offenders being released without adequate resolution of anti-social and criminal behaviors, but they are often in worse psychological and spiritual condition than when they entered. Prison shelters offenders from life's realities, teaches them to cope by manipulation and coercion, and fails to foster responsibility. Indeed, incarceration in its present form is the antithesis of rehabilitation.

Inmates quickly lose hope of achieving any problem solving counselling, or redirectional goal setting, because the system cannot economically provide qualified staff or adequate facilities. It is common for those with dire psychological needs to be told that they are doing too much time to deserve treatment, and to re-apply in a few years. Yet, while meaningful programs are denied, the unctuous rhetoric of Corrections Canada's "Mission Statements" gives the perception of an advanced medical model in our penal institutions.

Alarmingly, the objectives of professional staff and those charged with security responsibilities often clash. It is no secret that the ratio of budget appropriation for security is approximately 500 percent (Wortherspoon, 1986) greater than that of education and vocational training. This budget imbalance is further reflected in the poor working relationship between the two bodies of staff. Security dominates all aspects of prison life and is not hesitant about reinforcing its authority, whether justified or not.

While frustrated by the lack and the quality of programs, inmates witness daily a litany of budgetary wastes and bureaucratic ineffectiveness. The private sector would shudder at the mismanagement and lack of financial accountability. A school office may be denied a badly needed typewriter, while a million dollar electronic locking system, which saves the guards' necessity of manually turning keys, is readily justifiable. Such gross inconsistencies amplify the necessity for separating rehabilitation from incarceration. Powerlessness to effect programming condemns both sides to do "dead time". The inmate completes his/her sentence in a vacuum, learning only those skills that reinforce deviant behavior and entrench cunning attitudes. The correctional worker discovers that he/she is only a baby-sitter stuck in the rut system awaiting pension.

Like a marriage gone sour years ago, the adversaries now focus only on the symptoms and their distrust and resentment of each
other. The problem of powerlessness is lost in an obscure maze of disillusionment. Thus, prisons become factories of hate.

The correctional dilemma will not be cured by band-aid approaches. The cancer of antisocial behavior exists in spite of all efforts. Building more prisons or expanding the size of the industry is not an answer, although it may have temporary political advantages. Powerlessness is a condition of the human experience that has its roots in social structure, not just prison. If an offender cannot find dignity and self-respect in his/her community, he/she is certain not to develop them in prison. The cancer of powerlessness will only be conquered with recognition of its evil pervasiveness. An holistic society is one that develops a consciousness for healing. Canada needs to focus on the roots of powerlessness as a determinant of criminal behavior. Poverty, social injustice, illiteracy, devaluation of the disadvantaged and our indigenous peoples ought to be attacked far more enthusiastically than the individual wrong-doer. We are a society with a bully's school-yard mentality of picking on, condemning, and ostracizing the weak and insignificant.

It is time to recognize the criminal justice system for its true raison d'être - that is a system for extracting vengeance. Rehabilitation can only take place in an environment that fosters positive change in the human heart. That seldom happens in prison.

REFERENCES

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The American Indian in The White Man's Prisons: A Story of Genocide

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...I am going to describe the spiritual significance attached to the immediate relief I am seeking. My reason for this is so that this court will possibly be able to understand how important these things are to me and my people... and the injurious effects the denial of these things are having on me and my people. I will describe, or explain, why the Defendants have no legitimate reason for continuing to deny us these things.

I will begin with the sacred pipe, as to have an understanding of what the sacred pipe means to me and my people will make it easier for you to understand the other things I will describe. I am not a spiritual leader, and there may be some things that I am unable to elaborate on because of my little knowledge; but this is my personal testimony, and I speak from my heart.

The sacred pipe is at the center of my religion. We call it caupa wakan. It is a gift which was given to my people by the Great Spirit, through a messenger. This messenger instructed us in the meaning and use of the pipe. This messenger wasn't just a person, but a holy spirit woman. She told the people that this pipe was to be used in prayer. It is constructed like this: The bowl of the pipe is made of sacred inyansha, red stone. This stone is very sacred and it is only found in one place in the world, up in what is now Minnesota. A long time ago there was a flood, a great flood. This flood covered the whole earth because the Great Spirit was unhappy with the human race, the wickedness of man. So the Great Spirit cleansed the earth with this flood. The weight of the water crushed the people, and at that time my people were located in Minnesota. The blood of the people ran out onto the earth and over a long period of time it congealed and turned to stone. This is the sacred inyansha, the stone which we are to use to make the bowl of the sacred pipe. The bowl of the pipe represents the blood of the people, and it represents the earth, which we think of as our mother, our true mother, because she sustains us with all the nourishment we need to stay alive and healthy. The bowl of the pipe reminds us that we are of the earth,
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we are tied to the earth, and we must love and take care of our mother just as she does us.

The stem of the pipe is made of wood, and it is long and straight ... It represents all that grows upon the earth: the trees, the grasses, the flowers, and all that grows upon the earth. It also represents the straight path that we want to walk in this life; the straightness of character and the virtuous qualities we strive to achieve in this life, and which we know the Great Spirit wants us to strive for.

There may be animal parts, such as the hide of a deer, or perhaps an etching on the pipe which is of an animal. These represent all the animals on the earth: the deer, the buffalo, the coyote, the wolf, the snakes, the insects, the fish, and all the other animals of the earth.

There may be an eagle feather attached to the pipe, or perhaps some other bird feather. This, as well as the smoke of the pipe, represents all that lives above the earth: the winged creatures, the sun, the moon, the clouds, the air, and all that resides above the earth. In my own way of perceiving, I believe this also represents all the waters, the rivers which are the life blood of our mother earth, because the clouds represent the rain which nourishes and purifies.

When we place the tobacco into the bowl of the pipe, each tiny grain represents some aspect of the universe: There is a grain in there for you and for me, and for all peoples, the rocks, the grasses and trees, the animals, the winds, and every living thing in the universe. And when we smoke the pipe we are praying -- the smoke carries our prayers to the Great Spirit. We are praying for the coming together, the harmony, the healing of all peoples, and of all parts of the universe. And we are giving thanks for all that we have ... 

...These things are all very important to us; they are our way of life, our religion. I need the spiritual guidance -- as do the other brothers in the prison here -- which can come only from a Native American spiritual leader who is able to understand my culture, my religion, my way of life. I feel like an alien in here because this whole prison system is created in such a way as to cut me off from my culture, my religion. There is no way I can describe the effect it has had on me to be forcefully separated from my very way of life. The values of the white man, I don't understand. I don't understand a culture that believes that it is good to fight one another for wealth, for
material things. I don't understand the white man's philosophies which believe that we are superior to the earth, our mother, and that we must destroy her so that we can get rich with material things, or that we are above the other animals, or that one race is superior to another. These things I don't understand, but it is the way of white man, and it is the way these prisoners are taught to be so that they can function properly in the white man's society when they are released. But I don't let these things touch me, because I know in my heart that the way of my people is the way the Great Spirit wants me to be. But it is hard on me in here to be deprived of an opportunity to join with my Brothers so that we can worship the Great Spirit [together], and so that we can help each other to renew our spirits. None of us were walking in balance when we were out there in the free world, otherwise we wouldn't be here now. We need the guidance that can come only from our spiritual leaders, and from our spiritual rites.

Imagine that you are a Christian and that you are placed in an environment where nobody but a small handful of people are Christians, and that those of you who are Christians are separated from one another because the officials don't want you to have an opportunity to ever see one another, and that all religious leaders in the free world are invited to come into the prison with the exception of any who are Christian, and they are barred from entering, and that you are prohibited from having a Bible or a Crucifix. Imagine what that would feel like, and let the feeling sink down into your bones, your heart, your mind, your guts, and that it is with you every day, every night, every minute. And that you are constantly ridiculed or punished for any attempt to practice your beliefs. If you can realize how that would feel, then and only then can you have any idea how it is for me and my people in this Iron House. But even if you have an idea, it is only a small idea, because you could never know what it is like until you have lived it. It is hard, and every single day before I go to sleep at night I pray to the Great Spirit, Wakan Tanka, and I ask that some miracle take place so that the officials in this prison system will become enlightened enough that they can some day know that my people are human beings who deserve a little bit of freedom. You have taken our land, you have taken our children forcefully from the reservations and placed them in the BIA Boarding Schools and punished them for doing anything Indian, and have set them loose into your cities after
programming them into being ashamed of their heritage, you have murdered our women and children and our elders after smoking the sacred pipe in friendship, you have broken and continue to break your treaties with my people so that your oil companies can come onto the little bit of land that is left to us - we don't "own" the land. It never did belong to my people. We belonged to it. And it is our duty to take care of her for the generations to come. We must take care of her if she is to take care of us.

Your people have caused much suffering to my people. The least you could do is live up to your laws by letting us worship God in the way God has instructed us to. You will all always be in my prayers, even though you usually do such wrong to me and my people. May Tunkasila Wakan Tanka have pity on you after all you have done and all you condone today. My he forgive you for destroying the earth he has given us to share as Brothers. May he forgive those who feel they are so superior that they even stand between God and those who wish to worship in accordance with God's will. I pray for you.

I sincerely believe everything I have told you in this affidavit. The religious beliefs I profess to have are my true beliefs, and I should not be deprived of the right to my religious practices. They are sacred, and the Great Spirit gave them to me. Who is so superior that he will take away that which the Great Spirit has given me? . . . (Reed, Affidavit, January 10, 1989:6-8, 16-18).

As a result of humanitarian outcries in the latter nineteenth century, the United States shifted from the policy of outright military extermination of Indian peoples to that of forced assimilation. While there could be hundreds of volumes written about the actions of the United States government to serve its assimilative intent, I will only briefly touch upon how the U.S. has attempted to achieve this end through the suppression of tribal religions.

Early on in the assimilation campaign, it was apparent to U.S. political and Christian leaders that the political and religious forms of tribal life were so closely intertwined as to be inseparable, and that in order to successfully suppress tribal political activity it was imperative to suppress tribal religious practices as well. To that end, nearly every form of Indian religion was banned on the reservations by the mid-1880s, and very extreme measures were taken to discourage Indians from maintaining their tribal customs. The discouragement usually came in the form of imprisonment or the withholding food, thus starvation. As observed by Matthiessen, "on
pain of imprisonment, the Lakota were forbidden the spiritual renewal of traditional ceremonies; even the ritual purification of the sweat lodge was forbidden. They were not permitted to wear Indian dress or to sew beadwork " (Matthiessen, 1983:21). And as stated by Deloria:

Even Indian funeral ceremonies were declared to be illegal, and drumming and any form of dancing had to be held for the most artificial of reasons. The Lummi Indians from western Washington, for example, continued some of their tribal dances under the guise of celebrating the signing of their treaty. The Plains Indians eagerly celebrated the Fourth of July, for it meant that they could often perform Indian dances and ceremonies by pretending to celebrate the signing of the Declaration of Independence (Deloria, 1973:252).

In 1878 the first Bureau of Indian Affairs (BIA) boarding school was founded, which marked the beginning of a systematic attack on Indian religions and cultures through the de-Indianization of the children. Many of the "children were captured at gunpoint by the U.S. Military and taken to distant Bureau of Indian Affairs boarding schools" (Tullberg, 1982:163).

English names were assigned to replace [Indian] names and even [Indian] hairstyles were forbidden under penalty of criminal law.

Those [Indians] who resisted this colonial rule were labeled "Hostiles" and were subjected to arbitrary criminal punishment, including imprisonment and forced labor, as determined by the [BIA] agent. Mass arrests of "Hostile" leaders were ordered and many served lengthy sentences at the U.S. prison at Alcatraz and elsewhere ... (ibid.).

Thus Tullberg indicates to the reader that we are not talking about ancient history here, since Alcatraz prison was not erected until 1934.

The speaking of tribal languages was a physically punishable offense in the boarding schools and continues to be so in some of the schools (Beuf, 1977:32). Christianity was forced upon the children and continues to this day to be stressed over tribal religions in the boarding schools. The predominant purpose of the schools has always been to Americanize Indians and to make them ashamed of their people and their heritage. In an 1897 letter to the Secretary of the Interior, the Commissioner of Indian Affairs, E.A. Hayt, observed that the best results of this objective are achieved "by a removal of
the children from all tribal influence during the progress of education ...") (Coffer, 1979:5). As stated by Peter Farb:

The children usually were kept at boarding school for eight hours, during which time they were not permitted to see their parents, relatives or friends. Anything Indian -- dress, language, religious practices, even outlook on life -- was uncomprisingly prohibited. Ostensibly educated, articulate in the English language, wearing store-bought clothes, and with their hair cut short and their emotions toned down, the boarding school graduates were sent out either to make their way in a white world that did not want them, or to return to a reservation to which they were now foreign (ibid.:8)

"Children living in boarding schools during the year were sometimes sent to work as domestics in non-Indian homes during the summer to keep them from their relatives and traditions, a policy that became known as 'legalized kidnapping' " (Grobsmith, 1981:15).

Many children would climb out the windows of the boarding schools in an attempt to return to their families; many died of exposure during their attempts. Punishment for recurrent runaways commonly included being placed in dark, locked closets, or having balls and chains attached to their ankles so as to humiliate them in front of the other children and to discourage the children from further attempts to return to their families. The runaways --and consequently, the deaths from exposure -- became so numerous that many of the schools barred their windows to keep the children in (Coffer, 1979:8). Powerful tranquilizing drugs such as thorazine were also used for disciplinary purposes (Burnette, 1974:53). Supreme Court Justice Douglas pretty well summed it up in 1973:

[T]he express policy [of the schools was] stripping the Indian child of his cultural heritage and identity: "Such schools were run in a rigid military fashion, with heavy emphasis on rustic vocational education. They were designed to separate a child from his reservation and family, strip him of his tribal lore and mores, force the complete abandonment of his native language, and prepare him for never again returning to his people" (Rice, 1977:1525).

In recent years, Indian people have had a little more say about how things should be run at the boarding schools, and the conditions are improving, albeit slowly.

In 1978, the United States Congress passed the American Indian Religious Freedom Act, stating that "the United States has traditionally rejected the concept of a government denying individuals
the right to practice their religion" and recognizing that "the religious practices of American Indians (as well as Native Alaskan and Hawaiian) are an integral part of their culture, heritage and tradition, such practices forming the basis of Indian identity and value systems" (Public Law 95-341, 25 U.S.C., Sec 1996).

Although the United States pays lip service to the rights of Native Americans to religious freedom, those rights are drastically interfered with in practice. For example, for many American Indians, America's prisons have replaced the old boarding schools. Indian prisoners around the country have been fighting a long hard battle for religious freedom in the last two decades, and the battle will not end until the Indians have prevailed in forcing the administrators of every prison, reformatory and jail on this land to recognize and comply with the American Indian Religious Freedom Act and corresponding laws. The battle has thus far cost the taxpayers millions, perhaps billions, of dollars in litigation, and although the litigation has resulted in generally consistent victories for the Indian prisoners, many officials persist in denying Indian prisoners their established rights, and the senseless litigation continues.3

Let's take the Southern Ohio Correctional Facility (SOCF) for example.4 Before we continue, however, let's clarify the law. In 1972, the United States Supreme Court established that "reasonable opportunities must be afforded to all prisoners to exercise the religious freedom guaranteed by the First and Fourteenth Amendments without fear of penalty" [Cruz v. Beto, v. 405, US. 319 (1972)]. There is not a warden, superintendent or administrator of any prison or jail in the United States who is not aware of the decision in the above case, and this is because American tax dollars are spent to pay government attorneys to keep such officials appraised of the laws.

The Indian prisoners in the Southern Ohio Correctional Facility are denied all reasonable opportunities to practice their spiritual beliefs, even to the extent that all Indian spiritual leaders are barred from entering the prison for any religious purposes. The Indian prisoners are prohibited from using the SOCF religious service facility for congregational worship and are systematically separated from one another so that they may never meet, even informally, for any religious activities. They are denied access to and use of any and all sacred objects or herbs for purification. Their hair, which is sacred and should not be cut, is cut by physical force if necessary, and such necessity results in one's being placed in solitary confinement for a minimum of six months, as does any other attempt to practice Indian
religious beliefs—even when the prison chaplain is in absolute support of the Indian prisoners.

In the end of May, 1988, the Cincinnati Enquirer published an article related to litigation pending in the federal district court in Cincinnati concerning these issues at SOCF. In that article, the Assistant Attorney General, Christian B. Stegeman, was quoted as stating that the Indian prisoners in SOCF were permitted to meet on a weekly basis for pipe ceremonies and that any Indian spiritual leaders wishing to do so could enter the prison to conduct ceremonies provided they are granted prior approval by Dr. David Schwarz, the Religious Administrator for the Ohio Department of Rehabilitation and Corrections. When the Indian prisoners wrote to the Cincinnati Enquirer informing them that David Schwarz refuses to grant approval of any Indian spiritual leaders to enter the prison, and that the Indian prisoners are in fact prohibited from meeting for any ceremonies, they did not receive a response to their correspondence, and the Cincinnati Enquirer made no effort to correct the misinformation it had published, or even to investigate the veracity of the Indian prisoners' claims. For these reasons, the readers of the Cincinnati Enquirer to this day believe that the Indian prisoners at SOCF have weekly ceremonies with spiritual leaders. The Indian prisoners have also submitted documentation to the Associated Press in Columbus verifying these allegations, as well as allegations that the Ohio Attorney General's Office has used a fraudulent Indian chief of a non-existent Indian tribe as an "expert" witness against Indian prisoners in previous litigation in Ohio. These attempts to gain support by and through the Ohio media have been futile. The Indian prisoners in SOCF have no support in the state of Ohio because they have no access to the media and the public is unaware of what is taking place.

The Ohio officials have been claiming for several years now that any interest the Indian prisoners at SOCF have in the freedom of religion is miniscule in comparison to the state's interests in maintaining security and order within the prison. For several years now, this author, a mixed blood Indian prisoner in SOCF who is the elected representative for the Indian prisoners at SOCF, has been asking the officials of this state for some explanations as to how any of the requested religious practices can possibly present a threat to the security and order of the prison. An example of his inquiries is as follows (a letter to the Director of the Department of Rehabilitation and Corrections, copies of which were sent to the Ohio Attorney General's Office, the governor, the Associated Press, and various prison officials):
For the past couple of years I have made repeated attempts to practice my religion, as have several other American Indians in the Southern Ohio Correctional Facility. The officials here, as well as Dr. David Schwarz, refuse to permit any Native American practices in this institution, and the officials have not yet made one attempt to give me any reason or justification for this absolute deprivation of our religious freedom. I have been through the grievance procedure also, and no official in the state of Ohio has yet responded to my questions: 1) Why are the Native Americans in SOCF not permitted to have any spiritual leaders enter the prison to conduct religious ceremonies on a parity with the religious leaders of the other religious denominations at SOCF? 2) Why are we not permitted a designated time and place to meet for prayer meetings and other religious activities as the groups of other religious denominations are permitted to do so? 3) Why are we not permitted to have access to any sacred objects for personal or group use as the prisoners of the dominant religions are permitted to do? 4) Why are spiritual leaders not permitted to send cassette tapes of religious teachings, as contributions to the SOCF Religious Services Department, when this is permitted for the other religious denominations at SOCF and when the prison chaplain, O. Franklin Johnson, has stated that he would be willing to inspect any such tapes to assure that they are of a religious nature, and when such tapes would become property of the SOCF Religious Services Department?

Supposing that these practices and activities are viewed by the administration as a potential threat to security within the prison; how is a threat presented? Chaplain O. Franklin Johnson has stated that he would be willing to hold any and all religious objects in his office while not in use for religious services, and that he is willing to supervise the use of all the objects. This being as it is, the practices and objects we are requesting are very similar to the objects and practices that are permitted for the dominant religious groups, and there is no security risk involved.

I fail to see how a threat is presented in permitting American Indian spiritual leaders to enter the prison to perform functions on an equal basis with the religious leaders of the dominant religions, especially in light of the fact that Christian denominations are permitted to have guests enter the prison to entertain them with music when said guests are not even spiritual leaders, and said guests are permitted to bring with them objects such as electric guitars -- and there is no religious object we native Americans have requested access which presents a threat to security as an electric guitar would. Moreover, guests are permitted into the
institution for recreation activities such as baseball, and they are permitted to bring in with them baseball bats, and certainly there is no object we have requested which poses a threat to security as a baseball bat would ...

...There are various other religious practices we would like to undertake and which we believe we are entitled to, but I have limited this request to only those practices and objects which in no way present any security problems for the administration. I would also like to bring to your attention that these practices and objects are permitted in the majority of the maximum security prisons in the United States and Canada, and while I have read numerous cases that have arisen around the country concerning these specific practices, I have not yet seen one case in which the courts have not granted every bit of the relief sought in this request (Reed, October 27, 1988).

To date, the Director of Corrections, the Religious Administrator, the governor, the Attorney General's Office and the prison officials at SOCF have refused to respond to the questions set forth in the above letter and to various similar letters, and the Director of Corrections and the Religious Administrator have never acknowledged receipt of these communications addressed to them, and generally fail to respond to any correspondence from Indian spiritual leaders and organizations who support the Indian prisoners at SOCF. Without a doubt, there is no logical explanation for their failure to offer reasons for the absolute deprivation of any and all Indian religious practices at SOCF that these officials are racists, ethnocentric, and still hold fast to the policy of forced assimilation of American Indians.

A number of prisons around the country have established adequate spiritual/cultural programs for the Indian prisoners. At the Sioux Falls maximum security penitentiary in South Dakota, for example, the Indians had formed a group ten years ago called the Native American Council of Tribes (NACT). The NACT is permitted to have a "Voice Class," the purpose of which is "to help the younger inmates to learn to express themselves, voice their feelings, learn more about the traditions of their people, the importance of setting good examples, learning through education, and discouraging the use of alcohol and drugs" (Coppola, 1988:27). They are also able to have language classes on a weekly basis which help the inmates to improve communication skills in their traditional Indian language. The NACT also holds a pow-wow at least four times a year which is held outdoors (weather permitting), and outside guests--friends, relatives, guest speakers, etc.--are invited to attend. They have singing, drumming, traditional and fancy dancing, a traditional meal,
and a craft giveaway to honored guests. The pow-wows generally last for four hours, but have been held for much longer periods on special occasions. The NACT "is also involved in efforts to provide instruction on alcoholism and drug abuse through the Red Road Approach to Recovery, an AA type of program geared to Indian prisoners" (ibid.:25). Indians with trustee status are sometimes permitted to take furloughs to attend the annual sun dances on the reservations. Many traditional items of religious significance, including eagle feathers, the sacred pipe, hobby craft items to make traditional objects such as beads, feathers, teeth, claws, teeth, etc., are permitted for the Indian prisoners in Sioux Falls. Herbs such as cedar, sage and sweet grass are allowed for ceremonial use, as are traditional clothing items. The NACT has a sweat lodge for purification ceremonies which is available on a daily basis. Medicine bags are allowed to be carried anywhere but to contact visits, and headbands are allowed anywhere. The Indian prisoners are allowed to make their own drums of buffalo or elk hide, constructed in the traditional way, and to use the drums at pow-wows and during recreation periods (ibid.:29).

Many other prisons have similar programs for the Indian prisoners. Such programs have proven to be a success in the rehabilitation of Indian prisoners. For example, almost all Indian prisoners are in prison because of alcohol and/or drug-related offenses (Grobsmith, in press (a):46). There is a consensus among experts in the field of alcoholism treatment that the standard AA program is generally a failure where American Indians are concerned (Heath, 1981:1), and many believe that the most effective treatment for Indians with alcohol and drug problems are those programs that integrate a variety of traditional Indian activities and elements into their treatment strategies. "Increasingly, evaluators, treatment personnel, and potential clients deplore the Anglo cultural bias of existing alcoholism intervention programs and call for the integration of more traditional (American Indian) forms of healing practices into programs with ... Native American clients" (Weibel-Orlando, 1987:264).

In the mid-1970s, when the people involved in the Seattle Indian Alcoholism Program recognized that over ninety percent of the Indians in jails and prisons in the state of Washington were there for alcohol-related offenses, they set up cultural-specific programs in the four major prisons in the state. These programs are much like the program at the Sioux Falls prison, and consist of tribal religious practices as the main intervention strategy, and counselling with medicine men and Indian spiritual leaders. Within four years after these programs were established in Washington's prisons, the
proportion of Indian prisoners in the state's prisons had dropped from five to 3.5 percent (Walker, 1981). With statistics like this, the relevance of and need for spiritual/cultural programs for the Indian prisoners can hardly be refuted. In fact, it would seem that such statistics would encourage prison officials to actively seek the establishment of such programs with the tax dollars they are currently wasting in their attempts to defend the suppression of the Indian religious practices which could be accommodated through the programs. Such action would be consistent with the asserted concerns of the high recidivism rates. As observed by Seven in the Seattle Times:

For prison officials, the [purification ceremony of the sweat] lodge and other religious programs are ways to reduce the high rate at which released inmates commit crimes.

Robert Lynn, religious-program manager for the Department of Corrections, says inmates in Oregon prisons who were actively involved in religious programs over several years in the late 70s had a recidivism rate of 5%, compared with the national rate of close to 75% at the time (Seven, January 24, 1988).

It should also be noted that in the prisons where these religious practices and activities are permitted, there is general agreement among the officials that such programs and activities present no more of a threat to the security and order of the prison than do the Christian programs and activities, and as the Washington state correctional program administrator has stated, such programs and activities are "good for the institutions and [are] good for the offenders" ("Native American Prisoners Seek Religious Rights Legislation", 1988:14). And as stated by William Hoffstetter:

It has been my experience based on twenty years of juvenile and adult correctional work, both as a clinical psychologist and program administrator, that ... the more an inmate is involved in his own rehabilitation process the more effective will be the outcome (Hoffstetter in Scott, 1973:53).

We Indians think that's pretty sound logic, especially since the prison officials around the country who deny us our religious freedom do so because they lack any knowledge about our ways of life. How can a prison official know what rehabilitation process will be effective for any inmate when the value systems and beliefs held within the cultural background of the inmate are contrary to those of the culture to which the prison official belongs? It is impossible unless the official is willing to sit down with the inmate in an attempt to bridge that cultural gap. Repeated displays of insensitivity and
indifference to the laws and to the needs of the Indian prisoners by prison and government officials such as those in Ohio serve only to make the prisoners more bitter toward the society those officials represent. I know for a fact that is detrimental to everyone concerned -- and everyone unconcerned.

In closing, I'd like to reiterate a message from the California Supreme Court:

... the right to free religious expression embodies a precious heritage of our history. In a mass society, which presses at every point toward conformity, the protection of a self-expression, however, unique, of the individual and the group becomes every more important. The various currents of the sub-cultures that flow into the mainstream of our national life give it depth and beauty. We preserve a greater value than an ancient tradition when we protect the rights of the Indians who honestly practice an old religion ... [People v. Woody, 40 Cal. Rptr. 69 (1969)]

We feel that to do less than to help us preserve our traditional ways is no less than forced assimilation. The United Nations General Assembly has word for that. It is called genocide.

NOTES

1. This article first appeared in Humanity & Society (1989) and is reprinted with the permission of the author.

2. Timothy Reed is the name the author was given at birth and the name he uses for all legal purposes. Little Rock is the author's spiritual name and the name he uses for all spiritual and social purposes.

3. As one example, in the state of Nebraska, "(because of the wealth of litigation (initiated by) ... Native American inmates, Judge Warren Urbom assigned one law firm to serve as a clearinghouse for complaints stemming from alleged violation(s)" of religious freedom rights (Grobsmith, in press (b):9). Grobsmith's articles cited in this paper will appear as chapters in her next book, Indians in Prison: A Study of Incarceration among Native Americans.

4. While the Southern Ohio Correctional Facility makes for some dandy examples of the persecution of American Indian prisoners by government officials, it should not be construed as an exception to the norm. Indian prisoners are treated similarly in a great many of the prisons in the United States and Canada.

5. The fraudulent Indian chief's name is Hugh Gibbs, alleged "Principal Chief of the Etowah Cherokee Nation." The actual Principal Chiefs of the Cherokee Nation have indicated that they do not know who Hugh Gibbs is, and have never heard the term "etowah" except with reference to an animal mound in Georgia. Moreover, Gibbs has testified (or submitted affidavits) that being the Principal Chief of the Etowah Cherokee Nation, he has knowledge of all the laws and customs and traditions of "the various" Indian tribes and nations, which is absurd in itself, as there are as many Indian tribes and nations, each
being distinct from the others, as there are member-nations of the U.N. -- with several hundred extras! He had perjured in his testimony where he pretended to have the authority to speak on behalf of the Lakota Nation/concerning the Lakota religion, the authorization of which every Indian knows must come from the Traditional Circle of Elders, which Hugh Gibbs has never sought nor received. Gibbs has also appeared on Ohio's public broadcasting/educational station (Channel 34, Columbus, Ohio) under the guise of representing the view of Indian people in general, and has condoned the desecration of sacred burial grounds in such interviews -- something no Indian condones.

6. This evaluation has been relayed to the author through correspondence with numerous prison officials and counselors, researchers, spiritual leaders, Indian prisoners, and ex-prisoners who have had contact with spiritual/cultural programs in prisons in at least twenty states.

7. See, for example, the results of the studies conducted by the Alcohol & Drug Study Group of the American Anthropological Association which were observed by Weibel-Orlando (1985:219-223). Native American involvement and staffing are essential to the success of substance-abuse treatment programs (see Provincial Native Action Committee, 1974; Turner, 1977). For discussions on the success in the implementation of traditional Native American elements into the treatment modalities, see Albaugh (1974), Bergman (1971), Howard (1976), Jilek (1978), and Walker (1981).

8. There is currently a book being written by Little Rock and others based on this article which they hope will promote the collective efforts being made to get Congress and the state legislatures to pass legislation that will safeguard the rights of Native American prisoners to the freedom of religion, as well as to raise awareness to the need for cultural-sensitive substance abuse treatment and counseling for Native American youth and adult prisoners (e.g. over ninety percent of all Native American juvenile offences are alcohol and/or drug related). This book project is being undertaken on a completely voluntary basis and is being maintained by money contributions from the authors and a couple of friends. Financial aid is needed to continue with the research necessary for this project. For more information on how you can support this project, and how your contributions will be utilized, please write to the Native American Prisoners Rehabilitation Research Project (NAPRRP), 1242 First Ave., Cincinnati, Ohio 45205 and enclose a SASE. All contributions by residents of the United States to the NAPRRP are tax-deductible. Thank you very much for your support.
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The Economics of Educational Rehabilitation

Jon M. Taylor

Washington, D.C., December 1, 1988 - The Criminal Justice system is starved for resources and it is the lack of adequate funding, rather than constitutional safeguards like the exclusionary rule or the Miranda warning, that is hindering law enforcement efforts, according to a study released today by the American Bar Association ...

The report points out that the public should understand and accept that the Criminal Justice system alone cannot eliminate the crime problem. However, the principal complaint of Criminal Justice officials was that "they were not given the resources to do what they could do well ..."

It warns that the answers to this growing problem are not "so simple as merely making more arrests and imposing longer prison sentences" and urges immediate action be taken "to rethink our strategies ..."

Over the past few years, several national surveys conducted by news organizations have reported that an overwhelming number of Americans feel that drugs/crime is the nation’s most serious problem. In fact, the fear of crime has been reported to be our nation’s most pressing social problem for nearly a decade. Society’s demand for action has, in part, resulted in the rewriting of sentencing laws and probation guidelines in most states. This has further resulted in longer prison sentences for those incarcerated, and a bulging, growing, and recycling national prison population.

America is rethinking its prison system. The impetus is cold, hard economics: the growing expense of corrections has ballooned out of control. But in the search for ways to cut costs, corrections authorities also are exploring new means of punishing lawbreakers that may achieve a long-elusive social goal as well: a greater degree of rehabilitation. "We’re on a train that has to be turned around," warns Morries L. Thigpen, Alabama corrections commissioner. "It just doesn’t make sense to pump millions into corrections and have no effect on the crime rate (Ticer, May 8, 1989:80).

Every week, like clockwork, the total number of prison inmates in the United States grows by 1,000 people" (Barret and Greene, April 18, 1989:18). An estimated 3.2 million adult men and women, one in fifty-five U.S. residents eighteen years or older, were under some form of correctional supervision at the end of 1986. This 1986 figure for the total adult correctional population shows a seven percent increase from 1985, and a thirty percent increase since 1983 (U.S. Dept. of Justice, 1988). Of this total population, 627,402 were incarcerated in federal and state prison systems as of December 1988. Current incarceration figures reveal a six month increase of 23,240, or a yearly growth rate of 7.4 percent for 1988 (Skorneck, April 24, 1989).

Inducting one thousand new prisoners into the national prison population each week is the same as "two big prisons worth of lawbreakers, most of whom costs between $14,000 to $33,000 a year to feed, house, and guard, ... [when] the U.S. already has the highest incarceration rate in the Western world (Barret and Greene, April 18, 1989:18). The National Institute of Justice (NIJ) reported in 1987 that the national average cost for incarceration of each of these prisoners, per year, is $25,800.

The cost of building a new maximum security cell is cited at $85,000 for 1989, or $42.5 million for a standard 500 man facility (De Agostina, March 27, 1989). "The total tab, just for prison construction will be in excess of $70 billion over the next few decades (Barret and Greene, April 18, 1989:18). This "gargantuan prison construction boom now devours about $65 million a week" nationally at all levels (Ticer, May 8, 1989:80). Even with this immense expenditure, capacity has "not kept pace with the inmate population; ... overall prison capacity increased by just 5.5 percent in 1988 (Skorneck, April 24, 1989). This insufficient growth of capacity results in a deficit of demand over supply of thirty-five percent, with this cycle repeating itself yearly throughout the 1980s. "The U.S. Sentencing Commission estimates there will be a [further] doubling of the prison population over the next decade (Williams, 1989). The money for this massive and already delinquent building program has to come from somewhere at the expense of someone else.

Connecticut is facing program cuts in schools while money is being used to fund the $400 million, 4,600 bed prison expansion in the state. In California, tuition for in-state students is being raised by ten percent to fund the thirteen percent expanded prison budget (Barret and Greene, April 18, 1989:18). The state of Michigan has "20 prisons planned at a typical cost of $36 million a piece ... One state senator complains that 'prisons are taking everything there is. It's the
biggest growth industry in the entire state.' *(ibid.)* The double digit growth in correction budgets is adversely affecting everything from our children's education, to our own health care, to our parent's retirement foundation.

The *Bureau of Justice Statistics Data Report, 1987* provides the following information. In 1986 reported crime touched 22.2 households - twenty-five percent of all households. The total economic loss to victims of personal and household crime in 1985 was computed to be over thirteen billion dollars. Federal, state, and local spending for all civil and criminal justice activities in fiscal 1985 was $45.6 billion. The total cost of crime to our society in 1985 was in excess of sixty billion dollars for the expense incurred from victimization and the expenditure made to combat this social affliction.

Obviously, it is important for society to utilize prison systems as one means to police and protect itself; it is also a very expensive proposition to incarcerate someone. Thus society should concern itself with what is purchased for that expenditure. The generally accepted purpose of incarceration is to protect society from the violent offender and to rehabilitate those so incarcerated. In reality, an additional function of incarceration for society is to extract some limited form of vengeance or retribution on those so incarcerated while they serve their sentences and are "theoretically" offered the opportunity to rehabilitate themselves *(Editorial, *Time*, May 15, 1989:38).* As an example of this established social-management philosophy, most states constitutionally mimic the correctional philosophy expressed in the Indiana State Constitution: "[The] penal code shall be founded on the principles of reformation, and not vindictive justice *(Indiana Department of Correction, 1983:7).*

The national prison system, in all of its many diverse forms, is not achieving the intended purpose of its combined, and very costly existence. The national prison population exceeds 100 percent of the available capacity, and is steadily losing ground as the overcrowded populations swell with new inductees faster than it can build the infrastructure to house and manage them. "A survey of 44 State commissioners of corrections and 106 wardens once again highlights prison crowding ... as the biggest problem of the correctional system" *(U.S. Department of Justice, August 1988).* The problem has manifested itself to the point that, in 1989, the National Prison Project reports that nine entire state prison systems, and twenty-nine additional institutions are under court order or consent decree to improve conditions and limit population *(National Prison Project, April 17, 1989).*
The really frightening aspect of the growing prison population is reflected in the Bureau of Justice Statistics report that cites the national rate of recidivism at sixty-nine percent within six years after release (U.S. Department of Justice, May 1987). The Justice Department recently reported (1989) that 62.5 percent of those released reoffend within three years of release (Gordon, April 13, 1989). In other words, after spending $25,000 a year for 'X' number of years - seven out of ten incarcerated individuals will commit more crimes after their release and be rearrested. This repeated crime spree charges society a high fee; a 1987 NIJ publication disseminated that a typical multi-offender will commit 187 crimes per year, for a total crime cost to society of $430,000 (U.S. Department of Justice, 1987). In addition, a repeat offender's second series of crimes is generally more violent in nature when compared to their initial series of offenses.

It has become readily apparent from the established situation that "reducing recidivism is a huge challenge - and the key to taming corrections budgets" (Ticer, May 8, 1989:80). However, one deduces from these sad circumstances encompassing our nation's correctional system that either rehabilitation does not work, or it is not being effectively implemented. To understand this problem one must first define and, then, determine how one measures "successful rehabilitation." Robert Stroud (the Birdman) is quoted, in the classic film *The Birdman of Alcatraz*, as saying that rehabilitation is "to invest again with dignity." Stroud offers a great summation of the concept; yet it provides no means to measure rehabilitation effectively. It has been suggested that the rather simple method of comparing recidivism rates of prisoners in various designated programs to those of the general prison population would provide easy cost comparison analyses.

Several criminologists, sociologists, and psychologists will cry foul with this simple method. Some professionals in the field believe that judging a program's success or failure by recidivism rates alone is not a fair and reliable method of assessing the effectiveness of correctional rehabilitation programs. Their "common opinion [is] that there are simply too many other variables impacting on recidivism that should be taken into account (e.g. the environmental, occupational, and economic conditions the inmate faces upon being paroled)" (Peak, 2983:82). Other professionals in the field, though, believe that using program recidivism rates is a fair and valid measure in determining the success or failure of such programs. The value of comparing recidivism rates is that they provide a readily definitive result that focuses squarely on the purpose of rehabilitation programming. The encompassing environmental factors facing
paroled prisoners needs to be computed into the overall evaluation, but should not bar the comparison altogether of program recidivism rates to those of the general prison populations.

Post Secondary Education (PSE) programs have demonstrated significant reductions in the rate of recidivism for program participants in the nation's prisons. Courses of study some 297 identified in 1983, range from simple Associate degrees via correspondence to full, on-site Master degree programs from accredited universities (ibid.:79). These programs have been one of the few consistent bright spots in rehabilitation during the past fifteen years. Economically, they are proving to be one of the most cost effective programs in the correctional system.

A study conducted at the New Mexico State Prison revealed a fifteen percent recidivism rate for those who had completed one college source or more at the prison's university extension program, versus a rate of sixty-eight percent for the general prison population. It was further extrapolated that if the study had focused on degree recipients exclusively, the rate of recidivism would have been in the single digits. Another study conducted at Folsom prison California, during 1983, reported a zero percent rate of recidivism for those who had completed a baccalaureate degree. By comparison, the rate of recidivism for the state's general prison population for the same period was 55 percent within three years of release (Chase and Dickover, 1983:95). The Ball State University (BSU) extension program at the Indiana Reformatory began in 1976. In 1982, an institutional memo noted that over 200 inmates had participated in the program, and "that of those who earned their degrees, none have yet returned as inmates to the reformatory." (Holden, July 9, 1982)

These varying PSE programs are for the most part financed by combinations of federal and state education grants. The most obliging funding source is the federal Pell Grant, which covers approximately fifty percent of the collegiate costs. Leaving the other half to be covered by a collection of state grants, system program budgets, foundation funding, veterans' benefits, and the prisoners themselves. On average, the cost of a baccalaureate degree for a prisoner, from a state accredited university or college, is in the $10,000 range. By comparison, the same degree earned "on-campus" incurs a total educational expense of $25,000. This sum includes tuition, room and board charges, living and travelling expenses, and incidental campus fees (Ball State University, 1986:35-42).

The total education expense of $10,000 for an institutionally earned four-year degree is only forty percent of the cost incurred to
incarcerate an individual for one year. The annual expense of "housing" a prisoner of $25,000 is incurred whether the inmate vegetates, or educates her/himself. Secondly, the education is being purchased at a reduced rate since the student-inmate is already "housed" in an institution; room and board charges, travelling expenses, and incidental fees (sixty percent of the total collegiate expense) are thus not billed to the PSE program. For ten percent ($2,500) of the cost for one year of incarceration ($25,000), one year of PSE programming can be purchased. If such programming is continued for four years, according to the statistics, society will more than likely receive a prisoner, whose recidivism rate will be in the low double, if not single digit range.

Successful graduates of Post Secondary Education programs administered by the "Corrections Program" of the College of Santa Fe have gone on to many rewarding and varied careers. One such graduate went on to become a physician and another a vice-resident of an international company. A female "ex-con" is now a personnel director who has since earned a masters degree. At least four PSE program graduates have gone on to become teachers, passing on the precious gift of knowledge to a new generation. Probably the most interesting success story of such programming is that of a former death row inmate who rose to the directorship of a State Corrections Industry Department (Burkhead, 1988).

If our society educates/rehabilitates a prisoner at 40 percent of the standard cost of a collegiate education (baccalaureate level) and, upon release, that individual remains free, gains useful employment supporting her/himself and the economy, pays taxes contributing to the community tax coffers rather than being a drain upon those public funds, and becomes what Dr. James K. Danglade, Dean of BSU calls a "better citizen," has not the nation's correction system then fulfilled its intended mandate? (Bess, January 29, 1987)

Post Secondary Education programs are not being advocated as a "panacea" to the overall prison population/recidivism problem. Not all inmates will qualify for, or be interested in, such opportunities; however, such programming, based on rates of recidivism, has historically demonstrated that it can effectively and efficiently rehabilitate participants. The Journal of Correctional Education contained a poignant observation in the article reporting on the Folsom study. "Finally, it seems evident that the public, whose tax dollars on both the state and federal level support this program, have realized a high return on investment" (Chase and Dickover, 1983:95).

Perhaps, in all of this a quote of Dostoevsky's should be recalled. "The degree of civilization in a society can be judged by entering its
prisons." So too, can one judge, in part, the economic health and social well being of a nation by the type of individual the society releases from its prisons.
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Prison Reform, The Rhetoric of Rehabilitation, And The Accountability of Custodians

John Lowman

While all sorts of issues are raised by the six essays presented here, my comments focus on two themes which recur in these and in previous contributions to the journal. The first relates to "rehabilitation," that grand justification which somehow finds its way into the rhetoric of nearly every prison regime as a way of asserting that incarceration is as much about "doing good" as it is about punishment. Yet despite this lofty principle, very few people believe that prisons can actually reform people in any more than a very limited sense — it is difficult to see how one might integrate someone into society by removing them from it. The second relates to the need for prison administrations to be publicly accountable for their actions. I also make a few comments about the implications of these issues for prison reform.

In his history of the penal press in Canada, Bob Gaucher identifies over 100 serial publications produced by Canadian penitentiary inmates. Some of these were short lived and published only intermittently. Others have been fairly durable; Tightwire, the periodical published by the inmates of the Kingston Prison for Women, is still in production 16 years after the first issue appeared in 1973. What is particularly interesting about Gaucher's article, in terms of the two themes I am emphasizing here, is how the penal press was, in a sense, co-opted by prison administrators — a means of vocational training to fulfill a rehabilitative goal — rather than being allowed to flourish as a vehicle of prisoner expression.

In terms of their durability and continuity, prison publications were most successful in the 1950s and 60s. The Telescope, for example, a Kingston Penitentiary publication, lasted from 1950 to 1968. This was a period when there was a certain degree of accord between inmate and custodial
interests. It was the era of the so-called "New Penology," when prison administrations lent support and encouragement to the penal press in hope that it could play a positive role in the reform oriented prison - prison publications, sometimes funded by the administration, were rationalized as part of vocational training. The paradox of the penal press, however, is that in giving a voice to the prisoner, it provided the opportunity for critical expression - and therein lies the problem that the prison press always constitutes for itself. The expressions and views contained within it have to negotiate a difficult course between alienating custodial staff whose support, even if only begrudging, it requires to stay in publication and alienating the prisoner readership who demand that the press not inadvertently be subverted into becoming a mouthpiece for the authorities.

These problems came to the fore in the 1960s as the promise of rehabilitation gave way (as it always seems to have) to custodial concerns. As prisoners became aware that the press created a vehicle for airing their concerns, so the censorship of the press escalated. From promising to be a vocational tool the penal press had become a liability. One can only hope that the new wave prisoner publications Gaucher describes can avoid these pitfalls and remain an autonomous medium of prisoner expression.

In his essay "Powerlessness, a source of evil" Joseph McCormick discusses the issue of prisoner autonomy in a slightly different light. He suggests that the more a person feels that they are unable to influence their own situation, the more likely they are to resort to violence to influence it. For the prisoner the crucial issue is his powerlessness to change a dehumanizing situation. And most importantly in this respect McCormick suggests, this is a powerlessness which affects both guard and inmate alike. It is partly for this reason that the abiding irony of rehabilitation is that prisons promote the very behavior they are attempting to mend. Inmates learn how to manipulate guards, guards learn how to manipulate inmates. Custodial concerns come to dominate rehabilitative ideals. In McCormick's words, "Prison shelters offenders from life's realities, teaches them to cope by manipulation and coercion and fails to foster responsibility." This hardly sounds like a useful strategy for "reintegrating the offender into society." It is for this reason that the critics of prisons for the past 150 years have been saying that prisons reproduce the very behavior they are supposed to "correct." On this score it has been revealing for me to see the reactions of some people to Claire Culhane's presentations on prison conditions and prisoner rights. "What about the victims?" they would sometimes ask. I was always surprised by this response. It is as if a person's concern about prisoner rights somehow means that they do not care about the
victims of crime. This is not to say that prisoner rights should be safeguarded only for instrumental reasons -- rights must be conferred on prisoners simply because they are human beings. But in a more restricted sense it seems to me that victim and prisoner rights are not mutually exclusive, not a matter of catering unilaterally to one or the other. To be concerned about what happens to people while they are in prison is, in part, to be concerned about what happens to them when they are released. And part of this concern relates to how they will interact with other people in the aftermath of prison experience. If all incarceration manages to teach prisoners is how to scam, fight, and hate, prisons are obviously not doing much to safeguard the interests of potential victims since, according to this unintended agenda, the prison plays a central role in reproducing crime. Prisons victimize prisoner and crime victim alike. It seems difficult to contest McCormick's conclusion that the prison is an institution by which society exacts vengeance and little more.

Having reached this conclusion, however, one is left with quite a conundrum. Can the prison ever be anything but a means of incapacitating and punishing people? Is the prison ultimately susceptible to reform without wholesale social and economic changes in wider society? Given that the meaning of the term rehabilitation is to return something to its former state, are we to suppose that the object of prison rehabilitation is to return people to the states of poverty, disadvantage, and disenfranchisement from which most of them come? How do we deal with the apparent contradiction that to make short term gains by, for example, creating opportunities for some prisoners to "rehabilitate themselves," is to potentially add to the legitimacy of prisons? Should the possibility of this sort of co-optation mean that prisoners should give up struggles for short term limited objectives? If not, how does one ensure that short range goals do not hinder the longer term abolitionist objective of radically reducing rates of incarceration?

Obviously I am not going to answer all these questions here - I would like to say this is because I do not have sufficient space, but in reality, it is because I do not know all the answers (for discussion of many of these issues, see Mathiesen, 1973). Of one thing I am sure: in lieu of any major transformation of society, there would seem to be many good reasons for short range prison reforms, even if they do seem relatively limited in relation to the wider goal of reconceptualizing social reaction to the criminal offender. If the goal of "corrections" is to change the moral outlook of the prisoner, then the logic and principles by which such an endeavor might operate must be squeaky clean in every respect. If this is one of the exalted principles which invest prison authorities with power, they had better
John Lowman

expect the most rigorous kind of scrutiny in carrying out their mandate. In other words, they must be publicly accountable for their actions.

A classic example of a prison authority's need to clearly articulate the rules by which it operates is provided by Mumia Abu-Jamal's discussion of the censorship of revolutionary literature in various U.S. prisons. While it is not surprising that a prison administration might wish to censor literature which urges its readership to commit crimes, when censorial powers are exercised, it ought to be incumbent upon those who exercise them to provide details of exactly what is being censored and why. Yet despite appeals to provide this information, the administrators of Huntingdon Penitentiary in Pennsylvania merely reiterated that a rule had been violated without any explanation of their reasoning. The arbitrary nature of this decision is made all the more stark once we realize that the same authorities have not banned a series of neo-fascist periodicals which advocate white supremacy and other shades of racism, and allow prisoners to read various grades of pornography, at least some of which could be described as hate literature against women. It is also worth noting in this context that the issue of censorship goes far beyond prisoner rights to impinge upon fundamental Constitutional issues in the U.S. (and in other countries).

Another example of the need for accountability of prison administration decision makers is given by Little Rock in his indictment of the Southern Ohio Correctional Facility for its decision (a decision publicly denied by administrators) to prevent Native Indian prisoners from practicing their chosen religion. But the essay does much more than this, offering a general critique of the systematized suppression of Indian culture both inside and outside the prison. This restriction of religious freedom for Little Rock is just one more instance of the forced assimilation of Indians -- or "de-Indianization" as he puts it -- into white man's culture. Against this backdrop of capricious decision making one has to wonder how prison authorities expect anyone subjected to their power to gain a respect for "law," especially Natives for whom that law has represented one of the major weapons in the fight to eradicate their culture. Once again this argument relates to a prisoner's prospects for "rehabilitation," the suggestion here being that neither the systematic denial of religious freedom nor the suppression of cultural expression are in any way conducive to that goal.

In his discussion of the economics of educational rehabilitation, Jon Taylor also discusses some of the factors which might contribute to a prisoner's "rehabilitation." Beginning with a general description of the
massive expansion of the U.S. prison system in the post war period and the likelihood of its continued expansion into the twenty first century, Taylor disputes the idea that it is "constitutional safeguards for criminals" that are hampering police efforts and preventing prison authorities from doing their jobs. Rather, he suggests, it is the sheer enormity of the crime problem that now confronts Americans and the failure of the prison system to prevent recidivism that are hindering the realization goal of prisoner reformation. He suggests that one must conclude from these trends that either rehabilitation does not work, or it is not being effectively implemented.

Taylor favours the latter of these two explanations, at least when it comes to the success of various kinds of educational initiatives in helping to rehabilitate prisoners. In particular, he hails the general success of post secondary educational programs in providing prisoners with skills that help them to stay out of prison. Taylor suggests that with recidivism rates as high as 70% in the U.S. it would be cheaper to educate prisoners in order to keep them out of prison rather than paying the massive and relatively much greater costs of incarcerating recidivists. Taylor points out that it costs $10,000 to put a prisoner through a four year degree program, i.e. only 40% of the cost of one year of incarceration. If prisoners with degrees go out and get jobs rather than arriving back in prison for a few more years, the cost savings are obvious, not to mention the additional savings in terms of crimes not committed, police costs not required, and so on. By comparison the same degree on campus would cost a university student $25,000 including room, board, and living expenses etc. In the case of the prisoner, Taylor argues, he gets room and board anyway, whether he receives an education or not, so why not give him an education as well given the economic benefits that would result?

The argument is a neat one, and there can be no doubt that post secondary education does provide job opportunities. But this kind of argument also points to some of the difficulties of analysing what happens inside prisons in isolation from what happens outside them. In Canada, for example, there has already been talk about how to extract larger payments from prisoners for the education they receive, and there are signs of a growing backlash against prison education programs. The issue is that there is something peculiar about a system which provides what amounts to a free education to a person on the inside when a person on the outside, in order to get the same education, often accumulates a student loan debt which take years to repay. It is for similar reasons that fair pay for prison labour has always been a sore point with trade unions. In these respects we go right to the heart of much broader issues of social
justice involving the relationship between a person's educational opportunities and their ability to pay for them, and their right to work for a decent wage. And in this sense we are back to the issue of how much reform can occur within the prison without large scale reform on the outside.

In George Peter's discussion of preventive detention we return to the issue of the principles by which the justice system operates, general respect for the law in terms of the system's adherence to those principles, and the general role of the criminal justice system in incapacitating people who are dangerous to the physical well being of others. Since very few abolitionists suggest that everyone should be released from prison (does anyone really want to see Olson back on the street?) it would appear that there is a general consensus that, as long as we resist return to the death penalty, prison will be required to incapacitate certain offenders. The question is, who should be incapacitated, and under what circumstances? Peter's paper does not actually address this question head on, although it touches on it by raising the issue of whether preventive detention should be permissible in a legal system which operates according to the principle that an accused is considered innocent until proven guilty.

Peter points out that when it comes to predicting human behavior social science has no infallible diagnostic indicators; indeed it has virtually no accurate indicators at all. This inability to predict dangerousness is particularly bothersome when it comes to the issue of who should be incarcerated prior to a trial in order to protect society since the stakes are potentially so high. In order to prevent the recidivism of a small minority one would potentially have to incarcerate, at incredible expense, a very large number of accused persons. But to not use preventive detention at all, Peter notes, would mean the release of some "truly dangerous people" with the result that innocent citizens would be victimized. Is this an acceptable price for defence of the presumption of innocence?

George Peter's paper does an admirable job of pointing out the contradictions of preventive detention. But the next question is, where do we go from here? Is he calling for complete abolition of preventive detention? Would an abolitionist stance be saleable to any political constituency? Should we simply abandon the attempt to predict dangerousness? Should we be pressing for rapid court process so that preventive detention periods are negligible? I will leave these and the many other questions raised here to the reader in hope that they may provoke further commentary in the journal.

REFERENCES

Mumia Abu-Jamal is a black American journalist, social activist, and former member of the Black Panther Party, who has been placed in solitary confinement in Pennsylvania's Huntingdon State prison. He was accused of killing a police officer on the streets of Philadelphia on December 9, 1981. In 1982 he was sentenced to death by electric chair for a crime he claims he did not commit. On March 6, 1989 Pennsylvania's Supreme Court denied him the right to appeal, and Abu-Jamal filed a petition for a new hearing before the court.

The *Journal of Prisoners on Prisons* is opposed to captial punishment, and our editorial policy is abolitionist in its stance. We are opposed to the execution of this prisoner, not just because the circumstances of his trial are questionable, but also because we do not condone death as a form of punishment. You, the readership, can join us in our opposition to this execution and lend your support to the struggle for the defence of the life of Mumia Abu-Jamal.

**Send Telegrams and Letters To:**

Governor Robert Casey  
Main Capital Building, Room 225  
Harrisburg, PA. 17120  
USA

**Send Financial Support and Requests To:**

Partisan Defence Committee  
P.O. Box 99  
Canal Street Station  
New York, NY 10013  
USA
FREEDOM FOR THE PEOPLE AND JUSTICE FOR LEONARD PELTIER

The struggle for justice for Leonard Peltier is now in a crucial moment. His false extradition from Canada to the U.S.A. in 1976 will be taken to the Supreme Court of Canada. The success of this step depends a lot on the people’s will to support one another and demand justice. Participate in events like the traditional Native Prayer Vigil to show your support and solidarity. Donations are also needed to sustain the promotional and legal work to defend Leonard Peltier and Aboriginal Peoples’ rights. Financial support and information requests should be sent to:

Leonard Peltier Canadian Defence Committee
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Scarborough, Ontario
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NOBLE SHEET

A newsletter established in July 1989 by the Oak Ridge Patients is born! The Editorial Board is formed by Eldon Hardy, Chris Magee, Robert Abel, Doug McCaul and James Allen. If you write a paper which you think can be published by Noble Sheet, do send it to Eldon Hardy, Box 5000, Penetanguishene, Ontario, L0K 1P0. Support letters should be sent to the administration expressing your interest in seeing more news from Oak Ridge Patients in the newsletter. These letters are really welcomed and should be addressed to:

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