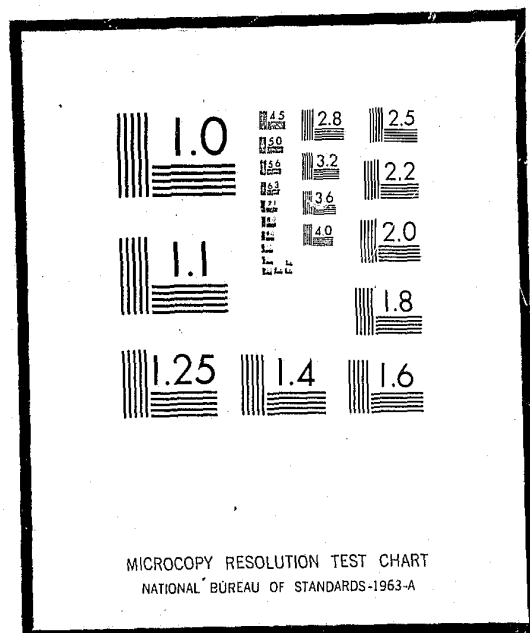


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U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
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Date filmed

12/8/75

LEAGUE OF WOMEN VOTERS OF OHIO
65 SOUTH FOURTH STREET
COLUMBUS, OHIO 43215
614-463-1247

1973

PHILOSOPHY OF CORRECTIONS
TESTIMONY OF RICHARD R. KORN, PH.D., LECTURER
SCHOOL OF CRIMINOLOGY, UNIVERSITY OF CALIFORNIA
BEFORE UNITED STATES SENATE, COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY
MAY 3, 1971

SUMMARIZED BY THE LEAGUE OF WOMEN VOTERS OF OHIO

CRIMINOLOGISTS SPECIALIZE IN TRYING TO UNDERSTAND WHY OTHER PEOPLE MISBEHAVE AND IN FIGURING OUT WHAT WE CAN DO ABOUT THEM. SINCE THE ANSWERS HAVE BEEN INCREASINGLY INADEQUATE, PERHAPS THE QUESTIONS HAVE NOT GONE DEEP ENOUGH. BEFORE WE DISCUSS HOW TO REHABILITATE DELINQUENTS WE NEED TO CORRECT OUR PERSPECTIVE.

WE HAVE THOUGHT ABOUT AND DEALT WITH DELINQUENTS WHO MAY BE ESSENTIALLY SIMILAR TO US AS IF THEY WERE ESSENTIALLY DIFFERENT. ALTHOUGH I HAVE TROUBLE UNDERSTANDING WHY DELINQUENTS MISBEHAVE IT IS NO MYSTERY TO ME WHY I MISBEHAVE -- AND WHAT CAN AND SHOULD BE DONE ABOUT IT. LIKE THE DELINQUENT, WHEN I AM FRUSTRATED I BECOME HOSTILE AND AGGRESSIVE; WHEN I FEEL UNFAIRLY TREATED I BECOME VENGEFUL AND SELF-RIGHTEOUS. BUT THE MAIN DIFFERENCE BETWEEN ME AND THE DELINQUENT IS THAT I CAN EXPRESS MY RESENTMENTS EFFECTIVELY WITHOUT VIOLATING THE RULES BECAUSE I BELIEVE THAT THE RULES ARE THERE TO SERVE ME. THEY ARE ON MY SIDE. I FEEL I HAD A PART IN NEGOTIATING THEM.

WE HAVE TREATED DELINQUENTS VERY DIFFERENTLY THAN WE WOULD WISH TO BE TREATED IN LIKE CIRCUMSTANCES. WHEN I COME UP AGAINST A RULE IN OPPOSITION TO MY NEEDS OR LEGITIMATE INTERESTS I DEMAND THAT IT BE SUSPENDED OR THAT IT BE RENEGOTIATED. I BELIEVE RULES ARE MADE FOR THE PEOPLE'S BENEFIT AND I TAKE THE FACT THAT A PARTICULAR RULE IS HARMFUL TO ME AS PROOF IT IS WRONG AND SHOULD BE CHANGED. ACTUALLY THE ISSUE OF RULES NOT IN CONFORMITY WITH MY WISHES RARELY ARISES BECAUSE AS A WELL-FAVORED MEMBER OF MY COMMUNITY, THE RULES CONFORM TO ME AND MY FRIENDS. WE JOINTLY MADE THEM. WE DON'T HAVE TO DEFY THE LAW. WE NEGOTIATE WITH AUTHORITY AND ENLIST IT IN OUR BEHALF. IN CONTRAST THE PERSON AT THE BOTTOM OF THE SOCIAL SCALE IS CONSTRAINED BY RULES NOT OF HIS CHOOSING, WHICH MAY BE INDIFFERENT OR HOSTILE TO HIS INTERESTS AND WHICH CANNOT BE ALTERED IN THE DIRECTION OF HIS NEEDS. IF I DO VIOLATE A RULE I AM MORE APT TO GET COMPASSION AND HELP FROM MY FRIENDS THAN THE JUSTICE WE DEMAND FOR THE OUTCAST. THEY WOULD TREAT ME AS THEY WOULD WANT TO BE TREATED IN MY CIRCUMSTANCES. THEY IDENTIFY WITH ME AND SEE MY VIOLATION NOT EXCLUSIVELY AS AN INDICTMENT OF ME BUT AS AN ACCUSATION OF THEIR INDIFFERENCE AND NEGLECT, TOO. THEIR RESTITUTION IS THEIR ASSISTANCE WHILE MINE IS MY READINESS TO MAKE GOOD THE INJURY I CAUSED.

WE PERSIST IN TREATING DELINQUENTS DIFFERENTLY IN SPITE OF OVERWHELMING EVIDENCE THAT THIS TREATMENT IS NOT WORKING, AND THE SECURITY AND PEACE OF THE CITIZENRY

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CONTINUES IN JEOPARDY. VIEWING OFFENSES AGAINST SOCIETY AS A JOINT RESPONSIBILITY OF PEOPLE WHO CARE FOR EACH OTHER IS WHAT WORKS AND WILL ALWAYS WORK. AN OFFENSE IS A SYMPTOM OF SOMETHING DRASTICALLY WRONG AND PROOF THAT DECISIVE ACTION IS NEEDED TO CORRECT IT. I CAN'T CONTINUE TO SEE MYSELF AS DIFFERENT FROM THE CRIMINAL. HIS CIRCUMSTANCES HAVE CAUSED HIM TO SEE OTHERS AS UNCONCERNED AND HOSTILE TO HIM WHILE MY EXPERIENCE SHOWED OTHERS SHARING THE BURDEN OF RESPONSIBILITY AND RECONCILIATION. I WAS NOT PUNISHED FURTHER AND, TO MAKE IT WORSE, TOLD THAT IT WAS FOR MY OWN GOOD. HOWEVER, TO UNDERSTAND WHY MUTUAL RESTITUTION WORKS IS NOT TO EXPLAIN WHY FORCEFUL CORRECTION FAILS. (THE FBI REPORTED IN 1969 THAT 73.3% OF OFFENDERS UNDER 20 RELEASED FROM FEDERAL INSTITUTIONS SINCE 1963 WERE RE-ARRESTED WITHIN 5 YEARS.) INSTITUTIONALIZATION IS THE MOST DRASTIC FORM OF FORCEFUL CORRECTION NOW PRACTICED, EXCEPT FOR CAPITAL PUNISHMENT, ALTHOUGH THE DIFFERENCE BETWEEN THEM IS MORE DEGREE THAN KIND. EXECUTING A MAN EXHAUSTS HIS ALLOTMENT OF TIME TO LIVE AT ONCE; IMPRISONMENT DEPLETES IT GRADUALLY.

WHY DO MEN RESIST IMPRISONMENT IF IT IS INTENDED FOR THEIR BETTERMENT? OR IF THEY FIND IT SO PAINFUL AND DAMAGING, WHY DO SO MANY RETURN TO IT? SPECIFICALLY, WHAT ARE THEY RESISTING?

AN IMPERSONAL RULE BACKED BY FORCE MAKES MAN HELPLESS TO CONTROL HIS OWN DESTINY IN THE SAME WAY THAT NATURAL FORCES -- DISEASE, CATASTROPHE, DEATH -- RENDER MEN IMPOWENT. COERCION, WHETHER BY NATURAL OR HUMAN FORCE, REDUCES MAN TO A THING.

WE ACHIEVE OUR DIGNITY BY NEGOTIATING WITH THE FORCES WE MEET. WE SEEK TO BEND NATURAL FORCES TO OUR NEEDS AND TO EMPLOY HUMAN POWER TO OUR ENDS, OR AT LEAST TO KEEP IT AT BAY. IF ONE CAN'T NEGOTIATE WITH HUMAN POWER AS AN EQUAL, 1) HE CAN SUBMIT AND BECOME AN OBJECT, 2) HE CAN RESIST AND BECOME AN OUTLAW, OR 3) HE CAN BECOME FORCE, USING OTHERS AS HE FEARED THEY MIGHT USE HIM. ANOTHER ALTERNATIVE WOULD RECOGNIZE FORCE AS THE ENEMY AND GIVE EMPHASIS TO SAFEGUARDING MAN'S CAPACITY TO NEGOTIATE.

THE DESIRE TO REDUCE OTHERS TO OBJECTS IS LOCATED AT THE HUMAN EXTREMES: POWERLESSNESS, WHERE NEGOTIATION IS IMPOSSIBLE, AND EXCESSIVE POWER, WHERE NEGOTIATION IS UNNECESSARY. THE POWERLESS PERSON COMES TO THINK CONTINUED COMPLIANCE WITH THE RULES WILL NOT CHANGE HIS CONDITIONS AND DECIDES TO EVADE OR DEFY THE THREAT OF COERCION. AT THIS POINT HE BECOMES AN OUTLAW TO THE AUTHORITY HE RESISTS. THIS IS THE CONVENTIONAL DELINQUENT -- POOR, LACKING IN INFLUENCE, HE ATTACKS PERSONS AND THEIR PROPERTY DIRECTLY.

THE WIEDLER OF FORCE OPERATES BY GAINING CONTROL OF FORCES THE COMMUNITY HAS CREATED TO PROTECT ITSELF FROM ITS ENEMIES. HE SEES NO NEED TO NEGOTIATE BECAUSE HE FEELS IMMUNE FROM RETALIATION. HE GAINS HIS ENDS BY THE THREAT OR EXERTION OF FORCE.

TO WIN OUTLAWS BACK FROM VIOLENCE, WE MUST CONVINCE THEM THAT THEY CAN ACHIEVE NEGOTIATING POWER. TO CONVINCE THE EXCESSIVELY POWERFUL TO REJECT COERCION, WE MUST DEMONSTRATE THAT NEGOTIATION IS IN THEIR BEST INTEREST. IF THE POWERLESS COULD OBTAIN ENOUGH POWER TO CONVINCE THEIR COERCERS THAT CONTINUED OPPRESSION IS INEFFECTIVE OR DANGEROUS, THEN BOTH OBJECTIVES WOULD BE SERVED. THIS IS THE BALANCE OF POWER PRINCIPLE. ALL PARTIES HAVE A VESTED INTEREST IN THE RULES WHEN NO PARTY IS STRONG ENOUGH TO USE THE RULES TO THE DETRIMENT OF OTHERS. COERCION IS EFFECTIVE ONLY WHEN POWER IS UNEQUAL. BUT WHEN THE POWERLESS BECOME DISENCHANTED AND SEE REBELLION AS THEIR ONLY ALTERNATIVE, HOW MAY NEGOTIATION BE ESTABLISHED?

SEEKING A BALANCE OF TERROR MIGHT CONVINCE BOTH PARTIES NOT TO INJURE EACH OTHER, OR DEVELOPING AN INTERDEPENDENCE ON THE BASIS OF EXCHANGE BETWEEN THE PARTIES OF THINGS OF VALUE WOULD ESTABLISH NEGOTIATIONS. BUT BOTH THESE ALTERNATIVES ARE INTRINSICALLY UNSTABLE, BEING BASED ON THE PERSONAL SELF-INTEREST OF THE PARTIES. BETTER IF A MUTUAL IDENTIFICATION COULD BE ESTABLISHED WHERE THE PARTIES RELATE TO EACH OTHER, BELIEVING THAT PROMOTING THE WELFARE OF ONE WILL PROTECT THE WELFARE OF THE OTHER.

MERE CONFORMITY TO RULES DOES NOT KEEP THE HUMAN WORLD AT PEACE. DEMANDING SUBMISSION DOES NOT INVITE ANOTHER TO SATISFY HIS NEEDS -- IT SEEKS TO COMPEL HIM TO SATISFY MINE. THE PENAL LAW IS BASED ON A MONOPOLY OF FORCE AND JUSTICE, ON A METING OUT OF PUNISHMENTS.

IT MAY WELL BE THAT OFFENDERS RESIST FORCIBLE CORRECTION FOR THE SAME REASON VICTIMS OF CRIME RESIST CRIME. BOTH REDUCE THE VICTIM TO PASSIVITY. EACH SERVES AS A REASON FOR THE OTHER, AND RESISTANCE IS TAKEN TO JUSTIFY SEVERE PUNISHMENT WHICH RESULTS IN GREATER DEFIANCE BY THE OFFENDER. WE MUST RECOGNIZE AND ACCEPT RESPONSIBILITY FOR THE FACT THAT OUR CORRECTIONAL SYSTEM IS FOUNDED ON THE SAME PRINCIPLE USED BY THE OFFENDER, THAT IS, THAT WE ARE DEALING WITH THE CRIMINAL IN THE SAME WAY HE DEALS WITH HIS VICTIM. FORCE HAS WON OUT AND THE SICKNESS IS IN CHARGE OF THE TREATMENT.

1. THE BENEFITS AND DAMAGES RESULTING FROM INSTITUTIONALIZATION

THE PURPOSE OF INSTITUTIONALIZATION IS TO MAKE THE OFFENDER SELF-SUFFICIENT, AFTER HIS RELEASE, TO MAKE HIS WAY IN LIFE WITHOUT INJURING OTHERS. BUT WE SEEK TO PREPARE HIM FOR THIS BY KEEPING HIM COMPLETELY DEPENDENT WHILE IN CUSTODY AND MAKING ALL IMPORTANT DECISIONS FOR HIM.

HE MUST LEARN TO CONTROL HIMSELF, TO BE HIS OWN GUARD, BUT HIS BEHAVIOR IS SO COMPLETELY CONTROLLED BY OTHERS WHILE HIS IS IN PRISON THAT HE HAS NO REASON TO JUDGE HIMSELF OR DEVELOP INTERNATL CONTROLS OVER HIMSELF.

HE KNOWS HE IS CONSIDERED EVIL, BUT, BELIEVING THAT HIS PUNISHMENT MORE THAN PAYS FOR HIS CRIMES, HE FEELS MORALLY FREE AND SUPERIOR TO US. WE KNOW WE HAVE SINNED

MORE IN OUR TREATMENT OF HIM THAN WE HAVE BEEN SINNED AGAINST, BUT WE CARRY OUR GUILT IN SECRET AND EVEN CLAIM THAT THE SUFFERING INFLICTED ON HIM IS FOR HIS OWN GOOD. THE PSYCHOLOGICAL CONSEQUENCE OF IMPRISONMENT IS EQUALLY DISABLING. THE PRISONER DREAMS OF HIS RELEASE AND DISTORTS THE REALITY OF THE OUTSIDE WORLD IN HIS FANTASY. AFTER FREEDOM IS GAINED, THE REALITIES OF THE WORLD HE COULD NOT SURVIVE BEFORE COME HOME TO HIM. HE FINDS HE IS LOCKED OUT OF SOCIETY AS COMPLETELY AS HE HAD BEEN LOCKED IN PRISON AND MAY START DREAMING AGAIN ABOUT ONE "BIG SCORE" TO BUY HIS WAY INTO THE WORLD HE IMAGINES IS THERE.

PROponents OF IMPRISONMENT CITE THREE BENEFITS: A) PROTECTION OF THE COMMUNITY, B) PROTECTION OF THE OFFENDER BY REMOVING HIM FROM A CRIMINAL ENVIRONMENT AND EXPOSING HIM TO A MORE POSITIVE SOCIAL CLIMATE, AND C) PROTECTION OF OTHER YOUTH FROM HIS INFLUENCE. THE FIRST ARGUMENT IS REFUTED BY THE HIGH RATE OF CRIME BY RETURNED YOUNG PRISONERS. THE SECOND ARGUMENT IS BLIND TO THE REALITIES OF PRISON LIFE. AND THE THIRD ARGUMENT IGNORES THE FACT THAT THE RETURNED PRISONER IS MORE LIKELY TO BE A HERO THAN AN OUTCAST TO SUSCEPTIBLE YOUTH IN THE STREET.

2. SPECIFIC PROBLEMS OF INSTITUTIONAL LIFE

FROM TIME TO TIME THE PUBLIC IS SHOCKED BY REVELATIONS OF PRISON INCIDENTS WHICH UNFORTUNATELY ARE MORE THE RULE THAN THE EXCEPTION. THE EXCEPTIONAL THING IS THEIR INFREQUENT REVELATION.

THE WAR BETWEEN CAPTIVES AND THEIR KEEPERS. IMPRISONMENT CAUSES AN OFFENDER TO CHOOSE BETWEEN AGREEING WITH THOSE WHO CAST HIM OUT THAT HE HIS UNFIT, OR IN REJECTING THOSE WHO REJECTED HIM. THE FIRST CHOICE MAKES HIM A PARIAH OF INMATE SOCIETY, AND THE SECOND OFFERS HIM A CHANCE TO REVIVE HIS SELF-RESPECT AND MAINTAIN THE RESPECT OF THE OTHER INMATES. BUT THE PRICE OF CONTINUING TO RESIST IS GREATER PUNISHMENT WITHIN THE INSTITUTION. A PRISON RIOT IS THE MOST EXTREME FORM OF THIS WARFARE BETWEEN INMATES AND STAFF. BOTH SIDES ARE BRUTALIZED BY EACH OTHER AND THEIR EXCESSES

TO REMAIN EFFECTIVE. PUNISHMENTS MUST CONTINUE TO BECOME MORE SEVERE. THE REWARDS THAT INMATES AND STAFF CAN OFFER EACH OTHER ARE LIMITED. THE PRISONER'S GREATEST REWARD, HIS RELEASE, DEPENDS ON THE JUDGE AND PAROLE AGENCY. THE STAFF'S MAIN HOPE IS FOR PASSIVE COOPERATION FROM THE PRISONER, HOWEVER, THIS MAY CAUSE HIM TO BE REJECTED BY THE OTHER INMATES.

MORE MEN HAVE BEEN TAMED BY HOPE THAN BY FEAR. TO HAVE SOMETHING TO HOPE FOR IS TO HAVE SOMETHING TO LOSE, AND TO HAVE LESS TO HOPE FOR IS TO HAVE LESS TO LOSE. MEN WITH LITTLE TO LOSE ARE DIFFICULT TO DEAL WITH. WHEN THEY BECOME UNCONTROLLABLE, THE ALTERNATIVE IS TO MAKE THEM SUFFER MORE SO THE PREVIOUS SITUATION WILL SEEM BETTER BY COMPARISON. THIS THEORY IGNORES MAN'S CAPACITY TO ADAPT. THE VICTIM'S

TOLERANCE INCREASES AS HIS SUFFERING INCREASES AND THE LEVEL MUST BE CONTINUALLY RAISED. AT THE SAME TIME, THOSE INFLICTING IT ARE HARDENING THEMSELVES TO BE ABLE TO DO IT, AND DESTROYING THEIR CAPACITY TO FEEL SENSE OF COMMON HUMANITY WITH THE SUFFERER.

THE VICTIMIZATION OF INMATES BY OTHER INMATES. TO BE DEPRIVED OF AN ESSENTIAL COMMODITY IS TO ACQUIRE AN INSATIABLE HUNGER FOR IT. IN YOUNG MEN ESPECIALLY, DEPRIVING THEM OF THEIR AUTONOMY IS FELT AS AN ASSAULT ON THEIR MANLINESS. HOMOSEXUALITY IS RAMPANT IN YOUTH INSTITUTIONS. FINDING A VICTIM TO INTIMIDATE PHYSICALLY AND SEXUALLY SATISFIES A YOUTH'S FEELING OF BEING VICTIMIZED BY SUPERIOR FORCE AND GIVES RELIEF TO HIS SENSE OF PERSONAL IMPOTENCE. VERY FEW YOUTHS ARE STRONG ENOUGH TO STAND ABOVE THE TWO ROLES: THE "JOCKER" AND THE "PUNK".

ANOTHER CONDITION AGGRAVATES THE PLIGHT OF VICTIMS: THE UNIVERSAL LOATHING OF THE "SQUEALER". AN INMATE RESPONDS IN KIND TO AN INSULT OR ATTACK BY ANOTHER INMATE BECAUSE TURNING TO AUTHORITIES FOR ASSISTANCE IS DISASTROUS. THUS THE INMATE SOCIETY NOT ONLY HAS AN AVAILABLE POOL OF VICTIMS BUT A FOOLPROOF IMMUNITY TO ALL BUT THE MOST DIRECT DISCOVERY.

3. INSTITUTIONAL STAFF AND PROGRAMS

OBJECTIVES: THE GOAL OF CORRECTIONAL PROGRAMS IS TO ENABLE OFFENDERS TO LEARN HOW TO SUCCEED IN LIFE WITHOUT DOING HARM TO THEMSELVES AND OTHERS. IT FOLLOWS THAT THE SUCCESS OF THE PROGRAM CAN BE JUDGED BY THE BEHAVIOR OF THE OFFENDER AFTER HIS RELEASE. THE IDEAL DESIGN FOR INSTITUTIONAL LIVING SHOULD ANTICIPATE PROBLEMS AND OPPORTUNITIES OF THE COMMUNITY AND PERMIT THE INMATE TO FOLLOW WAYS OF HIS OWN MAKING. BUT USUALLY, THE INMATE HAS AS LITTLE TO SAY ABOUT THE PROGRAM TO HELP HIM AS ABOUT THE CONDITIONS WHICH IMMOBILIZED HIM. THERE IS NO PLACE FOR HIM TO TAKE INITIATIVE AND LITTLE RECOGNITION FOR HIS DIGNITY. HE PAYS FOR THE SERVICES HE GETS BY THE SAME PASSIVITY AND SACRIFICE OF SELF-DETERMINATION HE IS ACCUSED OF DEMONSTRATING IN THE FACE OF HIS ORIGINAL TROUBLES. IT IS HARD TO UNDERSTAND HOW THE SAME PROCESS WHICH LED TO HIS IMPRISONMENT CAN LEAD TO RECOVERY OF HIS MOBILITY.

THE DEMOCRATIC MODEL OF HUMAN RELATIONS ASSUMES THAT THOSE WHO ARE AFFECTED BY THE ACTS OF OTHERS CAN IN TURN AFFECT THEM; THAT IS, THAT THERE IS A TWO-WAY NEGOTIATION. CITIZENS IN A DEMOCRACY ARE CALLED CONSTITUENTS, NOT CLIENTS, THE TERM USED BY SOCIAL AGENCIES FOR THOSE THEY SERVE. THIS MAY BE ONE OF THE FUNDAMENTAL DIFFICULTIES. THERE ARE THREE DIFFERENT ATTITUDES THE SOCIAL EXPERT CAN TAKE TOWARD HIS CLIENTS. HE CAN DO THINGS TO THEM, IN WHICH CASE THEY BECOME = OBJECTS. HE CAN DO THINGS FOR THEM, IN WHICH CASE THEY BECOME = DEPENDENTS. OR HE CAN DO THINGS WITH THEM IN WHICH CASE THEY HAVE THE OPPORTUNITY TO BECOME = AGENTS. WHATEVER THE CONTENT OR INTENT OF THE PROGRAM, IT IS THE RELATIONSHIP BETWEEN THE PERSONS INVOLVED

THAT DEFINES THE DIFFERENCE BETWEEN DOMINATION, DEPENDENCY AND SELF-REALIZATION. CORRECTIONAL INSTITUTION. STAFF ARE USUALLY DIVIDED IN TERMS OF THEIR MISSION INTO TREATMENT AND CUSTODY. THE ULTIMATE AUTHORITY RESTS WITH THE CHIEF CUSTODIAN OR WARDEN. IT IS UNDERSTOOD BY ALL WHO WORK OR LIVE THERE THAT THE REAL POWER IS IN THE HANDS OF THOSE WHO CAN EXERT FORCE -- THE CUSTODIAN WHO CARRIES THE KEYS AND HAS ACCESS TO WEAPONS OR THE PRISONER WILLING TO USE THE KNIFE. IN CONTRAST THE THERAPIST WHO ADVISES, COMFORTS, EVEN THREATENS, IS VIEWED AS A WEAK SOB-SISTER. HE IS A BUFFER BETWEEN TWO ARMED CAMPS AND IS EXPLOITED BY BOTH.

THE IMPACT OF PROGRAMS: AN INMATE'S MAIN OBJECTIVE IS TO BE RELEASED AS EARLY AS POSSIBLE. HIS PARTICIPATION IN PROGRAMS, THEREFORE, IS BASED ON HIS ASSESSMENT OF WHAT WILL IMPRESS THE PAROLE BOARD. A MORE APPROPRIATE ASSESSMENT SHOULD RELATE TO UTILIZATION OF SKILLS LEARNED FOLLOWING RELEASE. ONE STUDY SHOWED ONLY 17% OF THE SUCCESSFUL RELEASES OBTAINED JOBS FOR WHICH THEY HAD BEEN TRAINED IN THE INSTITUTION. FINDINGS ON SCHOOL ATTENDANCE WERE ACTUALLY NEGATIVE -- MORE OF THOSE ENROLLED FAILED ON PAROLE THAN THOSE NOT ENROLLED. THIS RECORD IS HARDLY REASSURING.

4. RECOMMENDATIONS FOR ADMINISTRATIVE AND ORGANIZATIONAL CHANGES

THE ROOT PROBLEM SEEMS TO BE IN THE ORGANIZATION ITSELF. SINCE THE PUBLIC SCHOOL SYSTEM IS ALSO COMPULSORY PROGRAM INTENDED TO PREPARE CHILDREN TO SUCCEED IN LIFE, I STARTED BY EXAMINING IT. THERE IS NO STIGMA ATTACHED TO THE SCHOOLS AS THERE IS TO THE REFORMATORY. PARENTS SEEK TO ENTER THEIR CHILDREN AS SOON AS POSSIBLE AND EXPECT THEM TO EMERGE AS RESPONSIBLE, SELF-SUFFICIENT ADULTS AND THAT THE GOVERNMENT WILL CONTROL THE PROCESS. BUT SCHOOLS ARE ALSO PREOCCUPIED WITH ORDER AND CONTROL. THEY OPERATE BY THE CLOCK. THE TEACHER AS DISCIPLINARIAN APPLIES THE SAME RULES THAT ARE USED IN LAW ENFORCEMENT.

THE SCHOOL SYSTEM IS THUS ONE MODEL OF A HUMAN ORGANIZATION IN WIDE USE IN OUR SOCIETY. CALLED "HIERARCHICAL", PYRAMIDAL", OR SIMPLY "BUREAUCRATIC", IT IDENTIFIES A STRUCTURE IN WHICH AUTHORITY IS EXERCISED BY SUPERIORS OVER SUBORDINATES BY MEANS OF DIRECTIVES WHICH MUST BE OBEYED "OR ELSE". THIS MODEL TENDS TO CONFIRM ITS OWN PREDICTIONS IN ACTION. THE BELIEF THAT PEOPLE MUST BE FORCED TO DO WHAT THEY SHOULD DO USUALLY VALIDATES ITSELF ONCE FORCE IS APPLIED. SINCE PEOPLE RESENT AND RESIST COMPULSION THE APPEARANCE OF RESISTANCE IS AN ARGUMENT FOR THE NECESSITY OF COMPULSION. IN ADDITION, THOSE WHO CARRY OUT THE PROGRAM OF REPRESSION, THE TEACHERS, TEND TO BE AS REGIMENTED BY THE ADMINISTRATION AS THE STUDENTS THEY SERVE.

THIS MAY EXPLAIN A GENERAL CHARACTERISTIC OF HUMAN SERVICE ORGANIZATIONS WHICH ARE ALSO HIERARCHAL. THAT IS THE TENDENCY OF EMPLOYEES TO REMOVE THEMSELVES AS FAR FROM THE CLIENTS AS POSSIBLE.

LIKE A CUSTODIAL INSTITUTION, THE HIERARCHAL ORGANIZATION HAS TWO CLASSES -- 1) THE PRISONERS, OR CLIENTS, AND 2) THE WORKERS, RANGING FROM LINE WORKERS IN DIRECT CONTACT WITH THE PRISONERS UP THROUGH SUPERVISORS AND ADMINISTRATORS. EACH LEVEL IS REGIMENTED BY THE LEVEL ABOVE. THE LINE WORKER LOOKS FORWARD TO PROMOTION, AND THE CHANCE TO EXERCISE AUTHORITY OVER LINE WORKERS LIKE HIMSELF, AS WELL AS TO PUT A BUFFER BETWEEN HIMSELF AND THE PRISONERS. BUT HE WILL THEN BE IN A POSITION TO EXERCISE AUTHORITY OVER THOSE HE HAS NO DIRECT CONTACT WITH AND WHO HAVE NO DIRECT INFLUENCE OVER HIM.

NONRECIPROCAL HUMAN INFLUENCE IS BRUTALIZING TO THOSE DEPENDENT ON IT, NO MATTER HOW BENEVOLENT OR PROFESSIONAL THEY ARE. AUTHORITY CAN BE PROTECTED FROM EXCESS ONLY WHEN DIRECTLY INFLUENCED BY THOSE AFFECTED BY IT. RIGHTS ARE EMPTY PROMISES WHEN THERE ARE NO REMEDIES AGAINST THEIR ABUSE -- AND THE REMEDIES MUST NOT BE ONLY IN THE HANDS OF THOSE WHO ARE FREE TO WITHHOLD THEM.

UNCHECKED POLICE POWER LEADS TO DESTRUCTION OF CIVIL POWER. ANY POWER NOT DIRECTLY REGULATED BY THOSE DIRECTLY SUBJECT TO IT LEADS TO TYRANNY. IF OUR FOUNDING FATHERS HAD FORESEEN THAT THE STATE WOULD ONE DAY BE INVOLVED IN SO MANY SPHERES OF HUMAN ACTIVITY THEY MIGHT HAVE THOUGHT UP AN ORGANIZATION TO PREVAIL IN THESE AREAS, TOO. THEY DID NOT ANTICIPATE WHEN THEY DESIGNED OUR GOVERNMENT THAT ESSENTIALLY THE SAME COLONIAL RELATIONSHIP THEY HAD OVERTHROWN WOULD BE USED IN SETTING UP OFFICIAL AGENCIES TO CARRY OUT HUMAN SERVICE PROGRAMS IN SUPPORT OF THEIR LIBERTARIAN PRINCIPLES.

THIS ISSUE CAN NOT BE SOLVED BY IN-SERVICE TRAINING, SEMINARS, SENSITIVITY GROUPS, ETC. IT IS THE FUNDAMENTAL ORGANIZATION WHICH MUST BE CHANGED -- NOT ITS OUTWARD FORMS.

5. NEW MODELS OF HUMAN INTERVENTION IN CORRECTIONS

IF THE PRESENT ORGANIZATION AND OPERATION OF CORRECTIONS IS UNSOUND, THEN THE NUMBER OF PERSONNEL IS NOT SO MUCH A FAULT AS WHAT THEY ARE DOING. CHANGES IN CAREERS THEMSELVES ARE NEEDED AND NOT JUST NEW PERSONNEL.

IDEOLOGICAL THE GOVERNING ETHIC SHOULD SHIFT FROM REVENGE BY DISABLEMENT TO MUTUAL RECONCILIATION AND RESTITUTION, INCLUDING COMPENSATION TO VICTIMS OF CRIME.

THEORETICAL CRIME IS A SOCIAL AS WELL AS INDIVIDUAL PRODUCT AND REMEDIAL SOCIAL CHANGES AS WELL AS INDIVIDUAL CHANGES ARE NEEDED.

ORGANIZATIONAL PROGRAMS AIMED AT PROMOTING SELF-SUFFICIENCY THRU INDIVIDUAL INITIATIVES ARE INCOMPATIBLE WITH CONTROL THROUGH A LARGE-SCALE ORGANIZATIONAL STRUCTURE.

OPERATIONAL TECHNIQUES USED TO MANIPULATE MATERIALS AND EVENTS IN THE PHYSICAL WORLD BY CONTROLLING EXTERNAL FORCES ARE INAPPROPRIATE TO PROGRAMS WHOSE GOALS INCLUDE CREATIVITY AND SELF-LIBERATION.

SUMMARIZING THE IMPLICATIONS OF THESE POINTS, THE WORK OF THE NEW CAREERIST SHOULD BE:

- A.) COMMUNITY-BASED AND AUTONOMOUS RATHER THAN INSTITUTION-BASED AND CONTROLLED.
- B.) INFORMAL AND PERSONAL RATHER THAN FORMAL AND PROFESSIONAL.
- C.) EVOCATIVE, ENABLING, AND CREATIVE RATHER THAN REPRESSIVE, INHIBITORY OR CORRECTIVE.
- D.) MUTUALLY CONTRACTUAL RATHER THAN OBLIGATORY.

THE TYPICAL LIFE STYLE OF THE NEW CAREERIST ALREADY INCORPORATES MANY OF THESE QUALITIES IF THEY HAVEN'T BEEN TRAINED OUT OF HIM IN HIS PROFESSIONAL TRAINING.

FEW OF THESE INNOVATIONS ARE NEW, BEING ALREADY IN EFFECT IN A PRIVATE AND UNOFFICIAL SYSTEM OF CORRECTIONAL TREATMENT WHICH HAS LONG BEEN AVAILABLE TO THE WEALTHY. RESTITUTION TO THE VICTIM IS SUBSTITUTED FOR IMPRISONMENT OF THE OFFENDER, AND OUTPATIENT TREATMENT BY PSYCHIATRISTS OR EVEN RESIDENTIAL FACILITIES ARE AVAILABLE FOR TREATMENT OF THE OFFENDERS. SUCH SCHOOLS ADVERTISE THEMSELVES AS MEETING THE NEEDS OF "EXCEPTIONAL YOUTH UNREACHABLE BY CONVENTIONAL EDUCATIONAL METHODS." THIS UNOFFICIAL SYSTEM, APPROVED BY POLICE AND JUVENILE AUTHORITIES, REFLECTS RECOGNITION THAT PRIVATE, UNOFFICIAL TREATMENT OF OFFENDERS IS SUPERIOR TO PUBLIC PROGRAMS. THIS ALTERNATIVE IS DENIED TO THE POOR SIMPLY BECAUSE OF THEIR ECONOMIC POSITION. THE INEQUITY OF THIS IS ONE OF THE STRONGEST MORAL GROUNDS FOR OVERCOMING IT.

6. THE PROBLEM OF IMPLEMENTATION

HOW CAN WE NOW CHANGE DIRECTIONS IN OUR PROGRAMS? CORRECTIONS IS A COMPLETELY PROFESSIONALIZED FIELD AND IT COMMANDS THE CONFIDENCE OF GOVERNMENT AND THE PUBLIC. THREE REASONS SEEM TO ACCOUNT FOR THE DIFFICULTY OF ACHIEVING CHANGE.

- A) THE EXCLUSION OF THE PRIVATE CITIZEN FROM INFLUENCE AND PARTICIPATION.
- B) THE EXCLUSION OF THE CONSUMER -- THE OFFENDER -- FROM PARTICIPATION.
- C) THE MONOPOLY OF CORRECTIONAL ESTABLISHMENTS OVER RESOURCE AND EXPERTISE.

SUCCESSFUL EXPERIMENTS OF ALTERNATIVES TO PRISON HAVE NOT BEEN IMPLEMENTED ON A LARGE SCALE. TYPICALLY THE INNOVATOR IS EITHER REWARDED OR DIVERTED. THE PUBLIC MAY WELL ASK WHEN FUNDS ARE REQUESTED TO DEVELOP ALTERNATIVES WHY PROVEN ALTERNATIVES HAVE NOT BEEN IMPLEMENTED.

IN ONE CASE, THE FOUNDER OF A HALF-WAY HOUSE PROGRAM FOR SERIOUS DELINQUENTS WAS PROMOTED TO WARDEN OF THE STATE'S ARCHAIC PRISON AND FINALLY TO COMMISSIONER OF ALL INSTITUTIONS OF THE STATE. HE IS NOW OCCUPIED IN ADMINISTERING PROGRAMS HIS INNOVATION MIGHT HAVE REPLACED, AND ONLY A HANDFUL OF HALF-WAY HOUSES HAVE BEEN BUILT ALTHOUGH A MASSIVE EXPANSION OF THE REFORMATORY SYSTEM IS UNDERWAY.

ANOTHER INNOVATOR TRAINED AND EMPLOYED ADULT FELONS AS CORRECTIONAL THERAPISTS. OF THE 18 WHO WENT THROUGH THE PROGRAM, 16 WERE STILL USEFULLY EMPLOYED IN THE COMMUNITY

TWO YEARS LATER AND SEVERAL HAD MADE CORRECTIONS THEIR CAREER. HE IS NOW DEVELOPING ANOTHER PROGRAM UNDER OTHER AUSPICES AND THE STATE HAS ABANDONED THE PROGRAM HE DEMONSTRATED SO SUCCESSFULLY.

BASICALLY THESE PROGRAMS WERE ABANDONED BECAUSE THEY OFFERED A GENUINE ALTERNATIVE. THE ESTABLISHMENT SENSED THEY WOULD REQUIRE A COMPLETE TRANSFORMATION OF PENAL POLICY. CORRECTIONS HAS ALWAYS NEUTRALIZED THE INDIVIDUAL EFFORTS OF THOSE SEEKING TO CHANGE IT.

SINCE CORRECTIONS CANNOT CORRECT ITSELF IT IS ESSENTIAL FOR OTHER INTEREST GROUPS, SUCH AS CITIZENS, RESPONSIBLE MEMBERS OF THE COMMUNICATIONS MEDIA, AND THE OFFENDERS, TO ENTER THE PICTURE. THE LEGISLATURE AND THE JUDICIARY ALSO HAVE ROLES TO PLAY. AND ONCE THE EXECUTIVE AND THE EXPERTS HAVE DROPPED THE NOTION THAT THEY CAN DO THE JOB ALL BY THEMSELVES, THEY CAN JOIN IN AN ATMOSPHERE OF COOPERATION AND HONESTY.

A MASSIVE AND INTENSIVE RE-EDUCATION PROGRAM IS INDISPENSABLE. AN 8-DAY WORKSHOP EXPERIMENT PARTICIPATED IN BY THIS WRITER PROVIDED SOME GUIDING PRINCIPLES FOR SUCH RE-EDUCATION. ALL PARTICIPANTS MUST BE BROUGHT INTO AN OPEN ENCOUNTER TO WORK OUT MISCONCEPTIONS AND GENUINE DIFFERENCES. ALL THOSE IN A POSITION TO EITHER INITIATE CHANGE OR IMPEDE IT AND THOSE WHO COULD BE INFLUENTIAL IN PROMOTING IT SHOULD BE INVOLVED. THE PARTICIPANTS SHOULD DEVELOP A PLAN FOR ACTION AND MAKE PREPARATIONS FOR IMPLEMENTING IT. THE PROGRAMS SHOULD BE IMPLEMENTED IN A COMMUNITY LARGE ENOUGH TO SUSTAIN THEIR EFFORTS BUT SMALL ENOUGH FOR THE INNOVATIONS TO PERVADE THE ENTIRE AREA. THE PROGRAMS SHOULD BE DEVELOPED IN CONJUNCTION WITH THOSE WHO WILL ADMINISTER THEM AND THOSE TO BE SERVED BY THEM. FUTURE WORKSHOP PROGRAMS SHOULD RECRUIT LEADERS FROM FORMER PARTICIPANTS.

7. PUBLIC AND GOVERNMENTAL SUPPORT FOR REFORM

THE CRUCIAL DECISION IS BETWEEN REFORM AND REPLACEMENT. INVOLUNTARY PENAL INCARCERATION IS A SOCIAL CANCER, AN UNNECESSARY EVIL. UNTIL IT CAN BE REPLACED BY ALTERNATIVES WHICH HAVE BEEN TESTED AND ARE AVAILABLE, RIGOROUS STANDARDS OF INMATE WELFARE AND HUMANE TREATMENT SHOULD BE MAINTAINED. BUT SPENDING MONEY ON NEW CAPITAL CONSTRUCTION OR PATCHING UP FACILITIES IS WASTEFUL AND DIVERSIONARY. PHYSICAL IMPROVEMENT DOESN'T ALTER THE ESSENTIAL CHARACTER OF THE INSTITUTION WHICH IS TO ENFORCE ISOLATION OF OFFENDERS FROM THE COMMUNITY.

8. RECOMMENDATIONS FOR FEDERAL LEGISLATION

OVER 98% OF ALL PERSONS NOW IN CONFINEMENT, AND VIRTUALLY 100% OF ALL JUVENILES, WILL EVENTUALLY BE RELEASED. ESTIMATES FROM EXPERTS, INCLUDING PRISON AUTHORITIES, OF THE PERCENTAGE PRESENTLY CONFINED WHO REQUIRE CONFINEMENT FOR THEIR OWN OR PUBLIC SAFETY AVERAGE 12% WITH 25% AS A MAXIMUM. AND THE MAJORITY OF THESE WERE SEEN AS

REQUIRING CARE IN MENTAL HOSPITALS.

THE FEDERAL GOVERNMENT SHOULD SPONSOR ON A WIDE SCALE, THE DEVELOPMENT OF COMMUNITY ALTERNATIVES FOR ALL AGES AND ALL LEVELS OF THE CORRECTIONAL PROCESS. THESE SHOULD INCLUDE HALF-WAY HOUSES, COMMUNITY SERVICE CENTERS AND CRISIS INTERVENTION CENTERS. OFFENDERS SHOULD MAN THEM, IN PART, AND BE GIVEN AN OPPORTUNITY TO SERVE THEIR COMMUNITY WHILE BEING SUPPORTED BY IT.

THE FEDERAL GOVERNMENT SHOULD TAKE THE LEAD IN SPONSORING TRAINING AND PREPARATION OF THOSE WITH LEADERSHIP POTENTIAL IN HIGH DELINQUENCY AREAS FOR PARTICIPATION IN CRIME CONTROL, CRIME PREVENTION, AND TREATMENT PROGRAMS IN THEIR COMMUNITIES.

DEVELOPMENT OF THESE ALTERNATIVES SHOULD NOT BE CONTROLLED BY THOSE PRESENTLY IN COMMAND OF CONVENTIONAL CORRECTION SYSTEMS. TRUE ALTERNATIVES ARE COMPETING ALTERNATIVES AND THE CORRECTIONAL ESTABLISHMENT IS POORLY PREPARED TO IMPLEMENT ITS OWN REPLACEMENT.

THE MOST POWERFUL INCENTIVES FOR IMPROVEMENT WOULD BE CREATED BY A SITUATION OF TRUE COMPETITION. REDUCED INSTITUTIONAL POPULATION BECAUSE OF COMMUNITY FACILTIES SHOULD MAKE IT POSSIBLE FOR TRADITIONAL INSTITUTIONS TO TEST THEIR PRINCIPLES UNDER THE MOST FAVORABLE CIRCUMSTANCES.

THE OPPOSITION OF THOSE IN CHARGE CAN BE COUNTED ON. IT MUST BE RESISTED AND OVERCOME. TRADITIONAL CORRECTION HAS BEEN A FAILURE, WHICH IS NO CREDENTIAL FOR DETERMINING THE FUTURE. A DISCREDITED PAST CAN ONLY REPRODUCE ITSELF: IT CANNOT CREATE SOMETHING NEW.

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