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X ATLANTA, GEORGIA

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE
COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE



JANUARY 1980

for the use of the Committee on Governmental Affairs.

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MEMORANDUM

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
Washington, D.C., January 2, 1980.

To: All Members of the Permanent Subcommittee on Investigations.
From: Senator Sam Nunn, chairman, and Charles Percy, ranking
minority member.

Subject: Staff Study of the United States Penitentiary, Atlanta, Ga.

In response to information from multiple sources, the Permanent Subcommittee on Investigations conducted a year long investigation into the U.S. Penitentiary at Atlanta, Ga. The inquiry found that the Atlanta Penitentiary has become the setting for violent inmate murders, extensive narcotics trafficking, and various other criminal activities.

After a preliminary investigation, the subcommittee conducted hearings in Atlanta on September 29 and October 2, 1978. This staff study summarizes the testimony received at those hearings and a subsequent staff inquiry.

The Atlanta Penitentiary has an inmate population of 1,300 adults, is a maximum security prison, and houses the largest prison industry in the United States. Both inmates and employees of this institution testified at the hearings in Atlanta. In addition, the staff interviewed a cross section of witnesses, drawn from the subcommittee investigation and suggestions from the Director of the Bureau of Prisons.

Atlanta Penitentiary inmates testified to the availability of narcotics, alcohol, and weapons in the prison. Knives could be readily produced in the prison industry and could be hidden throughout the prison due to lax security measures. Violence and narcotics trafficking were common events. Many inmates testified that involvement in such activities was virtually impossible to avoid. The Atlanta facility was described by some inmates as a "country club" or like "being on the outside."

The major drug of abuse within the facility is marijuana. Prison inmates testified that the primary source of this drug was through the prison employees. The employees would make "connections" within the prison and bring the marijuana in from the outside. Heroin and cocaine were generally smuggled in by friends and relatives at visiting times.

Prison employees testified to the lack of security within the Atlanta Penitentiary. One witness candidly presented how he had been corrupted by prison inmates and served as a messenger and banker for them. He resigned from the institution after his public testimony to the subcommittee. One employee indicated that the prison adminis-

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tration encouraged employees to overlook illegal activities among inmates in order to keep the prison population under control. Others expressed fear for their safety if they were to "crack down" on the inmates.

In response to the many criticisms of the Atlanta Penitentiary revealed in the Subcommittee investigation, the prison administration instituted several major changes in prison management. These were:

- (1) The establishment of a pass and controlled movement system;
- (2) More frequent daily searches to reduce availability of weapons and narcotics;
- (3) Installation of metal detectors between cell blocks and shop areas;
- (4) Increased supervision of inmate living areas; and
- (5) Inmate relocation so that only level V inmates are to be located at the Atlanta facility.

At the close of the hearings in Atlanta, it was suggested that there be continuing oversight of the Atlanta Penitentiary by the subcommittee. Subcommittee staff monitored the results of the major changes in security measures instituted by the prison administration.

Despite efforts to increase security, the staff found that there has been no significant change in the amount of violence and narcotics flow within the institution. In the staff's opinion, the Atlanta Penitentiary is too large and too old to enable prison officials to manage a prison population in a safe and efficient way. It was estimated that it would cost up to \$44 million to renovate the Atlanta Penitentiary so that it is in compliance with the minimum standards of a modern correctional facility. Consequently, the staff recommends that the penitentiary be closed as soon as feasible but not later than 1984. Closure of the prison also has been suggested by the House Judiciary Committee and the Bureau of Prisons.

The staff recommends that in developing a plan to close the Atlanta facility by 1984, the Attorney General should consider the profound effect the closure will have on prison employees and the community at large. While it must be assured that the transition will not present undue burdens to the persons involved, it is clear that closure of the prison is a necessary though difficult step toward the development of a modern and respectable correctional facility.

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THE U.S. PENITENTIARY, ATLANTA, GA.

BACKGROUND

The U.S. Penitentiary at Atlanta is located on 162 acres in Atlanta, Ga. This huge institution was built between 1900 and 1902 with an inmate capacity of 1,500. Currently, it houses some 1,300 adults, many of whom are repeat offenders and are serving long prison sentences. Although the inmate population has been reduced from a high of 2,300 in September 1977 to 1,300 in November 1979, it is still more than double the recommended maximum population for modern correctional institutions. This maximum security prison also operates the largest prison industry in this country. Efforts to control violence and narcotics flow in the Atlanta Penitentiary are hindered by its size, age, and overcrowding. Hence, the Atlanta Penitentiary has become the setting for violent inmate murders, extensive narcotics trafficking, and various other criminal activities.

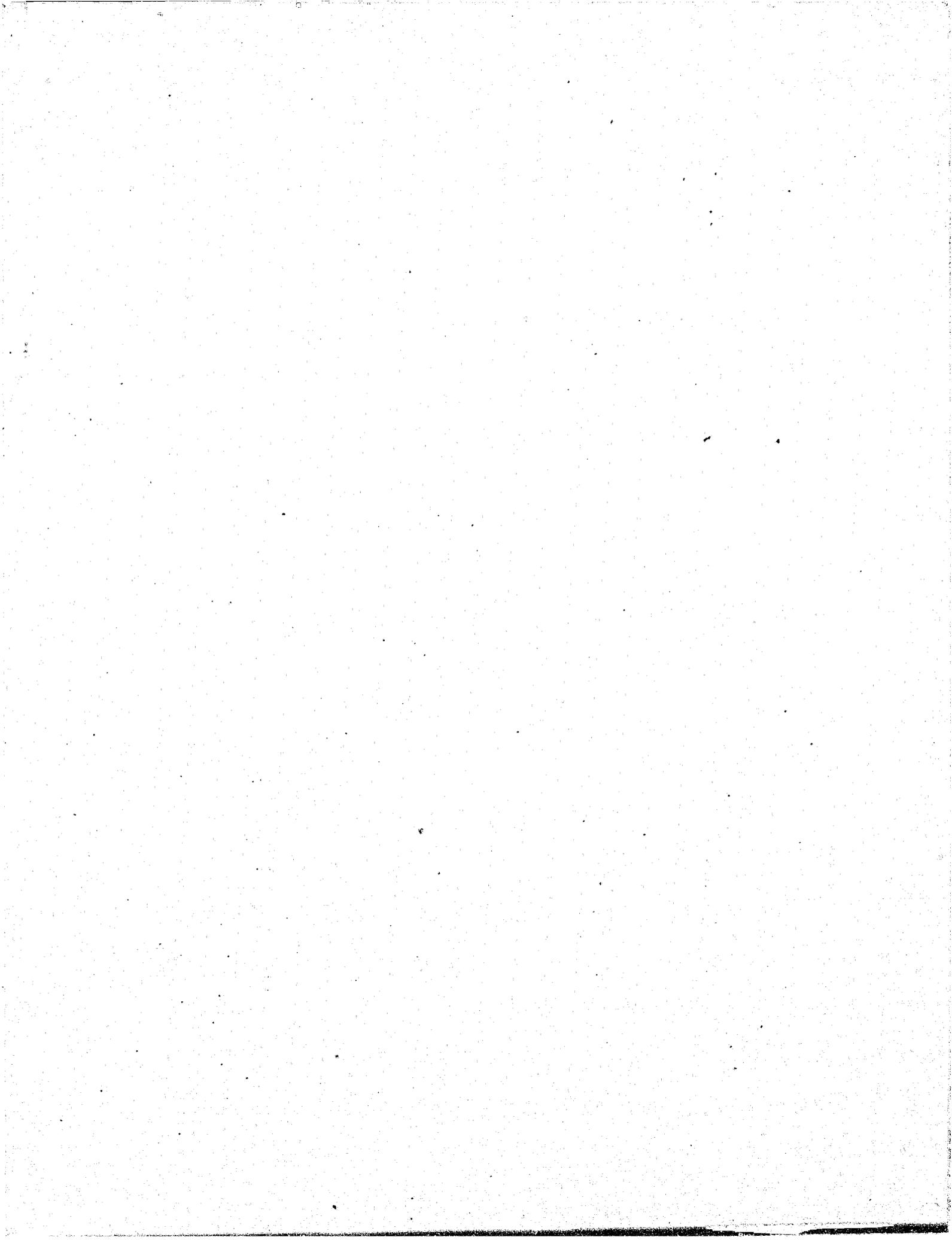
Conditions at the U.S. Penitentiary in Atlanta¹ came to the attention of the Permanent Subcommittee on Investigations in 1978 during the course of an authorized inquiry into organized criminal activity in south Florida. Testimony was received from a former inmate which indicated that there were distinctions in the nature of incarceration of known organized crime figures at the penitentiary, compared to the less desirable status of ordinary inmates; that the smuggling of narcotics and other contraband was relatively easy; that there was ready access to tools and stock for the manufacture of "homemade" weapons. In addition, the witness testified as to his personal involvement or knowledge of five homicides that occurred within the prison.

The witness, Gary Bowdach, was serving a 15-year Federal sentence as a dangerous special offender for firearms violations and extortionate extensions of credit (loan-sharking) when he was brought to the attention of the subcommittee by the Department of Justice Organized Crime and Racketeering Strike Force in Miami, Fla. Bowdach had been incarcerated in the Atlanta Penitentiary on two occasions for a total of 5 years between 1971 and 1977. He testified at public hearings held by the subcommittee on August 1, 2, 3, 9, and 10, 1978.

According to Bowdach, a laxity on the part of the prison administration and its lack of understanding of the nature, scope, and magnitude of inmate activity made it relatively easy for inmates to engage in illegal activity ranging from narcotics smuggling to murder. He also attributed such illegal activities to ignorance and indifference on the part of officers that were on duty in the visiting room, and he flatly stated that some prison guards were corrupt.

In light of these allegations, Senator Sam Nunn, the chairman of the subcommittee, directed the staff to pursue an investigation of the Atlanta Penitentiary in order to evaluate the adequacy of the facility and the effectiveness of the Bureau of Prisons in maximizing offender security. This investigation culminated in public hearings conducted

¹ For a detailed description of the Atlanta Penitentiary, see app. A.



in Atlanta on September 29 and October 2, 1978. The testimony received at those hearings is summarized herein.

After the Atlanta hearings, Senator Nunn directed the staff to continue its review of the penitentiary in order to ascertain what changes, if any, were made at the institution to improve inmate security. This report by the staff summarizes the findings of that inquiry.

THE ATLANTA HEARINGS

The subcommittee's hearings in Atlanta were designed to explore the allegations concerning civilian employee corruption and narcotics and weapons availability at the U.S. penitentiary in that city.

During the course of the investigation, the subcommittee received information from scores of inmates, employees, and individuals interested in events and inmate treatment at the institution. However, public presentation of information was limited to those individuals who could testify to their own involvement in the events. The focus was on a small group of employees who may have been involved in corrupt activities, as well as on the question of inmate management and security.

Prior to the hearings, the Director of the Bureau of Prisons, Norman Carlson, had requested Senator Nunn to have the subcommittee's staff interview a "cross section" of inmates specifically selected by the Bureau, since the BOP was concerned that the staff had interviewed, over the course of several months, numerous past and present selected inmates who often were critical of the institution and its administration. The staff interviewed eight of the nine inmates selected by the Bureau, and F. Keith Adkinson, an assistant counsel to the subcommittee, summarized those interviews in his testimony at the Atlanta hearings:

* * * One inmate was not available. All of the eight categorically took exception to the proposition that every inmate has a knife. Although each of these concede a lethal weapon of some sort would be available to any inmate bent on murdering another inmate, many stated weapons are readily available.

Three of the seven who had been in other Federal and State institutions categorically stated Atlanta is more desirable, from their points of view, than any of the other institutions where they had been inmates. Their reasons ranged from prisoner mobility to the ability to be alone. One, who had been in Marion, observed that coming to Atlanta was like "going out on the street" compared to Marion.

While only one expressed no particular concern for his personal safety at Atlanta, two others expressed abject fear for their personal safety. One inmate agreed with Bowdach that it is a "country club" but only for those inmates who are strong and run with a strong group, but sheer "hell" for a loner, such as himself. This inmate's main fear is that he will see something he should not see and be threatened or harmed as a result.

Half raised miscellaneous complaints concerning adequate medical care and the competence of case workers.

Regarding narcotics, one of the eight feels there is "enough marihuana in the institution to supply all of Atlanta"—an obvious overstatement, to make his point. That same inmate is unaware of heroin availability.

Three inmates felt drugs are not a major problem. Only one inmate said heroin and other hard drugs are readily available. Half felt homebrew is readily available.

In summary, this cross section suggests to us that the U.S. Penitentiary in Atlanta is rather like a microcosm of an urban area, with narcotics available to certain groups; knives available to certain groups; and homebrew available to certain groups. Most felt these groups and these problems could generally be avoided. None had seen a gun in the institution or believed them to be there (pp. 332, 333).*

After the brief staff summary of their interviews with inmates, the subcommittee turned its attention to the firsthand accounts of conditions in the penitentiary. The first inmate witness called before the subcommittee was Jewell Wesley Walters.

JEWELL WESLEY WALTERS

J. W. Walters was in the U.S. Penitentiary in Atlanta from April 1969, until February 1970, and again between February 1975 and October 1976. Walters was transferred to the Marion institution where he remained between 1970 and February 1975. In October 1976, he was transferred from Atlanta to the Butner, N.C. facility. From there he was transferred to the U.S. Penitentiary in Lewisburg.

Walters is serving a total of 38 years: 20 years for bank robbery; 10 years for assaulting a U.S. marshal; 5 years for escape; and 3 years for threatening a Federal judge. He contacted Senator Nunn by letter dated September 11, 1978, wherein he indicated he had firsthand information concerning the November 1975 murder of Francis Klien and criminal misconduct of civilian employees. He perceived his knowledge of the Klien murder jeopardized his security and he offered to cooperate with the subcommittee investigators.

In his testimony, Walters described how he observed Bobby Meyers remove a large knife from Meyers' locker in the prison industries area (p. 340). He further described observing and having contact with Meyers near the scene of Klien's murder and at the time of the assault. In subsequent discussions, Meyers allegedly admitted to Walters that he had robbed and murdered Klien. He further stated that he had a knife, which he kept in his cell while in Atlanta, similar to the one he saw Meyers remove from his locker (p. 340).

Walters, who said knives were "about as plentiful as dope," stated that the main source of knives was prison industries (p. 349).

During the course of Walters' testimony, Senator Nunn asked him the following question: "Did you worry about getting caught with a knife?" Mr. Walters responded: "I would rather get caught with it than without it" (p. 340).

Walters also provided testimony concerning his personal involvement in narcotics transactions with two prison employees: John Car-

*Refers to page numbers in the printed hearings entitled "Organized Criminal Activities—South Florida and U.S. Penitentiary, Atlanta, Ga."

roll and Ervin "Blue" Elswick. Walters, who testified he was distributing heroin in the penitentiary for Atlanta inmate Frank Coppola, testified that on six or eight occasions Mr. Carroll, who worked in the food service area, brought heroin into the institution for him and Coppola (pp. 354, 355). On "two or three" other occasions, according to Walters, Ervin "Blue" Elswick, a recreation officer, smuggled powdered Dilaudin (a heroin substitute) into the penitentiary for inmate Foster Sellers (pp. 364, 365). Walters said he distributed the narcotics for Coppola and Sellers to roughly 200 to 300 regular inmate customers (p. 350), generating \$10,000 to \$15,000 per week.

In comparing the availability of narcotics and weapons at Atlanta to the other Federal facilities where he has been incarcerated, Walters stated that the Atlanta Penitentiary was "No. 1" (p. 367).

In response to Senator Nunn's question as to what steps, if any, can be taken to improve the situation in the Atlanta Penitentiary, Walters focused upon the civilian employees who, according to him, were bringing in 95 percent of the narcotics (p. 368). To Walters, there are only two ways to curb employee smuggling: Searching, on a daily basis, each officer as he enters the institution; or administering polygraph examinations to the staff every 2 or 3 months (pp. 367, 368).

To curb the ready availability of weapons, Walters had a very straightforward solution:

* * * take all the convicts out of the machine shops, put free personnel [civilian employees] in there (p. 368).

Regarding press reports that metal detectors were being installed, Walters observed:

* * * they ain't doing nothing but wasting the taxpayers money (p. 368).

According to Walters, "where there is a will there is a way" and the inmates would find a way to circumvent the metal detectors.

In response to a question from minority counsel, Joseph Block, Walters stressed that it was virtually impossible for inmates to avoid involvement in criminal activity in the Atlanta Penitentiary. Avoidance of violence and narcotics flow could only be achieved if the inmate remained isolated from fellow inmates. Walters said that this is largely due to the ability of inmates to freely roam the facility (p. 375). He testified that he spent only an average of 10 to 15 minutes at his job in the prison industry. He then would leave and was never checked upon. Walters speculated that the size of the Atlanta facility made it impossible to curb criminal activity. Mr. Block asked if the production of weapons could be reduced by putting more officers in the industry area. Walters pointed out that industry personnel were required to observe prisoners on the jobsite but were rarely there (p. 376).

In a telling observation regarding inmate life inside the walls at Atlanta, Walters stated:

I wouldn't go so far as to say it was a country club, but it was nice; you know, considering (p. 369).

* * * * *

I eat steaks plenty a night, drink hard liquor, shoot all the dope I wanted to shoot, do about anything I wanted to do. The only thing I missed was women (p. 370).

TRUMAN FAGG

The second inmate to testify in the Atlanta hearings was Truman Duane Fagg, who is serving a 45-year sentence for bank robbery and post office robbery. Fagg was incarcerated at the Atlanta Penitentiary from November 1974 to April 1978, when he was transferred to the U.S. Penitentiary in Leavenworth. Prior to his current conviction, Fagg was convicted on State and Federal charges. He was incarcerated at Leavenworth on a previous conviction from 1965 to 1972.

In his testimony, Fagg described his narcotics transactions with "Blue" Elswick. Between November 1977, and approximately the end of January 1978, Fagg testified that Elswick smuggled marihuana into the penitentiary for Fagg on four or five different occasions. According to Fagg, on one such occasion Elswick also smuggled "speed" pills into the facility. On other occasions, Fagg said Elswick smuggled radios for him. In each instance of narcotics smuggling, Fagg said he would be approached by other inmates who had narcotics on the outside. The other inmates were aware of Fagg's relationship with a civilian employee (Elswick) and they would ask Fagg to determine the employee's willingness to bring in the contraband.

According to Fagg, if he received an affirmative response from Elswick, he would give the inmate the address of an outside drop point to pass along to his outside contact. The outside contact would then arrange for the narcotics to be left at the designated spot where Elswick would pick it up. In all but one instance Fagg testified Elswick demanded that the inmate "front" his "fee" before the transaction took place. Elswick's fee was based upon his rate of \$400 per pound of marihuana and \$1 per pill. During the course of these transactions, most of which were for one pound quantities of marihuana, Elswick increased his fee to \$500 per pound (pp. 383, 394).

Fagg testified that, on two occasions, Elswick handled the narcotics directly. On other occasions, the narcotics were left in a specially modified amplifier in the recreation shack where Fagg worked.

In comparing the Atlanta Penitentiary with the Leavenworth Penitentiary, Fagg testified:

Most of the staff, I thought at Atlanta, were very sloppy and didn't seem to care what really went on. Over at Leavenworth, they keep a close eye on you, you are on the job someplace, the man is right near the area, or has somebody else watching you (p. 396).

In the opinion of Fagg, the number of weapons in Atlanta exceeded tenfold the weapons at Leavenworth; narcotics at Atlanta exceeded twentyfold the narcotics availability at Leavenworth; and incidents of homosexuality were four to five times more prevalent at the Atlanta facility (pp. 396, 397).

When asked what steps could be taken to curb narcotics availability in the Atlanta Penitentiary, Fagg replied that the prison administration either had to "change a great deal of the employees" or "have shakedowns of the employees coming in at various times without any warning" (p. 399).

With respect to curbing the availability of weapons, Fagg, echoing the administration position, testified:

I don't really think there is too much to be done about it, even fencing off the areas where they can be made or anything else. There are too many other things you can make weapons out. I think if somebody really wants to kill in one of these places, they can do it (p. 399).

Minority counsel questioned Fagg concerning ability of inmates to avoid narcotics, weapons, and violence. Fagg stressed that the inmate's freedom to wander throughout the facility increases the chance of involvement in criminal activity. He noted that at Leavenworth he was not allowed to avoid work or to roam the facility without a pass (p. 400).

JOE LOUIS DENSON

The most significant and enlightening testimony of current conditions within the penitentiary was elicited from Joe Louis Denson, an inmate at the institution until the time of the hearings. Denson was one of the inmates that Director Carlson requested the subcommittee staff interview for the purpose of obtaining a balanced perspective of inmate living conditions.

Denson was first interviewed by staff at the institution on Wednesday, September 27, 1978. Immediately prior to the interview, staff reviewed Mr. Denson's multivolume central prison file and noted Denson's wide experience in the Federal prison system. He had served time at the Federal Reformatory, El Reno, Calif., and the penitentiaries at Terre Haute, Ind.; Leavenworth, Kans.; Marion, Ill.; and Atlanta, Ga. He also had served time in the Kansas State Penitentiary.

According to Denson's file, he, as well as Frank Coppola, whose activities were described in earlier testimony by J. W. Walters, were persistent and significant drug traffickers in the penitentiary. It included the following statement by Atlanta prison officials:

We have received the material on Denson. We are well acquainted with Densons (sic) persistent habits of drug pushing, assault, and other deeds.

Mr. Denson is currently serving a life sentence for murder. This offense occurred at the U.S. Penitentiary in Leavenworth.

For some time Denson has been under suspicion of being the ringleader of a narcotics ring at our institution (Marion). As noted in the progress report on September, 1975, he was charged with possession of narcotics paraphernalia (pp. 445, 446).

Additionally, his file revealed numerous reports pertaining to his assaultive nature, his narcotics activities, and various other misdeeds.

In the staff interview on September 27, Denson, in comparing the Atlanta Penitentiary to the one at Marion, said coming to Atlanta was comparable to "going out on the street." Denson also indicated, albeit in generalities, that he was currently running gambling and narcotics distribution operations in Atlanta.

In response to staff inquiries, Denson indicated a general willingness to talk further with staff and provide specific information regarding the narcotics activities in which he had been involved while incarcerated.

ated at Atlanta. Because of the immediate value of this information, which was enhanced by its current status, arrangements were made by subcommittee staff for an indepth interview of Denson on Saturday, September 30, at the office of the U.S. marshal in Atlanta.

A unique and unlikely set of circumstances resulted in an extremely informative second interview. On Wednesday evening, after the initial staff interview, Denson was advised that his mother, to whom he was very devoted and for whose financial support he allegedly performed many of his illegal activities, died of cancer. On Saturday morning, immediately prior to his scheduled removal from the penitentiary for the indepth interview with staff, two inmates, wearing masks, assaulted Denson in the stairway of the cell block. One man was armed with a knife, the other with a piece of pipe or wood. Denson, however, was not injured.

The information Denson shared with staff was so significant that it was immediately called to the attention of Senator Nunn, who convened an executive session of the subcommittee at 9:30 Sunday morning, October 1, for the purpose of obtaining Denson's testimony under oath. At this time, Denson provided testimony on his narcotics dealings with Carroll and Elswick, who had already been the subject of public testimony in the hearings on the preceding Friday. Denson also supplied information on three additional employees at the penitentiary whom he had reason to believe were involved in narcotics smuggling activities. Finally, Denson provided a detailed eyewitness account of the murder of Vincent Papa.

Denson's testimony in executive session was such that a determination was made to have him appear as the first witness on Monday, October 2.²

In his public testimony, Denson, who is 37 years old, chronicled his criminal background which has resulted in him spending the previous 15 years (with only a 2-week interval when he was released on bond) in various prisons for convictions including possession of a sawed-off shotgun, second-degree burglary, grand larceny, interstate shipment of a stolen vehicle and second-degree murder (p. 449).

After describing the circumstances of the assault upon him the previous Saturday, Denson related his firsthand knowledge of, and involvement in, narcotics transactions with Messrs. Elswick and Carroll. Denson stated that he was present when inmates Mike Schapolino and Junior Brown, in separate transactions, picked up a pound of marijuana from Elswick (pp. 458, 459). Additionally, Denson testified that John Carroll delivered directly to him, in separate transactions, 16 1-ounce bags of marijuana secreted in an ice bucket; 1 ounce of heroin and 1 ounce of cocaine; and another pound of marijuana, also secreted in an icebucket. According to Denson, all three transactions were for other inmates, and, in each instance, Denson received a portion of the narcotics for his role (pp. 457-465).

The portrait that emerged in Denson's testimony was that of a physically strong, emotionally stable inmate being employed by other inmates to pick up and, on occasion, distribute their narcotics. For

² Two subject areas were avoided in his public testimony: The names and allegations against the three additional employees whom staff did not have an opportunity to interview; and the detailed accounting of the murder of inmate Vincent Papa, because it was the subject of an active criminal investigation by the Department of Justice which had requested that the subcommittee avoid testimony about this murder prior to the Bowdach hearings some months earlier.

example, in the case of the heroin/cocaine transaction with Carroll, Denson said he (Denson) received, for his efforts, one-third of the heroin.

Senator Nunn pursued with Denson the magnitude of the narcotics problem in the penitentiary. Denson testified that, in his opinion, more than 90 percent of the inmate population is using some form of narcotics (p. 467). Denson went on to estimate that 95 percent of the marijuana comes in through prison personnel, while most of the heroin and cocaine, in his opinion, comes through the visiting room (pp. 474, 475).

In the area of weapons availability, Denson stated that "almost everybody" has a weapon—"if a man wanted a weapon, needed one, he could find one just almost any time he wished" (p. 468). He went on to say there is no way to prevent weapons manufacturing because of the dependence upon inmate labor to work in the prison industry. He related making his last knife by putting sandpaper on the shaft of a loom to create a grinder which he used to fashion a knife from a piece of scrap metal (pp. 474, 476).

Denson stated it is his belief that most of the weapons come "out of the factory":

Not each and every inmate has a weapon. One guy may have one that he will let 15 or 20 other guys use; just ask him for it. It is like a community thing. If a guy has got 10 or 15 buddies, they don't need but one weapon. They are not all going to use it at the same time, but if the situation occurs where four or five of them need a knife at the same time, to go do something, they could get it all, four or five of them could get it, but normally, it is just, they just need one knife for one kill, you know (p. 468).

In a statement which provided a more expansive explanation of Bowdach's characterization of the Atlanta Penitentiary as a "country club," Denson, drawing upon his experience in numerous Federal penal institutions, testified:

The difference is like leaving Marion, coming to Atlanta, is just like going to the streets in the free world. That is the difference in the setup of each institution (p. 470).

* * * * *

* * * It was just wide open. You can move around the way you want there. You can be involved with any type of people you want to be involved with; whatever you want to do, there is somebody there to do it with. It wasn't hard to find whatever you wanted to do.

But at Marion, it is just so close and it is just that there are not many guys in Marion as there are in Atlanta. Everybody knows everybody at Marion; and Atlanta, you can go just like going across town. If you want to get away from this group of people, just go across, go on the other side of the institution. You are away from it, you know (p. 471).

To Denson, "anything anybody can do anywhere else in the Federal system you can do it at Atlanta" (p. 468).
Senator Nunn, who had toured the facility on Friday afternoon,

September 30 (pp. 441, 442), and noted numerous significant changes made since the April 26 report of the Department of Justice investigative team, questioned Denson as to the significance of these changes, particularly the recently implemented pass and controlled-movement systems. In response, Denson, who was the only inmate witness currently in the institution and therefore the only witness who could provide a timely assessment of the changes, stated:

* * * Really that hasn't changed that much. It is just an inconvenience to you at certain times of day, but you can gear your activities to coincide with all of these passes and moves, and this and that, you know (p. 471).

MICHAEL M'CURLEY

Michael McCurley, now a Cobb County Sheriff's Department deputy, left the Atlanta Penitentiary in May 1978, after 2 years and 9 months as a guard. He said he left out of frustration—frustration over the “lack of discipline in the penitentiary” (p. 478).

McCurley, who prided himself on the successes he had at Atlanta seizing contraband, expressed dissatisfaction over the fact the administration apparently did not want him to do his job too well because, when he did, it resulted in inmate complaints. As a guard, he also was displeased that little significant action was taken against inmates caught with contraband (p. 483).

Senator Chiles probed McCurley concerning specific incidents in which criminal activity was overlooked. McCurley testified that a flow of liquor, drugs, weapons, and money goes overlooked by prison officials. He noted that employees were encouraged by prison administrators not to “harass” the inmates. Furthermore, McCurley said that many prison employees feared that inmates would seek revenge against them by calling inside “contracts” on them unless they overlooked the criminal activity (p. 490).

McCurley, in response to Senator Nunn's questions, agreed with Bowdach's characterization of the Atlanta Penitentiary as “a country club,” at least insofar as inmate freedom is concerned. He further endorsed the accuracy of Denson's observations in his earlier testimony (p. 491). McCurley testified that he personally believes weapons are available to any inmates who want them, as are narcotics (p. 491). To curb weapon availability, he felt the mill should be closed (p. 493). However, as to narcotics, he testified that, in his opinion, an immediate halt in narcotics availability would result in “a full-scale riot” (pp. 491, 492).

To McCurley, the main cause of the problems he observed in the Atlanta facility were administrative:

One of the reasons for the pressure on the officers was the lax administration of the penitentiary. * * * the lack of inmate control is the direct result of a shared management of the institution. The Atlanta Penitentiary is run by the warden and a committee of 2,000 inmates (p. 479).

OTHER EMPLOYEE TESTIMONY

In addition to McCurley, who, according to his employment records, had an unblemished record while employed at the institution, the subcommittee staff interviewed other civilian employees against whom allegations of criminal misconduct surfaced during the course of the subcommittee's inquiry. Ervin "Blue" Elswick and John Carroll, two prison employees against whom such allegations were publicly made by Gary Bowdach, Truman Fagg, J. W. Walters, and Joe Louis Denson, were subpoenaed to appear before the subcommittee on Friday, September 29.

John Carroll repeatedly denied any wrongdoing. Carroll, who is 46 years old, retired from the Air Force in 1971. He had been employed at the Atlanta Penitentiary for approximately 5 years at the time of his testimony. Carroll testified that he knew Frank Coppola only casually and denied that Coppola, or anyone else, sent narcotics to him through the mail (pp. 408, 409). He did state that, on one occasion, Coppola, approached him to bring "something" in, which he suspected was heroin, but that he had refused (pp. 409, 411). However, he acknowledged that he had failed to report this request by Coppola as required by prison regulations.

Carroll testified he did not know J. W. Walters (p. 411). He further stated he never brought heroin, marihuana, money or any other contraband into the Atlanta facility (p. 412).

Elswick exercised his fifth amendment right against self-incrimination and, other than providing limited background information on himself, did not testify.

On the other hand, Euros Knight, recreation specialist and former custodial officer, confessed to numerous violations and in so doing presented a graphic discription of how civilian employees are corrupted by inmates. Knight described how he was enticed into performing favors for inmates William Jackson and Leslie Atkinson, bringing in "envelopes, notes, information, sometimes money" (p. 428) which he regularly picked up from the law offices of two Atlanta attorneys. Knight described serving as a personal banker for these inmates, delivering a total of approximately \$10,000 to Atkinson alone (p. 431). Knight, who admitted receiving between \$3,500 to \$4,000 for his services, cooperated completely with subcommittee investigators after an initial period of reluctance. He resigned his position in the institution immediately after his public testimony before the subcommittee.

Edward Goodlett also cooperated fully with the subcommittee. Goodlett is a retired counselor at the penitentiary. After his retirement he continued to have regular access to the facility in his capacity as an employee and member of the board of directors of the Employees Club. In interviews with subcommittee staff, and in a sworn affidavit, he recounted numerous instances when he carried sealed, unmarked white envelopes to inmates Willie James and William Jackson. Goodlett's affidavit was read at the public hearing and included in the hearing record as exhibit No. 40 at page 439.

Additionally, former masonry instructor Eugene Clark admitted in a sworn statement that he received gratuities from inmates at Atlanta in the form of a full-length leather coat, several shirts, and \$150 in cash. Clark maintained he performed no services for inmates in exchange for the gratuities. Clark resigned his position at the At-

Atlanta Penitentiary shortly after he was interviewed by subcommittee staff and executed his affidavit.

All information developed by subcommittee staff in prehearing interviews, as well as information developed in executive and public session testimony, was turned over to the U.S. attorney for the Northern District of Georgia for prosecutorial review.³

WARDEN JACK HANBERRY AND REGIONAL ADMINISTRATOR GARY M'CUNE

On Monday, October 2, 1978, Jack Hanberry, warden of the Atlanta Penitentiary, and Gary McCune, Regional Administrator, U.S. Bureau of Prisons, were called before the subcommittee to respond to the questions raised by preceding witnesses.

Hanberry, who became warden at Atlanta in July 1977, began his testimony by describing the antiquated nature of the facility. He described his initial concern with conditions in the facility, a concern which prompted him to commission a task force in January 1978, to examine the institution's internal operations. The report, according to Hanberry, was forwarded to Director Norman Carlson who responded by sending an investigative team to review the Atlanta facility. The investigative team's report, dated April 26, 1978, made numerous recommendations. With regard to these recommendations, Warden Hanberry testified:

I am proud to report that we have completed or are in the process of implementing all of the recommendations which relate to the internal operations of the Atlanta Penitentiary (p. 510).

Warden Hanberry summarized for the subcommittee the major steps taken to improve inmate accountability:

1. Establishment of a pass and controlled-movement system;
2. More frequent daily searches to reduce the availability of homemade weapons and narcotics;
3. Installation of metal detectors between the cell blocks and the shop areas; and
4. Increased supervision of inmate living areas (p. 510).

With regard to the last point, the warden stated that in November 1979, he intends to implement the unit management system in the institution. The unit management system basically subdivides the population into smaller groups which are easier to manage, permanently assigning a team of counselors and caseworkers, headed by a unit manager to each group (p. 510).

In responding to the testimony of others regarding the availability of metal knives, primarily from the industry area, Warden Hanberry described and displayed nonmetallic items with lethal potential, including a sparerib bone, a broken broom handle, and a knife made out of Lexan, a plastic substance. None of these items, the warden said would be picked up by the metal detectors (p. 516).

³ On January 3, 1979, Ervin "Blue" Ellswick was indicted on seven counts of conspiracy to possess, distribute, and/or sell controlled substances and violations of the Controlled Substance Act. The indictment was based on information surfaced in the hearings and subsequent grand jury testimony presented by subcommittee witnesses and others. On March 2, he entered a plea of guilty to one count. On March 9 he was sentenced to 3 years in prison.

In addressing the criticism of previous witnesses regarding narcotics availability within the penitentiary, Warden Hanberry painted a rather dismal picture outlining the many opportunities for secreting narcotics into the facility:

1. Corrupt staff members, which can be expected with a staff of approximately 537;
2. Visiting room transfers, where contraband is often swallowed by inmates;
3. Mailroom deliveries;
4. Eighty-five to ninety inmates working outside of the institution on landscape details;
5. Shipments into the penitentiary, which ships and receives 3 million pounds of products through the industry area per month (approximately 5 rail boxcars and 25 trucks are in and out of the institution on a daily basis); and
6. Approximately 100 individuals from the city of Atlanta who enter the institution weekly as participants in volunteer programs (pp. 518, 519).

According to the warden, even tennis balls hit out of the institution and thrown over the wall offer the opportunity for narcotics smuggling (p. 519).

Warden Hanberry conceded that, given the many means by which smuggling can be accomplished, narcotics will continue to be a factor in the prison environment:

Though we do everything we possibly can to prevent, and no one wants to prevent it anymore than I do, there is always that possibility as I said in my opening statement, it is inherent in this kind of system because, in addition to many other things, there are a number of inmates who are drug dependent (p. 520).

Warden Hanberry went on to explain the urine analysis program designed to identify heroin and other hard drug usage. Under the program, a minimum of 5 percent of the population is sampled each month on a random basis and without notice. In the year preceding his testimony, according to Mr. Hanberry, 1,208 inmates were tested and 31 were positive (p. 523).⁴

In response to earlier witness testimony critical of the inmate pass system at Atlanta, Hanberry stated that Atlanta had used a pass system until 1965, which was not reinstated until April 25, 1978. Gary McCune had the following observations on that pass system:

I think it [the pass system] definitely is working but, again, it doesn't assure that an inmate cannot go into a given area or that it is impossible for him to do it. For example, when the controlled movements take place, he has a certain amount of time he may go to an area, but as soon as the movement is over, then we will know whether he is in the right area.

We are not saying it is a panacea to control all the problems. All we are saying is it does do a good job in controlling the movement within the fences (p. 522).

One area in need of specific attention, and a recommendation made by the inmate witnesses, was the need for an adequate "shakedown"

⁴ Marijuana usage cannot be detected by urinalysis.

capability. Warden Hanberry had the following observations to make on this recommendation:

Nothing would please me more than to have a permanent shakedown crew of 10 or more people, but I have a certain staff of people and in order to maintain the operation of the institution, at the present time I cannot take any more staff away from any other function than we have already done in order to provide that kind of detail (p. 523).

Regional Administrator McCune said shakedown crews would be used " * * * if we could afford them. * * *" (p. 524).

In concluding his testimony, McCune said the long-range objective of the Bureau of Prisons is to close the Atlanta Penitentiary. Mr. McCune said the costs of adequately remodeling Atlanta would be comparable to building two 500-inmate institutions (p. 541). He noted, however, that closing Atlanta would result in the loss of the largest prison industries operation in the system—one which could not be replaced. However, on balance, Mr. McCune unhesitatingly made the following statement with regard to the future of the Atlanta Penitentiary: " * * * Yes. It should be closed. The sooner the better" (p. 542).

GENERAL ACCOUNTING OFFICE REVIEW

In addition to allegations concerning inmate accountability, civilian employee corruption, and weapons and narcotics availability, the subcommittee received allegations from an Atlanta inmate concerning fiscal mismanagement in the Department of Central Mechanical Services, where the inmate worked. That inmate, who testified in executive session in Atlanta on June 10, 1978, raised issues which indicated inadequate accounting procedures in the Central Mechanical Services Department.

As a result of this and similar allegations that staff received from civilian employees, Robert Taylor, Audit Manager in charge of the Bureau of Prisons review, and Fred Mayo and Paul Rhodes of the U.S. General Accounting Office, Regional Office in Atlanta, were detailed to the subcommittee for the month prior to the hearings to conduct a "limited review of certain expenditures of the Mechanical Service Department of the U.S. Penitentiary at Atlanta" (p. 548).

On Monday, October 2, 1978, the three GAO employees presented a brief overview of their findings. Taylor summarized the objective of the audit activity and their findings as follows:

The objective of our survey was to learn whether the resources earmarked for the maintenance and rehabilitation of the Atlanta Penitentiary are adequately controlled and utilized in an effective, efficient, and economical manner. We examined the institution's and the regional office's compliance with applicable laws and regulations, accounting for property, use of accounting data to promote good management, and use of reports to disclose the information called for in the Bureau's policies.

Because of the allegations that material purchased by the institution was being diverted to unauthorized, and sometimes personal, uses, we designed our audit to identify the weaknesses that do or can result in (A) significant waste, loss or

extravagance in the management of property acquired with public funds; or (B) the inability of the institution to carry out its primary function of the custody, care, and correction of its inmates.

We did not find evidence that material was diverted from the institution. However, the records were incomplete, and activities were managed in such a way that material could be improperly diverted (p. 548).

Taylor suggested that a more thorough audit was needed, noting that the "substantial flaws in the management system" extend to the regional office and are "common throughout the Bureau of Prisons system" (pp. 548, 549).

Mr. Taylor made it clear that they were not suggesting that regional office and penitentiary authorities "engaged in any illegal or improper activities resulting in their personal gain" (p. 549).

In addition to the limited fiscal review conducted by the team and presented by Mr. Taylor, at the request of staff, the auditors conducted a review of violent incidents from August 1975, to the end of September 1978.⁵

These findings are summarized in the following chart:

AUGUST 1975-SEPTEMBER 1978—VIOLENT INCIDENT REPORT

Total year/months	Killings	Assaults	Fights	Total 1,2,3	Threat- ening	Weapons	Drugs
1975/5 mo.	2	10	19	31	10	14	52
1976/11 mo ¹	3	30	78	111	36	46	148
1977/12 mo.	6	35	98	139	39	48	230
1978/9 mo.	3	26	70	99	18	38	134

¹ Data for month of August was missing from penitentiary files.

Fred Mayo, in commenting upon his findings, stated:

When examined on a monthly basis, the review of incident reports shows that there has been no significant change in the rate of violence during the period examined.

Therefore, it appears from a review of the reports that any measures adopted by penitentiary officials to control violence have not affected the number of reported incidents. However, reporting of incidents can be controlled to show either an increase or decrease simply by not preparing reports or by preparing more reports (p. 550).

As a result of the preliminary findings of the audit team, Senator Nunn announced during the hearings that he was requesting the General Accounting Office to conduct a full review of the management practices of a number of penitentiaries. The Senator's letter, which is included as appendix B, requested a detailed GAO audit of a cross section of institutions including Atlanta, Ashland, Englewood, McNeil Island, and New York, together with the appropriate regional offices and headquarter departments. The Senator requested a careful examination of Bureau of Prisons management of its procurement, financial, property, services and personnel functions.

⁵ The results of this review are included in the hearing record as exhibit No. 47 at p. 551.

Senator Nunn, in summarizing the hearing, made the following comments:

In summary, three employees confessed to their misdeeds; one employee invoked his fifth amendment right and declined to give testimony; one employee declined any involvement; an account of a confession of murder was related; and, in executive session, an eyewitness account of a second murder was provided, along with the names of three additional employees whom this particular inmate suspects of bringing in contraband (p. 552).

He went on to observe that the purpose of the hearings was fact-finding; the subcommittee "did not come to these hearings with any simple answers as to how the problems can be resolved * * *" (p. 553). Moreover, he added, "* * * we do not leave these hearings with simple answers as to their solutions" (p. 553).

He closed by expressing his concern, and the concern of Senator Chiles, who was present for the second day of the proceedings, that the problems raised by the preliminary GAO overview may "permeate the Bureau of Prisons" (p. 553). While Senator Nunn noted that he felt the problems were difficult and not capable of "quick, easy solutions" (p. 553) he expressed interest in developing solutions through "continuing oversight" (p. 553).

CONTINUING OVERSIGHT FACT-FINDING

With Senator Nunn's closing mandate, and at his direction, Keith Adkinson, assistant counsel to the subcommittee, and subcommittee investigator, Larry Finks, returned to the Atlanta Penitentiary on April 18 and 19, 1979, to assess the impact of changes implemented since the subcommittee hearings.

Staff began their oversight visit in a 4-hour interview with Warden Hanberry. The warden began by describing the changes made as a result of the subcommittee's investigation and hearings, changes which he said have improved inmate accountability.

IMPLEMENTATION OF UNIT MANAGEMENT SYSTEM

Warden Hanberry had mentioned, in discussions with the subcommittee staff in September 1978, his intention to move forward with a decentralization of inmate control which would divide the inmate population into smaller more manageable units. The decentralization involved the establishment of "unit managers" within each of the cell blocks. The concept is that caseworkers and other staff would be located in each of the cell blocks rather than in a separate area removed from the population as they had been. Under the system, each cell block has its own unit manager and caseworkers. Files for the inmates housed in that particular cell block are located contiguous to that unit. The purpose of the project is to develop a more personal relationship between the inmate and his caseworker and unit manager to overcome the stereotype of an inmate being merely a number. This project had been fully implemented as of April 1979. The implementation necessitated the creation of 23 new positions at Atlanta. The new positions were created and filled subsequent to the subcommittee's hearings.

While the presence of unit managers was criticized by certain inmates and civilian employees which the subcommittee staff interviewed (primarily on the basis that they tend to function as correctional officers in some instance rather than as counselors), it seems evident to staff that the system has definite merit and has been implemented reasonably rapidly and efficiently. Certain of the transition problems in its implementation will no doubt be corrected with the passage of time. Subcommittee staff believes the unit management approach is a definite step forward in providing additional personnel on cell blocks and in providing a more personal relationship with the inmates.

PERMANENT SHAKEDOWN CREWS

In November, shortly after the hearings, Warden Hanberry instituted a permanent "shakedown" crew to conduct surprise searches of prison areas for narcotics, weapons and other contraband. This group originally was to be comprised of six employees: two provided by new positions authorized by the Bureau of Prisons; two to be provided by the institution; and two to be obtained from Prison Industries. However, the Bureau of Prisons headquarters did not provide any additional personnel and the crews have been operating since November with four individuals. These individuals are rotated on a quarterly basis with the exception of one individual who remains in the group to provide continuity. The shakedown crew does nothing but conduct unannounced searches of various areas of the institution. These areas include the shop areas and individual cells. Those inmates thought to be narcotics users or distributors are subjected to unannounced shakedowns on a more frequent basis than the random shakedowns conducted periodically.

The unit, which went into operation on November 26, 1978, had, as of the April staff review, recovered some 20 knives, \$2,000 in cash, narcotics, and narcotics paraphernalia. Most of the knives found were metal knives stolen from the cafeteria area.

Subsequent interviews with inmates and correction officers involved in the shakedown operation suggest to staff that it is having a significant deterrent effect.

CONTROLLED MOVEMENT

Since the subcommittee hearings, the employment of the pass system has been complemented by a regulated movement of inmates. Inmates are only allowed to move without passes for a 10-minute period at the end of each hour. During these movement times, inmates can relocate from one area to another. However, the inmate must be in an authorized area during the period between the movement periods.

The net result of this controlled movement approach is that inmates are not found milling around the various areas of the prison facility at their pleasure as had been observed on previous occasions.

Members of the subcommittee staff spent several hours behind the walls and observed several mass movement intervals and the intervening time. Inmates no longer are able to roam about the facility at will. During the subcommittee's hearings, McCune pointed out that one unannounced census revealed 255 inmates "out of bounds" (p. 521). A census taken less than 3 days prior to the subcommittee's April 1979 review of the facility revealed only three inmates out of bounds.

Controlled movement, coupled with the implementation of the pass program, may well be the single most important change effected in the institution since the subcommittee hearings.

Subsequent interviews with inmates revealed that the controlled movement approach is "being felt" by the inmates. They are, for example, now required to spend 8 hours at their designated job. In the past, if they completed their work in less than the time allotted to it, they could go into the yard or the recreational areas or back to their cells. Now, they must be at the job for the entire work period.

METAL DETECTORS/X-RAY MACHINES

During the hearings, the installation of metal detectors was discussed by the warden and pointed to as a manifestation of increased concern for inmate security. While the metal detectors were not operational at the time of the hearings, their operation was commenced immediately thereafter.

Concern was expressed at the hearings by inmates and officers alike with regard to inmate acceptance and utility of the metal detectors. The subcommittee staff's review indicates that the inmates have, in fact, accepted the metal detectors, and that all inmates pass through the metal detectors as they return from Prison Industries.

Warden Hanberry observed that prison administrators had determined the lack of a need for four detectors as had been originally proposed; two detectors can adequately handle the inmate population. In lieu of the two additional detectors, the warden is installing X-ray machines for hand-carried items. This results from the warden's determination that inmates have the capability of inserting knives, screwdrivers, scissors and other items in portable radios and other materials which they may carry with them and which, in the past, have been simply subject to guard scrutiny. The warden conducted his own personal evaluation of whether or not contraband items could be secreted in portable radios. He was advised by his custodial staff that the portable radio housing units were too filled with radio components to accommodate contraband items. The warden, therefore, ordered a portable radio unit from the commissary, dismantled it, and inserted a screwdriver, a knife and various other items in the radio unit. He then demonstrated the unit, including these items, to his custodial staff. This demonstration resulted in the ordering of two X-ray machines, identical to those employed at airports, which will be physically located in the shed housing the metal detectors.

In a subsequent interview with an inmate, which will be discussed in greater detail below, the inmate observed that the metal detectors cannot possibly be totally effective because of the ability of inmates to secret knives and contraband items in radios. The installation of the X-ray units, which are not yet operational, began in early May 1979.

PLASTIC EATING UTENSILS

During the hearings, discussions took place with respect to the use of metal cafeteria knives as weapons. It was pointed out that the metal detectors are located between the industry area and the rest of the facility. It was observed, however, that the cafeteria is located on the inside of the metal detectors and therefore an inmate could obtain a metal knife from the cafeteria area which could be honed into a very

effective lethal weapon. In hopes of improving that situation, the warden has installed plastic, reusable eating utensils in the cafeteria. While these eating utensils are sturdy enough to withstand reuse, it is felt that they are less hazardous than metal utensils. The warden, as does the subcommittee staff, shares the concern that even these plastic utensils could be used in a lethal manner.

E CELL BLOCK RENOVATION

Concern was expressed by the Federal Prison Systems investigative team about the processing of new inmates coming into the institution in a manner affording "predator-type inmates relatively easy access to new inmates" (p. 324).

In that regard, the renovation of E cell block, which was in the discussion stages at the time of the hearings, has been approved and is under construction at this time. E cell block is located to the right and the rear of the main cell house and adjacent to a separate entrance in the west wall of the penitentiary. This old entrance has been in disuse for decades. The renovation of E cell block involves the installation of single unit, stainless steel commode and basin units (incapable of being broken and turned into weapons); the opening of an entrance into the cell block on the west end; and fencing from the cell block to the west entrance.

As modified, E cell block will be used for the indoctrination of new inmates into the prison facility. Inmates will enter through the west wall directly into E cell block. They will spend approximately 2 weeks in the cell block being processed, indoctrinated and evaluated. In addition to this capability, E cell block will have floors designated for disciplinary segregation, administrative segregation, and transients. This will allow inmates in the various categories to be separated from other inmates. In the view of the subcommittee staff this process should help prevent the kinds of problems that gave rise to the murder of William R. Zambito within hours of his arrival at the institution. Zambito, reputedly a mob enforcer in Miami, and a suspect in numerous murders, was given assurances he would be protected while serving time on drug charges in exchange for his testimony in a narcotics case. Even though placing him in Atlanta exposed him to physical jeopardy, he was transferred there and stabbed to death on March 23, 1978, within hours of his arrival.

The use of E block for incoming inmates should be contrasted with the current situation wherein inmates are brought through the main door and through general population to a processing area under the central corridor from which they are immediately removed to general population.

INMATE RELOCATION

An additional positive influence on conditions in Atlanta is the new inmate designation system which went into effect the first of the year. That designation program provides that only level V inmates⁶ are to

⁶ As a result of concern over an apparent lack of classification consistency and a significant number of inmate transfers, the Bureau of Prisons established, in January 1977, a task force to study inmate classification procedures. The result of the task force recommendations was the institution of an inmate point system classification program, coupled with a six-category institution designation program based on structured restraint variables, with level VI inmates being those requiring the closest custody. The Atlanta Penitentiary was designated a level V institution.

be located in Atlanta. This has resulted in the less violent inmates being transferred out of Atlanta. In fact, the situation is such that the warden has had to make a request for 45 level I inmates, which are minimum custody, honor inmates, to work outside the institution on the grounds. So far, only five level I inmates have been received in Atlanta. These level I inmates are housed separately from the other inmates.

INCREASED URINE SAMPLING

Random unannounced urine specimen tests are now conducted on 12 percent of the inmate population each month, an increase from the 5 percent discussed in hearing testimony. Additionally, a "hot-book" is being maintained on narcotics users. In the past a hot-book was maintained in the lieutenant's office on violence and escape-prone inmates; the movements and associations of those included in the hot-book were more carefully monitored. Now, a separate book is maintained on suspected narcotics users and a larger proportion of these individuals are subjected to the urine specimen tests because of their suspected narcotics dependency.

STAFF BRIEFING

Shortly after the subcommittee hearings Warden Hanberry began a briefing procedure during which he personally briefed every employee on contraband, inmate techniques for gaining favor with employees and the consequences of becoming involved with inmates. Each training session lasted approximately 30 minutes and included 15 employees at a time. Additionally, the warden includes this more expansive presentation in his orientation presentation for new employees.

OTHER CHANGES

Warden Hanberry also provided the subcommittee staff with a brief summary of other changes designed to improve facility management and morale. These changes include the installation of 20 coinless, no-dial telephones in the cell blocks for inmate use in making collect calls not to exceed 10 minutes; and a reduction in inmate population from approximately 2,000 at the time of our hearings to 1,300 inmates on November 30, 1979.⁷

Subsequent to the interview of Warden Hanberry, staff took an extended tour of the penitentiary and noted for itself the implementation of the physical changes which he described. Certain of staff's observations are noted under appropriate headings earlier in this report.

After the comprehensive tour of the facility, subcommittee staff conducted a series of recorded interviews with certain inmates who were first interviewed last fall prior to the Atlanta hearings. In general, the interviews confirmed the accuracy of Warden Hanberry's characterization of the "tightening down" of the institution.

⁷ The transferred inmates were, based upon their classification reevaluations under the new custody classification program, disbursed to various other Federal facilities.

INMATE INTERVIEWS⁵

The first such inmate interviewed was, in previous meetings, hostile toward the warden and the management of the institution and critical of the loose manner in which the institution was run. In the April 18 interview, the inmate complained of different problems. His concern is now over the fact that inmates no longer have the freedom to move about as they did in the past. He said: "I am suppose to work an 8-hour day and I have to be at the job 8 hours." He went on to state that while, in the past, if he got his work done in an hour he could go take a nap or go out for exercise or walk around the yard, he can no longer do that. He said that, in his opinion, there is less contraband in the institution. However, he stated that the metal detectors are not adequate since a knife could be concealed in a radio. He made these statements without being aware of the fact that X-ray machines were about to be installed in the institution to rectify the problem. The inmate expressed concern over the unit management system because he feels that the unit managers are performing custodial functions rather than being counselors and advocates of inmate welfare. He also resented the employment of plastic as opposed to metal service ware in the cafeteria. He feels that this is demeaning. The inmate, who told the subcommittee staff that he was "high" on marihuana during our interview, stated that, while scarcity is causing marihuana to be more expensive, it is still available at a higher price.

Another inmate interviewed had been complimentary of Warden Hanberry during his earlier meeting with staff. During the recent interview, the inmate stated that the situation has "improved 100 percent." He attributes this to the controlled movement of inmates and to the deterrent effect on the shakedown activities. He was generally in favor of the unit management concept because it develops closer ties between inmates and employees.

The third inmate with whom staff spoke, who was also interviewed prior to the Atlanta hearings, expressed his support for the changes which have been made and feels that they have definitely improved inmate security and conditions in the penitentiary. Additionally, he said the unit management concept is a sound idea because of the close contact it provides between inmates and employees. While he admitted controlled movement significantly reduced inmate mobility, he found it somewhat of a disadvantage because of the direct consequence of requiring any activity to take the 50-minute interval between permitted movements. For example, if an individual wants to take a 15-minute walk, he has to take a 50-minute walk because he cannot make a transition from one area of the institution to another other than at a designated time. Additionally, he was not particularly pleased with the fact that the warden has significantly reduced the maximum permissible personal property which may be maintained in a cell. He concluded by stating that the shakedown group is causing significant inmate dissension. But he unequivocally favors it because he feels it is for the inmates' own good.

⁵ The inmates and employees interviewed were assured by staff of anonymity in exchange for their willingness to candidly discuss conditions in the institution.

EMPLOYEE INTERVIEWS

In addition to interviewing the three inmates, the subcommittee staff interviewed three penitentiary staff members, two in person and one by telephone. The first staff member, interviewed in the institution on April 19, is a correctional officer who has been employed with the institution for 5 years. He has been on the shakedown squad for the past 3 months. He was enthusiastic over the shakedown group and feels that it has improved staff morale significantly. He explained that his entire 40-hour week is spent on shakedown operations. However, he feels additional manpower needs to be allocated to the shakedown crew. He favored increasing the complement from four to six. For 9 days, two of the four were removed because of manpower shortages in other areas, making it difficult for the unit to operate effectively, he said.

The employee also expressed some concern over the unit management system since, in his perception, it has resulted in "too many bosses" in a particular cell block. He feels that the presence of the unit managers is an indirect encroachment on the role of the custodial officer who used to be preeminent in the cell block. He cited a few minor examples of this encroachment.

While he acknowledged the legitimate need to rotate personnel on the shakedown unit, he would personally prefer to remain in that detail; he did not see any real advantage to the rotation program if the right individuals for the shakedown crew were initially selected.

The second Atlanta employee interviewed by subcommittee staff on Thursday, April 19, had been, in the past, one of the most ardent critics of fiscal mismanagement in the facility. He was helpful to the subcommittee's investigative efforts prior to its Atlanta hearings in the fall. In this interview, he candidly stated that the financial mismanagement and sloppy record keeping in the CMS area has ceased. He directly attributed this to the subcommittee's investigation. He further stated that inmate movement has been significantly curtailed to the benefit of the entire institution.

The third employee interviewed also was helpful to the subcommittee in its preparation for the Atlanta hearings. In the most recent discussions with him, he candidly stated that the warden has made significant and dramatic changes in the institution resulting in greater inmate security and more employee control. He pointed with some pride to the fact that plastic utensils are currently being employed in the cafeteria. This is something he had recommended to the subcommittee last summer as a change easily implemented which could have a dramatic impact on security.

CONCLUSIONS

To complete its oversight update, the subcommittee staff requested that the onsite GAO auditors update their review of the violent inci-

dent reports for the period October 1978, through November 1979. This review produced the following results:

OCTOBER 1978 TO NOVEMBER 1979.—VIOLENT INCIDENT REPORT¹

Month and year	Killings	Assaults	Fights	Total 1, 2, 3	Threat- ening	Weapons	Drugs
October 1978.....	0	4	8	12	4	3	13
November 1978.....	0	1	7	8	4	3	10
December 1978.....	0	7	11	18	2	0	33
January 1979.....	0	3	7	10	1	4	45
February 1979.....	0	1	7	8	1	2	18
March 1979.....	0	1	5	6	0	4	22
April 1979.....	1	0	0	1	6	1	04
May 1979.....	² 1	1	2	4	1	0	12
June 1979.....	0	0	1	1	0	1	8
July 1979.....	0	3	1	4	1	2	5
August 1979.....	0	3	3	6	3	6	17
September 1979.....	0	2	0	2	1	1	9
October 1979.....	0	3	4	7	2	1	2
November 1979.....	³ 1	4	2	7	2	1	4
Total.....	3	33	58	94	28	29	220

¹ Exhibit No. 47, included in the hearing record at p. 551, sets forth the violent incident reports by category from August 1975 to September 1978 as follows:

² 4 inmates involved, contract killing.

³ Contract employee, female dietitian raped and killed by inmate with homemade weapon (FBI).

EXHIBIT NO. 47.—AUGUST 1975 TO SEPTEMBER 1978 VIOLENT INCIDENT REPORT

Month and year	Killings	Assaults	Fights	Total 1, 2, 3	Threat- ening	Weapons	Drugs
August 1975.....	1	0	0	1	1	2	6
September.....	0	1	2	3	2	5	8
October.....	0	3	6	9	4	2	14
November.....	1	1	5	7	3	4	8
December.....	0	5	6	11	0	1	16
Total.....	2	10	19	31	10	14	52
January 1976.....	0	2	9	11	4	1	10
February.....	0	0	2	2	1	2	24
March.....	0	4	16	20	5	3	6
April.....	0	1	7	8	2	6	10
May.....	1	2	5	8	4	6	12
June.....	1	3	9	13	3	2	6
July.....	0	0	6	6	2	3	22
August (missing from files).....	0	9	12	21	9	5	13
September.....	1	3	6	10	3	7	14
October.....	0	4	1	5	2	2	15
November.....	0	2	5	7	1	9	16
December.....	0	2	5	7	1	9	16
Total.....	3	30	78	111	36	46	148
January 1977.....	2	5	14	21	3	4	11
February.....	0	1	0	1	1	2	15
March.....	0	6	14	20	5	5	18
April.....	0	1	7	8	4	6	13
May.....	0	1	6	7	5	1	25
June.....	0	5	13	18	2	7	20
July.....	0	3	10	13	0	3	22
August.....	2	2	5	9	3	2	24
September.....	0	4	10	14	5	9	24
October.....	0	1	3	4	4	3	16
November.....	0	3	7	10	5	3	24
December.....	2	3	9	14	2	3	18
Total.....	6	35	98	139	39	48	230
January 1978.....	0	2	6	8	4	5	21
February.....	1	1	6	8	4	5	17
March.....	1	3	12	16	1	2	27
April.....	0	5	5	10	3	4	23
May.....	0	0	8	8	2	0	5
June.....	0	5	8	13	1	6	5
July.....	0	4	7	11	0	4	10
August.....	0	4	7	11	3	4	17
September.....	1	2	11	14	0	6	9
Total.....	3	26	70	99	18	33	134

These statistics, which are for a 14-month period, suggest a decrease in most categories. However, when considered in light of the major changes implemented by the prison administration, they are not encouraging. Throughout these hearings, the Atlanta prison industry has been cited by both employees and inmates as a major threat to security within the institution. Unfortunately, it may be true that an inmate bent on injuring or killing another will find the means to do so, no matter what. Nevertheless, the fact that so many of the homicides committed at the Atlanta Penitentiary have been accomplished with industry-made weapons cannot be ignored.

The Atlanta industrial operation is the largest in the Federal prison system. It has a staff of 101 and a capacity to employ 1,150 inmates. In fiscal year 1978, the industry operation employed a daily average of 926 inmates who earned \$1,453,000.

Although the size of the industrial operation has contributed to Atlanta's security problems, there is no doubt that prison industry programs serve a beneficial purpose. Indeed, inmates at Atlanta have consistently extolled the virtues of the industry operations as a vehicle for them to generate needed income invaluable to their families. Many inmates, such as Joe Louis Denson, have worked double shifts to maximize their income-producing capacity. Furthermore, for those inmates who are sincere about their efforts to rehabilitate, learning a trade and becoming familiar with a work environment can be useful for adjusting to the outside.⁹

In a recent letter to Senator Nunn, one inmate currently in Atlanta raised the following question:

Have you considered the consequences of cutting off the major source of income for the inmates by closing the prison industries? You would create a horrible situation. Traffic in drugs and contraband would increase as inmates dealt in these even more as a source of income.

They would be robbing each other's lockers which would bring about more killings. If an inmate did have money to buy commissary he would have to have two or three bodyguards to keep from getting robbed as he went from the commissary to his cell.

It is the opinion of staff that the Attorney General should develop a plan to close the Atlanta Penitentiary as soon as feasible but not later than 1984. The Bureau of Prisons and the House Judiciary Committee stated its opinion in the Department of Justice Authorization Act report:¹⁰

⁹ A solution to the security problems created by large prison industries may lie in establishing small industrial areas in new facilities. This would allow inmates to continue to earn a small income while in prison. Smaller industrial area would permit closer scrutiny of the inmates and prevent the security violations that occurred in the Atlanta Penitentiary industrial area. Senator Percy, ranking minority member of the subcommittee, introduced amendments to the Law Enforcement Assistance Administration (LEAA) authorization bill (S. 241) which attempt to strengthen prison industries at the State level. The amendments authorize the LEAA to encourage the development of pilot and demonstration projects for prison industries on a State level and to make appropriate use of private industry. The amendments would also create partial exemptions to two Federal laws which severely restrict the ability of the State prison industry to market their goods; a Federal ban against interstate commerce of convict labor; and a Federal ban against sales to the Federal Government by State prison programs. The legislation, including the Percy provision, was signed into law by President Carter on December 27, 1979.

¹⁰ Report of the House of Representatives Committee on the Judiciary entitled "Department of Justice Authorization Act, Fiscal year 1980. Report No. 96-99, pt. I, dated Apr. 23, 1979, p. 14.

The Atlanta Penitentiary is a huge institution; its population exceeds by three times the recommended maximum for correctional institutions. It has been the setting for many violent inmate murders and hundreds of dangerous incidents, primarily because the ancient physical plant is extremely difficult to manage and make safe. Closure of this prison is essential to the development of a respectable Federal Prison System.

James A. Meko, the Executive Assistant to the Director of the Bureau of Prisons outlined the specific deficiencies of the Atlanta facility in a May 30, 1979 letter to the subcommittee. His main criticisms focused on the monolithic size of the institution. He cited numerous authorities, including the American Correctional Association (ACA), that recommend limiting prison populations to 400 to 600 inmates. The Atlanta facility also fails to meet other modern standards. The square footage of the cells tends to be far below the minimum set by the ACA. The use of steel and multitiered cage construction results in sensory deprivation for both the inmates and staff. Furthermore, the Bureau of Prisons estimates that it would cost up to \$44 million to renovate the Atlanta Penitentiary so that it is in compliance with minimum standards.

The Atlanta Penitentiary was built in an era in which a prison was designed merely to isolate inmates physically and psychologically from the community. Since that time, great strides have been made in the correctional process. The Atlanta Penitentiary stands as a massive reminder of an earlier age but is no longer adequate as a modern correctional institution. Staff recognizes that a decision to close the Atlanta facility and its prison industry will be most difficult. However, as these other inquiries have shown, the investigation and hearings conducted by this subcommittee demonstrate that the penitentiary is too big, too old, and too dangerous. It serves to stimulate criminal activity rather than diminish it; it is unsafe for both prison employees and inmates alike.

The consequences of this conclusion cannot be taken lightly. It affects hundreds of prison employees who have diligently and courageously worked in the Atlanta Penitentiary despite the antiquated conditions. In devising a closure plan, the Attorney General should consider the effect upon the prison's employees and their families. The plan should assure that the closing is accomplished so as not to present undue burdens to these persons.

Closure will also have a profound effect upon the community at large. Staff suggests that alternative uses for the Atlanta prison property should be explored so that a smooth transition might occur when one of the Nation's biggest and oldest prisons closes its doors for the last time.

APPENDIXES

APPENDIX A

The U.S. Penitentiary at Atlanta is located on 162 acres in the southeast quadrant of the city of Atlanta. What is now C and D cellhouses and the kitchen building were opened in 1902, although construction continued until 1921. There are 22 buildings on 28 acres inside the wall. The wall itself has 11 manned towers. Staff residences, the power house, warehouses, and the Atlanta Staff Training Center and Community Treatment Center are on reservation land, adjacent to, but outside the wall of the institution. The reservation is today bounded by residential areas to the north, east and south; a General Motors assembly plant is to the west.

The maximum security penitentiary houses adult, long term repeat offenders primarily from the southeast. The current physical capacity is 1,500; the operating capacity is 2,200. During calendar year 1977, the average monthly population was 2,194. In September 1977, the population reached 2,300. However, it has steadily decreased to a present total of approximately 1,300.

The inmates are housed in five cellhouses, six dormitories, and a drug abuse program unit. A and B cellhouses are the largest and are physically identical. However, the first and second tiers of B cellhouse are the admissions and orientation unit. In each cellhouse are 100 cells divided into 5 tiers of 20 cells. Nineteen are used for housing, one for showers. Although the cells are designed for four inmates, with the population increase each cell now houses six to eight men. Each of these cellhouses has a physical capacity of 380, although operating capacity is now between 570 and 760.

C and D cellhouses each have 180 single cells on 5 tiers. There are 36 cells and 1 shower to a tier. E cellhouse is located in a separate building behind the hospital and adjacent to the west wall. The 4-tier E cellhouse has an operating capacity of 225. The first tier houses two inmates per cell with an operating capacity of 90; the remaining cells are single occupancy with 45 per tier.

Two of the six dormitories are located in the basement underneath A and B cellhouses. They have a physical capacity of 102 and 134, respectively. Dorm 1 is located in the basement of E cellhouse and has a physical capacity of 70. Dorm 2 is on the third floor of the classification and parole building with a physical capacity of 65. Dorms 3 and 4 are above the laundry and have a physical capacity of 70 and 60, respectively.

E cellhouse and the six dorms are used as preferred housing for inmates who maintain good conduct. There are no housing units outside the wall. The total institution operating capacity is 2,200 excluding the segregation building and the hospital.

The drug abuse program unit, in the basement of the hospital building, has a physical capacity of 50 inmates.

The segregation building has a capacity of 118 inmates housed on two floors. The first floor is used for disciplinary segregation cases and those in administrative detention awaiting Institutional Disciplinary Committee hearings. There are 13 cells with 4 beds each and 3 single occupancy strong cells for a total of 55. The second floor confines long-term administrative detention cases. There are 17 cells with 3 beds each and a 12-bed dormitory for a total of 63. The dormitory is used for young holdovers awaiting bus transportation to their designated institution. All cells have stainless steel security sinks and toilets, and each floor has a shower room. A small kitchen equipped with microwave ovens is also located on each floor. Attached to the building is the recreation yard which is 54½ feet by 35½ feet surrounded by an 11-foot wall topped by a 5-foot fence. The yard has a basketball hoop, a handball court and a punching bag. In addition, a universal gym machine is located on the second floor, but only inmates on that floor can use it. During 1977 an average of 88 inmates were confined in the segregation building.

* * * * *

The Federal Prison Industries complex is the largest in the Bureau of Prisons with over 16 acres of floor space. With a staff of 104, Federal Prison Industries can employ 1,150 inmates. In 1977 an average of 900-950 were continuously employed and earned over \$1 million in salaries. (Report of the Investigative Team Into Matters of the Security of the Offender, Atlanta Penitentiary, April, 1978 (Exhibit No. 36, pp. 315, 316).)

APPENDIX B

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
Washington, DC., October 2, 1978.

HON. ELMER B. STAATS,
*Comptroller General of the United States,
General Accounting Office, Washington, D.C.*

DEAR MR. STAATS: The Permanent Subcommittee on Investigations has been conducting an inquiry into allegations of corruption at the U.S. Penitentiary at Atlanta. Hearings were held on September 29 and October 2, 1978, on the subject. In preparation for the hearings three members of your staff were detailed to the subcommittee to conduct a limited review of certain expenditures of the Mechanical Services Department of the Penitentiary. The three General Accounting Office staff members are: Bob Taylor, Fred Mayo and Paul Rhodes.

While their audit did not uncover evidence of corruption in maintenance and construction activities, it did uncover management practices which could allow such corruption to happen. Records were poorly kept and there was a failure to adhere to Bureau of Prisons policy statements with regard to expenditure of funds for appropriated purposes. Your staff members also found that the Bureau of Prisons Southeast Regional Office was authorizing these expenditures. In interviews with regional office and penitentiary officials, the staff was told these practices are common throughout the Bureau of Prisons system, in part because the Bureau's policies are incomplete.

Because of the volatility of the situation in the penitentiary and because of the management practices your auditors found seem to apply throughout the Bureau of Prisons and not uniquely to Atlanta, I decided not to make their detailed findings public at this time.

I am deeply concerned about what was learned at Atlanta and the subcommittee will continue investigating similar problems elsewhere for future hearings. At the same time, I wish to see the Bureau start taking immediate corrective action. For these reasons, I request that the General Accounting Office expand the work begun in Atlanta to a detailed audit of a cross section of Bureau of Prisons institutions, including those in Atlanta, Ashland, Englewood, McNeil Island, and New York, and the appropriate regional offices and headquarter departments.

The audit should examine in detail how well the Bureau is managing its procurement, financial, property, services, and personnel management functions. In doing so, the auditors should determine (1) Bureau of Prisons compliance with Federal laws and regulations; (2) the appropriateness of Bureau of Prisons policies; and (3) needed corrective action. Because of our concern about the lack of management and training provided Bureau of Prisons managers and staff, including

correctional officers, I request that this area be thoroughly examined as part of your review of personnel management.

I realize that my request will require a significant expenditure of your resources. However, I understand that Mr. Taylor is also responsible for examining Federal assistance provided State correctional agencies and I feel that the experience gained in this audit of the Bureau of Prisons can be made available to State correctional agencies to help them develop proper management, accounting and auditing procedures.

The subcommittee staff will work closely with Bob Taylor to work out the details for reporting the results of the audit and providing further assistance to the subcommittee. Mr. Taylor has assured me that he will design the audit in such a way that the Bureau of Prisons will be able to take corrective action as each phase of the audit is completed rather than having to wait until formal reports are ready for issuance.

It is my hope that Messrs. Mayo and Rhodes will have the time and can be assigned to the review. Based upon the precision and speed with which they completed their initial survey and the quality of their work product, I personally would feel comfortable knowing that Messrs. Taylor, Mayo and Rhodes were working on this project.

I suggest that this project can be broken down in phases, so that incremental parts of it can be reported as they are completed, in a timely manner. I suggest that the GAO consider issuing a series of staff studies and that at the end of the review, a report, including the information contained in staff studies, be issued with findings, conclusions and recommendations. My suggestion is based upon my desire to have the elements of your review disseminated as quickly as possible.

Again, I wish to thank you for the outstanding assistance provided the subcommittee by your staff.

Sincerely,

SAM NUNN,
Vice Chairman.