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CHANGED SOCIETY, CHANGING LAW, HENCE UNSTABLE PRISONS

*Daniel Glaser**

STATEVILLE: THE PENITENTIARY IN MASS SOCIETY. By *James B. Jacobs*. Chicago: The University of Chicago Press. 1977. Pp. xvii, 281. \$12.50.

This book shows how the law's new power in regulating the administration of prisons but impotence in controlling the gang violence of prisoners have combined to make inmates less victimized by their keepers but more exploited and endangered by each other. Its two key, but unspoken, implications are that bigger is not better in constructing cages for criminals and that the further offenders are isolated from the law-abiding, the less capable they become of pursuing legitimate ways of life.

The chronicle of Stateville, which has close parallels in other states, begins in the 1920s, when Illinois built the prison, one of the nation's largest, near Joliet. Its administration under a system of political patronage inevitably led to scandals. When, in 1942, the dramatic escape of notorious gangsters followed hard upon the Republican governor's replacement of Warden Joseph E. Ragen, a Democratic appointee, Ragen was reappointed and began a quarter-century of autarchy under governors of both parties.

Ragen gave Stateville its reputation as "the world's toughest prison" by monitoring it closely, rewarding informants, rigidly enforcing numerous rules, and suppressing the expression of opinions by prisoners or staff. In the early 1950s (when this reviewer was employed there by the parole board), the material comforts, personal security, and educational, recreational, and employment opportunities for Stateville inmates, although far from ideal, were better than those in many American penitentiaries. Less than one percent of the prisoners were in indefinite solitary confinement, and the institution escaped that period's wave of prison riots, which was highlighted by the 1952 rebellions in the large solitary confinement unit, Cellblock 15, of Michigan's Jackson prison.

Stateville's apparent calm eroded under Ragen's numerous successors after 1961 because, Jacobs suggests, several social

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trends affected prisons. First, a growing bureaucratization shifted the authority over many details of prison management from local officials to the state capitol. Second, interest groups persuaded legislators to mandate penal reforms, often with unexpected consequences. For example, social-work organizations, deluded that mere talk can rehabilitate advanced offenders, successfully lobbied the state to hire prison counsellors. To fill these posts, the state hired college graduates from all fields of study, who seldom could alleviate the causes of inmates' complaints, but provided inmates with channels for expressing grievances and transmitting them to persons outside the guards' hierarchy.

A third influence on Stateville was the burgeoning of public-interest law firms. Their armies of law students welcomed the innumerable inmate-clients who flocked to them when courts abandoned the traditional "hands off" policy toward prisons. Jacobs, who is a lawyer as well as a sociologist, details this trend well. The federally funded and university-based Prison Legal Services especially affected prisons, partly through building credibility with inmates by pursuing almost all complaints, rather than rejecting those with little prospect of success. Law suits against the prison administration averaged one per year under Ragen, but exceeded 200 in 1971. Almost all were delayed for years, and most were then dismissed, but when a few prevailed, and when prison staff who disobeyed court orders were personally fined for contempt, staff arrogation of authority suddenly diminished.

A fourth development—affirmative-action law—also greatly affected Stateville. As blacks increased from less than half of the inmates in 1954 to three-fourths by 1974, and as Hispanics also increased, the prison finally had to abandon Ragen's preference for a rural, white staff. A fifth trend, unionization of government employees, appealed not only to the new ethnic staff but eventually to the conservative, white senior guards as well; by the 1970s, the latter harbored discontent not only over their low pay, but over their sense of the inmates' greater dangerousness, which they ascribed to the removal of much of their former absolute power over prisoners.

A most important sixth trend at Stateville was the change in the attributes of minority prisoners. This trend mirrored a variety of developments in the ghettos from which they came, especially the rise of an increasingly militant civil rights movement. They were led at first by the Black Muslims, whom the administration initially tried to repress. Eventually recognized,

by court order, as a religious group with first amendment rights, the Black Muslims were belatedly appreciated by staff as more conservative and moralistic leaders than those inmate leaders who replaced them.

In our cities, concomitant developments, which Jacobs insufficiently considers, divided the black population. A growing and conspicuous segment began to enter prestigious occupations previously monopolized by whites, but vocationally unskilled youths became increasingly frustrated as their expectations, roused by the civil rights movement, outstripped their opportunities.¹ Violence, however, offered these youths an immediate eminence, regardless of their failures in legitimate pursuits. Consequently, from 1965 through 1973, not only did urban riots recur, but Chicago's murder rate for fifteen- to twenty-four-year-old black males more than tripled,² and huge gangs (e.g., the "Black P Stone Nation" and the "Vicelords") terrorized the ghetto and adjacent neighborhoods. By the 1970s, Jacobs reports, half the Stateville inmates were affiliated with Chicago gangs, imprisoned gang leaders negotiated somewhat unstable truces with each other and with guards, and all preyed on "offbrands," the non-gang inmates.

The gangs gave such youths not only protection and material benefits, but a sense of importance. A gang's slogans, insignia, rituals, and titular hierarchy made it like a religious cult, Jacobs indicates; he asserts (before the Jonestown tragedy!) that members eagerly risked their lives for their gang in moments of collective fervor. In the face of this phenomenon, prison officials alternately locked up the entire institution, drastically revised their rules, and changed wardens, as they vainly sought to restore the order of the Ragen era. Whenever a new administration thought that it had achieved that goal—as did the extremely bureaucratic warden in whom Jacobs had some confidence as he closed his book—events soon proved it wrong.

Jacobs believes that these trends, which so changed Stateville, indicate that we are evolving into a "mass society" in which the elite and the traditionally less-influential social groups increasingly share rights and values. A societal evolution even more relevant to penology, however, may be the increasing social separation between the rest of society and those persons—primarily

1. See W. WILSON, *THE DECLINING SIGNIFICANCE OF RACE* (1978).

2. See Block, *Homicide in Chicago: A Nine-Year Study (1965-1973)*, 66 J. CRIM. L. C. & P. S. 496, 504 (1975).

juveniles or young adults, and disproportionately minorities—who are least successful in school, work, or family relationships. This separation, highly correlated with crime and other behavioral deviance, began with changes in schooling, home life, and the labor force.³

Correctional institutions which deal with offenders only in large groups and which maximize their isolation from conventional society, I have long argued, exacerbate custodial problems, recidivism rates, and the influence of inmate gangs. Dividing large prisons (if we must retain them) into smaller compartments and managing each as though it were a separate facility can reduce these problems, I believe. Preferable still is replacing these bastilles as rapidly as possible with smaller facilities in the cities, with halfway houses, and, during at least the latter portion of a sentence, with intensive supervision on conditional release. These reforms not only increase the institution's capacity to help offenders achieve law-abiding lives, but promote prompt official recognition of and reaction to recidivism.

Even more important reforms than these physical changes could be made, however, to improve the prospect that prisoners will seek and find legitimate occupations and ways of living. These changes include coeducational prisons, realistic vocational training or work experience during incarceration, inmate participation in the management of small custodial units, restitution projects, contract parole, tangible assistance to unemployed parolees, and imaginative efforts to nurture or expand whatever bonds may exist between offenders and the law-abiding. Massachusetts, Minnesota, Michigan, and several other states, as well as some federal prisons, have had success with such innovations, and better developments of these types should follow. The conditions Jacobs describes at Stateville in the 1970s prevail in American correctional institutions today, but they are neither universal nor inevitable.

3. See L. EMPEY, *AMERICAN DELINQUENCY* ch. 19 (1978); D. GLASER, *CRIME IN OUR CHANGING SOCIETY* chs. 2, 8 (1978).