



The Lessons of Marion

*The Failure of a Maximum
Security Prison: A History and
Analysis, with Voices of Prisoners*

AMERICAN FRIENDS SERVICE COMMITTEE

*CRIMINAL JUSTICE PROGRAM
NATIONAL COMMUNITY
RELATIONS DIVISION*
1501 Cherry Street
Philadelphia, Pennsylvania 19102



JUSTICE COMMUNICATIONS CENTER
1414 Hill Street
Ann Arbor, Michigan 48104

APSC Regional Offices:

Southeastern Region
Atlanta, GA 30303
92 Piedmont Ave. NE

Great Lakes Region
Chicago, IL 60605
407 S. Dearborn St.

Pacific Southwest Region
Pasadena, CA 91103
980 N. Fair Oaks Ave.

Middle Atlantic Region
Baltimore, MD 21218
317 E. 25th St.

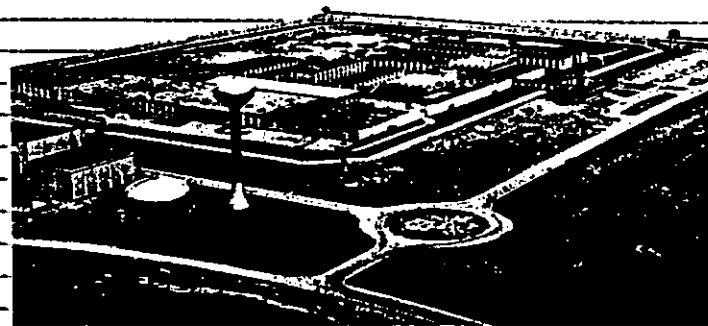
North Central Region
Des Moines, IA 50312
4211 Grand Ave.

Northern California Region
San Francisco, CA 94121
2160 Lake St.

New England Region
Cambridge, MA 02140
2161 Massachusetts Ave.

New York Metropolitan Region
New York, NY 10003
15 Rutherford Place

Pacific Northwest Region
Seattle, WA 98105
814 N.E. 40th St.



The American Friends Service Committee is a Quaker organization devoted to building a just and peaceful world. The AFSC's work reflects the beliefs of the Religious Society of Friends (Quakers). Men and women of many races, nationalities and religious backgrounds participate in AFSC as staff and committee members. All are united in their belief in the infinite worth and equality of each human being. This belief leads the AFSC to search for creative ways to challenge injustice and war. In communities throughout the country, AFSC works with people to bring an end to poverty, exclusion and denial of recognition and rights.

The Lessons of Marion

1 - 9 copies, \$2.00

10 - 50 copies, \$1.50

50 or more copies, \$1.25

POSTPAID

Order from: Criminal Justice Program
CRD/American Friends Service Committee
1501 Cherry Street, Philadelphia PA 19102

FREE TO PRISONERS

Cover Photo: Courtesy *The Southern Illinoian*

Notes

11. Letter to American Friends Service Committee, name withheld upon request, January 4, 1985.
12. Letter to American Friends Service Committee from Al Ferris, January 6, 1985.
13. Letter to American Friends Service Committee from George Bustamante, Jr., January 15, 1985.
14. Letter to American Friends Service Committee from William Dunne, March 4, 1985.

Notes

1. Letter to American Friends Service Committee from Akinshiju Ola, March 15, 1985.
2. William G. Nagel, "On Behalf of a Moratorium on Prison Construction," Crime and Delinquency, April 1977.
3. See Scott Christianson, "Our Black Prisons," Crime and Delinquency, July 1981, and National Moratorium on Prison Construction, What Color Are America's Prisons?, 1983.
4. See U.S. Department of Justice, Bureau of Justice Statistics, "Prisoners in 1983," April 1984, and U.S. Department of Justice, Bureau of Justice Statistics, "The 1983 Jail Census," November 1984.
5. Bruce Cory and Stephen Gettinger, Time to Build? The Realities of Prison Construction, Edna McConnell Clark Foundation, 1984, p. 7.
6. Stephen Gettinger, "'Objective' Classification: Catalyst for Change," Corrections Magazine, June 1982, p. 34.
7. Letter to American Friends Service Committee from Thomas Silverstein.
8. Letter to American Friends Service Committee from Manuel Maldonado, January 15, 1985.
9. Letter to American Friends Service Committee from Beaumont Gereau-Bey, January 5, 1985.
10. Letter to American Friends Service Committee from Barry Mills, December 28, 1984.

Contents

	Page
INTRODUCTION	ii
I. BACKGROUND	1
The killings and their aftermath.	
II. THE SOCIAL CONTEXT FOR INCREASED PRISON REPRESSION	3
The rise and fall of the prisoners rights movement. The growth of a law and order climate in a context of economic decline and acceptance of racism.	
III. THE CRIMINAL JUSTICE SYSTEM RESPONDS	11
Reliance on increased incarceration, prison construction and longer sentences. The concept of the dangerous offender.	
IV. THE REFORM COMMUNITY ADAPTS	15
Compromises and concessions in the face of a hostile political climate.	
V. MARION AS THE 'END OF THE LINE'	19
A brief history of Marion and its stated goals.	
VI. THE LESSONS OF MARION AND THEIR IMPLICATIONS FOR NEW DIRECTIONS	23
What we have learned from examining Marion. Excerpts from prisoners' letters.	
VII. EPILOG	35
NOTES	36

Introduction

The way a society treats people convicted of crimes is an indicator of the human values of that society. For this reason, and because of our belief in the intrinsic worth of all human beings, Quakers have been concerned about the criminal justice system of the United States for more than two centuries.

The American Friends Service Committee, an organized expression of the values of Quakers, has carried on programs on criminal justice issues since 1947. Over these years, we have seen a frightening and counterproductive increase in reliance on repression against human beings who are locked away out of the sight and mind of the public, the media and even those officials whose decisions put them in prison.

In this report, we examine the current situation at Marion Federal Penitentiary, which opened in 1962 to replace Alcatraz as the highest level maximum security prison in the federal system. We also look at the history of the prison reform and prisoner rights movements as they relate to prison conditions.

VII. Epilog

The purpose of this paper has not been to cast blame, but rather to ask questions. All too often, governments and bureaucracies are forced to take action only when a tragic event occurs. The history of the prison system is replete with examples of such reactions, ranging from Attica to Santa Fe and now to Marion. Nothing that can be done now will truly comfort the families of the guards and the prisoners who have suffered through these events. Yet if we are to prevent future tragedies from taking place, now is the time for action.

We are not here attempting to design either a model prison or a model society. This is because we have serious questions about the concept of any type of "model" prison, and because we realize that a design for a model society does not speak to the immediate issues at Marion and other institutions. Instead, it is our hope that by raising these issues, we can stimulate a dialogue and action on the part of all those who have a concern for the resolution of these difficult issues.

The approaches we are proposing need to occur on a broad scale. The criminal justice system that operates Marion needs to examine its ability to continue to function as it has been functioning. Congress needs to exercise its oversight authority over the Bureau of Prisons to determine if Marion and other institutions are being operated in the most humane way possible and to require that alternative approaches be employed. Above all, the public itself needs to recognize that we are all "wardens" in some sense and that we have a responsibility to gain the facts and act on this knowledge.

treatment and their constitutional rights. We cannot permit any incarcerated person to experience what Marion prisoners have endured.

This report has gone through a noteworthy process of development. It was written by AFSC criminal justice program staff member Marc Mauer, in consultation with other AFSC criminal justice staff around the country, and with our Criminal Justice Panel.* Copies were sent to seventeen Marion prisoners, to the head of the guards union at Marion, and to the present warden at Marion, asking for comments and reactions. We received letters in response from sixteen prisoners, including several we had not written to, showing that the document had been passed from hand to hand inside the prison. We had a cordial call from the warden.

The present document reflects the suggestions and comments we received through this process. The final section, "The Lessons of Marion and Their Implications for New Directions," contains excerpts from a number of the letters from prisoners.

Marion, we want to stress, is not unique. Similar patterns of ever-heightening repression exist in many state prisons around the country. If current

* Members of the Panel are: Fay Honey Knopp, Prison Research Education Action Project; Walter Collins, National Moratorium on Prison Construction, a project of the Unitarian Universalist Service Committee; Kay Harris, Department of Criminal Justice, Temple University; Margaret Woods, Tri-City Peoples Corporation; and Nancie Zane, National Prison Overcrowding Project. In addition, Russ Immarigeon provided many useful ideas.

Lesson #3 — Prisons Cannot Be Isolated Institutions

While some correctional administrators may wish to have the freedom to operate their institutions without any outside scrutiny, they do a disservice to themselves and the community in doing so. As taxpayers, we all have the right to know how our public funds are being spent. Further, when citizens are incarcerated in the name of all of us, we have a moral obligation to examine the conditions of that confinement and to become involved in alleviating the problems resulting from it.

One prisoner at Marion stresses the effects of outside scrutiny on the conditions inside prison:

It appears that it is only public and legal scrutiny that has and is staying the hand of government abuse of prisoners. And as is inherent in legal proceedings, they will eventually run their course and it will be solely public attention and action that will protect prisoners from needless state brutality - both physical and psychological - and protect the society to which they will ultimately be released from the negative effects of that brutality. Even litigation requires support while it is possible; lawyers, judges, and prosecutors are human and respond to the expressions of their communities. And it is they who interpret the law and decide if and how it will be enforced.¹⁴

Though prisoners at Marion have been convicted of violating the laws of society and may even have engaged in the most reprehensible of behaviors, in a democratic society they are still entitled to humane

proposals are accepted, the Marion pattern will be replicated within other federal prisons as well.

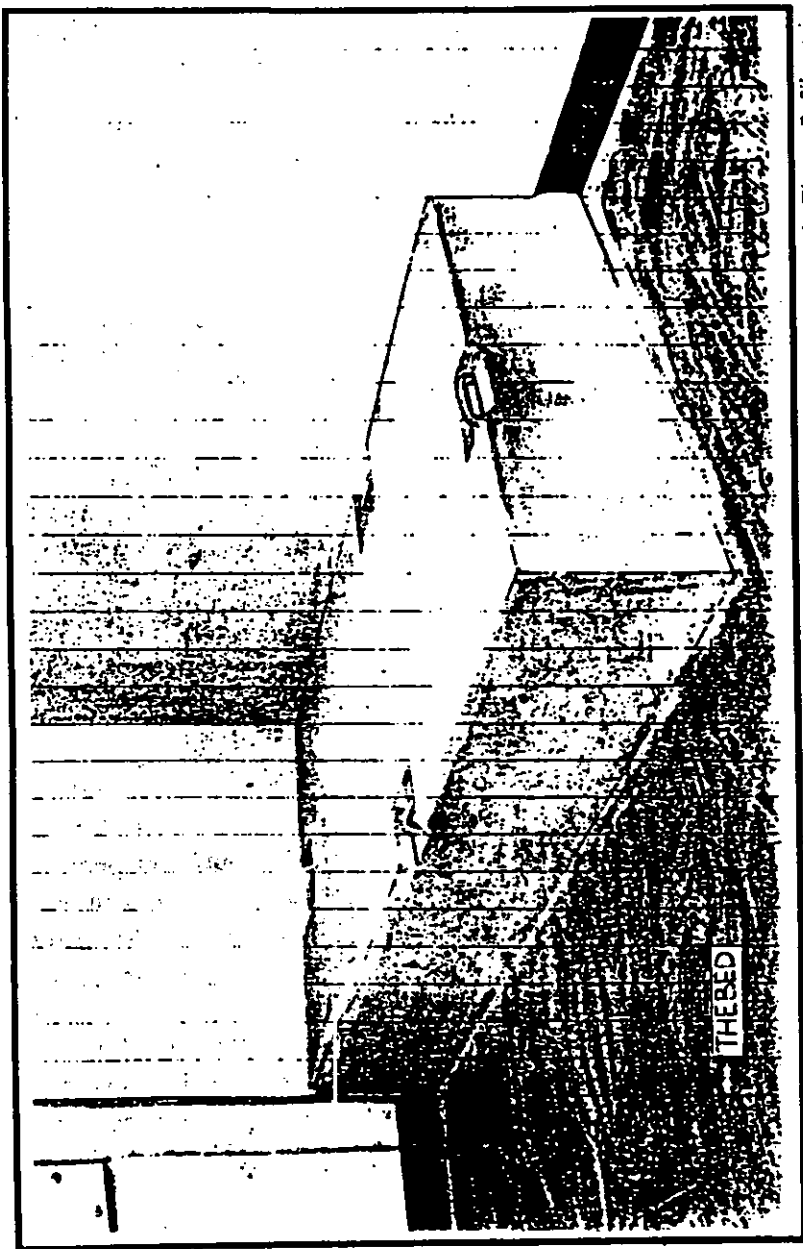
Despite repeated evidence that lockdowns don't assure safety, the authorities at Marion continue to respond to every new proof of the failure of their policy with an escalation of brutality. Akinshiju Ola, a former prisoner at Marion, comments:

The present situation in Marion is the result of an ongoing effort by prison authorities to perfect their ideal of absolute control. It is imperative that those of us who are concerned about the repression inside the prisons find ways to effectively confront the situation.¹

We agree. We hope that this paper may stimulate action to confront the situation represented by Marion.

Marc Mauer
Justice Communications Coordinator

Jane Motz
Criminal Justice Program
National Community Relations Division



Drawing by Thomas E. Silverstein

I. Background

In October 1983, two prison guards at the Federal Penitentiary at Marion, Illinois were killed while on duty at the prison. Ironically, the murders occurred in the Control Unit, the most secure unit of the entire federal prison system. Shortly thereafter, three prisoners were charged with the murders and brought to trial. The three were convicted of the killing of the guards and also of the prior murder of another prisoner. Two received life sentences in addition to the multiple life sentences they were already serving, and all three received an additional sentence of 50-150 years.

Tragic as these killings are, they represent neither the first instances of extreme violence at the prison nor, likely, the last. Although the identity of the men responsible for the murders was established immediately, the months following the murders witnessed an emerging pattern of brutal repression against the prison population of 350 men. Attorneys representing prisoners at Marion charged that 60 additional guards were brought in from other parts of the federal prison system and that they systematically beat and brutalized scores of prisoners. Immediately after the killings of the guards, the entire prison was placed on "lockdown" status, under which (1) prisoners were confined to their cells for 23½ hours a day, (2) all visits were suspended, and, (3) until a court order was enforced, even attorneys were denied access to the prison. Currently under the direction of a new warden the lockdown has been eased in some areas, but stringent and restrictive policies are still largely in effect.

The events at Marion have had larger repercussions beyond the prison. In a change of long-standing policy, Norman Carlson, Director of the Bureau of Prisons, testified in Congress in favor of a federal death penalty for prisoners serving life sentences who are convicted of murdering guards. He has been joined in this position by the union representing federal prison guards (the American Federation of Government Employees).

The killings and their aftermath continue to have a major impact on the lives of all those connected with the prison. For guards at the prison and their families, a difficult job has become filled with even more tension and danger. Prison administrators appear to have chosen a course that favors the continual escalation of repression as a means of control, even though it has never been demonstrated that repression brings its desired results. And prisoners are caught in an ever-increasing spiral of violence and fear with no clear alternatives.

Several types of interrelated issues need to be addressed concerning Marion Prison. The first is the need to examine the social context that fosters greater repression in prison and creates maximum security institutions. The second concerns the present situation at Marion itself and the question of whether such institutions can ever become more "normal" environments, with reduced tensions and greater guarantees of safety and security for all involved. Finally, we address the lessons to be learned from Marion and explore possible directions for positive change.

munity college program and participating in other constructive programs as well. The reason given for the transfer was coded as a (323) close supervision. To make a long story short, an informant told the administration I was going to do him harm and on his word alone, I was transferred here. I tried to fight the transfer through administrative remedies but obviously, it did no good.

I am only one of many who are here for similar reasons, reasons which do not justify such cruel and inhumane treatment.¹²

Other prisoners contend that the number of "the most dangerous prisoners" in the United States is not determined by their actual histories, but rather by how many beds are available at Marion at any single time — beds that must be filled up to maintain Marion's population level:

The warden is misleading the public when he states that convicts are sent here because they caused trouble at other prisons. That is unfounded. There are convicts here that were transferred to Marion for the sole purpose of increasing the prison population. If someone would check the files here, it would prove that. Even Michael Lane, the director of the Illinois Department of Corrections said recently that there is "no difference between the convicts at Marion and those found in maximum state institutions," yet such a prolonged lockdown of a state prison would not be tolerated.¹³

occurred when the entire inmate population participated. I am serving a 10-year federal sentence. I have no history of violence while in prisons and my security level is a "four"...There is no reason to confine a security level "four" inmate in a security level "six" institution. About 40 percent of the inmate population here is a security level four or lower. We are not all choir boys, neither are we gladiators or killers.

In any event, the inmates that are confined here in Marion, are not as notorious as described. They are no more notorious than your average maximum security prisoner, and if the staff would stop violating individual constitutional rights and show the same respect as they would expect in return, that would solve 99 percent of the problems. After all, we are human too.¹¹

Another prisoner expresses similar feelings when he writes:

Briefly, I'd like to share with you my personal circumstances which landed me here in Marion. I feel this will contribute to the fact that not all convicts here at Marion are, as they have been labeled, "The Most Dangerous" convicts.

In December 1983, I was transferred from USP Leavenworth, to here, USP Marion. The transfer was not a disciplinary one, but rather an "administrative" one. Prior to being transferred I was conducting myself in accordance to all rules and regulations set at USP Leavenworth. I was also attending the com-

II. History: The Social Context for Increased Prison Repression

Prisons do not exist in isolation from society. Political, social, and economic factors all play a major role in the determination of a society's use of prisons as a part of overall social policy. Contrary to popular opinion, there is little relationship between crime rates and rates of incarceration.² Rather, the use of imprisonment is a function of social policy and of the interests and perceptions of those who make that policy. The history of imprisonment in the United States demonstrates that prisons have been used as a means of punishing both the poor and racial minorities. An examination of comparative rates of incarceration and the use of the death penalty clearly demonstrates the disproportionate impact the criminal justice system has had on Blacks, in particular, and, in growing numbers, on Hispanics.³

The prevailing social climate influences both the powers that those who operate prisons can assert and the means by which prisoners can resist their conditions of incarceration. The interplay of legal precedent, the presence or lack of an outside support community, and the interest displayed by society creates the context in which a society imprisons some of its members.

What we have witnessed during the past decade, in particular, is a growing acceptance of the concept that there exists an underclass of "expendable" people in our society. These "expendable" people are often categorized as the "hard-core unemployed" or "alienated urban youth." Increasingly, they

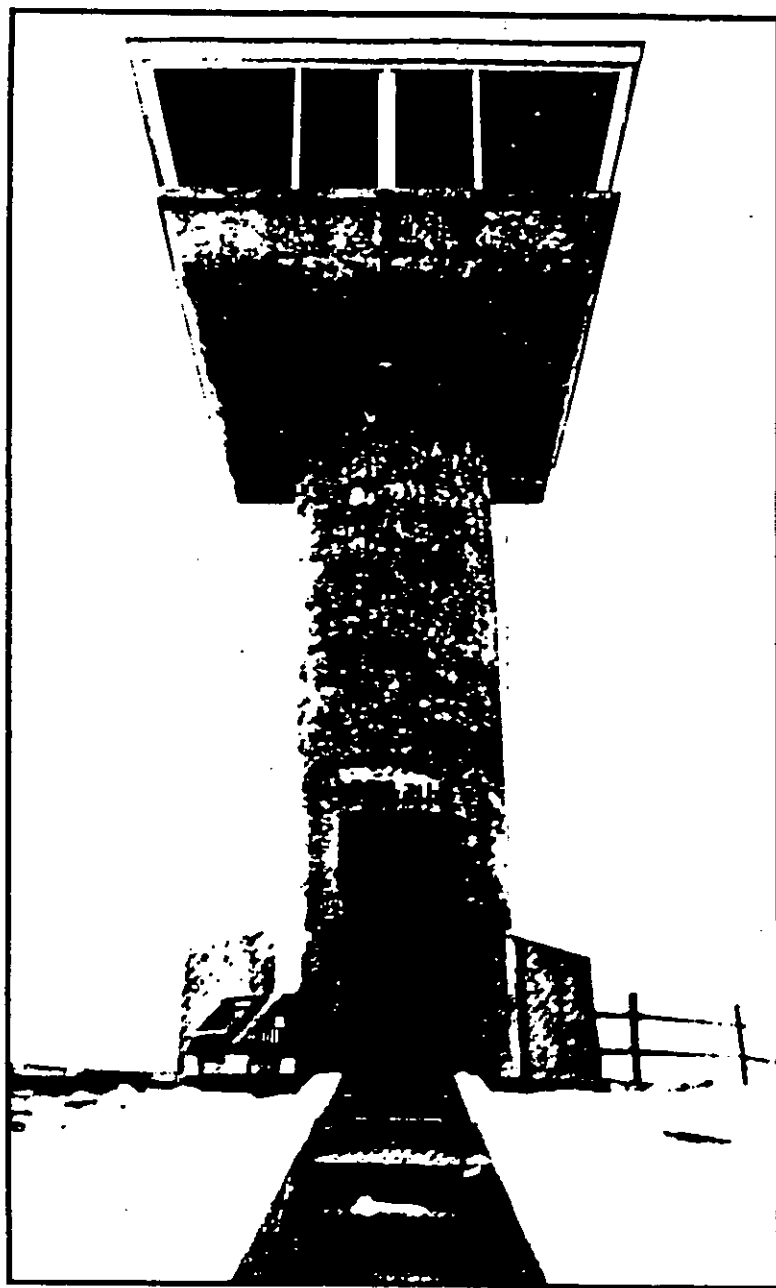


Photo: The Southern Illinoisian

labeled "the most dangerous prisoners in the United States" have earned that title. The crimes for which many persons enter maximum security prisons are not always reflective of the most serious or heinous behaviors. However, the nature of the maximum security prison system itself, with its unsafe and dangerous environment, where the strong and powerful rule by any means necessary, paves the path to Marion for many prisoners. In many cases, prisoners have compounded their assault records as a result of their involvement in the "survival of the fittest" environment of the maximum security setting. Others have been designated as "Marion-bound" because they challenged repressive maximum security conditions.

Within the federal prison system, all institutions are rated by security levels, ranging from a low of "one" to the most secure, Marion, at "six." Similarly, prisoners are given a security rating which is supposed to govern the type of institution in which they are incarcerated. Yet, due to the nature of the classification process and the use of informants to informally upgrade a prisoner's security level, fully 80 percent of the prisoners at Marion have a security rating less than "six," the level for which the prison was designed.

Testimonies regarding the classification process appear over and over again in correspondence with Marion prisoners. One prisoner states it succinctly when he says: "We are not all choir boys, neither are we gladiators or killers:"

I have been transferred from the U.S. Penitentiary in Lewisburg, Pennsylvania because of my religious beliefs and a work strike that

freedom and access to remedies for those incarcerated.

Society has become conditioned to believe that for certain groups of people who violate the law, incarceration is the natural and only proper response. Rarely do we look behind the media depiction of the crime to analyze the social and personal events that contributed to the antisocial and illegal behavior. Rarely are the relevant questions asked: What were the social and economic impediments to the individual's ability to lead a crime-free life? What were the conditions of his or her early life history? Family structure? Lack of positive role models? Feelings of powerlessness or rejection? What is the history of this person's exposure to the criminal justice system?

Even for those offenses considered most serious - murder, armed robbery, rape - we now know that there are means by which society can respond in a less repressive and more remedial manner, and in a manner which insists that the offender take responsibility for his or her behavior. The general outline of these responses includes restitution by the offender to the victim or family, providing the least restrictive environment necessary to insure safety to the community, a program of assistance to the offender that relates to his or her specific life history and problems, and, where appropriate, reconciliation between victim and offender or the community and the offender.

We hold to these principles for all persons who have committed crimes, no matter how serious or reprehensible. Nevertheless, it is important to point out that not all persons incarcerated at Marion and

include members of immigrant groups and lower-income women who are heads of households. Whatever the terminology employed, these people represent the cost to society of social and economic policies that result in large-scale unemployment, inadequate levels of social services, poor education, and increasing competition for basic survival.

A significant part of this group, primarily young males who are Black or another minority, receives disproportionate processing by the criminal justice system. To the extent that they commit crimes, their crimes are generally different from those committed by the middle class. Wealthier individuals have the opportunity to commit crimes of theft involving embezzlement, fraud, tax evasion, and price fixing. Poor people who commit thefts generally do so through means known as "street crime." The resources of the criminal justice system are disproportionately geared toward the apprehension and conviction of these "street criminals," even though the crimes of the middle and upper classes often carry a greater financial cost to society. Thus, this group of lower-class young males finds itself being arrested, convicted, and imprisoned in numbers far greater than its proportion of the general population. Upon entering the criminal justice system, the members of this group are subject to labels such as "habitual offender" and "high-security risk." It is this group of people who are increasingly populating our nation's prisons and creating the context for both resistance and repression.

The Rise and Fall of the Prisoner's Rights Movement.

In order to understand the current situation, we need to look back about twenty years to the beginning of the modern prisoners' rights movement. Starting in the early 1960s, a series of very significant changes took place in the American prison system. Prior to that time, the notion of "prisoners' rights" was a foreign concept to most people. Prisoners were "criminals" who deserved the punishment they were receiving and had no reason to expect any of the societal benefits to which other citizens were entitled. Federal and state constitutions were not generally thought of as documents with any relevance for the incarcerated.

Several factors coalesced during that period to bring about the new movement for prisoners' rights. They were:

The Civil Rights and Anti-War Movements.

Although jail and prison reform was not a major agenda item for these movements, the presence of large numbers of people acting on their consciences by challenging unjust laws and the Vietnam War led to a new way of viewing penal institutions. Rather than being seen as warehouses for "criminals," these institutions came to be seen as having a symbolic political function in an inegalitarian society. For many whites, in particular, the jail experience was their most dramatic exposure to the injustices inflicted upon Blacks and poor people in our society.

The Rise of the Black Muslims. - Though the Black Muslim movement had been prominent in some communities for many years, not until the 1960s did

I am sure that most of us will agree that society as a whole is largely caught up in its own struggle to survive, with the world as it is today. But society must never lose track of the thought that prisons are today's thermometer that measures its repression tomorrow. Marion can and will only spill back out into society. As the slain guard's wife cries out in anguish, so does the wife and loved ones of the tormented convict weep their tears as they experience his psychological and physical torture. Death and cruelty are no strangers to those who live and work within these cages, as every, every action delivers a reaction.

When one finds himself chained and beaten up against the wall, his actions and thoughts manifest into total madness. This is the situation Marion finds itself in and this view is shared by both the kept and the keeper. No deed is too vile, as all reason and humanity ceases to exist.¹⁰

Lesson #2 — Re-examine the Concept of Maximum Security and Explore the Possibility of Alternative Responses.

If repressive incarceration has not proven to provide safety or a positive environment for either prisoners or staff, it is time to examine the criteria by which individuals are selected and designated for more secure settings, and the principles which undergird the structure and oversight of such settings.

In general, we advocate utilizing the least restrictive environment necessary to provide protection to the public, and to allow for the maximum personal

from society of those already alienated by virtue of their incarceration and economic backgrounds. The consequences of these effects would be the likes of nothing yet seen in American society.⁸

Another prisoner sees Marion as a "gross penological error:"

The Warden has overlooked the logic that until prisons are first supervised in fairness, everyone — prisoners, activists, and prison administrators — sense a feeling of hopelessness and despair as far as accomplishing any of their goals. However, the Bureau of Prisons fails to acknowledge that the situation that presently exists in this prison is a sign or mark left by a gross penological error and should act as a warning to the decision makers of prisons that they must rely on sound judgment and not their emotional feelings in making decisions that eventually affect many lives including their own.

The public must begin to examine whether or not alternatives are being utilized to the fullest extent possible to bring about more humane conditions inside the nation's prisons. One thing is for sure, the repression that is constantly being invoked inside prisons cannot be contained just to the inside of these walls, and will eventually overflow into the outside society, and should be of concern to the public.⁹

And finally, another prisoner points to some of the similarities between the keepers and the kept that repressive conditions appear to breed:

it gain both large-scale support and media attention. The nation's prisons and jails became a prime recruiting ground for the Muslim message. Muslim ideology and organization provided both the individual support necessary to withstand the prison experience as well as an overall analysis of the role of prisons in an oppressive society. This combination of group cohesiveness with an analytical framework laid the basis for a prison movement that could challenge the basic indignities and lack of Constitutional protections so prevalent in the prison system.

Community Support. - While the various social movements of the 1960s produced an analysis of the role of prisons in society, they also generated a group of activists who viewed the prison struggle as an important source of inspiration and support. The many political trials of the period — the Chicago 7, Panther 21, and San Quentin 6, to name a few — attracted widespread support and sympathy within the civil rights and anti-war movements. They also led to the growth of significant numbers of attorneys and legal workers who were able to provide the necessary defenses and the challenges to the criminal justice system. Public consciousness and attitudes further led to a judiciary that was increasingly more receptive to the concept that the Constitution did indeed apply to incarcerated persons.

To some observers, the dramatic rise of the prisoners' rights movement seemed almost matched by its rapid decline a decade later. Beginning in the 1970s, public support for prisoners dropped off, court decisions began to erode previously hard-won

gains, and prisons and jails increasingly came to be used as warehouses for the poor and for minorities. The reasons behind the decline of the movement, rapid as it seemed, were actually more substantial and longer in preparation than they may have appeared at the time. They were most significantly the result of the following:

The Rise of the "Law and Order" Climate.

The Presidential election of 1968 was an important event for a variety of reasons. For subsequent developments in criminal justice issues, the Nixon campaign represents the first modern large-scale appeal to "law and order" - the belief that crime is rampant and that the only possible response is heavy doses of incarceration. For a country divided by a war abroad and social dislocation at home, and in the absence of any alternative proposals, the Nixon campaign's crime and justice themes proved popular with large numbers of people. The not so subtle racial overtones of these themes only added to their appeal to some and their general divisiveness. Upon taking office, the Nixon administration immediately moved to implement its ideology. Under the guise of Federal Criminal Code reform, the Administration took a draft bill prepared under the Johnson Administration and developed the notorious S.1, a compilation of some of the most repressive legislation in the areas of civil rights and civil liberties seen in many years. The use of the newly-created Law Enforcement Assistance Administration (LEAA) for the funding of new police technology and surveillance techniques accentuated this trend.

Economic Decline. - The leading role of the American economy in the industrialized world after World War II came to an end in the early 1970s.

I am also an example of how prisons avoid dealing with their own backyards. Not only hasn't anyone ever bothered to rap with me, they don't want to deal with it so they have locked me up indefinitely. They have turned Marion into a concentration camp, hurting innocent men and their families with their so-called "get tough" policies. Which is what got me where I am today. Not all dogs put their tail between their legs when their masters beat them constantly. Some eventually bite back. Men, especially innocent men going through hell for no other reason than being subjected to others overpowering vindictiveness and paranoia will also bite back. So how many more bodies will fall and how many more individual "special housing units" like mine, before they face up to the jobs they get payed well for? More bars and guards are hardly the answer, because I am a living example what the cage and that way of thinking causes.⁷

A prisoner presently incarcerated at Marion decries the dehumanization he has experienced at Marion and suggests a more remedial agenda for maximum security settings:

What is happening here should not be allowed to exist, or be portrayed as the panacea to society's ills. Shorter sentences, and the incentives inherent in a program aimed at self improvement and rehabilitation, should be the trend, and not the exception; with education, and not dehumanization, as the rule.

The debilitating effects of this Orwellian program can only result in a further departure

tension between the keepers and the kept. While this tension will never disappear, it can be exacerbated or alleviated depending on the structure and dynamics of the particular institution. The model of the maximum security prison has been a repressive one. When a given amount of repression does not seem to work, the dosage is increased. Marion now represents the "highest stage" of that model, and yet killings of guards and prisoners still occur even in this most "secure" of environments. The validity of this model must be questioned.

In the words of Tom Silverstein, one of the federal prisoners responsible for the 1983 murder of one of the guards at Marion, and presently held in total solitary confinement in another federal penitentiary:

True I killed a guard, but no one has ever bothered to ask why. They only slammed me in my own prison, go out of their way to make it as tough as possible in the name of security and justice and now what? I never thought of killing anything before I came to prison or H-Unit [Control Unit at Marion]. Altho I was sent to H-Unit behind a murder in Leavenworth, it has been reversed because the "rat" who said it was me later confessed he lied to get a transfer to a sweeter joint so he could escape, which he succeeded in doing. So I entered H-Unit with a life sentence I didn't deserve and I am mad about it. It has been a nightmare ever since.

I'd like to see a better way for all, because murder isn't pretty in any language or moral sense.

The combination of outmoded production techniques, the loss of cheap energy and raw materials, and increasing competition from other capitalist nations led to a situation where prosperity for many was no longer taken for granted, and a period of economic and social uncertainty overcame the nation. Under these circumstances, it was not surprising that prisoners came to be viewed as scapegoats and that repressive criminal justice policies became more acceptable. As occurred during the Depression, support for and use of the death penalty climbed substantially, and rates of incarceration increased without any significant relationship to rates of crime. The theory that prisons and jails served as warehouses for the increasingly large numbers of the unemployed received substantial backing.

Racism. - Related to the economic decline was a noticeable increase in the public acceptance of racism and the prevalence of racism in the criminal justice system. The scarcity of jobs, cutbacks in social support systems, and the rise of the New Right all triggered a response that manifested itself in a dramatically enlarged pool of Black and other minority prisoners. In the past several years, the empirical evidence that our prisons and jails are disproportionately incarcerating Black males has been clearly documented in a series of studies. Following the Supreme Court's 1976 ruling allowing the resumption of executions, "Death Rows" across the country began to swell with minorities as well.

Decline of the Prisoner Support Movement. Prisoners have always been in a precarious position in terms of their ability to organize for change and, hence, have had to depend on the support of outsiders to create both a climate of support and a

legal and financial basis for support. A variety of factors contributed to the lessening of that support in the early 1970s. This decline was largely related to the decline of the civil rights and related movements, which had displayed a strong concern for prisoners. For those actively involved in the prisoner support movement, "burnout" was a prominent factor. Attempting to challenge a bureaucracy as entrenched and oppressive as the prison system proved to be too overwhelming for many. For the prisoners who gained release, the difficulties of life "on the streets" were so challenging that they had little time to continue the prison struggle. And for many of the prisoner supporters who were motivated initially by the anti-war movement, the release of the final groups of conscientious objectors from prison lessened the urgency and immediacy of the issue.

VI. The Lessons of Marion and Their Implications for New Directions

If we are to avoid seeing further tragedies such as the 1983 killings at Marion, it is urgent that we examine the patterns that have developed at Marion and other maximum security institutions and begin to plan for the development of alternative models. In this instance, it is well to heed both the voices of the receivers of the Marion experience - prisoners who are or have been incarcerated there - and the advice of others on the inside and outside of the walls who are concerned about safer and more just environments for all people.

In designing alternatives to the failed Marion model, it is clear that serious, long-range planning involving a broad cross-section of affected persons must occur. The Lessons of Marion provide a focus for such a needed examination. A few of the most potent Lessons are cited here, buttressed by the perspectives of men who are or have been incarcerated at Marion. We urge that these authentic, though rarely-heard, prisoner voices be listened to seriously. Their insights should be incorporated into any alternatives planning process, not only because they are borne of authentic personal experiences, but for what they tell us about the futility of a repressive institutional policy. In the long run, our ability to incorporate their ideas and experiences will affect not only their lives, but the lives of prisoners and staff in all maximum security institutions.

Lesson #1 — Repression Doesn't Work

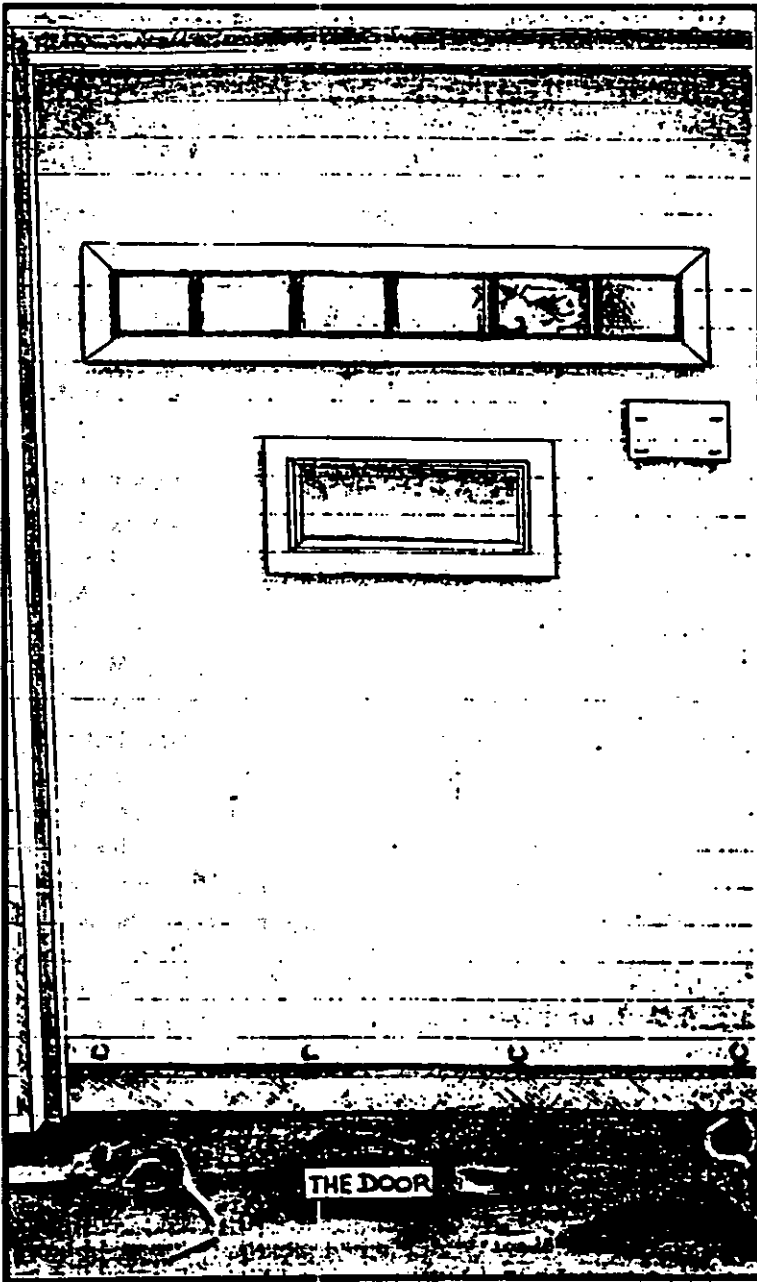
In any prison in the world, or in any situation of involuntary confinement, there exists an inevitable

III. The Criminal Justice System Responds

Given the strong emotional and political climate for issues of crime and justice, a wide range of responses by the criminal justice system was possible. The general punitive attitudes, scapegoating, and lack of any political context for community-based responses opened the way for the harsh and repressive criminal justice policies in the mid- to late-1970s. Ironically, many of these new policies developed either with the quiet acquiescence of reformers or through the distortion of their ideology. Two examples will serve to illustrate:

(1) Struggle for Justice, published by the American Friends Service Committee in 1971, presented a strong critique of the treatment model of prisons and argued against the arbitrary nature of the system. Citing prison rehabilitation programs as little more than a means of controlling prisoners and defining the conditions of parole, it advocated a more voluntary model of access to services. Yet its criticisms of rehabilitation have since been used to justify prison systems where programs of any sort are vastly reduced and tighter mechanisms of control have taken their place. Further, the book's call for determinate sentencing as a means of reducing discretion has been used as a rationale for the elimination of parole and for establishing longer sentences.

(2) Similarly, Robert Martinson's mid-1970s study, "What Works?", attempted to assess the state of rehabilitation programs then existent. His original conclusion that "nothing works," though subsequently modified, was cited by liberals and



Drawing by Thomas E. Silverstein

conservatives alike in abandoning any efforts to achieve progressive reforms.

While both progressives and conservatives have either abandoned the prisoners' rights movement or applauded its decline, several important trends have manifested themselves in the criminal justice system as a whole and their legacy is still very much with us today. The most significant trends are the following:

Increase in Incarceration. - What is now well-known to both the criminal justice community and the public at large is the vast increase in the size of the prison and jail population across the country. Since 1973, we have witnessed a virtual doubling of the numbers of people locked up in our federal, state, and local jails and prisons.⁴ The increase has been a result of changed policies at all "entry points" to the criminal justice system -- increased numbers of arrests, greater numbers of people being sentenced to incarceration, greater numbers of people being incarcerated for longer periods of time, and more restrictive parole policies. Obvious as it appears today, few researchers or advocates foresaw this trend in its early years. The passage of the 1984 federal crime package is certain both to increase the federal prison population and to establish a model that will likely be adopted by a number of state legislatures.

Prison Construction. - Along with, or leading to, the rise in prison and jail populations, there has been a massive increase in capital spending for new institutions. Even during the current period of severe recession, governmental bodies at all levels have been committing great sums of declining tax

prisoner-on-prisoner crime and the physical and verbal assaults between guards and prisoners. The tragic deaths of the guards at Marion provide ample evidence that increased security and repressive control measures do not guarantee safety.

Punishment - Prisons do punish, and maximum security prisons punish most severely. Yet whether we approach this issue as cost-conscious taxpayers or as humanitarians, we can clearly see the enormous price that punishment exacts on all involved. This can be measured in terms of lost human potential, the failure to impact on crime rates, and the inefficient use of public resources.

Deterrence - As the "end of the line," Marion is supposed to serve as a deterrent. That is, it is a both a symbol and a threat to prisoners who rebel in one way or another. The existence of Marion implies that a prisoner's current form of punishment can always be made even worse. In this, Marion is symbolic of the entire justice system, whereby a series of escalating punishments is provided in a vain attempt to coerce people to behave in certain patterns. The fact that the punishments do not incorporate a sense of the history behind the criminal action or a means of reconciliation is not generally of concern to the system as a whole.

Perhaps the greatest indication of the failure of the Marion model is that even this severe and restrictive an environment has not proved to be successful in its attempted goals. Thus, the call for a return of the federal death penalty becomes the only hope left for a system based on repression. Yet, as we know only too well from decades of study, the resumption of executions will not make us or the environment at Marion any safer.

incarceration at Marion is not altogether clear. Classification is one of those issues in the penalization process that lends itself to a broad range of interpretation. Prisoners can be considered dangerous based upon the crime for which they were convicted, their behavior in a prison setting, their political beliefs, or their response to authority. Few penal authorities claim to have any objective criteria by which to make this determination. The diversity of opinion was illustrated by a well-known court decision regarding the Alabama prison system. Faced with serious overcrowding in the system, a federal court ordered a reclassification by outside monitors to assess the security requirements of the inmate population. Whereas prison officials had considered that 34 percent of the total population required maximum security, the outside group recommended this for only 3 percent of the population.⁶

In many ways, Marion Prison is merely an extension of the system of maximum security institutions in place in all states and of the classification process that designates prisoners for these institutions. It is useful to examine the functions of those institutions, particularly in terms of the criminal justice system's own professed goals for them.

Rehabilitation - While rehabilitation is not currently considered a prominent penal goal, it is almost non-existent as an issue for maximum security institutions. Security is virtually the sole concern of those charged with operating these prisons.

Isolation - The public is led to believe that prisons serve the function of isolating the dangerous offender from the population at large. While this is generally true, it ignores the prevalence of

dollars to prison and jail construction.⁵ Given that these institutions can be expected to be used for a minimum of fifty to seventy-five years, the implication of potentially high rates of incarceration for several generations is ominous.

Increased Length of Confinement. - Along with the growing numbers of people being sentenced to incarceration, there has been a growing trend of lengthening the term of confinement, thus creating a large and often unrecognized pool of long-term prisoners. The implications of this have generally not been explored much by either correctional administrators or reformers.

Isolating the "Dangerous Offender". - Not only are greater numbers of people being held in prisons and jails today; they are increasingly being labeled as "high risk," "dangerous," or in some way presenting a serious threat to the community. In its current phase, this trend leads to the concept of "selective incapacitation," whereby it is presumed that a certain group of offenders can be scientifically identified as being highly likely to commit a large number of crimes. It is therefore proposed that they should be incarcerated for periods longer than normal. While clear evidence exists that this approach presents serious problems of both research methodology and ethics, its proponents are pursuing this policy with great vigor.



V. Marion as the "End of the Line"

For many years, the Federal Prison at Alcatraz served as the Bureau of Prisons most secure institution and the prison to which those prisoners deemed to be most dangerous were incarcerated. When Alcatraz closed, a replacement was sought. Marion, Illinois became the new "end of the line."

Since its opening in 1962, Marion has had a troubled history. Its prisoner population of about 350 has included federal prisoners from all over the country as well as a significant number of state prisoners considered to be "institutional problems" or "too dangerous" to be housed in their own state's institutions. About one-fourth of the current prisoner population consists of such state prisoners.

Within the Prison itself is an institution within an institution, the notorious Control Unit. This special unit serves as the ultimate place of punishment and sensory deprivation for prisoners throughout the country. Within the confines of the Unit, 60 prisoners are kept in a unique type of solitary confinement. They are kept within their closed-front cells 23½ hours a day, have virtually no access to recreation or cultural activities, and generally live in the most primitive conditions. Prisoners have spent months, and sometimes years, in this isolation. The Control Unit itself has been the subject of a great deal of litigation over the years, with prisoners' rights attorneys assisting prisoners in challenging the conditions of their confinement.

The means by which prisoners come to be considered as so dangerous or threatening that they require

Thus we see an interesting interaction among the criminal justice system, the media, political leaders, and reformers - all acknowledge that there exists a group of "high-risk" offenders who can be relegated to the bowels of the system. The worst fears of the public become confirmed as visions of hardened men who were born criminals and have no redeeming features become the justification for any type of punishment. In this context, the concept of a Marion Prison seems almost reasonable.

IV. The Reform Community Adapts

Although the prisoners' rights movement suffered a serious decline in support during the 1970s, remnants of it lived on into the 1980s. In large part it became a movement centered in the religious community, with its long tradition of concern for the conditions of incarceration. The new reform movement, though, has been forced to confront the developments that have taken place in the criminal justice system. In doing so, it has in some ways created a set of new issues that future reformers will have to confront.

In attempting to respond to the new punitive climate, the reform community has, with few exceptions, adopted positions that represent significant compromises in terms of its stated goals. Thus, in order to gain credibility for its proposed alternatives to incarceration, the new reformers most often advocated these alternatives for the "non-violent" or "non-dangerous" offender. Using both the terminology and labeling categories of the criminal justice system, these advocates essentially end up providing legitimacy for the imprisonment of large numbers of people based solely on the types of crimes they have committed. The problem deepens as various researchers develop criteria whereby they can "prove" that a certain percentage of pre-trial detainees or sentenced offenders are "high-risk," and, therefore, not appropriate candidates for alternatives to incarceration.

In a further effort to gain credibility, the "alternatives movement" often takes on the identical goals and language used by the system, even as it

claims to be organizing projects that are qualitatively different. Thus, the thrust of alternative programs changes from shifting the center of power and the resolution of conflict away from the criminal justice system to providing alternative "punishment experiences." The net result is that the punishment orientation of the justice system is not challenged and tacit approval is given to advocates of selective incapacitation.

The reform community has not been helped in its mission by the response of potential funding sources to the political climate. For a ten-year period in the 1970s, the Law Enforcement Assistance Administration provided the major source of funding for alternative programs. While its major thrust was directed toward bolstering the criminal justice system itself, nevertheless it assisted some community-based projects. With the demise of the LEAA in the early 1980s, the private sector was looked toward as a more significant funding base. Unfortunately, the private sector has not generally proved to be an important means of bringing direct challenges to the criminal justice system. The absence of any leading national voice that speaks on behalf of the reform community has contributed to the isolation of the movement.

Foundations in general have not been particularly interested in funding criminal justice programs. When they have shown interest, funding has tended to be for those types of projects that hold the most promise of "success" and are least threatening to established interests. Thus, it becomes much easier to sponsor projects designed to provide alternatives

for the "non-dangerous" offender than to attempt to penetrate deeper into the criminal justice system in order to work with the "difficult" cases.

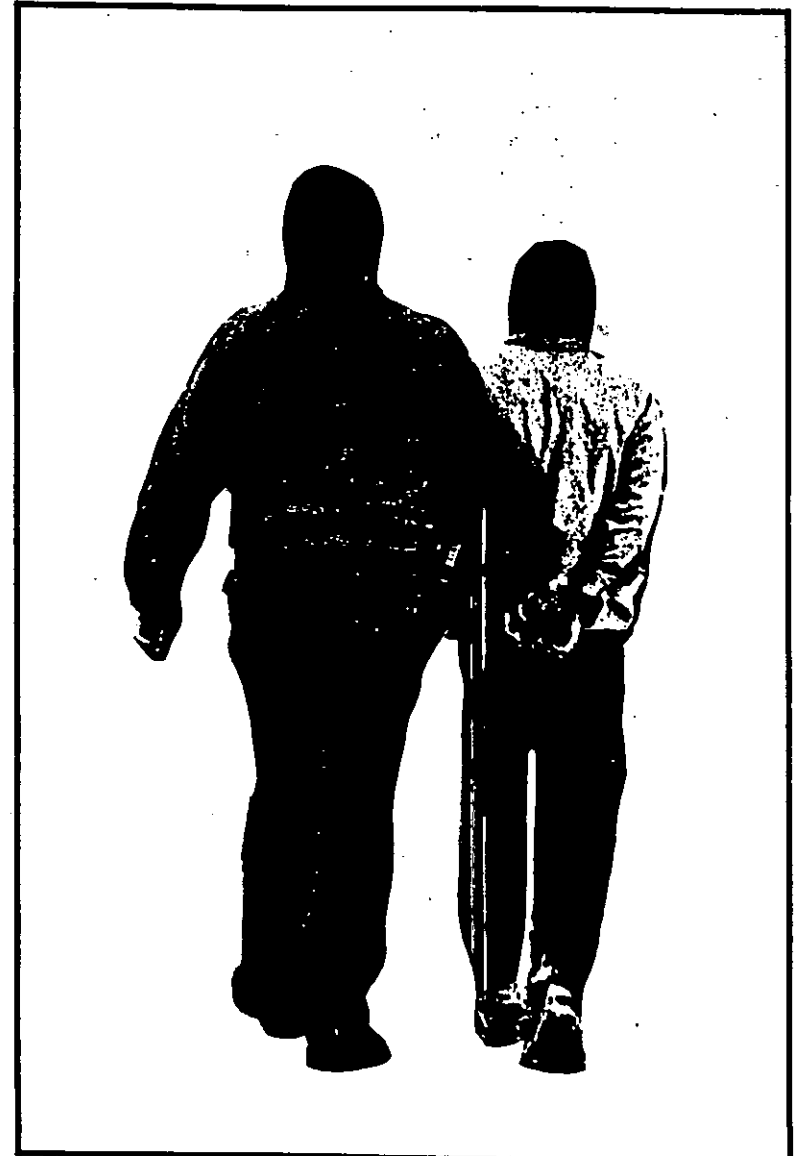


Photo: The Southern Illinoian