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The Ohio State University, Ph.D., 1974
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UNIONIZATION BEHIND THE WALLS: AN ANALYTIC STUDY
OF THE OHIO PRISONERS' LABOR UNION MOVEMENT

DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of The Ohio State University

By

Clarence Ronald Huff, B.A., M.S.W.

The Ohio State University
1974

Reading Committee:
Simon Dinitz
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Approved by

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Department of Sociology
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Major Field: Sociology

Studies in Criminology and Deviance. Professor Simon Dinitz

Studies in Sociology of the Family. Professor Alfred C. Clarke

Studies in Social Organization and Social Stratification. Professor Russell R. Dynes
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INTRODUCTION

The idea of prisoners around the world organizing themselves into "unions" may well be the most revolutionary development in the entire history of penology. The efforts to form such unions by prisoners and social reformers have far-reaching implications for our correctional institutions, for those who staff them, for their administrators, and for every citizen whose taxes help support the prison system and whose safety may depend, in part, on how well that system works.

This study focuses on the rise and fall of one such "prisoners' union": the Ohio Prisoners' Labor Union. Based on the participant-observation method and an in-depth analysis of the people involved in the movement and the circumstances, issues, and reactions surrounding it, this longitudinal research effort provides the first systematic analysis of unionization behind the walls. As such, it is admittedly exploratory in nature and subject to a number of caveats, which will be delineated and discussed at appropriate points throughout this dissertation. This research breaks new ground, generates hypotheses to be tested later, and affords a broader perspective of what might otherwise appear to be an extremely atypical and isolated phenomenon peripheral to the evolution of penal policy and practice.

The assertion that this development may well be the most
revolutionary in the history of penology is not difficult to defend. As that history is traced, it will become apparent that no matter what new, "progressive" programs, techniques of rehabilitation, or reform measures have been introduced into our correctional institutions, the basic concept of the prisoner as the target for change has remained paramount. The prisoners' union concept alters that thinking in an irreversible and critical way. Although insisting that proposed reforms would help the "rehabilitation" process (thereby implicitly acknowledging the need for rehabilitation), the union concept would largely substitute the prison system itself (along with the rest of the criminal justice system) as the more appropriate target for change. Such sentiments are clearly reflected in the following comment in a Prisoners' Union proposal for national organizing:

When convicts began to realize that they comprised only about two percent of all criminals, and that they were being systematically denied the human and civil rights that even they are guaranteed (sic), then grievances began to surface:

The mere suggestion that convicts could possibly regard themselves as worthy enough to entertain, let alone attempt to redress, "grievances," is itself a relatively recent phenomenon, and one which defies Bentham's principle of "less eligibility." This principle posits that conditions in the prisons should always be such that no prisoner is better-off than the poorest or "lowest" (in terms of stratification) citizen in the free society. Bentham's principle, dating back at least as far as the English Poor Laws, is one which is deeply ingrained in the American ethic. So
the question arises, how is it that we have reached a point where prisoners can speak of "grievances" and "prisoners' unions?" The answer to that question is dependent on an analysis of the ways in which men have historically conceptualized crime and the methods they have chosen to deal with it. This most recent development, the unionization of inmates, must be viewed against the background of some of man's oldest ideas about the crime problem.
NOTES TO INTRODUCTION


CHAPTER I
FROM DEMONS TO THE LABELING
AND CONFLICT PERSPECTIVES

In analyzing the historical evolution of criminology and penology, one observation transcends all others: every theory or philosophy of the etiology of crime has implicit within it a corresponding theory or philosophy of social control. One can learn much about the beliefs of a society simply by scrutinizing its philosophy of crime and social control. What we advocate as a "cure" or as "prevention" or as "deterrence" for crime depends primarily on what we believe the "cause" to be. This is true whether we have reference to a society or group which regards demonic possession as the source of crime or one which speaks of learning theory and labeling.

Drawing heavily on Vold's Theoretical Criminology\(^1\) and Barnes' The Story of Punishment\(^2\), as well as other sources, we can trace much of the history of this process of evolution in etiological and penological thought. We first present an overview of the main stages of development in criminological theory and in philosophies of punishment and then look at the major methods of social control in greater detail in Chapter II.
The Pre-Classical Period

We know that primitive man's basic explanation for crime was diabolical possession. Criminal behavior was seen as evidence that the culprit was under the control of evil spirits, or demons. Given such an explanation (which, like all explanations of crime, reflects the cultural development of the society), the only sensible solution was to try to exorcise the devil or, failing that, to do away with the criminal (either by exile or execution). In such a society, where the gods were perceived as omnipotent and omnipresent, it was clearly a matter of the highest priority to appease them, no matter what the costs. So the fate of the criminal was less related to the protection of society than to compliance with the will of the gods. According to the prevailing beliefs, the failure of the group to punish the wrongdoer would leave the tribe open to the wrath and vengeance of the gods. The rationale for primitive punishments was well articulated by one observer:

> Primitive punishment is inflicted either to remove the stain of impurity from society or to prevent a supernatural being from taking revenge on the tribe. Its object is in either case expiation—expiation, however, not for its own sake but expiation with a utilitarian background. ³

One who violated the norms dealing with endogamy, witchcraft, or treason was likely to receive the harshest punishment in primitive society. The offender might be hacked to pieces, exiled, or even eaten. All three of these sanctions, of course, accomplished the same goal—the removal of the offender from the group. Offenses of a private,
rather than public, nature were generally dealt with by the victim's clan through the process known as "blood-feud." Essentially, it was the duty of each member of a clan to avenge any wrong done to a fellow clan member. The principle which guided clansmen in their pursuit of retaliation was the well-known lex talionis ("an eye for an eye and a tooth for a tooth"). The idea of lex talionis, roughly, was that the retaliation should fit the crime. The obsession with making the retaliation exact was in some cases so fanatical that inanimate objects which had been instrumental in accidental deaths were actually "punished."

As far as we know, there was very little use of any form of incarceration in primitive society, except for the periods of detention while awaiting disposition and the incarceration related to cannibalistic practices. The only other major type of punishment did not appear until the late stages of primitive society. It was a form of compensation or restitution. This practice developed in response to the failure of blood-feud as a method of criminal justice. Blood-feuds all too often resulted in interminable vendettas which exacted heavy tolls on both sides. So the practice of paying a fixed penalty (in money) evolved as an alternative to the potentially genocidal blood-feuds. In the feudal period the extended families or clans established a system of "wergeld" (man-money) by which the victim's status determined the amount assessed against the offender. This concept was gradually broadened to include differences in degree of responsibility, the individualization of responsibility, and even a distinction between intent and accident. Eventually
a specified value was set for each type of offense, and the system of restitutive fines paid by the offender to the victim came to be preferred over the blood-feud. With the development of an appeal procedure whereby either party could protest an injustice, the roots of the modern-day court system emerged in embryonic form. And finally, through the absolute authority which accompanied kingships, especially in early historic society and during feudalism, all crimes became "crimes against the king's peace" or, in other words, crimes came to be regarded as offenses against the public welfare. But in reality man had, in a sense, come "full circle" in his efforts to rationalize law and punishment.

The heavy fines imposed on places and people became an important source of revenue to the crown and to the barons and the lords of manors. . . . .

The State was growing strong enough to take vengeance; the common man was no longer feared as had been the well-armed Saxon citizen of old, and to the "common" criminal was extended the ruthless severity once reserved for the slaves. . . . and the idea of compensation began to wane before the revenge instinct now backed by power. 6

The Classical School

Just as demonological explanations dominated the thinking of early man, the so-called "classical period" of criminology (roughly 1700-1800) was characterized by its own conceptions of the nature of man. The two most influential contributors to criminological perspectives in the era were Beccaria and Bentham, who were reformers of both the criminological theory and the penal practice of their day. Classically, man was seen as being rational, having free will, and seeking that which would be most productive of pleasure or happiness. Such views, of course,
represented a significant departure from the idea that man was under the control of supernatural forces and that criminal behavior was a function of demons. For an understanding of the magnitude of this shift in thinking during the eighteenth century, it is best to examine the ideas of the men themselves.

Beccaria was influenced by the French rationalists, and he found the arbitrary and inconsistent criminal justice system (or rather non-system) of the mid-eighteenth century quite appalling. As Barnes and Teeters note, Beccaria was not trained as a criminologist, judge, or attorney but rather approached the field as an outsider applying the general principles of French rationalism and humanitarianism. His thinking was not limited by the traditional approaches of the disciplines most closely related to the area of criminology; he was free to be quite innovative. In his major work, Trattato dei delitti e delle pene (An Essay on Crimes and Punishments), Beccaria reacted against the secret accusations, inhuman punishments, and virtual lack of concern for the defendant’s rights that characterized criminal "justice." He articulated, in this treatise, the framework of what came to be known as the Classical School, namely: (1) that the motivation underlying all social action must be the utilitarian value of that action (the greatest happiness for the greatest number); (2) that crime is an injury to society and can only be measured by assessing the extent of that injury (focus on the act and the extent of damage, not intent); (3) that the prevention of crime is more important than its punishment; (4) that secret
accusations and torture should be eliminated, while trial process ought to be speedy and the accused treated fairly and humanely throughout the process; (5) that the only valid purpose of punishment is deterrence, not social revenge; and (6) that incarceration should be utilized more widely, but, at the same time, conditions for those confined must be vastly upgraded and systems of classification developed to prevent haphazardly mixing all types of inmates.

Beccaria's influence on the reformation of the criminal justice system was enormous. He promulgated the idea, still extant today, that the courts should mete out punishments to the offender in direct proportion to the harm caused by his crime. In order that this might be accomplished, it was necessary that all crimes be classified according to some methodical assessment of their social harm and, further, that the penal codes must prescribe for each crime exact penalties that would be useful deterrents to crime.

A scale of crimes may be formed of which the first degree should consist of those which immediately tend to the dissolution of society; and the last, of the smallest possible injustice done to a private member of society. Between these extremes will be comprehended all actions contrary to the public good, which are called criminal . . . Any action which is not comprehended in the above mentioned scale, will not be called a crime, or punished as such.10

One need only observe the deliberations of state legislatures today, during the process of revising a state's criminal code, to understand and appreciate the lasting effect which Beccaria has had on our criminal laws. The arguments and considerations of lawmakers today are,
for the most part, still influenced by this concept of the criminal as a rational person who acts as a result of free will on a hedonistic basis. The punishments prescribed by the law today are generally well-defined (in Ohio, for example, there are now eleven specific classes of crimes and punishments), even though they are administered in a very inexact manner. And the apparent presumption of many contemporary legislators and members of the legal profession that the enactment of laws is the best method of social control (as if the laws automatically are obeyed and enforced) clearly has at least some of its intellectual roots in the work of Beccaria.

In addition to the ideas inherent in the framework of the Classical School, noted earlier, several other of Beccaria's tenets have contemporary significance. Perhaps the most notable of these is his assertion that the speed and certainty of punishment, rather than its severity, are the critical factors in deterrence. The modern criminal justice system, replete with discretion on the part of the police, prosecutors, judges, guards, and parole boards; discrimination against the poor and minorities; court docket backlogs; sometimes months of pre-trial detention; and the ubiquitous plea-bargaining, offers neither swiftness nor certainty. Furthermore, Beccaria's advocacy of humane treatment of offenders while incarcerated has certainly never been fully realized, with many contemporary reformers claiming that we have hardly replaced corporal punishment with psychological and social persecution.

Jeremy Bentham, a contemporary of Beccaria, was also a major
utilitarian. Like Beccaria, he was quite influential in the reform of criminal law and the criminal justice system. He was, we are told, especially interested in eliminating, or at least decreasing, crime. Bentham believed that this goal could best be accomplished through the application of the principle of utilitarianism; i.e., that all acts must be evaluated so that "the greatest happiness for the greatest number" results. In order to make such assessments, one would obviously need some method of calculation, and Bentham happened, it seemed, to have one. His "felicity calculus" was a superficial, quasi-mathematical attempt to quantify the utility of acts—all conceivable acts. Humorous in retrospect, his attempt to catalogue the almost infinite varieties of behavior was nevertheless understandable, given the uncertainties of the criminal justice system he was attempting to reform.

Bentham's theory of human motivation, that man pursues pleasure and tries to avoid pain, led him to advocate that criminal penalties be established which would prescribe a degree of punishment (pain) just sufficient to offset the potential gains (pleasure) of criminal behavior, so that the net result (negative utility) would be deterrence. Bentham further believed that the punishment should "fit the crime," and generally seemed to favor restitution over physical punishment. Given Bentham's concept of deterrence, punishment in general was regarded as a necessary evil so that greater harm or evil might be prevented.

Although Bentham's approach (as a grand theory) has been wholly rejected, his notion of attempting to calculate harm certainly has some
utility today. In the realm of what has become popularly known as "victimless crimes," for example, Bentham's dictum that an offense must cause some harm if it is to be a crime would clearly, if adhered to, result in a significant reduction in our crime rate.

Bentham's influence on the prison system of his--and our--time will be examined in the next chapter. Suffice it to say at this point that his ideas in that area include some of his most interesting contributions to criminology.

The Neo-Classical Period

Despite the anticipated ease of administering the principles of the Classical School (which for that reason has been called "administrative and legal criminology" by some authoritative sources), the empirical reality was that enforcement and implementation were quite problematic. Specifically, the virtual dismissal of the relevance of individual differences and particularistic situations was quite controversial; the focus on the act committed, rather than on any characteristics or qualities of the person, came to be regarded as imprudent as did the practice of treating persons clearly incompetent, for various reasons, as competent solely because of the commission of a given act. These dicta were criticized strongly because they did not promote justice anywhere except on paper, in an abstract sort of way.

The idealized concept of justice held by the classicists, perhaps best symbolized by the familiar image of a blindfolded Lady Justice holding scales in her hand, was regarded by neo-classicists as too
impersonal and rigid. It seemed that the classical theorists, in their indignation over the inconsistencies and other inadequacies of the criminal justice system, had overreacted. They had designed a system which was so dispassionate and "objective" that it could not deliver justice to a society of human beings not identical to one another.

The neo-classicists, such as Feuerbach and Peel, were successful in introducing incremental modifications of the classical free will doctrine. The dialectic process of theoretical evolution was once again evident, as criminological thought was revised to re-admit some determinism—not the magical, supernatural determinism of the pre-classical period, but rather an awareness that certain factors operated to impair one's reason and therefore mitigated personal responsibility to an extent. While still retaining the essential positions articulated by the classicists, considerations involving individual differences began to appear during the neo-classical period. Age, mental status, physical condition, and other factors which could alter one's ability to discern right from wrong were acknowledged grounds for a decision of partial responsibility.

Far from regarding their views as a general theory of human behavior, the neo-classicists were actually focusing on what they viewed as a small minority of the population, namely some criminals. There was no attempt to assert that all persons (not even all criminals) are partially shaped and controlled by deterministic forces. On the contrary, neo-classicists continued to view man as a rational, hedonistic being
who was personally responsible for his behavior except in abnormal circumstances or in the case of children, who were not old enough to know right from wrong.

If the neo-classicist was beginning to entertain some deterministic conceptions of criminal etiology, his immediate intellectual successors, the positivists, eventually embraced determinism fully. From 1876 to the present day, positivism has remained the dominant force in the conduct of criminological inquiry.

**Positivism**

A book written in 1876 by an Italian psychiatrist was to provide the impetus necessary to shift the focus of criminological inquiry from the crime to the criminal. The book was called *L'Uomo Delinquente* (The Criminal Man); its author was Cesare Lombroso; and the result was the development of the Positive School in criminology. Lacking the moralistic tones of the earliest positivist, Comte, Lombroso's approach was clearly Darwinian, focusing on biological determinism.

As the title of his classic book implies, Lombroso believed that there was indeed a criminal type, or "born criminal," who was discernibly different from non-criminals in physical ways. In short, he was convinced that criminals bore bodily stigmata which marked them as a separate class of people. Following Darwin's monumental work by less than two decades, Lombrosian theory postulated that criminals had not fully evolved but were, instead, inferior organisms reminiscent of ape-like, pre-primitive man, incapable of adapting to modern civilization.
Specifically, Lombroso described the criminal as "atavistic" (a concept used earlier by Darwin) in that he was physically characteristic of a lower phylogenetic level. From his extensive anthropometric measurements, autopsy findings, and other observations, Lombroso concluded that criminals disproportionately possessed an asymmetrical cranium; prognathism (excessive jaw); eye defects; oversized ears; prominent cheekbones; abnormal palate; receding forehead; sparse beard; wooly hair; long arms; abnormal dentition; twisted nose; fleshy and swollen lips; and inverted sex organs. He also noted such non-physical anomalies as a lack of morality; excessive vanity; cruelty; and tattooing.

It would be misleading to imply that Lombroso held firmly to the idea that his was the sole explanation for crime. While continuing to believe that his theory explained part of the difference between criminals and non-criminals (even after Goring's apparently devastating critique of Lombroso's methodology), Lombroso nevertheless began to accept environmental and other factors as equally valid contributing causes of crime. His book, which originally consisted of 252 pages, went through four revisions and ultimately (in 1896) encompassed a total of 1,903 pages. Not all of the nearly 800 percent increase in the size of his book is attributable to revisions in his thinking, but much of it is reflective of just that.

While positivism, since Lombroso's day, has taken in a lot of intellectual territory, there remains a unifying framework which is visible in the work of his successors, as will be evident in the
remainder of this section. That general framework consists of the following:

1. A general rejection of metaphysical and speculative approaches.
2. Denial of the "free-will" conception of man and substitution of a "deterministic" model.
3. A clear distinction between science and law, on one hand, and morals, on the other.
4. The application, as far as practicable, of the scientific method.

These principles of positivism have been applied to the study of the criminal from various--and diverse--theoretical perspectives. Yet although these perspectives differ in many significant respects, they retain the essence of positivism as described above. We shall now turn to an overview of the various types of positivistic contributions to criminological theory, which range from purely individualistic approaches to more macro-level, sociological theories. In our analysis, we shall utilize a modified version of the classificatory schema developed by Vold.

The "Italian School"

The origins of positivism in criminology have a decided Italian character. Besides Lombroso, the other Italian pioneers in this school of thought were Ferri and Garofalo. Although emphasizing different points as critical in the study of the criminal, both Ferri and Garofalo were adamant in their espousal of, and adherence to, the positivist approach.
Enrico Ferri, a pupil of Lombroso, is perhaps best known for his classification of criminals as insane, born, occasional, habitual, and criminals by passion. He also preferred a multiple factor approach to the explanation of crime, focusing on physical, anthropological, and social causes. A socialist early in his career, Ferri's concept of the prevention of crime was, at that time, state-oriented; i.e., the government was seen as the key to betterment of the human condition. As specific preventive measures, Ferri advocated free trade; freedom to emigrate; taxation of the wealthy; public works; severe restrictions on the manufacture and sale of alcohol; and freedom of marriage and divorce.

The third member of the "Italian School," Raffaele Garofalo, attempted to construct a universal definition of crime, one which would be based on the concept of "natural crime," or acts which offend the basic moral sentiments of pity (a revulsion against the voluntary infliction of suffering on others) and probity (respect for the property rights of others). As Garofalo put it:

... we may conclude that the element of immorality requisite before a harmful act can be regarded as criminal by public opinion, is the injury to so much of the moral sense as is represented by one or the other of the elementary altruistic sentiments of pity and probity. Moreover, the injury must wound these sentiments not in their superior and finer degrees, but in the average measure in which they are possessed by a community. ...

Garofalo's approach to the crime problem was primarily psychological and legal. He perceived some criminals as psychological
degenerates who were morally unfit. His background as a jurist led him to advocate reforms in the criminal justice system so that the criminal could be dealt with in a manner more in line with his theory. Garofalo posited that the criminal must be eliminated, citing Darwin's observations on the functions of biological adaptation as a rationale for this "remedy." Since, according to this bio-organismic analogy, the criminal was one who had not adapted to civilized life, Garofalo saw only three alternatives--all of which involved some type of elimination: (1) death, where there is a permanent psychological defect; (2) partial elimination for those suitable to live only in a more primitive environment, including long-term or life imprisonment, transportation, and relatively mild isolation; and (3) enforced reparation, for those whose crimes were committed as a result of the press of circumstances.

Physical-Biological Theories

The prototype for all physical-biological theories of criminal etiology were the early (and non-positivist) craniologists-phrenologists, who believed that the "faculties of the mind" were revealed by the external shape of the skull. A vastly oversimplified and pseudo-scientific approach, it nevertheless pre-dates all other theories of a physical-biological nature.

Such theories have grown increasingly sophisticated and scientific since those earliest attempts to explain man's function by analyzing his cranial structure. In addition to the "Italian School," which we have already described, there have been a number of intellectual
continuators of the physical-biological tradition.

Charles Goring has been widely credited with refuting Lombroso's contention that there is a criminal "physical type." However, Goring's critique was aimed at Lombroso's methodology, not necessarily his theory or his conclusions, for which Goring had a certain affinity. In Goring's famous book, *The English Convict*, he presented an analysis of 3,000 English convicts and, although he interpreted his data as failing to support Lombroso's theory, he nevertheless did find what he regarded as evidence that there existed a positive association between certain physical differences and the offender's crime and social class. As Mannheim noted:

In the controversy 'heredity or environment' . . . he was on Lombroso's side, and perhaps even more than the latter he was inclined to underrate environmental influences: 'Crime is only to a trifling extent (if to any) the product of social inequalities, of adverse environment or of other manifestations of . . . the force of circumstances'.

Goring's general interpretation of the height and weight deficiencies of the criminal population he studied was that the criminal suffered from hereditary inferiority. He also believed that criminals were most different from non-criminals with respect to their intelligence, which he found to be disproportionately defective. Finally, Goring added a third category—that of moral defectiveness—to account for those whose criminality could not be explained by either of the first two factors. But the main thrust of Goring's theoretical position was a physiological one, thus placing him within this tradition of thought.
Not everyone agreed that Goring's refutation of Lombroso's methodology was really a refutation at all. The leading skeptic with regard to Goring's research was Earnest Hooton, an anthropologist at Harvard University. In *The American Criminal*, Hooton presented data and interpretations based on a twelve-year study of 13,873 criminals and 3,203 controls. Analyzing 107 physical characteristics via anthropometric techniques, Hooton concluded that criminals, when compared with the control group, were "organically inferior." Describing their distinctive characteristics, he included low foreheads, high pinched nasal roots, compressed faces, and narrow jaws. These he cited as evidence for his assertion of organic inferiority, and he attributed crime to "the impact of environment upon low grade human organisms."

Hooton had also constructed, in his study, a typology of criminals based on physical constitution. He interpreted his data as demonstrating that murderers and robbers tended to be tall and thin; tall heavy men were most likely to be killers and to commit forgery and fraud as well; undersized men were disposed to commit assault, rape, and other sex crimes; and men lacking any notable physical characteristics had no criminal specialty. The problem with all of this, as Vold notes, is that half or more of Hooton's prisoners were incarcerated for a second (or subsequent) crime and had previously been imprisoned for an offense other than that noted by Hooton. Therefore, the typologies described in Hooton's work were shown to be overly simplistic and based on methodology which was as inadequate as the Goring procedures he criticized.
Ernst Kretschmer and William Sheldon are exemplars of the work of more recent proponents of the constitutional inferiority-body type theorists. Although differing in the details of their approaches, both men advocated the idea that body type and mentality temperament are closely related. Both developed typologies relating body types to certain forms of behavior, including crime.

Some investigators have focused specifically on the effects of heredity, especially genetic deficiencies, in producing criminality. In this regard, the studies of "criminal families" were quite interesting, if obsolete. Perhaps the most well-known efforts along these genealogical lines were those of Richard Dugdale (The Jukes) and Henry Goddard (The Kallikaks), both of whom attempted to analyze the apparently excessive criminality of entire families by relating it to feeble-mindedness. The term "mental testers" has often been applied to this method of inquiry.

More recently another line of inquiry focused on the criminality of twins. Lange, Rosanoff, and others have studied twins in an attempt to determine the effect of heredity in producing criminality. The basic idea has been that if a greater percentage of monozygotic ("identical") twins than of dizygotic ("fraternal") twins are concordant in being criminal (both criminal), then the effect of heredity would, theoretically at least, have to be given greater weight than other factors. Although the methodological criticisms aimed at Rosanoff have been less damaging than those directed at Lange, the fact remains that neither
study can be regarded as conclusive in its findings that identical twins are far more likely to be concordant in terms of criminality.

Finally, some of the most sophisticated research employing a physical-biological model has been that of the endocrinologists. The essential proposition of these researchers and theorists has been that criminal behavior is often due to emotional disturbances produced by glandular imbalance. Often utilizing the electroencephalogram as a diagnostic aid, this biochemical approach to criminal etiology thus far offers more promise than clear-cut and unequivocal findings.

**Psychopathology**

A number of positivist theories of crime have utilized the paradigm based on individual psychopathology. The father of this approach was, of course, Freud. His work, along with that of his intellectual successors, has focused on man's unconscious. The explanation for criminal behavior which grew out of this approach was that such behavior, along with all other deviant forms of behavior, is largely the result of drives which are uncontrolled because of a defective personality structure. The example par excellence of such dynamics is the case where a person is driven by aggressive or otherwise antisocial impulses which are not sufficiently checked by the superego, or conscience. The result is the inability of the ego to function properly and the potential result is criminal behavior.

In addition to the above illustration of the psychoanalytic approach, there are a seemingly endless number of other applications
of psychoanalytic theory to crime. Conditions such as psychosis and 
neurosis have been related to criminal behavior by psychoanalysts, as 
have most forms of deviant behavior. What has been lacking, however, 
is quantitative data produced in a sound methodological way so that 
some of the basic tenets of this school of thought might be tested 
empirically. The essential contention of the psychoanalytic approach, 
however, that all behavior is purposive and meaningful, along with its 
insistence that criminal behavior is a symbolic release of repressed 
mental conflict, present a picture of the criminal as one who acts not 
out of free will, as the Classical School believed, but as an expression 
of deterministic forces of a subconscious nature. Such a view, of course, 
has implications for a theory of social control, which will be discussed 
later.

A derivation of the psychoanalytic approach and the "mental 
testers" has been the emphasis on personality deviation as an expla-
nation for crime. Increasingly relying on the theoretical constructs 
of the "healthy" personality and the "abnormal" personality, reinforced 
by a wealth of quantitative data designed to provide an empirical def-
inition of both, the personality deviation approach has become increas-
ingly popular, even though not well-validated. Using psychometric in-
struments such as the Rorschach, the Wechsler Adult Intelligence Scale, 
the Minnesota Multiphasic Personality Inventory, the Thematic Appercep-
tion Test, and many others, the psychologist has led in this attempt to 
construct etiological theory. Advocates of this approach claim its use-
fulness in diagnosing psychopathological features of one's personality and
then focusing on these "target areas" in psychotherapeutic attempts to promote positive change.

A special area of theoretical and empirical concentration has been that involving sociopathy. A number of theories of sociopathic behavior have evolved, some from the endocrinologists mentioned earlier and others focusing on the personality characteristics of the sociopath (e.g., Cleckley). The latter have attempted to describe the sociopath in terms of his alleged lack of affect, inability to profit from experience, manipulative tendencies, and a number of other characteristics. This approach is often combined with psychological and sociological dynamics to provide a theoretical explanation of this personality deviation.

The psychopathological approach has, of course, been applied to a wide variety of other behavioral anomalies, such as neurosis, alcoholism, drug abuse, etc. As such, this theoretical approach provides an alternative explanation to the physical-biological school.

**Economic Factors**

The effects of economic inequality are undeniably instrumental in producing great variability in one's "life chances." The pervasive day-to-day realities of poverty limit the chances of millions of people in securing adequate health care, housing, education, jobs, and opportunities we usually take for granted. The crippling effects of poverty can, in fact, hardly be comprehended by those not faced with it on a daily basis. For these and related reasons, some theorists have
attempted to relate at least some crimes to economic inequality. As one might expect, such a theoretical position has a special attraction for Marxists.

Historically, the most extensive application of Marxist theory to criminology was provided by Willem Bonger. The central argument Bonger made is that capitalism, more than any other system of economic exchange, is characterized by the control of the means of production by relatively few people, with the vast majority totally deprived of these means. The economic subjugation of the masses, he argues, stifles men's "social instincts" and leads to unlimited egoism and a spirit of domination on the part of the powerful. The proletariat are dehumanized and subjected to all sorts of pathogenic conditions: bad housing, constant association with "undesirables," uncertain physical security, terrible poverty, frequent sickness, and unemployment. Bonger maintained that the historical condition of this class of people was severely damaged by these conditions of economic subjugation. He attempted to demonstrate connections between certain types of crime (e.g., prostitution, alcoholism, and theft) and economic inequality.

Although Bonger did not deny the influence of hereditary traits, he attributed no causal power to them in the absence of criminogenic environmental conditions. Throughout most of his writings, he stressed a socioeconomic view of criminal etiology and attacked the views of Lombroso and others of a physical-biological persuasion. His deterministic approach, along with his application of quantitative methods and
his rejection of metaphysical, speculative "explanations" for crime, place Bonger in the Positivist School, even though his primary focus was not as much on the individual as that of some other positivists.

Bonger's theory, which is mentioned here as the best exemplar of the economic approach to criminal etiology, is quite near the sociological approach in many ways, especially in its macrolevel focus on the societal level. It is to these sociological theories that we now turn to complete our overview of positivism.

Sociological Explanations

The economic depression of the 1930's and the social problems which accompanied it helped further an interest in socioeconomic factors related to crime. Not only the economic condition of the nation but also the seemingly disorganized condition of many areas of major American cities were causes for great concern on the part of those seeking explanations for crime. The so-called "Chicago School" dominated criminological thought for a number of years, focusing on a social disorganization model. Specifically, this school of thought held that the interstitial areas of our major cities (heavily populated at the time by immigrants) reflected a high degree of sociocultural heterogeneity. This, they believed, resulted in a breakdown in social organization and norms, which made deviant behavior much more commonplace. Utilizing analogies based on plant ecology, the Chicago School perceived rapid social change in "natural areas" of the city to be undermining the basic social controls of a stable cultural heritage.
The theoretical successor to the Chicago School and its social disorganization approach was the culture conflict perspective, best articulated by Thorsten Sellin. This theory was based on the assertion that crime should be viewed as the result of a conflict of conduct norms, which might occur in any of three ways:

(1) when these codes clash on the border of contiguous culture areas;

(2) when, as may be the case with legal norms, the law of one cultural group is extended to cover the territory of another; or

(3) when members of one cultural group migrate to another.

The essential contention of culture conflict theory is that crime (and other forms of deviant behavior) results from the absence of one clear-cut, consensual model of normative behavior. The increasing conflict in norms which came with immigration and the rapid pluralization of our society provided the most fertile ground for culture conflict theory. Although still applicable to some extent in nations with significant levels of immigration (such as Israel), it has largely been replaced by other perspectives in the United States.

There have been several sociological theories of cultural transmission, each of which has stressed different dynamics. One, known generally as "subcultural theory," had its general intellectual origins in Durkheimian theory but was initially applied in the U.S. by Merton. For Merton, the explanation for crime lay in the disjunction existing for many between culturally-defined goals and the institutionalized
means available to meet those goals. The anomie resulting from this disjunction led some into criminal behavior, according to Merton.

Elaborations of this same general statement were made later by Cohen, who saw the subculture which developed from this disjunction as a negative one which attempted to invert society's success goals and create their own, more realistic, goals; and by Cloward and Ohlin, who added the idea that illegitimate, as well as legitimate, opportunity structures were differentially accessible to individuals and that one could become either a criminal or a respected citizen, depending on which means were available.

Miller offered an alternative view of the lower-class subculture. He saw it as essentially characterized by its own value system and goals, not perpetually seeking to emulate the higher strata in order to gain status. Crime, for Miller, was a function of the normal socialization occurring in the subculture.

Another type of cultural transmission theory is that of Edwin H. Sutherland. Known as "differential association theory," it is essentially a learning theory suggestive of the earlier work of Gabriel Tarde, a French social psychologist. Differential association theory posits that criminal behavior occurs via the following processes:

(1) Criminal behavior is learned.

(2) Criminal behavior is learned in interaction with other persons in a process of communication.

(3) The principal part of the learning of criminal behavior occurs within intimate personal groups.
(4) When criminal behavior is learned, the learning includes (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple; (b) the specific direction of motives, drives, rationalizations, and attitudes.

(5) The specific direction of motives and drives is learned from definitions of the legal codes as favorable or unfavorable.

(6) A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law.

(7) Differential associations may vary in frequency, duration, priority, and intensity.

(8) The process of learning criminal behavior by association with criminal and anticriminal patterns involves all of the mechanisms that are involved in any other learning.

(9) While criminal behavior is an expression of general needs and values, it is not explained by those general needs and values, since noncriminal behavior is an expression of the same needs and values.58

Sutherland's theory was later modified by Daniel Glaser to take into account the perceived effect of the mass media and other methods of transmitting culture. Glaser's "differential identification theory" substituted for Sutherland's required personal interaction the following definition of the dynamics:

A person pursues criminal behavior to the extent that he identifies himself with real or imaginary persons from whose perspective his criminal behavior seems acceptable.59

The foregoing presentation of positivism has been intended to provide an overview of the various types of theories comprising this "school." No attempt has been made to be exhaustive, but merely
illustrative. Numerous other theoretical and empirical contributions could have been discussed, such as the theories attempting to connect race and crime; the work dealing with the XYY offender; non-Marxist economic theories of crime, etc. However, we believe the above to be a representative sampling of positivist thought.

**Positivist Philosophies of Social Control**

Although the penal policies related to positivism will become evident in Chapter II, a brief statement of their general thrust would appear to be in order. Unlike either the demonologists of the Pre-Classical Period or the Classical advocates of the free-will, rational view of man, the positivists' concepts of etiology were deterministic and anti-metaphysical. Therefore, their theories of social control have also been vastly different. They have advocated change—change of the personality, of the economic system, of the social system, etc. Each of the positivist perspectives on crime developed its own ideas of how to deal with the crime problem, and these "solutions" were, of course, of a physical-biological, psychiatric-psychological, or social-economic nature. Their effect on penal policy, as will be seen, is reflected in the name changes of our prisons--from "penitentiaries" to "correctional institutions." But before reviewing some of those changes in penology, it is appropriate for us to conclude our discussion of criminological theory with the most recent developments, which move beyond positivism and which are directly relevant to the unionizing activities of prisoners.
Labeling and Conflict
Theories

The labeling or "social reaction" approach to criminal etiology is to be found today primarily in the work of Becker, Lemert, Erikson, Kitsuse, and Schur. This approach represents a significant departure from the positivists, whose absolutist determinism it rejects and reacts against. The original application of labeling theory to criminology occurred at a time when it was not widely accepted or recognized, and it took three decades for that to occur. Now that it has occurred, the support for this approach has mounted rapidly and the perspective has become almost de rigueur in some professional circles.

The essence of labeling theory is its focus on the idea that crime (or any other type of deviance) is relative and is defined, and thus created, socially. The oft-quoted statement of Howard Becker perhaps best sums up the approach:

. . . social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders. From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an "offender." The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label. (emphasis in original)

The labeling approach, then, clearly shifts the focus of inquiry from the individual being labeled and processed to the group and the system doing the labeling and processing. The implications of labeling theory for the unionization of prisoners will be elaborated in Chapter II, along with a consideration of the relevance of conflict theory.
Finally, recent applications of conflict theory to criminology are seen, for example, in the works of Turk and Quinney. Departing from the consensual view of society so prevalent in the great majority of criminological theories, Turk and Quinney rely on a conflict model to explain criminality. As Taylor et al note, the recent growth of a conflict approach to crime in the United States is due in part to the failure of consensual theories to account for the turbulent events of the 1960's.

The conflict approach views criminality as a social and political definition, arrived at not through general agreement of what is criminal or deviant (which, they would contend, is increasingly unlikely in a pluralistic society) but through the imposition of such definitions by vested interests and those higher in the social strata upon the relatively weak and powerless. Law, in this model, becomes an oppressive tool of these bourgeois vested interests to perpetuate their own advantage.

In conclusion, we have attempted in this chapter to trace the history of criminological thought from its oldest forms to the present day. In so doing, it was our purpose to point out initially that the question of what should be done with criminals has always been asked and answered according to the prevailing theories of criminal etiology at the time. In Chapter II we shall consider in greater detail the evolution of corrections from the primitive and metaphysical methods of the demonologists up to the formation of prisoners' unions.
NOTES TO CHAPTER I


3 Ibid., p. 39.


7 Barnes and Teeters, *op. cit.*, p. 460.


9 Barnes and Teeters, *op. cit.*, pp. 460-461.


14 Barnes and Teeters, op. cit., p. 463.
15 Geis, op. cit., p. 60.
16 Vold, op. cit., p. 23.
17 Cesare Lombroso, L'Uomo Delinquente (Milan: Hoepli, 1876).
22 Schafer, op. cit., p. 125.
24 Vold, op. cit.
26 Vold, op. cit., pp. 33-34.
27 Barnes and Teeters, op. cit., p. 164.
29 Ibid.
30 Vold, op. cit., p. 38.
31 Barnes and Teeters, op. cit., p. 160.
32 Driver, op. cit., p. 430.


35 Vold, op. cit., p. 55.


37 Schafer, op. cit., p. 187.


43 Mannheim, Comparative Criminology, op. cit., pp. 231-233.


47 See, for example, Louis A. Ferman, Joyce L. Kornbluh, and Alan Naber (eds.), Poverty in America, revised ed. (Ann Arbor, Mich.: University of Michigan Press, 1968).


49 Bloch and Geis, op. cit., p. 90.


CHAPTER II

FROM EXORCISM TO PRISONERS' UNIONS:
THE DEVELOPMENT OF CORRECTIONS

With man's historical efforts to explain crime discussed in the previous chapter, we turn now to a systematic consideration of the major ways in which he has attempted to deal with the crime problem. Some mention was made in Chapter I of certain philosophies of punishment (and a few examples) associated with each major theoretical school of thought. We emphasized the close connection between theories of etiology and theories of social control--the former usually determining the direction of the latter. The main point in this section is that the concept of a prisoners' union, as currently understood, has evolved out of modern penology. Such a concept--that prisoners could organize, state their grievances, make demands, and attempt to improve their lot by condemning institutional unfairness--would have been virtually unthinkable during earlier periods in the history of penology. Such thinking would have been completely out of touch with the times--a type of intellectual hallucination, not at all in contact with reality. But viewed against the background of current criminological theory (especially conflict theory and the labeling perspective), this union movement becomes more
intelligible and perhaps even suggests a certain *zeitgeist* quality.

The Connection Between Theory and Practice

Penal practice for primitive man was a simple matter in many ways. Given his all-embracing explanation for crime (demonology), the only conceivable methods of dealing with crimes against society were exorcism or death—the latter achieved either through direct physical annihilation or indirectly, by banishing the offender. Without the protection of his or any other group, the offender faced dangers which meant death almost as certainly as if it had been administered by his peers. As was previously noted, capital punishment was exacted mainly to placate the gods, rather than to satisfy the personal anger and desire for revenge which the group might have felt. To have failed in their "duty" to appease the "will of the gods" would, in their belief system, have left them vulnerable to the wrath of their deities so that they, rather than the offender, might fulfill the sacrificial function necessary to restore harmony.

Much later on, the reaction to crime became privatized (often in the extended family), as the "blood feuds" described earlier assumed importance. This method of dealing with crimes which injured non-related private individuals was particularly interesting and important historically because it typified the non-societal approaches which have been integrated into our legal system as civil law.

Nearly all pre-literate societies made categorical distinctions
among (1) crimes against the group, (2) injuries to non-related private individuals, and (3) injuries to other members of the same family. For the last category of wrongs, they generally prescribed social ridicule rather than punishment, since they viewed such transgressions as surprising and disgusting normative violations, rather than crimes per se.

In analyzing the types of sanctions applied to those whose behavior violated pre-literate and early literate society norms, then, it appears that only one group of "offenses" were conceptualized as having a directly harmful effect on the society. Furthermore, even these offenses were punished not because of their social harm or collective damage, but rather for reasons of religion or superstition. It was not until later, with ideological changes, that offenses came to be viewed differently. As Quinney has observed:

The concept of criminal law emerged only when the custom of private vengeance was replaced by the principle that the community as a whole is injured when one of its members is harmed. Thus, the right to act against a wrongdoing was taken out of the hands of the immediate victim and his family and was, instead, granted to the state as the representative of the people.

This important shift in reactions to crime occurred very gradually. The first step toward the development of a state-oriented system of justice occurred in the sixth century (B.C.) in Greece, when citizens were granted "the right to initiate prosecutions with the support of the state." This right was granted to prevent a potential revolution of the masses, who were angered by the acts of the wealthy elite. However, the major historical transition occurred nearly a millennium and a half
later, with the rise of the king's authority during the Norman period. Representatives of the Norman king traveled to all parts of England, observing trials and attempting to systematize the various principles which were being applied in the resolution of cases in the king's courts. This systematization eventually developed into what is known as "common law," a system of law based on case precedents and providing a common legal framework for the entire society. What had previously been regarded as private wrongs, family matters, or acts which angered the gods were now seen as violations of the "king's peace." The punishments inflicted by the state were often quite severe and painful but, as Sutherland and Cressey point out, the idea that the punishment had an inherent utilitarian value did not develop until the advent of the Classical School. Neither reform of the offender nor deterrence entered into the rationale for punishment in Norman times. The chief justifications had to do with compensating the victims; branding the offender as a sign to others that he was not to be trusted; reducing the functional competence of a criminal; and removing from society one who was perceived as dangerous.

The classical doctrine of hedonistic utilitarianism led to the view that punishment should be such that it would serve to deter the offender, and others, from committing crimes. This sort of calculus required that the penal sanction cause enough harm or suffering to "tip the scales" in the direction of negative, rather than positive, reinforcement (in modern terms) for the criminal offense. As we noted
earlier, this view is based on the classical model of man as a rational, calculating individual characterized by free will. No distinctions were made among classes of people, degrees of responsibility, _mens rea_, or any of the other considerations confronting a modern judge and/or jury. It was primarily Beccaria and Bentham, both spokesmen for the classical point of view, who provided the initiative and conceptual bases for the widespread development of prisons as an alternative to capital punishment, which they abhorred as inhumanely cruel. Their contributions will be described and assessed in connection with the discussion of imprisonment as a method of punishment.

The notion that there are degrees of individual responsibility, with all the attendant implications for the criminal justice system, stemmed from the neo-classicists. The imposition of punishments became much more individualized. This has important ramifications today, because it provided a vital transition between the classical doctrine, suggesting that all men are personally responsible, and the positivist position that behavior is determined by factors external to the individual offender's will. The neo-classical view is, in many ways, the heart of our legal system in the United States, and it therefore determines the status of, and rationale for, our prisons.

The determinism of the positivists mandated a philosophy of social control which was non-punitive in nature. Treatment, rather than punishment, became the prescription for the offender. One result of this emphasis has been the attempt to make prisons rehabilitative,
rather than mere vehicles of segregation or brutal corporal and/or psychological punishment.

Finally, the emergence of the labeling and conflict perspectives has had direct implications for penology. The implicit social control mechanisms in both of these theoretical approaches represent a significant departure from all previous attempts to control crime. The labeling, or societal reaction, perspective described earlier defines crime as a socially-constructed reality which is created by those in positions to judge and evaluate the behavior of others. Given this view, the social control policy becomes one of avoiding reactions which are likely to "create" crimes. If we do not apply criminal labels and criminal sanctions, we avoid the inevitable stigmatization which accompanies processing through the criminal justice system, especially incarceration.

Lemert's contention that labeling behavior as deviant increases the likelihood that the person will continue behaving in a deviant manner (secondary deviance) epitomizes this school of thought.

The conflict perspective has also had a direct bearing on penology. It is our belief that the basic tenets of conflict theory, seen from the standpoint of a prisoners' union movement, help to provide a theoretical framework which illuminates the dynamics of this movement. This point will be discussed in more detail later in this chapter.

Varieties of Penal Sanctions

There have been numerous forms of punishment in the history of penology since those early attempts to drive out the demons
responsible for an offender's behavior. Some of these punishments have been incredibly cruel; others have been ingenious attempts to reform the criminal. Each must be viewed in its historical context, as an expression of the prevailing etiological theory and technical competence of the day. We shall next describe the major forms of penal sanctions which have been used by various societies at different times, leading up to the development of the modern prison.

**Death**

Although capital punishment has been abolished in many parts of the world today, it has had a long history rich in the variety of methods of executing the condemned. Of all these methods, it is probable that hanging has been the one most often utilized, especially during the medieval period. It has been estimated that during Henry VIII's rule one nation alone (England) witnessed about 70,000 hangings, or approximately six per day through the course of his reign. In many cases, the convicted often remained alive and suffered greatly for several minutes, or even hours, after being hanged.

While hanging was considered a singularly ignominious way to die in the Middle Ages, a more honorable fate was that of beheading. The sword, the block and broad axe, the guillotine—all these and others have been utilized in the imposition of this form of execution. This still survives today, perhaps most notably in France, where the guillotine was invented and endures.
Other common methods of carrying out a death sentence have included shooting (especially in the military); lethal gas; electrocution; stoning; drowning; casting the victim from a precipice onto rocks; drawing and quartering; boiling in water or oil; crucifixion; flaying and impaling (skinning the person alive and placing him on a stake until dead); poisoning (most notably used in the death of Socrates); burning at the stake; burying alive; starvation; breaking the victim's body on a wheel; suffocation; and many others too numerous to catalog here. In a modern survey of the methods utilized to carry out capital punishment today, Patrick discovered that seven of these procedures were still with us as of 1962. These included hanging, used by fifty-four nations; shooting (thirty-five); beheading (eight); electrocution (Philippines and parts of the U.S.); asphyxiation (part of the U.S.); strangulation (Spain); and stoning (Saudi Arabia).

Despite the fact that seven methods of taking the lives of condemned criminals are still sometimes employed, the use of capital punishment has largely given way to substitute forms of punishment, and it is these which we analyze next. Some of these alternatives seem worse than death itself, while others are perhaps more humane.

**Corporal Punishment**

Many varieties of physical punishment, meted out to offenders over the centuries, have not been intended to produce death, but were designed to inflict severe pain while at the same time accomplishing
other penal objectives, such as public humiliation or stigmatization.
Sources which deal with the history of penal methods and philosophies contain numerous descriptions and examples of corporal punishments, from the days of pre-literate society to the beginning of the nineteenth century. In fact, contemporary research reveals that corporal punishment in an advanced industrial nation such as the United States is much more ingrained in the culture than one might believe, although it is used far more frequently in private matters (especially family discipline) than in public cases. We have inherited from our ancestors the idea that one way to deal with crime and other forms of deviant behavior is to respond in a physically aggressive manner. Fortunately, much of the legal support for such means of retaliation has been removed and replaced with less violent—it is arguable if less cruel—methods.

According to Barnes, flogging has been the most prevalent form of corporal punishment, historically. Straps, whips, sticks, rods, and more elaborate devices have been employed in whipping. Not only the punishment of criminals but also the discipline of family members, military personnel, and even students have been advanced as good enough reasons for flogging. And even though flogging eventually came to be regarded as inhumane and was removed from the list of legally-approved penal sanctions, its use by some prison personnel to enforce discipline continued, especially during the nineteenth century.

Mutilation was another widely-used form of corporal punishment. It was especially prominent in connection with the doctrine of lex talionis ("an eye for an eye and a tooth for a tooth") in the primitive
and early historic periods. In addition to the idea of duplicating the victim's injury, there were other rationales for mutilation. One was the intent to make it more difficult, if not impossible, for the offender to repeat the crime (e.g., cutting off the hands of a thief). Another rationale, as eloquently expressed by William the Conqueror, was deterrence:

We decree that no one shall be killed or hung for any misdeeds, but rather that his eyes be plucked out and his feet, hands and testicles cut off, so that whatever part of his body remains will be a living sign to all of his crime and iniquity.  

Again, despite the fact that we are discussing punishments here which are largely passé, certain types of mutilation still survive. One of the most notable is the use of castration for certain sex offenders in Denmark, as practiced by Dr. Georg Sturup until his retirement in the early 1970's.

An interesting and symbolic form of corporal punishment is branding, perhaps most popularized in American literature by Hawthorne's The Scarlet Letter, in which an adulteress is made to wear the letter "A" on her clothing to symbolize her crime. This form of stigmatization has characterized much of the history of branding, thus combining the physical torture which accompanied many types of branding with the social embarrassment resulting from public exposure and (literally) labeling. In fact, one can find a good deal of support for the labeling perspective in the failure of branding, as can be noted in this explanation accompanying the repeal of an English statute of 1698 which called
for branding on the offender's cheek:

Branding had not had its desired effect of deterring offenders from the further committing of crimes and offenses but, on the contrary, such offenders, being rendered thereby unfit to be entrusted in any service or employment to get their livelihood in any honest and lawful way, became the more desperate.²⁰

Other varieties of corporal punishment have included confinement in irons, the stocks, or the pillory. All of these devices held the offender fixed in a very uncomfortable position, often for incredible lengths of time. The ducking stool also confined the victim while he was dipped into water, usually accompanied by the verbal abuse of onlookers.

Banishment and Transportation

The history of penology indicates that it has always been very appealing for men to believe that they can solve the crime problem by segregating the criminal from society. Whether it is in the prisons of modern times or the unknown wilderness areas of pre-industrial days, those designated as criminals have often found themselves geographically isolated from family and friends.

Many forms of banishment have been utilized throughout history, including forced exile, self-banishment, outlawry, deportation, transportation, and (as a later modification) imprisonment. Probably the most interesting of the pure forms of banishment (excluding the prison experiment, to be dealt with later) has been transportation. Although somewhat similar in form to exile, which was common to primitive society,
transportation was accompanied by none of the religious or ritualistic rationales which characterized primitive exile. Transportation was essentially a device to rid the towns of socially undesirable persons and, in many cases, to exploit them as cheap convict labor in the arduous task of settling new territories.

Convicts, often chained, whipped, confined for long periods of time in hulks (prison ships), were used as slave labor and generally sold to the highest bidder. Thousands of convicts, most of whom would probably be classified as misdemeanants today, were transported by the British to their American and Australian penal colonies and by the French to their penal colonies in Guiana and New Caledonia. Other experiments with transportation included the infamous Russian exile system, in which offenders (often political criminals) were transported to Siberia, where they were generally subjected to hard labor in the mines. The recent evidence provided by the brilliant and courageous Soviet novelist Solzhenitsyn indicates that much of the oppressive Russian system of transportation is still operational. A song sung by Russian students who had already been sentenced as political prisoners reveals the awesome uncertainty of the Siberian penal camps:

Three times a day we go for gruel,
The evenings we pass in song,
With a contraband prison needle
We sew ourselves bags for the road.

We don't care about ourselves any more,
We signed--just to be quicker!
And when will we ever return here again
From the distant Siberian camps? (Emphasis in original)
Financial Penalties

Another major alternative to capital punishment in the history of penology has been the use of various financial sanctions. Included in this category are the imposition of fines, the confiscation of property, and the practice of restitution or reparation of the victim by the offender. These methods, especially fines, have been widely used. The idea of restitution or reparation, once popular, has now begun to reappear prominently. Financial penalties have many advantages over other forms of punishment, but perhaps the most persuasive are the economy of administration and the minimal stigmatization of the offender involved.

The Pre-Prison Detention Center

Prior to the eighteenth century, confinement was a relatively rare phenomenon. It has always been a very costly method of coping with offenders, and so its widespread application was (and is) impossible in those nations where economic resources are scarce. The vast network of prisons and other correctional institutions (about 800 in the U.S.) reflects the ability of a society with some affluence to confine offenders for relatively long periods of time at public expense. The initial functions of detention and confinement (concepts which were largely inseparable) included attempts to coerce the offender into payment of fines; as an alternative to capital punishment when mitigating circumstances were known; as a means of punishing minor offenses; as a method
of punishment used by the church instead of the death penalty (especially during the Inquisition); and in the form of consignment to the galleys as slave labor. **Up until the eighteenth century, however, these uses of confinement were not based on the idea that imprisonment itself could serve as a deterrent to crime.** There were, to be sure, earlier instances in which imprisonment was seen as a way to combat crime but, as in its use by the church, for example, it was viewed as combatting the crime of the offender by effecting his moral reform, rather than the latter rationalist view that it provided a quantum of punishment just sufficient to deter the criminal, and others (because of its formalization in the law), from crime. In addition, prior to the reforms of the eighteenth century, confinement had largely been used as a temporary form of detention while the accused awaited trial. (In fact, even at present about 40 percent of jail detainees are awaiting trial—a carryover of this earlier conception of the role of confinement.) The idea of prisons as a place of relatively long-term confinement came later.

The ideological— and physical—reforms of the eighteenth century European prisons can be related primarily to the work of three men: John Howard, Cesare Beccaria, and Jeremy Bentham. Beccaria's primary contributions were of an intellectual and philosophical nature, while both Howard and Bentham were instrumental in effecting technical and physical changes in the prisons themselves.

It will be recalled that Beccaria posited that the only valid
The humanitarian reformer ("moral entrepreneur," if you will) John Howard did more than any other individual to bring to the world's attention the squalid conditions of the European prisons. Traveling about the continent, he observed scores of prisons and later formulated the principles on which the English Penitentiary Act of 1779 was based. Due to a number of developments, not the least of which was the decision to use Australia as a replacement for the rebellious American penal colony, the penitentiary idea was delayed.

Jeremy Bentham's utilitarian ideas about crime and punishment were summarized earlier. His most notable contribution to penology, it is often said, was his idea for the Panopticon prison. Often described as a monstrosity that was the product of Bentham's eccentricity, the Panopticon was never fully implemented anywhere in the world. The idea behind the architectural style of the Panopticon (circular, with a glass roof and with every pie-shaped cell visible from a central point to facilitate supervision and surveillance) was that the administration of the prison could monitor each prisoner at all times during daylight hours and therefore keep their behavior under control, thus "teaching"
them better ways. The operational program Bentham envisioned had some admirable and progressive points, such as the classification and separation of inmates, a provision for something approaching a pre-release section of the prison, and the availability of meaningful labor for the inmates. But the lasting contribution of Bentham to penology, and the reason for including him here, was his focus on the need to change the status of incarceration to reflect a more humanitarian approach and a more rational system than the one current at the time.

The Origins and Development of the Modern Prison

The modern prison is an American invention. And although we have exported the idea to other lands, we remain the leading consumer as well. Although our prison populations have recently been reduced somewhat, using a number of community diversion alternatives, the U.S. still incarcerates proportionately more of its citizens than does any other nation in the world. At the end of 1970, according to the official statistical report of the Federal Bureau of Prisons, there were 196,429 sentenced prisoners residing in state and federal correctional institutions (and even this does not reflect the total number, since Alaska, Arkansas, Rhode Island, and the Indiana Reformatory are not included in the total). The ratio of sentenced prisoners to the civilian population is approximately 1 per 1,000 excluding those confined in jails. Still, even without including the jail populations, the number and proportion of persons incarcerated in the United States clearly exceeds that of its nearest "competitors."
So prisons are big business in this nation, and in more ways than one. In fiscal 1971-1972, a total of $2,289,058,000 was spent on corrections in this country and of that amount, $1,155,792,000 was spent on state and federal correctional institutions. This sum constitutes over 50 percent of the total expenditures on all forms of corrections. Furthermore, if we consider the largest cities and counties in the nation and add their expenditures for correctional institutions, the total soars to $1,657,716,000 (or around three-fourths of the total spent on corrections in the U.S.). Finally, the State of Ohio (focal point of this study) spent $61,312,000 in fiscal 1971-1972 on its seven correctional institutions, and this represented nearly half of all monies allocated for the state's entire criminal justice system.

These dollar sums are staggering. One can hardly comprehend such amounts, let alone their policy and practice implications. But the important point is that we have a huge investment in prisons in this country. Apparently we believe in them; or at least we have up until now. Our faith in them has recently begun to waver, though, and as tragedies with names like Attica, McAlester, Cummins, and Rahway keep forcing themselves into our collective consciousness, we are compelled to ask, "What has gone wrong with the prisons?" Obviously, a lot has gone wrong with them since their origin in this country (circa 1790), which was filled with great promise.

We know a good deal about that origin. Probably the best work on the subject is Rothman's prize-winning historical study, The Discovery of the Asylum, in which he presents a scholarly analysis of the
conception and idealization of "asylums" in colonial America. It is
difficult to believe today, with our prison system in such disfavor
and disarray, that prisons (like Prohibition) began in this country
as a "noble experiment." They were to be a model of social organi-
zation for the entire community--indeed for the nation itself--in an
era when the traditional social institutions seemed to be breaking down
as effective social control agencies.

Colonial America in the eighteenth century did not view crime
as a social problem or as an indicator of personal or community failure.
Most of the colonists were Calvinists and believed in the innate de-
pravity of man. Given such a deterministic belief system, they could
hardly have been expected to concern themselves with the systematic
deterrence or reduction of crime. Such an idea would have seemed
laughable to them. Their basic attitude toward crime was one of inev-
itable, fatalistic acceptance. In the pre-asylum days there was no
systematic attempt to exclude offenders from the group by isolating
them (although some were shunned or otherwise humiliated and punished).
Since crime was viewed as a sin, there was great emphasis on moral
teachings, sermons, and exemplary conduct, designed to warn the people
against such behavior. Capital punishment was freely used to set
examples illustrating the inevitable end of one who followed a deviant
path. The basic social institutions, especially the family, were seen
as the main agents of social control, and it was to these agents that
people looked for social control. Nevertheless, in the case of crime
there seemed to be little hope, due to the inherent evil in the nature of man.

The colonists tended to categorize criminals, along with the mentally ill and most other deviants, as "poor people." They made distinctions, to be sure, between the worthy poor and the unworthy poor, but even then they often extended their help to the latter as well as the former. However, they did generally insist that the afflicted person, in this case the criminal, be taken care of in his own community. Fixity and stability of residence were prized as virtues in the colonies, and one needed a "certificate of good standing" in order to migrate from one community to another. With increasing industrialization and the demand for laborers, this practice later disappeared. The greater mobility abrogated the familiarity of the citizenry.

Where institutions (such as local workhouses or jails) existed at all, they were clearly places of last resort or for the detention of those awaiting trial. These local institutions were seldom used for any sort of punishment. They had very little, if any, security arrangements and were organized as much as possible along a family model of social organization. As noted earlier, until about 1790, capital, corporal and other non-institutional methods of dealing with offenders were clearly preferred by the colonists.

With the surge in population and urbanization at the turn of the century (1790-1830), these previous methods of social control were clearly inadequate. There was, at the same time, great diffusion of
the ideals of the Enlightenment and the American Revolution, and one implication of this for penology was the rise of popular opinion against the harsh and severe punishments which had accompanied the oppressive English system. The fact that the existing system was English (given the anti-British sentiment of the day) did as much to discredit traditional penal methods as anything else. The Jacksonian period which followed coupled democratic fervor with revulsion against oppression and cruelty, as well as all things British, to produce a re-examination of penal philosophy in the United States. In this re-examination, the ideas of Beccaria were quite influential in shifting the focus from severity to certainty within a rational, humane system of penal sanctions. So the initial shift was in the direction of legal reform and utilitarianism.

Following Rothman, we know that by the 1820's the focus of reform had shifted away from the legal system to the offender himself and to the inauguration of the penitentiary. This shift was due, in part, to the failure of legal reform to reduce recidivism and crime. Detailed case histories of offenders seemed to substantiate what had been feared all along--that family breakdown led to vice and community disorganization, thus producing criminals. The selective perception and poor methodology which undoubtedly characterized the interviews did not prevent the inevitable conclusion that the lack of discipline in the socialization of the offender was all too often the cause of his problems. With the prejudice against mobility, fluidity and the
other changes that permeated Jacksonian society, these sources of "pathology" provided fertile diagnostic grounds for the investigators of the day.

All of the foregoing led to a spirit of optimism about the crime problem. After all, if crime was due to social and environmental factors, then surely those factors could be corrected. At least it seemed that there might be more hope than the Calvinist doctrine had allowed. And so the penitentiary arose as a solution to the social and environmental "decay" which characterized the lives of offenders. The 1820's and 1830's, especially, witnessed the erection of penitentiaries in many states. There arose almost immediately an intense competition between two types of prison systems, and the resulting debate has had policy implications for American corrections ever since.

The Auburn, or congregate, system featured the isolation of inmates in individual cells at night but permitted them to work together during the day. It did not allow communication among inmates or between inmates and their relatives or friends. The Pennsylvania system, on the other hand, insisted on the total isolation of the prisoner. He was expected to work, eat, sleep, and exercise alone, the only communication being with persons approved by the authorities. Advocates of the Auburn system heralded both the economy and the humanitarian qualities of their prisons, while the Pennsylvania camp indicted the Auburn plan as incomplete, fostering contamination of inmates by allowing them to intermingle, and that it exposed the prisoners to temptations which led
to further punishment. The architecture of each system was one of the central foci of the debate, each reflecting the penal philosophy it represented. However, in the end the Auburn system prevailed, primarily due to its comparative economy of implementation.

Generally, neither the Auburn nor the Pennsylvania systems were implemented in the form suggested by their originators. Although both had stressed the principle of separation as a means of minimizing corruption, the prisons soon were overcrowded, disorganized, and poorly administered. The idea of the prison as a place where offenders could be reformed in their social habits rapidly gave way to the realities of custody considerations. The regularity which had been so valued as a positive feature for these "disorganized" persons soon degenerated into paramilitary regimes which valued conformity for its own sake, rather than as a means to the end of rehabilitation. Harsh punishment, which had clearly not been envisioned by the reformers, crept into the system in response to the overcrowding, the reliance on many untrained personnel, and other typical factors which characterized the prisons of the day (and many today).

The Treatment Model and Beyond

Although many programs and reforms have been implemented in our prisons since the early days of the Auburn and Pennsylvania debates, the single most important influence on the development of the prisons was that of positivism. The insistence of the positivists that man's behavior was shaped by internal and external factors meant that those
forces could be manipulated, especially through individualized treatment, to effect change in him. The major programmatic innovations of the last century were based primarily on the treatment model, the trend towards viewing the prisoner as an individual in need of treatment and capable of reform, as measured by the absence of later recidivism. Toward that end, we have developed the reformatory for youthful offenders; the policy of separating the various categories of inmates within the prison community; the specialization of institutions in the "treatment" of certain offenders; the implementation of various systems of prison labor, seen as therapeutic; the establishment of educational programs for inmates; the liberalization of visiting policies to promote family (and, of course, individual) stability; conjugal visiting and home furloughs to counteract the effects of sexual and social segregation; parole to provide some incentive for the offender to "make progress" in dealing with his problems while in confinement; group and individual psychotherapy to help the inmate alter his patterns of behavior, cognition, and/or affect; sophisticated chemotherapy for those whose behavioral problems might be related to physiological processes; "shock probation" and "shock parole" to allow the convicted to experience the pains of imprisonment but not to internalize the values of the inmate subculture and undergo negative changes; self-government and honor systems to permit inmates to demonstrate their capacity to be trusted and (by inference) adjust satisfactorily in the free society; and more sophisticated classification systems to promote individualization of treatment.
All of these, and other, developments have been stimulated by the dominance of various positivist theories of etiology.

The problem is that the treatment ideology has not been realized, and from all indications the positivist model has failed to produce the rehabilitation of criminals—at least in numbers large enough to be significant. Most authoritative studies of the effectiveness of correctional treatment conclude that while all the programs, the goals of rehabilitation and lowered recidivism have not been realized and that corrections has failed to correct. Perhaps one of the reasons the prisons have failed to rehabilitate offenders is that they have been subject to many (and often conflicting) demands—custody; treatment; economy; a rationalist, free-will philosophy; a positivist, deterministic philosophy; etc. An institution crowded with hundreds, even thousands, of inmates attempting to operate on a medical model with a handful of clinicians and even fewer psychiatrists is fairly typical and clearly ludicrous. To take the culturally-accepted model of the dispensation of treatment by a clinician on a one-to-one basis and attempt to adapt it to a vast and impersonal prison, run by inmates (in the final analysis), makes little sense and does not provide a real test of the effectiveness of a treatment model because it cannot. Nevertheless, this has been the usual approach since the advent of the clinical orientation in the U.S.

Because of the generally deplorable conditions in prisons and the increasing sensitivity of at least some courts to the legal rights
of inmates, a large number of reforms have been implemented in recent years in an attempt to make prison life more humane and fair, even though not particularly conducive to rehabilitation. Many of the reforms have dealt with what would be recognized by most citizens as basic needs, not the more esoteric or exotic "demands" of inmates which have been the target of a disproportionate amount of media attention. It is, unfortunately, easier for some people to recall that certain Attica inmates demanded free passage to a non-imperialist nation than to acknowledge that the general thrust (and overwhelming majority) of the demands dealt with very basic problems, such as food, medical service, religious freedom, more recreation, better rehabilitation services, and protection from homosexual attack. Anyone familiar with the history of prison disturbances in this country is aware that the demands of the inmates are nearly always essentially the same; in terms of Maslow's hierarchy of needs, the demands expressed by prisoners are predominantly lower-level needs.

So, in addition to the programmatic changes in the prisons during the last century, there have been more recent efforts to effect reforms dealing with some of the above "pains of imprisonment." The following selected and abridged recommendations of the Ohio Citizens' Task Force on Corrections exemplify these recent reforms:

1. The abolition of censorship of first class mail.

2. Changes in the "use of force" report, requiring a direct report to the Central Office, hopefully designed to reduce brutality and to establish a process for removal of less desirable correctional officers from direct contact with inmates.
3. Hiring ministers (Imans) for the Ohio Penitentiary and Ohio State Reformatory Black Muslims.

4. Hiring a consultant to attract and retain Black employees in the Division of Correction.

5. Receiving a grant and beginning to evaluate vocational and academic education.

6. Hiring an ombudsman for each institution, totally independent from the Division of Correction and from the Executive branch of government.

7. Thoroughly screening (through written tests and psychological interviews) all persons hired for the management of prisoners.

8. Employing increasing numbers of women at male institutions and men at female institutions for the purpose of improving the social atmosphere.

9. Basic correctional training for all correctional and parole officers before being assigned to work with offenders.

10. Future institutions should be small (maximum of 400), emphasizing greater programming and treatment opportunities and reflecting an emphasis on specialization and community-based programs.

11. Regular meetings between inmates and employees to discuss mutual problems.

12. The upgrading of inmate pay scales to provide greater incentive and to reflect more realistic needs.

13. Legislation to remove restrictions on the sale of inmate manufactured goods and restrictions which can be used to limit entry into certain occupations.

14. Support for the Expungement Bill, which called for sealing an offender's record after five years with no further convictions.

15. Increasing the Parole Board from seven to eleven members to handle the increased caseload and new duties.
16. The identification and protection of sexually vulnerable inmates at the earliest possible time.

17. The provision of funds necessary to provide every inmate with an employable skill.

18. The extension of visiting hours and related conditions.

19. Allowing a private physician to examine a prisoner upon request, if there is a question involving the use of excessive force.

20. Transportation of indigent family members to visit inmates from major metropolitan areas.


22. The revision of disciplinary procedures to permit more due process guarantees for inmates.

23. The establishment of inmate councils at all correctional institutions.

24. Many recommendations relating to the preferred use of alternatives to institutional commitment.

The majority of these recommendations have been implemented in Ohio during the past three years and, in addition, until recently, the state's prison population had been declining rapidly. But despite the reforms, it is still a fact that the deprivations associated with imprisonment are extremely frustrating and embittering, perhaps especially so in a "free society." It is not especially consoling, one might argue, for an inmate who remains in prison to be told about all the community alternatives—not unless he is included in one of them.

Increasingly, inmates have begun to reject the liberal reforms (for example, when the inmates at Ohio Penitentiary voted on an inmate council in 1971, they rejected it unanimously), in favor of what they
perceive to be more self-determined, autonomous methods of bringing about change. Many of them desire greater input into the system under which they live. Increasingly aware, formally or informally, of the basic tenets of labeling theory and conflict theory, prisoners have begun to articulate their class-consciousness, pointing out that they represent a small, "select" population incarcerated all too often because of the discrimination of the criminal justice system, rather than because of any realistic dichotomy between themselves and free citizens. With the new political orientation of many inmates has come the increased usage of phrases such as "prisoners of war" and "political prisoners," designed to reflect their evaluation of their status under what they perceive to be an unjust legal system which is, in turn, often believed to be the inevitable result of an unjust economic system.

A discernible movement has evolved, born of this sense of frustration and injustice, theoretically compatible with conflict theory, and historically understandable. Such a movement could not have occurred in any of the earlier periods of criminological and correctional development. The treatment model has, in a very real sense, been the last major "hope" for the prison system other than the more basic, but important, function of protection. None of the more traditional justifications for imprisonment--reform, rehabilitation, self-development, expiation, moral purification--have been realized; all have failed. With the very recent, but clear, realization that the treatment-rehabilitation model has also failed totally, prisoners for the first time in history
are in a position to challenge, on rational grounds, the very existence of the prisons in which they are confined. They are, in fact, joined in this assessment by many professionals. The prisoner has, historically, accepted society's definition (and label) of him as deviant, deserving of punishment or in need of help (or both). He now has seized the opportunity to challenge both of those conceptions.
NOTES TO CHAPTER II


3. Ibid., p. 299.


5. Ibid.


7. Sutherland and Cressey, op. cit., pp. 300-301.


10. Ibid., p. 418.


See, for example, George Ives, *A History of Penal Methods* (Reprinted, Montclair, N.J.: Patterson Smith, 1970); and Barnes, *op. cit.*


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Barnes, *op. cit.*, p. 56.

Ibid., p. 61.


Sutherland and Cressey, *op. cit.*, p. 309.


Ibid., p. 615.

Sutherland and Cressey, *op. cit.*, pp. 316-318.


32 Ibid., pp. 13, 260.

33 Ibid., pp. 267, 280.

34 Ibid., pp. 28, 260.


CHAPTER III

THE DEVELOPMENT AND DIFFUSION

OF PRISONERS' MOVEMENTS

The brief history of prisoners' movements is one of protest, conflict, and dissension--within the ranks, as much as against the "establishments" they seek to reform. We use the term "movements" quite purposefully, because although there certainly has been diffusion, it is nevertheless quite apparent that there is no monolithic "prisoners' movement." There are, rather, several distinct movements around the world, some of which have a great deal in common and others having many dissimilarities in organization, goals, and many other facets. In addition, some of these prisoners' movements clearly have been created through the process of diffusion, while others seem to have emanated from rather indigenous historical circumstances without direct antecedent contact with other movements.

Before we initiate our historical purview of the various prisoners' movements, it would seem appropriate that we explain our interest in this subject and the background which led to this research. Our own experience (see Vita, pages iv and v) with incarcerated offenders and, indeed, with detainees in various types of total institutions has impressed upon us the absolute powerlessness and isolation which characterizes their
statuses as "prisoners" or "mental patients" or even "wards of the county or state" (in the cases of the two children's institutions where we worked). It has been only relatively recently, as history is measured, that such persons have been "granted" any rights at all; previously they were thought to be either evil, and therefore deserving of whatever fate befell them, or unfortunate, and in need of philanthropic or charitable aid, often delivered with the kind of condescending patronization which successfully degraded the recipient's status just as effectively as would the labeling processes accompanying criminalization or diagnosis as mentally ill.

Probably the single most important influence in leading us to our concern about, and interest in, inmate powerlessness occurred during our tenure as Director of Psychiatric Social Work at Lima State Hospital, a facility for the observation and treatment of persons suspected of being, or diagnosed as being, mentally disordered offenders. These inmate-patients bore the dual stigma of "criminal" and "mentally ill." They were warehoused in an institution and, until recently, had largely been catalogued and shelved just like so many items of merchandise. Committed for treatment, they received custodial care, chemotherapy, and, all too frequently, physical and psychological abuse. During our employment at the institution over a five-year period, we became aware of a number of instances of apparent abuse. Finally, in 1971, such abuse resulted in dozens of criminal indictments against employees on charges ranging from simple assault to torture and sodomy.
After an acquittal in the initial test case, all the other defendants pleaded guilty to single counts of simple assault in a massive plea bargaining arrangement. Both sides claimed victory—the defense because the accused were placed on probation and returned to their jobs with back pay; the prosecution because these people had pleaded guilty to a criminal charge, thereby (at least theoretically) admitting their guilt. The essential point in all of this is not who won or lost, or even who was guilty or innocent (in fact, we remain convinced that not all of the people indicted should have been and that many who should have been were not), but rather the fact that persons in positions of absolute power could successfully abuse weak, stigmatized, powerless individuals almost indefinitely until a political decision (as in this case) was made to conduct an extensive investigation and apply some negative sanctions to the behavior. It was unchecked power—the power of the guard-attendant over the inmate-patient—which enabled such abuses to occur, and it was also power—political power—which ended the unchecked abuses (if, in fact, they have been ended).

The suggestion that the inmate-patients of Lima State Hospital had not, in fact, forfeited all of their rights as human beings was a radical and even revolutionary proposal as viewed by some of the employees of that institution in the seventh decade of the twentieth century in the world's most affluent and politically powerful nation. This idea so threatened some of them that they, in turn, made threats upon the lives and physical well-being of certain individuals who later
became prosecution witnesses (including this author). This lesson in power remains indelibly imbedded in one's memory, as do the faces and case histories of some of those inmate-patients who did not survive, either physically or mentally, to see some of their tormentors brought to justice. It is entirely possible that they would not have had to endure so much physical and psychological anguish if they had not been denied the rights they needed to protest their abuse. It should be noted that even within the same institution, a unit which allowed those confined to exercise responsibility in the form of a self-government system and a merit program was characterized by a much more humane and just approach on the part of the staff in general. The abuse of inmate-patients was not tolerated by the psychiatrist in charge, and the environment was much more conducive to the achievement of therapeutic and educational goals. It is likely that this humane program, located only a hundred yards from the conditions described earlier, is not unrelated to the fact that its director had been incarcerated in a Nazi concentration camp and had some personal experience with the results of absolute power as exercised on persons who could not resist.

It should be clear, then, that this problem of powerlessness is one which has concerned us for several years. However, we have also been aware that all inmates are not alike and that some of them would probably be unable to act responsibly even if given the opportunity to do so. Although this is not an argument against inmate unions or other forms of expanded inmate power, it is a consideration to be dealt with
in any implementation of such changes. Therefore, our concern about the corrupting effects of absolute power are at least partially balanced by our experiences with the disastrous consequences of total permissiveness in a social system characterized by an immense gulf in the capabilities of inmates to behave responsibly. Certainly not all staff exercise their authority in a responsible and just manner (as we have just seen); so there is no reason to suspect that inmates would all do so either. There is the potential for abuse by inmates in any proposal for expanding inmate power, and we shall be concerned with this in our analysis as well. In the final analysis, it is a more effective, just, and humane correctional system we seek, not a set of recommendations based on a sort of "reflex liberalism" or resulting from an emotional reaction to the events which have led to our concern with inmate powerlessness or from unexamined fears about "inmate power." Anything other than the most objective possible appraisal would not serve the best interests of anyone concerned--especially those of the inmates, who are almost always the biggest "losers" when things go wrong in prisons. We must continue to keep in mind all of these considerations as we analyze the prisoners' movements and assess their impact on corrections as we know it today.

Prisoners' Movements: Some Introductory Observations

Before turning to some specific examples of prisoners' union movements around the world, there are a few general observations which can be made and which enhance one's ability to perceive the patterns
emerging from a comparative analysis of the various movements. It will become apparent that in every nation and every state where there have been prisoners' movements, such movements have been based either outside the walls (comprised primarily of non-prisoners, even though many members may have previously been incarcerated) or inside the prisons (more closely approximating a true "prisoners' union" movement). In addition to this organizational dichotomy, another crucial distinction must be made, based on the ideologies of these movements. The movements have tended to split into: (1) those which focus on concrete aid and services to inmates and (2) those which are primarily concerned with relatively abstract, macrolevel issues (generally related to some generic theoretical framework) and seek to promote wide-ranging goals which are often inseparable from factors outside the prison community.

These different approaches on the part of those involved in the various prisoners' movements--inside, outside, concrete, ideological--have a number of ramifications. Clearly, the level of impact which is designated as the "target" varies and is reflected in the ideology of each organization. The type of membership has many implications, especially for institutionalizing the movement so that the effects of membership attrition, which inevitably occurs, are minimized. Also, of course, the coordination between inside and outside movements, where both exist, would appear to be crucially important.

These observations seem to apply generally to the prisoners' movement phenomenon cross-culturally, as well as in the Ohio movement
which is our principal concern here. As such, these patterns provide the initial framework for describing the most notable prisoners' movements around the world, leading up to our consideration of one specific movement, Ohio's, in great detail.

Prisoners' Movements in Europe

Several European nations have witnessed the development of prisoners' union movements, both inside and outside the walls. The Scandinavian countries have been especially noted for such unions in recent years. The organizational structure and goals of these movements have varied along the lines indicated above, and it is necessary to present a brief analysis of each nation's experience in order to convey these differences and their implications.

Sweden

According to a leading Swedish criminologist-penologist, the seminal prisoners' movement in that nation was based outside the walls and began in the fall of 1966. Known as KRUM (an abbreviation for "The Association for the Humanizing of the Penal System"), this association of prisoners, ex-prisoners, and intellectuals stemmed from a meeting organized in the northern part of Sweden, near one of the new open prisons. The meeting later came to be known as "The Thieves' Parliament," and it attracted a wide diversity of individuals interested in the topic. There were both theorists and practitioners in attendance at the meeting, which was widely reported by the news media. The
program developed by KRUM had, at its inception, the goal of improving the rights and influence of prisoners, especially in areas such as the right to form inmate councils and the right to vote in general elections. As Gunnar Marnell observes:

The "revolutionary" part of its programme—inter alia the abolition of the prisons—the prisoners themselves with their closer knowledge of penological realities never have taken too seriously.2

In 1968 both of the above-mentioned specific goals were accomplished when prisoners voted for the first time in the general election and were permitted to organize the first prisoners' council.

KRUM has attempted to promote cooperation between inmates and ex-inmates, with the goal of reforming the prisons. The initial orientation of the organization was clearly reformist, then, and heavily emphasized concrete forms of assistance to prisoners. KRUM focused on the need for social, psychological, and psychiatric treatment for prisoners while at the same time finding itself in the inevitable role of adversary to the prison administration. As Thomas Mathiesen, a well-known Norwegian criminologist-penologist has noted:

The early humanitarian activity in KRUM gave the participants in the organization an important contact with the practical realities of so-called correctional and penal practice. At the same time this activity was attended by a vacillating attitude towards the political task. Should KRUM engage in concrete humanitarian work, or should the organization primarily concern itself with questions of criminal policy?3

As members of KRUM became increasingly more skeptical about the possibilities of successfully "treating" prisoners, they became more and more committed to the solution of penal and correctional policy issues.
Their target became more macrolevel and less case-oriented. Far from being seen as a panacea, treatment was increasingly viewed as a euphemistic rationalization for continued repression. KRUM dedicated itself to opposition to all systems of control and repression of inmates, and this meant a dramatic change in their reformist focus in the early days of the organization.

Just as there had been two conflicting factions within KRUM in its early history (humanitarian casework and correctional policy change), so there later developed two more opposing camps around the issue of politicality. One group favored an emphasis on correctional policy, while the other stressed the importance of a broader political approach (emphasizing socialism as a key to the solution of the problems confronting prisoners and prisons). The effect of this new, highly political faction on the goals of the organization may be seen in this comparison of the literature of KRUM over a four-year period:

(1967)—(KRUM) will attend to the interests of those who are punished, and ease their re-adjustment to society. KRUM works for a radical reform of the correctional system and the treatment of prisoners. Legislation and treatment of criminals ought to be liberated from punitive thinking. The present system of institutions ought to be abolished, and incarceration reduced to a minimum. Offenders who have social handicaps ought to be met by a social policy which is liberated from moralization and authoritarian thinking.4 (emphasis added)

(1971)—(KRUM) wishes to analyse and fight the class society, which through its unequal distribution of power and opportunity contributes to the creation of groups which are socially, economically, and culturally expelled.
KRUM is working to abolish imprisonment and other types of forced incarceration within the correctional system, child and youth welfare, mental health care, alcohol care, narcotics care, handicap care, etc. (emphasis added)

Despite the clear change in the priority of organizational goals reflected in these two statements, it is not at all clear that the actual functioning of KRUM has been much changed. Nevertheless, the perception of the problem clearly has been altered. At the present time, KRUM has a national office in Stockholm, thirteen local chapters, and about 1,200 members (all of this in a nation of eight million people and a daily census of 5,000 prisoners).

In addition to this outside pressure group, Sweden's prison system has also received the attention of a prisoners' union per se. The origin of this prisoners' union, known as FFCO (abbreviation for "United Prisoners' Central Organization"), can be traced to a nation-wide prison hunger strike in October, 1970. This strike involved an estimated 50 percent (or about 2,500) of Sweden's inmates in 35 different prisons. The strike was strongly supported by KRUM and widely reported by the mass media. During the strike, a meeting was convened between representatives of the prison administration and inmate spokesmen at Osteraker prison near Stockholm. The prisoners demanded improved living conditions and, more importantly, nationwide negotiations. Both demands were granted, and the prisoners' union was an outgrowth of the necessity of having a representative group of inmates take part in the negotiations. The success of the prisoners' union in getting the
administration to agree to "negotiations" was, however, limited by the fact that the authorities later regarded the discussions as non-binding talks, rather than true negotiations. When the inmates rebelled at the new, more conservative attitude of the prison administration, a new strike was called. This time, however, the authorities isolated all those inmates supporting the strike action (a tactic used in many other places, as will be described later). This strategy was generally effective in suppressing any subsequent strikes by prisoners. The claims of the Swedish prison authorities that they had "democratized" the prison system were probably greatly exaggerated, in view of these developments.

Denmark

The outside pressure group in Denmark, known as KRIM ("The Association for a Humane Penal Policy"), was formed in 1967. Although the organization has a national board located in Copenhagen, two local chapters in major Danish cities, and about 400 members, it really has not been able to establish itself as spokesman for the inmates. The combination of a progressive correctional administration and a very active and interested corps of journalists and other professionals has acted as a catalyst to prison reform quite apart from the efforts of KRIM. There are also some indications of internal conflict within KRIM which may have served to cripple its effectiveness and unity.

The Danish prisoners' union took root at a November, 1973, meeting near Copenhagen. The organization, which is called FLO
("The Prisoners' Labor Union"), was promulgated at that meeting by KRIM. It also seems to have been an outgrowth of a nationwide prison strike in Denmark during the preceding summer. The central issue in that strike had been inmate wages. According to the most recent available information, the Danish prisoners' union is now demanding negotiations with the correctional authorities, a fact which underscores the failure of one movement to profit from the experiences of another.

Norway

KROM, "The Norwegian Association for Penal Reform" was initiated in 1968 and now has about 1,500 members. It has concentrated on incremental reforms oriented toward the elimination of component parts of the penal system. Another goal of this outside pressure group has been that of public education, and toward this end KROM has held a number of teach-ins dealing with prison labor, preventive detention, youth prisons, pre-trial detention, and other penal issues. In addition to these efforts, KROM has published a number of books and produced films, plays, papers, and a number of other educational materials directed at the education of the public. Other methods utilized by KROM in bringing pressure to bear on the prison system have included the careful selection of legal cases by KROM's attorneys so that the resources in that area would be most efficiently utilized for the benefit of the greatest number of inmates, and also the attempt to provide as much information as possible to those who will be, or are, in positions to apply that knowledge toward the end of prison reform (e.g., social workers, lawyers, teachers, etc.).
The inside prisoners' union in Norway, known as FFF (or "Prisoners' Trade Union") was begun in July, 1972, at Ullersmo National Prison, near Oslo. The prisoners presented both general and specific demands to the prison administration and requested a meeting with the prison governor. The specific demands dealt with wages, supervision during visits, vacation time inside the prison, and the allocation of their earnings. The administration reacted by refusing to meet with the inmates, and this prompted a strike by prisoners. Learning from the failure of the second strike in Sweden, KROM reportedly advised the inmates to limit the time of their strike to achieve maximum effectiveness. The strike which took place lasted only one day, but proved effective in stimulating other prisoners in Norway, eventuating in a nationwide strike and several more chapters of FFF. The coordination between FFF and KROM in this strike was apparently the most effective which has yet been achieved anywhere in the world. KROM carried the inmates' version of the strike to the media and other influential sources in the general public, thus facilitating public understanding and support. KROM was especially effective, apparently, in explaining to the citizenry why the inmates preferred a prisoners' union to the "cooperative councils" proposed by the prison authorities (another feature common to other locales to be discussed later). As Mathiesen reports, a nationwide public opinion poll taken after the strike indicated that a third of the population (34%) agreed that the inmates were "right" in establishing a prisoners' union, and a majority of those
between the ages of 15 and 29 favored the prisoners' union!

The strike was not without its costs to the inmates. Tactics which have now become familiar as normative reactions by prison administrators were used at Ullersmo, including the lengthy isolation of a number of prisoners. Although reports indicate that the union has been effectively suppressed by the authorities, it has apparently had some impact on an ideological level, in organizing strikes which were:
(1) brief; (2) symbolic gestures to enlist outside support groups;
(3) directed toward outside political processes; (4) focused on concrete issues with great public support (e.g., medical care); and (5) used with great judgment and judicious selection, rather than reflexively.

Finland

We have no evidence regarding the existence or non-existence of a prisoners' union in Finland, but we are aware that two separate outside organizations have existed, with conflicting approaches reminiscent of other nations. Finnish KRIM ("The Association of Prisoners") began in 1967-1968, as did an organization called "The November Movement." The crucial difference between the two groups was in their orientation toward effective strategies of change. KRIM was committed toward a more humanitarian, social aid approach, while The November Movement was a conflict-oriented organization which focused on political pressure. As might be predicted, KRIM established strong local roots among the inmates and had a sizeable inmate membership, while The November Movement really was not a "prisoners' union" per se.
(again, a crucial organizational distinction which will reappear when we consider American prisoners' movements). At the present time, The November Movement has become defunct, in terms of viability, while the efforts of KRIM continue.

Great Britain

Several outside pressure groups have existed in Great Britain, including the well-known Howard League for Penal Reform as well as the more recently emergent (and, in varying degrees, more radical) National Association for the Care and Resettlement of Offenders (NACRO) and Radical Alternatives to Prison (RAP). As a general observation, the Howard League and NACRO seem more oriented toward humanitarian reforms, while RAP seems to fit the abolitionist model:

Many charities help ex-prisoners, and some bodies deal with legal complaints. We aim neither to reform prisons nor to help individuals, but to campaign for creative alternatives. . . .

 Probably the most interesting organization in Great Britain, though (at least for our purposes here), is known as Preservation of the Rights of Prisoners (PROP). Its brief history has been well analyzed by Andrew Rutherford. A prisoners' union movement, based primarily inside the walls, PROP emerged in April, 1972, in Yorkshire during a Symposium on Deviancy at York University. It then set up national headquarters at Hull, where its founder, an ex-inmate named Dick Pooley, was located. One week later, PROP claimed responsibility for a sit-down demonstration at Brixton prison (the first of 130 demonstrations which occurred at 41 different institutions during the subsequent five-month
period). PROP then presented a series of demands, focusing on voting rights, the right to join trade unions, conjugal visiting, improved rates of pay, and other issues, and promised that a national prisoners' strike was in the offing if the demands were not met. Although the national strike did not materialize in July, as announced, there was a sit-down protest involving about 4,000 inmates at 26 institutions on August 4, 1972. The remainder of that summer was marked by continued demonstrations, many on the rooftops of prisons and some involving destruction of property. The result of all this was strong opposition to the prisoners' union from the Prison Officers' Association, the mass media, and most of the public. In addition, there developed within PROP a split between two factions—one approving of the tactics being employed and the other disagreeing and insisting that the political process was the proper arena for change. Ultimately, nearly 2,000 prisoners were disciplined and one of PROP's key committee members felt moved to resign, saying:

In my view irresponsibility and lack of political judgment has provoked violence against property in our prisons, alienated public opinion and made PROP politically unacceptable to all those with whom it must seek a dialogue. It has created a more repressive regime within our prisons.

As will be noted later in connection with our discussion of the Ohio Prisoners' Labor Union movement, the occurrence of a strike which results in negative sanctions being applied to prisoner participants can prove disastrous to the survival of a prisoners' union movement. This was the case in Great Britain, at least temporarily, since PROP
has been virtually impotent since that summer of confrontation tactics.

Although PROP's membership was composed primarily of prisoners, its failure was at least partially related to its inability to function as either an outside pressure organization or a prisoners' union per se. The following quotation reflects the organizational schizophrenia which PROP experienced, and which represents a dilemma confronting similar movements elsewhere:

In theory, PROP's distinction between these two types of membership [prisoners and ex-prisoners were eligible for "full" membership, while those who had never served time could only be "associates" and were ineligible to hold office or vote on policy matters] would safeguard the identity of the organization. In practice, it did not work at all.

The main failure was that few people of any description actually joined PROP. The immediate outcome was that PROP was being organized, to a large extent, by middle-class non-convicts. It was a middle-class woman who provided a room in her house for the headquarters; a middle-class lecturer was editor of the magazine; a middle-class university teacher had founded and was primarily responsible for the expanding local group in Sheffield; and a middle-class student was running the press office on many occasions.21

**American Prisoners' Movements**

There have been a number of prisoners' aid organizations in the U.S., including the Fortune Society, Seventh Step Foundation, and other similar groups whose aims have been related to improvement of prison conditions and more effective rehabilitation for inmates. Such groups are, and always have been, reformist in nature and have not been especially noted as adversaries of the prison administrations or as
pressure groups with any significant impact. Therefore, our discussion will not deal with such organizations, beyond this brief acknowledgment of their place in the continuum of prisoner-oriented groups.

What we are concerned with here, of course, is the more recent emergence in the U.S. of "prisoners' unions." As will be evident from our presentation, the term "prisoners' unions" has been the normative title for a variety of movements which have developed in various states since 1970. These movements again are by no means identical structurally or ideologically: some are rather loose coalitions of inmates, ex-prisoners, intellectuals, and middle-class reformers; others are almost entirely outside pressure groups, even though calling themselves "prisoners' unions"; and still others have attempted to build a very strong inside membership, with a cadre of convict leaders and a handful of outside organizers. There seem to be no "pure types" among these prisoners' union movements; instead, elements of both inside and outside populations are reflected, to varying degrees, in each, and the "ideal types" we shall be discussing from time to time in an organizational context should be understood to exist only for the purposes of analysis, not as realities.

The first "prisoners' union" in the U.S. was formed in 1970 in California as a direct outgrowth of an inmate strike at Folsom Prison. The inmates at Folsom presented authorities with a manifesto of thirty-one demands (twenty-nine of which were to become the core demands at Attica less than a year later), including the right to form a labor
union. Also expressly mentioned in the manifesto were inmate grievances regarding the indeterminate sentence, the "adjustment centers," and the shooting of three black inmates at Soledad. The Folsom strike and ensuing demands reflected a new level of knowledge and sophistication on the part of the inmates. Support for a union developed from both inside and outside and culminated in several meetings in various parts of the state to organize a union. In fact, from this early signal event grew several different prisoners' union movements, only one of which has survived as a viable force. The two which have not survived were the United Prisoners' Union (a movement with primarily a labor union approach at its inception) and Venceremos (a splinter movement whose approach was apparently more on a macrolevel and Marxist-oriented). Less is known about the latter group, but the following quotation is representative of the approach of the United Prisoners' Union:

Half a man's life is made up of the time he devotes to labor! Whether in prison or on parole, we are compelled to work for a living. Work is the major provision of a people. If we do not work, we steal. If we steal, the chances are we will be returned to prison. If we can't find work in a system that does not provide jobs for everybody, we are sometimes returned to prisons with a parole violation.

We as members of the convicted working class are twisted and mangled in the vise of a cruel system that cares little for human life. We are the last to be hired, the first to be fired. We are compelled to dance at every turn: we dance for a parole, and we dance for a job while on parole. In the widening class struggle in Amerika (sic), we prisoners are the lowest of the low. We are wage slaves inside and outside...
Unlike the UPU, the one organization which remains a force in California calls itself, simply, "the Prisoners' Union." The name is intended to convey the solidarity implied by the national organizing efforts made by the movement. In reality, a great deal of the impetus for other prisoners' unions in the U.S. had indeed come from this San Francisco-based Prisoners' Union. As one indicator of the diffusion which has occurred, we cite the fact that it was necessary for us to travel to the San Francisco headquarters of the Prisoners' Union to obtain the names and petition signatures of 714 members of the Ohio Prisoners' Labor Union. These authorization statements and membership signatures had been collected by the Prisoners' Union in San Francisco partly as a result of their national organizing tour and partly because of Ohio inmates responding to articles in *The Outlaw* (the official publication of the Prisoners' Union) calling for inmates to join the movement. Nevertheless, the fact that the San Francisco headquarters possessed a total of 106 pages of signatures of Ohio inmates not in the files of O.P.L.U. seems indicative of the centrality of the California organization in any consideration of prisoners' unions in America.

The initial constitution and regulations of the Prisoners' Union (California) were structured so that it would be controlled from the outside (largely by ex-convicts) rather than from within. Tactically, it was felt that this would facilitate negotiations and increase the "leverage" of the movement, since persons on the outside are not
as vulnerable to retaliation as are inmates. The major goals of the
Prisoners' Union have been listed as follows:

1. The abolishment of the indeterminate sentence system
   and all its ramifications.

2. The establishment of the workers' rights for the
   prisoner, including the right to collectively
   organize and bargain.

3. The restoration of civil and human rights for pris­
   oners.25

In response to requests for assistance from inmates and other
interested persons around the nation, the Prisoners' Union headquarters
in California dispatched two representatives on a national organizing
tour which lasted several months. During this tour, which covered nine
states, the organizers attempted to help establish strong prisoners'
union chapters and provided advice based on their experiences in Cali­
ifornia. As will be noted later in our discussion of the Ohio movement,
some of that advice proved useful and some proved quite disastrous when
applied in other states where the problems and strengths were not iden­
tical to California and the level of development was embryonic, at best.
Nevertheless, the significance of the national organizing tour cannot be
minimized. It provided a great deal of impetus for prisoners' unions
which were struggling to survive the initial stages of organizational
stress. However, the drain on the resources of the California head­
quarters was apparent. In a retrospective analysis of the national
organizing tour (which was financed in part by four private foundation
grants), the conclusion reached was:
After this first three month tour we decided not to take on so much area at one time. It was a drain on the two representatives traveling across country and a drain on our office in San Francisco.

Despite the drain on resources created by this investment of time, money, and staff (all of which are scarce commodities in prisoners' union movements), the San Francisco office continues its commitment to build a strong national prisoners' union by building strong local chapters and providing consultation and nationwide information-sharing. Their publication, The Outlaw, is sent free-of-charge to thousands of inmates six times a year. (See Appendix A for examples of The Outlaw and other prisoners' union newspapers.) Their plans for the future include developing the capability to respond to emergency situations (such as those which occurred at Attica and McAlester) by providing representation for inmates in the negotiating process with officials. As an organized, unified spokesman for prisoners, the Prisoners' Union believes it could help obviate much of the bloodshed which often results from the inability to communicate effectively in such crises.

Prisoners' union movements have arisen in many other states. In fact, they have mushroomed so rapidly that it is nearly impossible at any given time to delineate them accurately or to assess their current strengths and weaknesses. We shall, therefore, confine our remarks here to an overview of those states which are distinguished for one reason or another.
At the present time, some of the most significant and rapid developments have occurred in the state of Minnesota. The union movement there began to take shape inside the institutions at Sandstone and Stillwater. It has gradually spread to include more of the state's prisoners, and has just recently received endorsement by the Democratic Farmer-Labor Party, the dominant political party in the state. The plank endorsing the prisoners' union apparently received overwhelming support at the convention. The most significant aspect of this development, of course, is the fact that prisoners' unions have not had any real political power in the past; they have, in fact, faced widespread political opposition. With some recognized political support, it is possible that the prisoners' union in Minnesota stands a better chance of being officially recognized as the representative of Minnesota inmates.

In New York, the prisoners' union was officially established at Green Haven Prison on February 7, 1972. Perhaps the most significant development in this union's history has been its request for affiliation with an outside labor union. This request was formally approved by District 65, Distributive Workers of America. However, the proposed affiliation of the prisoners' union at Green Haven, representing a large number of the 1,700 inmates at that maximum security institution (about 1,379 of whom were employed inside the prison), and the outside labor union was rejected by a director of the Public Employment Relations Board. The decision has been appealed, but the prospects do not look encouraging for the recognition sought.
The prisoners' union movement in Michigan has also addressed itself to labor issues. In suits filed by the Prisoners' Labor Union at Marquette and the Prisoners' Labor Union at Jackson, union organizers attempted to obtain official recognition of the unions as the bargaining agents for inmates at the two prisons. Claiming that inmates were in fact state employees (employed by the State of Michigan's Department of Corrections), the suits asked that as employees the inmates be granted the rights guaranteed to all other state employees. This request was denied on September 14, 1973, in a ruling by an administrative law judge of the Michigan Employment Relations Commission.

The Prisoners' Union of Massachusetts has been most active at Walpole, where it has claimed that ninety percent of the inmates have joined the union. Negotiations with officials at the prison and in the state capital apparently came very close to achieving formal recognition of the union at one point, but also resulted in a guards' strike (during which time the inmates controlled the entire prison and invited citizen observers inside to monitor the prison) and may have been related to the ouster of one of the most progressive penologists in the U.S., Commissioner John Boone. In addition to Walpole, other chapters of the union have formed at Framingham, Concord, and Norfolk.

In North Carolina, the prisoners' union has had significant support from the state's AFL-CIO, in addition to a large number of ministers. A substantial number of inmates were signed up as members during the national organizing tour. Other places which have reported
prisoners' union movements include Washington, D.C.; Washington State; Georgia; Kansas; Oklahoma; and New England (where the New England Prison Coalition encompasses Maine, Vermont, Rhode Island, Massachusetts, and New Hampshire, and is designed to unify prisoners' movements in that region, where the distances separating prisons are considerable).

An Initial Conceptualization

From the above summary of prisoners' movements around the world, one can see that organizational differences are quite great. We believe that the significance of these differences is sufficient to warrant the presentation of the following conceptualization, which represents an effort to illustrate the various types of movements in "ideal typical" categories:

<table>
<thead>
<tr>
<th>Primary Membership</th>
<th>Focus of Movement Specific Grievances</th>
<th>Ideological Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indigenous (Inmate-Based)</td>
<td>Type 1</td>
<td>Type 2</td>
</tr>
<tr>
<td>Ancillary (Reformer-Based)</td>
<td>Type 3</td>
<td>Type 4</td>
</tr>
</tbody>
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TABLE 1
A CONCEPTUALIZATION OF TYPES OF PRISONERS' MOVEMENTS
In our conceptualization, then, we differentiate among the various prisoners' movements along two basic dimensions: (1) the source of the movement, whether based inside the walls and dedicated to the development of a true "union" of prisoners or based outside and oriented toward prison reforms (without necessitating a union); and (2) the nature of the movement's goals, whether specific grievances (such as better food, better medical care, conjugal visiting, etc.) or directed towards a more ideological level (such as parole policy, class discrimination, etc.). This conceptualization seems useful in placing the various movements along a continuum even though none currently represent pure types, but are, instead, mixtures which reflect the state of flux, overwhelming organizational problems, and necessity to form coalitions of support in order to maintain a prisoners' movement at the present time. As specific cases in point, the California "union" movement has not really attempted to form a strong inmate union inside the walls, but has relied instead on ex-convicts and others outside the prison system to utilize their greater freedom from reprisals (elements of both Type 3 and Type 4 movements), whereas the movement in Ohio which we shall be describing was clearly oriented towards the establishment of a strong internal union of prisoners and a cadre of outside supporters, legal advisors, and others in positions to help the union effort (approximating a Type 1 union movement in the early stages, with plans to evolve towards a Type 2 movement).

The above summary of prisoners' movements has sought to place the Ohio Prisoners' Labor Union movement in perspective. Since this
study focuses on O.P.L.U. as a case example of a prisoners' union movement, it is important to point out that it is not an isolated example (as can be seen from the foregoing). Our analysis of the prisoners' union movement in Ohio should be viewed, then, with this history in mind. It is only with this firm grasp of historical perspective that one can fully understand and appreciate the significance of a case study such as ours.

The material in the chapters which follow was gathered in several ways. First, and perhaps most importantly, we attended every regularly-scheduled meeting of the Ohio Prisoners' Labor Union from the Spring of 1973 until the collapse of the union late that year. From our observations at these meetings, recorded in our field notes and on tape, we were able to gain an understanding of the movement and the people involved which comes only through the participant-observation method. In addition to such observations, we were able to conduct in-depth interviews with key staff of the O.P.L.U. (see interview schedule, Appendix B) and informally discuss the union movement with a number of ex-convict leaders recently released from prison.

Another method of gathering data for this study involved an information (see Appendix C), which was used to gather important background information on a random sample of prisoners' union members. This methodology will be explained in more detail in the next chapter, along with the presentation and analysis of the data derived therefrom.

It is our belief that through this combination of qualitative
and quantitative methods, it was possible to learn much more about the prisoners' union movement in Ohio than would have been the case using either method alone. We shall now present our analysis of the Ohio Prisoners' Labor Union movement as a case example of the phenomenon of unionization behind the walls.
NOTES TO CHAPTER III

1 Gunnar Marnell, "Penal Reform-Swedish Viewpoint" (unpublished paper, 1974).

2 Ibid., p. 2.


4 Ibid., p. 43.

5 Ibid.


7 Ibid., p. 8.

8 Ibid., p. 2.


12 Ibid., p. 4.

13 Ibid., pp. 4-5.

14 Ibid., pp. 11-12.

15 Ibid., p. 13.


27. Telephone interviews with Gene Robertson (member of The Prisoners' Union and active in the Democratic Farmer-Labor Party in Minnesota) and Willie Holder, President of The Prisoners' Union (San Francisco), July 15, 1974.


30 State of Michigan, Employment Relations Commission, Labor Relations Division, Cases Numbers R72 E-163; C72 E-81; R 72 F-214; and C72 F-108 (unpublished summary of judicial decision), September 14, 1973.


32 Ibid., p. 1.

CHAPTER IV

THE OHIO PRISONERS' LABOR UNION:

FROM ASHES TO ASHES

During the past two years, 1972-74, thousands of Ohio's prisoners, assisted by outside advisers and supporters, participated in a movement to form a bona fide prisoners' union in this state. This movement, although it failed to accomplish that objective, stands out as the most significant attempt in the United States (and one of the most important such efforts in the world) to form a genuine prisoners' union. Some other prisoners' movements have been more successful at prolonging their organizational activity, or exerting pressure on correctional administrators, or obtaining financial assistance. None, however, has surpassed the Ohio movement in building a large, grass-roots membership among inmates and attempting to get the inmates, through their representatives, to assume responsibility for the direction of the movement.

Before focusing on the history of the Ohio Prisoners' Labor Union movement, one must first assess the changes which have been occurring among inmates in general in recent years. As Martinson (1972) and others have noted, the nature of collective inmate action has undergone dramatic change since the early attempts at mass escape. Contemporary inmates are much more sophisticated politically and more
organizationally-inclined. They no longer involve themselves in collective action for the exclusive purpose of communicating their displeasure to their immediate keepers. Instead, they are more aware that in an age of instant communication through the mass media, their "audience" has widened considerably.

Any perusal of contemporary inmate literature will demonstrate that the modern prisoner is often acquainted, formally or informally, with the basic tenets of labeling theory and with the results of studies focusing on self-reported crime, police and judicial discretion, and "white-collar" crime. Increasingly he (or she) feels that he has been singled out to bear the burden of punishment by a society that is, from most indications, characterized by a tremendous discrepancy between idealized behavior (as reflected in its laws) and actual behavior (as reported and practiced by its citizens). The belief that they are "political prisoners" is the conclusion drawn by an increasing number of inmates. They are aware that the attributes which disproportionately distinguish them from the free citizens outside the walls are race, income level, and social status--not behavior or mens rea.

Given this background of increasing political and criminological awareness of inmates (or at least a number of inmates, including the leaders), the growing militancy and open expressions of frustration and discontent with the criminal justice system which have been increasingly evident in Ohio (as elsewhere) since 1970 really is not very surprising. In fact, one might better ask why such organized protest was not
forthcoming earlier; hopefully, our earlier presentation of the history of criminological theory and correctional practice demonstrates precisely why such organized protest with political overtones could not have developed earlier.

There is, then, a significant difference between some of the earlier forms of inmate rioting and expressions of displeasure and this new series of politically (in the broadest sense of the word) oriented rioting, work stoppages, food boycotts, and large-scale union organizing inside the walls. The developmental history of the Ohio Prisoners' Labor Union movement reflects this evolution from the perspective of the inmates.

Through extensive interviews, hundreds of papers and other documents from O.P.L.U. files, and reports published in the media, we have been able to piece together an historical account of the prisoners' union movement in Ohio.

**History of the O.P.L.U.**

The origin of the Ohio Prisoners' Labor Union can really be traced back to the riots which occurred at the Ohio Penitentiary in 1968. There were two riots, one in June and one in August, and the latter resulted in the deaths of five inmates in the prison yard after state troopers were summoned to quell the disturbances. There is a logically clear, though temporally separated, relationship between those riots and the development of inmate councils and, later, the union.
From the perspective of the inmates, most of the promises made by the corrections officials following the June riot were broken, due in part, at least, to the pressure exerted by the guards, who perceived the loss of power they would experience as a result of the implementation of inmate-initiated reforms. At any rate, many inmates felt betrayed and this feeling may have contributed to the August riot. Late in 1968, inmate leaders at the Ohio Penitentiary wrote to the governor's office and requested that they be allowed to form a union which would approximate a trade union in form. The inmates wanted a regular mechanism for bargaining and for resolving disputes; otherwise, they could foresee only more broken promises and more violence, in which case they would always be the losers. Permission to organize was not granted by state officials.

The inmates continued to discuss the idea of a union, but no concrete steps were taken until a new governor was elected. During the gubernatorial campaign in 1970 (and as early as 1968, when he ran unsuccessfully for the Congress), this governor had made prison reform a key part of his platform and his image. He also had extensive support from organized labor and talked frequently of repealing the state's Ferguson Act (prohibiting strikes by public employees) and of the state's duty to negotiate with groups representing labor. After his election in 1970, the inmate leaders around the state organized several work stoppages and then, in 1971, while the Ohio Citizens' Task Force on Corrections was conducting an inquiry into all aspects of the correctional
system, the political rhetoric of demands surfaced in a list of grievances and a notification (contrasted with the 1968 request) that the inmates of Ohio Penitentiary intended to form a union. Given the dependency-producing nature of "prisonization," this event was a major departure and a crucial point in the development of the union.

The governor's office was invited to send a representative to discuss plans for the union. The message was officially ignored and no such discussion occurred. The inmates, however, continued to discuss the need for a union, and in March of 1972 a hunger strike developed into a virtual statewide shutdown of the adult correctional institutions. At that point another signal event occurred—informal negotiations among inmate leaders, the warden of the Ohio Penitentiary, corrections officials, and representatives from the governor's office. The agreements reached during these meetings were again broken by the state, according to the beliefs of the inmates (which is the important perspective here, in accordance with W. I. Thomas' observations about men's definitions of reality). However, partly as a result of the negotiations, regulations emerged specifying the "ground rules" under which the inmate councils, suggested by the task force and accepted by the then Division of Corrections, would operate. These regulations were accorded a mixed reaction by the inmates. At the Ohio Penitentiary, the idea of an inmate council was unanimously rejected because it was anticipated to be state-controlled, not self-determined. It was felt that such a group would be powerless and ineffective. The inmates at
London Correctional Institute, on the other hand, accepted the idea and formed the first inmate council in the state.

Not satisfied with the inmate council's implementation (largely for the same reasons the idea was rejected at the Ohio Penitentiary), the prisoners at London Correctional Institute held a series of meetings in July, 1972, in which they decided to form a prisoners' union. During the remainder of that year, inmate leaders sent letters to outside organizations and private individuals, requesting advice and assistance in organizing the union. Among those contacted were the American Civil Liberties Union, the National Lawyers' Guild, and The Ohio State University Legal Aid Clinic. In response to these requests, the A.C.L.U. offered the services of attorneys and staff and the use of equipment, along with their general support; the Columbus Chapter of the National Lawyers' Guild and individuals at the O.S.U. Legal Aid Clinic donated their time and efforts. In addition, a number of private individuals pledged support of various sorts to the union effort.

During the early part of 1973, while "Interim Executive Boards" of the O.P.L.U. were being formed inside each of the eight state institutions, the London chapter of the O.P.L.U. staged the first real encounter with prison officials. The local chapter charged that cigarettes which were confiscated from inmates were then resold in the London commissary. A memo in our possession would appear to substantiate this charge.
On April 14, 1973, a statewide conference of persons and organizations interested in the prisoners' union took place in Columbus. This meeting was primarily a vehicle for assessing resources and needs. Later that same month (April 19-May 1), two staff members of the Prisoners' Union (California) responded to a request from Ohio inmates and organizers and toured the state, meeting with inmate leaders, ex-convicts, and outside supporters. They offered advice, based largely on their experiences in California. Some of that advice, such as the need to train inmate leaders to insure a succession of leadership in the event of transfers of original inmate leaders (known as "bus therapy" among prisoners), proved accurate and quite helpful. Other suggestions, especially those encouraging the O.P.L.U. to assume a highly visible stance early in its developmental history, were completely inappropriate, at least in retrospect.

On May 1, 1973, the O.P.L.U. opened a state headquarters in Columbus. On that same day, the governor's office was presented with approximately 1,500 petition signatures of inmates authorizing the O.P.L.U. to be their exclusive bargaining agent. At this point, the O.P.L.U. had already claimed to have signatures for "over 60 percent of the state's prison population" (an obvious overstatement, since we could confirm only 3,210 inmate signatures, out of a total inmate population of 8,189 in April, 1973.) It is our belief, after traveling to California to secure the signatures not held by the Ohio office, that the O.P.L.U. never officially represented more than 40 percent of the
inmates in Ohio. However, it should be pointed out that the record-keeping system (or non-system) of the O.P.L.U. staff was so inefficient that many signatures could have been lost. Nevertheless, it seems highly doubtful that a majority of inmates ever signed authorization forms, despite the union's claims (which ranged up to 90 percent of the population at some institutions). This does not, however, negate the fact that the union obviously did represent thousands of inmates in Ohio's prisons.

On June 17, 1973, a food boycott planned by inmate leaders at the Lebanon Correctional Institute was carried out by a substantial number of prisoners at that facility. The administration at Lebanon had received advance word of the action, and immediately (on June 15) isolated a number of leaders. One inmate was given a court ticket charging him with "conspiracy to create a disturbance," "union organizing," and "possession of union material and contraband." The superintendent at Lebanon had previously issued a policy statement on prisoners' unions, which was cited as the basis for this disciplinary action. That statement read, in part:

. . . it is the policy of this administration to prohibit a prisoner union or its equivalent or activities within the institution to organize such a union and violators will be subject to disciplinary action or other appropriate action.  

Since not all of those disciplined for their part in the food boycott had received "tickets" or other formal "charges," disciplined prisoners began a hunger fast and expressed their intention of continuing
on that path until court tickets were issued and due process, in the form of institutional hearings, were assured. Ultimately (within two weeks) all of those who had been placed in isolation were either released or charged, and two were transferred elsewhere as a result of their union organizing activities. According to the prisoners' union, the men who refused to eat while in isolation had been offered T-bone steaks and some were released earlier than others, both strategies being perceived as calculated to "weaken unity."

An event which proved to be the "beginning of the end" for the O.P.L.U. occurred on May 24, 1973. On that day the interim Executive Board of the O.P.L.U. at the Southern Ohio Correctional Facility (Lucasville) called for a work stoppage in support of the grievances of dining hall employees. This "wildcat strike" (it was neither organized nor called by the state office) lasted eleven days and led to a number of actions and reactions by corrections officials and by the O.P.L.U. Most inmates who participated in the strike (hundreds) were confined to their cells twenty-four hours a day during and following the strike. In addition, the more militant inmates were kept confined in "correctional cells" for months following the strike action. O.P.L.U. attorneys, protesting that due process requirements had not been observed by the officials, filed a suit (Milanovich et al. v. Whealon et al.) challenging the violations of inmates' rights. The isolation of inmates who participate in work stoppages and other expressions of inmate protest (as already noted at Lebanon) has been a common tactic used by
corrections administrators in Ohio (as elsewhere), and we shall elaborate on these tactics further in Chapter V.

Although the grievances of dining room employees provided the "breaking point" which precipitated the strike, the inmates at Lucasville listed a number of other grievances at the time. Kelly Chapman, one of the key inmate organizers of the O.P.L.U. at Lucasville, called the institution "a farce." He charged (as reported by the Columbus Dispatch), "They have a laboratory technician with no lab. There's no money to hire staff. Forty people have complained about not getting medical attention. There's only 150 inmates working. They have a $2 million laundry here and prisoners have to wash their clothes in a bucket. There are maybe three blacks working as guards [in an institution where a majority of the inmates are black]." At the time of the strike, it should be noted, the facility was still not totally completed and the vast majority of inmates had little or nothing to keep them occupied all day.

On July 24 a correctional officer was killed by a prisoner at Lucasville and a second guard died during an attempt to rescue hostages. The prisoner's action was initially linked by rumor to the O.P.L.U., and he was described in the media as previously having been "confined to a maximum security safe cell because he backed a prisoners (sic) union and refused work." However, the official investigation provided no link between the killing and union activity; it was concluded that the inmate had acted alone in murdering the guard. Nevertheless, the
tensions at the institution were at an all-time high and from all indica-
cations a number of guards assumed an attitude of generalized hostility
toward inmates, reflected in events which occurred at Lucasville during
the "shakedown" and lockup of prisoners following the killings. A
number of prisoners were disciplined for their participation in the
strike and support for union organizing activities--a familiar pattern
and one which proved quite effective as a deterrent to union activity
despite the union's suit (mentioned earlier) protesting the continued
violation of prisoners' rights.

In that same eventful summer of 1973 (June 25, July 12, and
July 25), the Committee on Internal Security of the U.S. House of Repre-
sentatives (H.I.S.C.) conducted hearings in Washington, D.C., and other
parts of the country (including Columbus, Ohio). These hearings were
designed to investigate "revolutionary activities directed toward the
administration of penal or correctional systems." In the portion of
the hearings dealing with Ohio, much of the material presented dealt
with the Ohio Prisoners' Labor Union. The O.P.L.U. was characterized
by a police intelligence officer as a "front" for the more "radical"
Prisoners' Solidarity Committee, and its activities were depicted as
radicalizing inmates and fomenting disobedience and rebellion in the
prisons as part of a larger plan of revolution coordinated among
several organizations. This characterization of the O.P.L.U., however,
was not supported by the testimony of the Director of the Ohio Depart-
ment of Rehabilitation and Correction, who instead denied that the
organization was either radical or revolutionary, even though he person-
ally disagreed with the O.P.L.U. on "philosophical grounds" and believed
that intimidation had sometimes been employed to coerce some inmates to
join. However, the general thrust of the hearings was in the direction
of examining movements and organizations such as the O.P.L.U. in the
context of a conspiracy to disrupt the normal functioning of the prisons,
rather than as pressure groups or reform organizations. The House Com-
mittee was, for example, quite concerned about the diffusion of the
prisoners' union movement throughout the various states, and seemed to
perceive it (as did certain witnesses) as a revolutionary conspiracy.

There were other events involving the O.P.L.U. since that summer
of 1973. However, since the wildcat strike at Lucasville the organi-
ization has more or less simply "gone through the motions," in many
respects. There was no sudden, dramatic end to the movement. In fact,
it seems apparent that many inmates still support such a movement in
principle. But the premature strike at Lucasville, combined with the
power held by the Department of Rehabilitation and Correction over
virtually every aspect of a prisoner's life, led to the gradual weak-
ening and current impotence of the union. Like PROP in England, the
O.P.L.U. was victimized by a strike which came far too early in its
developmental history. The reprisals at the disposal of correctional
officials were extremely effective in crippling the overt support and
activity of union sympathizers in Ohio, as in Great Britain. To be
confined in isolation for days, weeks, or even months; to be confronted
with denial of parole for activities "not in the best interest of the institution"; to be transferred from a minimum or medium security institution to maximum security—these and other sanctions within the discretionary power of correctional administrators are persuasive arguments against anything beyond token support for a prisoners' union.

One by one, realizing that inmates were unable to support the O.P.L.U. any longer, the staff which had been assembled began to drop out of the movement and find other jobs and other commitments (including one staff member who was re-arrested for a new offense). Even a plan to bring in Jimmy Hoffa for a tour of Lucasville to investigate the treatment of prisoners there fell through when the permission granted Hoffa for the tour was withdrawn. The state headquarters of the O.P.L.U. eventually closed entirely when the last remaining staff member moved out (previously, several staff members lived at the headquarters at any given time). In recent interviews we held with staff members, they spoke of the union in the past tense and, when questioned directly, acknowledged that the union (at least in the concrete form of the O.P.L.U.) is defunct. There is general consensus that the premature strike called by the local at Lucasville was indeed the single most significant factor in the demise of the union. There were, however, some other factors which, in our opinion at least, contributed to the downfall of the movement. We shall take a closer look at some of these as we examine the movement's component parts.
Anatomy of a Prisoners' Union

Any movement of the scope of the O.P.L.U. involves a number of components. There must, obviously, be leadership—in this case from both inside the walls and outside. It is essential that there be organizational goals which are broadly understood and supported. There are the physical requirements of survival—financial resources, a headquarters for both physical and symbolic reasons, a staff with the skills necessary to carry out the work effectively. It is essential that the propaganda of the movement be disseminated in the most favorable possible manner—and as widely reported as possible. For the movement to attain its mission of forming a prisoners' union, there must obviously be substantial grass-roots support among the inmates; the union must be able to demonstrate that it does indeed represent the prisoners.

Beyond the movement itself, the support of the citizens of the state is the ultimate necessity, especially in the face of the opposition of influential persons in the corrections department and elsewhere. If citizen support cannot be won, then corrections administrators have, in a sense, carte blanche in dealing with the prisoners' union. The failure of the movement to deal effectively with any of these components necessarily limits its possibilities for success.

Leadership

The leadership which emerged in the O.P.L.U. was, for the most part, charismatic and self-appointed. This was not unexpected, because it is widely known that social movements (or even entire nations) which
are at a very early stage of development generally do not have the tradi-
tional or legal bases on which to develop leadership. Therefore, the
charismatic leader frequently plays an important role in such situations.
This was the case with the O.P.L.U. throughout its short-lived history.
Although a constitution was drafted by the inmates at London (at the
insistence of the staff, who did not want to impose one upon the mem-
bership), the mechanism for approving and implementing it was really not
functional. There was, of course, the obvious problem of how such an
organization could hold open elections while its members were residing
in prisons operated by an administration which did not recognize the
organization and, in fact, strongly opposed its very existence. For
this and related reasons, the democratic elections which were ideally
preferred by the O.P.L.U. organizers never materialized. An alter-
native argument, of course, is that the charismatic leadership among
the inmates had no real motivation to hold such elections, since to
do so might mean a loss of power for themselves. It is our belief,
however, that the former reasons have more explanatory validity here.

As we noted earlier, inmates started the O.P.L.U., not out-
siders. To gain a better understanding of the types of inmates who
became leaders of the O.P.L.U., we first identified 66 persons who had,
at one time or another, served in a leadership capacity for the union
inside the walls. We then narrowed this list down (through our own
observations of which inmates were relied upon most and through inter-
views with the staff in which they were asked to name the key inmate
leaders) to 18 key leaders. Of these 18, we were able to obtain data
on 13 from the Ohio Adult Parole Authority (the other five files were inaccessible at the time of our study). Based on these 13 cases, all of whom were acknowledged by the staff of the O.P.L.U. to be in the top echelon of inmate leadership, we can construct a profile of the inmate leadership which kept the union movement active inside the walls.

The inmate leaders were older, generally, than either the rank and file membership of the O.P.L.U. or the general prison population. The median age of our 13 leaders was 36, almost 10 years senior to the followers and to those in the general population (see Table 2, p. 138).

Racially, the key leaders were disproportionately white. In a prison system where a majority of inmates (52.3%) were black, our leadership survey indicated that almost 70 percent (nine of 13) were white. In addition, there were no black full-time staff members, a fact which caused a significant amount of criticism on the part of black inmates that the O.P.L.U. was not representative of their concerns. During the year in which we studied the union as a participant-observer, we knew of only two blacks who served in any quasi-staff capacity (one who was an "ex-con advisor" and served in a part-time liaison position and another who had just been released from Lucasville and helped out at headquarters while looking for housing and a job). It should be noted that we were aware of a number of strong black inmate leaders, but most of them have been affiliated with other factions of the population.

In terms of marital status, the leaders, even slightly more than
the rank and file members of the union, tended to be unattached. We were unable to obtain reliable control data on the general population, but one of the more interesting characteristics of the O.P.L.U. members and leaders is the fact that the vast majority of them (80% of the leaders on whom we have data and 78.2% of the rank and file) were not married. This fact assumes even greater significance when one looks at the age differences we noted between leaders and followers and when one considers that these percentages undoubtedly understate the true figure, since we are aware that many inmates who are actually separated from their spouses (either legally or informally, but not just for reasons of confinement) are still recorded as being married. There is less likelihood of error in the other direction because of the general motivation which exists for inmates to have their families visit (necessitating listing them as immediate family members in some cases) and the legal requirements of marriage which would tend to encourage spouses to make known their relationship to the authorities. Therefore, it seems clear that prisoners' union leaders and members were overwhelmingly unattached (either single, divorced, widowed, or separated) people. Furthermore, to expand this finding one step more we can add that the staff of the O.P.L.U. were all unmarried (though some had previously been married and divorced). The most significant implication of this finding, in our opinion, is not the social adjustment (or lack thereof) of these individuals (although perhaps another investigator would give some weight to that dimension)—that would necessarily involve making a
value judgment about the desirability of marriage, which is certainly outside the scope of this investigation; instead, we believe that the hypothesis suggested by this finding is that prisoners' union leaders and members may be prepared to commit themselves to such a cause, with all of the attendant risks to their future, partly because of their unattached status (they are free to make commitments which may jeopardize their future without the necessity of considering the effects on spouses and children).

As might be expected, our analysis of leaders indicates that they tended to be better-educated and more intelligent than the general rank and file prisoners' union members or the general prison population in the state. The average (mean) educational attainment of the leaders was 12.18 years, compared to about 10 for the other groups (see Table 6). Even more notable, perhaps, is the fact that eight of our 13 leaders had I.Q.'s in the Above Average (110-119) or Superior (120+) ranges—an impressive 61.5 percent, which is far greater than the corresponding proportions of the other two groups (see Table 7).

Although we were unable to obtain reliable, comparable data for either of the other two populations, it is nevertheless interesting to note than about half (six of 13) of our leadership sample were diagnosed as "sociopathic" or "psychopathic." This, again, was not particularly surprising, in that our own experience has taught us that this diagnosis is often made on other than clinical bases (i.e., a lengthy criminal record). Since the median number of adult convictions of our 13 leaders
was nearly twice that of the rank and file members (5.0 to 2.7) and the leaders had spent far more time incarcerated than the members (a median of 93 months for leaders, compared to 39 months for rank and file members), it is logical to assume that their personality assessments might disproportionately include the label "sociopath."

What conclusions, then, can be drawn about the inmate leaders of O.P.L.U.? Like the rank and file membership of the union, the modal offense of the leaders was that of armed robbery. So, in terms of criminal value systems and other normative behavioral expectations which appear to be associated with types of criminal careers, one could argue that the leaders hold values similar to those of a substantial number of the O.P.L.U. members and other prisoners (see Table 8). Beyond this affinity in criminal "style," the leaders appear to be distinguishable in a way that has great significance in the inmate population--they are inmates who have served a lot of time, have a vested interest in the operation of the prison, are very intelligent (and therefore better able to communicate effectively with both inmates and staff), and are generally charismatic individuals with the intangible leadership "qualities" which typically accompany charismatic personalities. In short, because of the respect they command under the prevailing normative system of prisons and the magnetism of their personalities, these inmates have been able to get others to follow their lead.

What of the leadership exerted by the staff? Our own observations and interviews led us to conclude that there was very little
leadership shown by staff members, except for two attorneys. The other staff continually depended upon these two attorneys for direction, policy, and general guidance; they frequently seemed unable to function autonomously. Given the scarcity of time these attorneys had to donate to the union, the dependency of the staff upon them (partly due, we believe, to the charismatic qualities of the attorneys themselves—one in particular) proved to be a crippling factor for the organization. The staff of the O.P.L.U. was a mixture of convicts (who generally had very few skills to offer, other than the claim to a natural affinity with the inmates who comprised the membership), a few well-educated reformers, and a few people in between (with a little jail time and a little education). The problem with this mixture was that it represented an attempt to be both representative of the inmates and skilled enough to operate an organization which was ostensibly representing over 8,000 inmates in the sixth largest state in the United States. It, in fact, did neither. It never had the ex-convict presence on the staff required to be truly representative of the inmates (witness the charges mentioned earlier that it did not represent blacks) nor the skills requisite to operating the office effectively (as we were painfully aware when it came to obtaining any sort of records and when we attended the poorly-organized meetings). The "middle-class" skills associated with effective and efficient business operations (typing, record-keeping, punctuality, proper verbal and written communication, etc.) were missing, as was the total trust of the inmates in a staff which was predominantly not
"ex-con." Even those ex-convicts who were on the staff were not always able to win the trust of inmates. For example, when the union attempted to implement a dues system ($1 per month per member), some inmates sent word that they did not want the "ex-cons outside handling their money."

It is highly probable, in our opinion, that "prisonization" produces more suspicion than solidarity, and this must be overcome if a prisoners' union is to be effective. It never was overcome in the O.P.L.U.

**Goals**

We have noted the importance of having goals which are clearly stated and widely supported by the membership. The goals of the O.P.L.U. were stated as follows:

1. **Salaries:** We believe that all workers should be paid at least the minimum wage set by law, and we should, ideally, be paid on the same basis as civilian employees. This is the goal of the O.P.L.U.: 'to see prisoners treated as the civilians they were and will be again.'

2. **Legislation:** We support and encourage all legislation beneficial to prison labor.

3. The O.P.L.U. wishes to develop apprenticeship programs that are meaningful to, and appealing to, the prison labor force.

4. We support increases in institutions' (correctional institutions) staff salaries so more qualified personnel can be hired.

5. Establishment of self help academies and vocational programs subsidized by the O.P.L.U.

6. Workmen's compensation for all Ohio prisoners.
7. Rehabilitation programs for the handicapped.
8. Protect human, civil and legal rights of prisoners.
9. Correct dangerous working conditions.
10. Encourage private industry to come into institutions.
11. Combat cruelty and injustice wherever found in the prison system.
12. Affiliate with outside unions.

It is clear, from reading this list of goals of the O.P.L.U., that the stated purposes of the organization had a predominantly labor orientation. However, my own observation of the functioning of the organization over the past year and a half has convinced me that the main thrust of the union, in reality, was not primarily in the direction of a labor union. It was, instead, very much a social movement whose goals were much broader than labor issues alone. Of the above list of goals, the energies of the movement were most invested in numbers 8 and 11 and very little invested in the others. The staff apparently realized that the labor issues were subsumed, in a sense, under the broader goals reflected in numbers 8 and 11. So the O.P.L.U., although calling itself a "labor union," never was one. Its ideology, in fact, did not really lend itself to the labor union model in any sense of the term. American labor unions have had, and continue to have, a "bread and butter" orientation—not a "class-oriented," macrolevel approach as implied in the ideology of the O.P.L.U. The commonalities of the two types (the demand for improved wages and working conditions and the right to collective
bargaining) were minimized by the approach taken by the O.P.L.U., despite the stated goals.

Organizational Factors

A number of components of the O.P.L.U. movement can perhaps best be subsumed under the general label "organizational factors." Some of these have already been touched upon in the previous discussion (e.g., the lack of skills on the part of the staff and the lack of trust for the staff on the part of some inmates). There are others which seem important enough to be discussed separately.

Perhaps the most important, and ultimately insurmountable, operating problem which confronted the staff was the overwhelming number of requests received from inmates who had concrete, specific problems for which they sought the help of the staff. The great majority of these problems did not involve penal policy per se, but rather were related to personal needs and situations. Nevertheless, the staff devoted an inordinate amount of time to these requests before gaining the experience necessary to differentiate between cases having broader implications and those which were more unique and therefore a less profitable investment of time, given scarce time and resources. The drain on the resources of the staff in dealing with such cases cannot be overestimated. My own observations convinced me that, at least until quite late in the existence of the O.P.L.U., there was no clear policy with regard to this matter. In their attempts to please individual inmates, valuable time and resources were diverted from common causes.
As noted earlier, another factor which had organizational implications was the advice given to the O.P.L.U. organizers by the national organizers touring the country in behalf of the Prisoners' Union. The damaging part of that advice consisted of suggestions to accelerate the level of visibility of the O.P.L.U. in the state. In retrospect, this tactic undoubtedly contributed to the false confidence under which the local leaders at Lucasville called the wildcat strike. With the union movement still in an embryonic stage, more grass-roots organizing was indicated to build strength among the membership before any such activity could successfully be undertaken. The staff of the O.P.L.U. realized this, although somewhat belatedly, but could do little other than support the strike once it had been called.

Finally, there were some other factors which had an organizational impact, even though they were primarily of an interpersonal nature. As noted earlier, a number of staff members lived at the headquarters at any given time. This created a situation whereby people were essentially living together 24 hours a day, during work and at night. In the course of time, this necessitated certain arrangements which produced a division of labor in areas such as household chores, as well as the division of labor in the office. Our interviews revealed that there was at least some hostility among staff members as a result of perceived sexism in the division of labor. The female members of the staff were ideologically consonant with the "women's liberation movement," and they were angered to learn that some of the males with whom they labored
during the day for a cause with high ideals could then expect them automatically to do the cooking and other "traditional" female role-related chores. We mention this not because of its intrinsic importance, but because it reflects the very human kinds of conflict which developed among a staff which was constantly together and constantly facing a job which could never be "caught up" with by the end of the day. There were also occasional romantic overtones to some of the staff relationships, and the quality of work done by the staff sometimes seemed dependent on how things were going at the house (the headquarters). The importance of interpersonal relations in any working situation can never be overemphasized, and the importance here is magnified even beyond that which normally attaches.

Meetings

We have already mentioned that a substantial amount of our knowledge of this movement was obtained as a participant-observer at the regular meetings of the O.P.L.U. We kept notes summarizing each meeting, and it would seem useful to present summaries of two types of meetings. The first type represents a fairly typical meeting, with a routine (although the word "routine" seldom applies to any aspect of a prisoners' union) agenda. Attendance at staff meetings (scheduled weekly, but actually held irregularly) generally included about a dozen people—not always the same dozen. The three consulting attorneys (all males), regular staff (two males and two females), and assorted ex-convicts and volunteers comprised the group.
Typical Meeting

The staff meeting began at 11:00 p.m. (not unusual; although the meetings were generally scheduled to begin at 8:00 or 9:00, they rarely did). A female staff member announced that she would continue to work with the staff for another week, to clear up her correspondence and other work before her resignation took effect (she had resigned for "personal reasons"). She then reported on her trip to Washington, D.C., during which she met with the vice-president of a prominent national labor union, who extended his invitation to her or other O.P.L.U. staff to return to Washington in the near future to discuss the formal endorsement of the O.P.L.U. by his union.

At this point, the attorneys for the O.P.L.U. suggested that the matter of endorsement by this outside labor union be taken up with the Executive Committee members at each local chapter of the O.P.L.U. (each correctional institution) in personal interviews, rather than by mail. They cited as their reason for this suggestion the censorship of the mail currently being practiced in the institutions.

It was announced that the National Association for Justice—the organization for whom Jimmy Hoffa directs the crisis control "hot line"—had offered to handle any litigation that would be before the courts in Washington, D.C. (Federal Circuit or Supreme Court) that involved O.P.L.U. counsel. They also discussed the possibility of sending legal counsel to Ohio to assist with federal court cases.

It was reported that "Nader's Raiders," who coordinate research
for consumer advocate Ralph Nader, were quite interested in beginning research into prison-related issues. They discussed, with an O.P.L.U. staff member, three specific areas of interest to them: (1) deaths in prison, (2) industrial accidents in prison, and (3) statistics relating state welfare and family assistance costs to convicts receiving industry-prevailing wages. They solicited input or research from the O.P.L.U. or any other local group interested in these areas, and indicated that the national headquarters' involvement could be forthcoming if it seemed worthwhile. They indicated that such a project would be quite appealing to them. The O.P.L.U. staff decided to begin assembling such information whenever and wherever possible.

On her trip to Washington, the staff person also spoke with the Executive Secretary of the Industrial Workers of the World (I.W.W.), the oldest industrial union in the country. (It was explained that an industrial union organizes all workers in a factory or shop into one union, while a trade union organizes workers according to their trade or skill.) The Executive Secretary of I.W.W. had suggested that the O.P.L.U. present a proposal to the I.W.W. National Convention (to be held that weekend in Chicago) for recognition. The O.P.L.U. staff discussed this opportunity and decided to submit a proposal that the I.W.W. recognize all prisoners' union movements, not just one. (The proposal was later adopted by the convention.)

The staff then discussed plans for an open house to be held on September 9, sponsored jointly by the O.P.L.U. and the Ohio Prisoners'
Fund (a chartered, non-profit organization created to administer the initial $6,000 grant designed to provide funding for the O.P.L.U. and related operations). A discussion ensued regarding which persons and organizations should be extended personal invitations to the event. Plans were finalized for entertainment, refreshments, literature and programs, and speakers for the occasion. Union members were encouraged to invite their friends and relatives to the function, which was to be held at the headquarters of the O.P.L.U. in Columbus. The hope was expressed that the latest issue of Ohio Connections, the official newspaper of the O.P.L.U. (see Appendix A for photocopy) would be ready for distribution.

The attorneys received a telephone call during the meeting, and it turned out to be an update on the latest developments at some of the local chapters. The attorneys then reported to the staff on the status of the consent decree which had been drawn up and submitted to a federal judge. The major points covered in the consent decree were the following: (1) no disciplinary action was to be taken against inmates for participation in the work stoppage at SOCF (Southern Ohio Correctional Facility), held May 24 through June 3; (2) reclassification of inmates was to be completed by August 30 and all inmates returned to the usual housing areas as soon as possible, and this reclassification and reassignment process was not to be affected by union membership; (3) the complete restoration of commissary, library, and laundry services; (4) at least five hours of recreation per week was to be provided for
every inmate; (5) nurses or nurses' aides would daily visit each cell block to dispense medical services; (6) no future intra-institutional transfers would be effected without full hearing procedures, as required by administrative regulations; (7) in all other areas of discipline, routine, and the regulation of confinement, administrative regulations would be strictly observed; (8) the legal staff of the O.P.L.U. would police the observance of the decree through a system of personal visitation in the cell blocks; furthermore, male attorneys and law students would have "blanket access," while the names of designated "legal investigators" must be submitted for screening; and (9) copies of the consent decree would be posted in every cell block at the Southern Ohio Correctional Facility.

It was reported that, as yet, no definite arrangements had been made to deal with the "thousands of dollars worth of property damage and theft" caused by corrections officers during the "shakedown." The attorneys expressed their intent to pursue this matter until it was satisfactorily resolved.

It was proposed that the weekly newsletter written by the staff become the basis for regular communication with interested outside support persons and cooperating organizations, such as Catherine Shavers (a Wayne County, Michigan, Commissioner whose brother was confined at Lucasville and who, through the assistance of Senator Kennedy's office, was permitted to tour the facility in response to several letters of complaint she had received), the National Lawyers' Guild, The Outlaw, etc. Suggestions were solicited for additions to the mailing list.
It was also recommended that the London (LOCI) local prepare a letter for statewide distribution concerning the status of their proposed constitution. A suggestion was received from Marion Correctional Institution (MCI) that the constitutional committee include O.P.L.U. attorneys, liaisons, and interested members of certain support groups.

It was announced that a local print co-op had offered the staff free use of a copying machine and a folding machine. Another staff member reported that there was a possibility of obtaining an A.B. Dick photocopier for $360.00.

Art work was solicited for the O.P.L.U. booth at the Columbus Community Festival, to be held October 5-7. The suggestion was made that artists focus on preparing works within the $1-$5 range, in order to stand the best chance of making sales at this particular festival. In addition, it was announced that the Ohio Prisoners' Fund Art Gallery would be displayed in the O.P.F. office September 9. All prisoners with art to display were encouraged to contact the staff immediately and arrangements would be made to pick up their art.

Finally, word had been received that several members of the Attica Defense Committee (a group created for the purpose of communicating Attica inmates' perspectives of what happened at Attica, in addition to dealing with general issues related to prisons and raising funds for the legal defense of the inmates indicted) would be touring Ohio on a series of speaking engagements (sponsored by the Ohio Prisoners' Fund) between October 14 and 28.
A brief time was devoted to local reports (reports from each institution), and the meeting was then adjourned at 12:35 a.m.

The above summary of a typical O.P.L.U. meeting provides a picture of the kinds of business matters routinely dealt with in the regular meetings. Aside from the disorganization which was nearly always present (and which prolonged the meetings, once they did get started), there was little which occurred at such routine meetings that is not evident in the above account. During the hour or two before the meetings, however, we frequently observed certain staff members using various drugs (both "hard" and "soft"). This was always done before the arrival of the chief legal counsel of the union, who had on numerous occasions warned the staff against such activity, especially at union headquarters. However, these warnings were not heeded, although the attorney was unaware of that fact until later, when (in a relatively brief span of time) several staff members were arrested for various offenses, some involving drugs. This drug usage not only took place in a manner calculated to deceive the legal counsel, it also sometimes seemed to have a marked effect on the performance of those staff members during the meeting (cognitively and behaviorally).

All of the meetings were not as routine as the one described above. On other occasions, especially during crises, the meetings were much more focused. It was at such times that we were able to gain a better perspective of the functioning of the staff "under fire." We shall briefly summarize one such meeting.
On October 3, 1973, the meeting began very late (as usual) and lasted very long. During the two-hour delay while we awaited the arrival of the attorney-advisors, the staff present all used marijuana and/or L.S.D. Having become accustomed to our presence at these meetings, there was no effort to conceal this activity. I was, in fact, invited to participate, but declined in a way that I felt would be accepted and would not jeopardize my rapport: I said simply, "I'm too straight for that; you know us academic types" and made a joke out of the matter. There seemed to be no resentment on the part of the participants, since I had always attempted to react in non-judgmental terms.

The first major item of business proved to be a "bombshell." One of the "ex-con liaisons" had just visited Lucasville and reported that there was considerable dissension in the inmate ranks there. He claimed that two of the O.P.L.U. leaders who had called the strike at Lucasville were currently in isolation "for their own protection" because the other inmates were angry at them for "overstepping their authority" in calling off the strike action. In addition, it was reported that many inmates felt that one of the O.P.L.U.'s attorneys and an ex-inmate were competing for power. This particular ex-inmate was not at all well-liked or trusted by some inmates, largely due to his ambiguous and unsavory role in the 1968 Ohio Penitentiary riots. It was reported that one inmate leader, when asked about this former inmate, replied: "When you mention his name, guys think of five dead men laying in the yard [the inmates
killed during the Ohio Penitentiary riots." The conclusion reached was that this individual should be precluded from future activity in the O.P.L.U. because of the negative reaction of the inmate population.

It was further decided that to smooth the relationship between the O.P.L.U. and inmates at Lucasville, two O.P.L.U. staff members would go to Lucasville with leaflet-type handouts, explaining to inmates a number of issues (especially the consent decree described earlier). It was emphasized that every effort must be made to "head off dissatisfaction at Lucasville." The desperation felt by the staff was apparent when a serious discussion was held regarding how best to ameliorate this crisis in confidence at Lucasville. At this point, one of the attorneys for the union, in all sincerity, announced that he would go to Lucasville and talk with the inmates in each cellblock via a bullhorn. When a staff member expressed doubt that the authorities would permit this, the attorney was vehement in his belief that this plan was a realistic one. His naivete in this crisis situation seemed partially a product of his apparent need to believe that only some dramatic gesture could unify the inmate population, despite the overwhelming evidence to the contrary.

Other issues were dealt with in this meeting, but the bulk of the time and emotional investment of the staff was spent on the crisis resulting from the strike and ensuing dissension among the inmate ranks at Lucasville. What was most apparent at this meeting was the intense emotional involvement of the staff in improving the situation at
Lucasville, on the one hand, and their disorganized and haphazard approach to doing so, on the other. Rather than formulating a policy to deal with the realities at that prison, the staff reacted by discussing fantastic, dramatic solutions and utterly failing to utilize a key meeting to deal with the crisis effectively.

We should make it clear, in concluding our remarks about the organizational aspects of the O.P.L.U., that we never had any reason to doubt the sincerity and commitment of most of the staff. Their willingness to give up their meager pay (those who got paid at all) when funds dried up (as they did quickly, after the initial $6,000 grant provided by an anonymous source was depleted); their endless hours of work in a situation which dominated their lives in an almost monolithic sense; their countless manifestations of self-sacrifice and dedication to the movement (for example, when funds were low near the end of the movement's existence, two staff members sold their own blood every week to raise money)--all of these things convinced us that the majority of the staff were indeed "true believers." Most of them also felt strongly about other social reform causes and had had some involvement with those movements (the anti-war movement, especially). But the main problem, again, seemed to be the lack of organizational and personal resources to accomplish the goals of a prisoners' union movement.

The Membership

As noted earlier, one of the key questions to be asked about a
prisoners' union is whether or not it is representative of the inmates. Obviously, if such a movement can be dismissed as being promoted by a fringe group with a narrow vested interest, then corrections officials and citizens can dismiss the movement as irrelevant.

But if, on the other hand, such a movement could back up claims of representativeness, then it must be taken more seriously, especially if it has a large number of members and presses its goals aggressively.

In order to determine whether or not the O.P.L.U. did, in fact, attract a membership which was representative of the population of Ohio's adult correctional institutions, we decided to analyze a representative sample of O.P.L.U. members and compare them, on a number of characteristics, with the general inmate population. To accomplish this, we first constructed an information sheet consisting of 45 items designed to obtain data on each inmate's demographic characteristics, his criminal background, and his record while in confinement. We were able to obtain the cooperation of the Ohio Adult Parole Authority in making their files available to us for this purpose. Next, we selected every sixth case from our lists of 3,210 inmates who had signed authorization petitions and cards designating the O.P.L.U. as exclusive bargaining agent. This produced a sample of 535 inmates for our analysis of the O.P.L.U. members. It should be noted, as one of the caveats we mentioned earlier, that an inmate's signature on a petition does not constitute an infallible indicator of membership, in the strict sense of the word. No doubt a number of inmates will sign almost any petition, without
necessarily indicating thereby a sincere commitment to the cause espoused. On the other hand, an equally justified criticism of this indicator is that many inmates who believe strongly in the union and who would involve themselves in union activities (perhaps especially some of the most militant inmates) might prefer not to sign their names to anything connecting them with the O.P.L.U., reasoning that their signature might lead to some reprisals.

With the above limitations in mind, but realizing that there were no demonstrably valid indicators available to us as alternative measures of membership, we collected all pertinent data on these 535 inmates from the data bank. We found that in almost every respect, the inmates who joined the Ohio Prisoners' Labor Union were representative of the general inmate population of Ohio's adult correctional institutions. Those findings will now be discussed in the framework of a comparison between the O.P.L.U. sample and the 8,421 inmates incarcerated in Ohio's eight adult correctional institutions as of June, 1974. The statistics we relied upon for control purposes were contained in the official monthly report on the inmate population, a copy of which was provided us by the Corrections Data Center. It should be noted that the comparisons are fewer in number than we had originally hoped, due to the lack of data available for control purposes on many items of interest to us. We were also somewhat limited in our control data by the sometimes sizeable number of "missing cases" in the official statistical report.
Age

O.P.L.U. members were slightly (but not significantly) younger, on the average, than the general inmate population. The following table, however, reveals that the age distributions of the two groups were quite comparable:

TABLE 2

AGE DISTRIBUTION OF OHIO PRISON POPULATION (O.P.P.) AND MEMBERS OF OHIO PRISONERS' LABOR UNION (O.P.L.U.)

<table>
<thead>
<tr>
<th>Age</th>
<th>O.P.P.</th>
<th>O.P.L.U.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>f</td>
<td>%</td>
</tr>
<tr>
<td>18 and under</td>
<td>70</td>
<td>(1.1%)</td>
</tr>
<tr>
<td>19-22</td>
<td>1331</td>
<td>(20.0%)</td>
</tr>
<tr>
<td>23-26</td>
<td>1693</td>
<td>(25.5%)</td>
</tr>
<tr>
<td>27-30</td>
<td>1094</td>
<td>(16.5%)</td>
</tr>
<tr>
<td>31-34</td>
<td>724</td>
<td>(10.9%)</td>
</tr>
<tr>
<td>35-38</td>
<td>504</td>
<td>(7.6%)</td>
</tr>
<tr>
<td>39-42</td>
<td>382</td>
<td>(5.7%)</td>
</tr>
<tr>
<td>43-46</td>
<td>326</td>
<td>(4.9%)</td>
</tr>
<tr>
<td>47-50</td>
<td>216</td>
<td>(3.3%)</td>
</tr>
<tr>
<td>51-60</td>
<td>227</td>
<td>(3.4%)</td>
</tr>
<tr>
<td>Over 60</td>
<td>79</td>
<td>(1.2%)</td>
</tr>
<tr>
<td>Total</td>
<td>6646</td>
<td>100.1%</td>
</tr>
</tbody>
</table>

\[ x^2 = 19.592, \text{ df=10, } p < .05 \]

*Due to rounding error, totals in this and subsequent tables may not equal 100.0 percent.

Clearly, the difference between the two populations was not a statistically significant one. The level of statistical significance indicated here is somewhat artificially inflated by the size of certain
cells, and the null hypothesis cannot comfortably be rejected. Thus we must conclude that with respect to age, the O.P.L.U. was representative of the general inmate population. The mean ages for the two groups, as reported in Table 2, are quite similar (30.3 versus 29.7), and the main factor contributing to this slight difference in the means appears to be the general rejection of the union by inmates in the upper age ranges. This is borne out by an analysis of Table 10, which demonstrates the failure of the inmates at Chillicothe Correctional Institute (which has the largest concentration of older inmates, and a median age of 40 for the inmate population) to support the union in numbers reflective of their proportion of the general penal population in the state. While this lack of support was also noted, for the most part, at the reformatories (Marysville, Lebanon, and Mansfield), where inmates are generally young, this would not have the same degree of impact on the mean age because of the distribution of young inmates throughout all of the institutions (compared to the concentration of older inmates at Chillicothe).

Race

The prisoners' union was also representative of the general inmate population with regard to race. As can be seen in Table 3, the union composition slightly over-represented whites when compared to the Ohio Prison population. As we have already noted, the inmate leadership and outside staff of the O.P.L.U. were very non-representative of blacks. The charges made by some black inmates that the union did not
TABLE 3

RACIAL DISTRIBUTION OF OHIO PRISON POPULATION (O.P.P.) AND MEMBERS OF OHIO PRISONERS' LABOR UNION (O.P.L.U.)

<table>
<thead>
<tr>
<th>Race</th>
<th>O.P.P.</th>
<th>O.P.L.U.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>f</td>
<td>%</td>
</tr>
<tr>
<td>White</td>
<td>3962</td>
<td>(47.6%)</td>
</tr>
<tr>
<td>Non-white</td>
<td>4359</td>
<td>(52.4%)</td>
</tr>
<tr>
<td>Total</td>
<td>8321</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

$x^2=1.351, \text{df}=1, p<.30$

effectively represent black concerns would appear, in the light of this analysis, to have some possible relationship to the racial composition of the staff and of the inmate leadership, but seems unrelated to the racial composition of the rank and file membership. It will be recalled that in our analysis of O.P.L.U. inmate leaders, we discovered that almost 70 percent of them were white, in a prison population where a majority of inmates are black. Therefore, although it is clear that the union membership was racially representative of the inmates in Ohio, the white dominance of the leadership structure may have been related to some of the discontent of a segment of the black population. This discontent, to the extent that it affected the unity of the membership, may have been an important factor in the failure of the O.P.L.U. to survive.

Urban Distribution

Another factor which was investigated was the extent to which the
prisoners' union approximated the general population of inmates with regard to whether their county of commitment was a major urban center. In order to make this comparison, 11 large, highly urban counties were selected as an index of "urban residence" and the other 77 counties in the state regarded as "non-urban." It must be pointed out that a better indicator of urban or non-urban residence would have been the legal residence of the offender. However, while we did collect that data for our sample of union members, no comparable data were available for control purposes. "County of commitment," then, was the best available basis of comparison on this particular attribute. Table 4 illustrates the degree to which the union's support came from these urban counties:

Table 4

<table>
<thead>
<tr>
<th>County of Commitment</th>
<th>O.P.P.</th>
<th>O.P.L.U.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>f</td>
<td>%</td>
</tr>
<tr>
<td>11 urban counties</td>
<td>5774</td>
<td>(74.4%)</td>
</tr>
<tr>
<td>Other counties</td>
<td>1988</td>
<td>(25.6%)</td>
</tr>
<tr>
<td>Total</td>
<td>7762</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

\[ x^2 = 1.265, \text{ df}=1, \ p < .30 \]

Prior to gathering these data, it seemed likely that a disproportionate amount of support for the union might come from highly urban areas, where labor unions are more prevalent and inmates might be expected to have some familiarity with those unions (and perhaps have been
reared in a family where the father was a union member). It might also have been argued that protest movements of this sort are generally outside the experiential realm of non-major urban center inmates. However, as Table 4 indicates, the non-urban counties did supply their proportionate "share" of union members (in fact, about two percentage points more than their share!). Here again, the union membership was clearly representative.

Sex

Ohio has relatively few adult females residing in penal institutions. The Ohio Reformatory for Women (Marysville) houses the 302 women who comprise the female segment of the prison population. Sixty-six of those women joined the prisoners' union but, as Table 5 suggests, Marysville comprises 3.6 percent of the prison population. Therefore, the union's strength there was not very impressive. The 11 women included in our sample (one-sixth of the cases) made up only 2.1 percent of the total sample.

<table>
<thead>
<tr>
<th>TABLE 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEX DISTRIBUTION OF OHIO PRISON POPULATION (O.P.P.) AND MEMBERS OF OHIO PRISONERS' LABOR UNION (O.P.L.U.)</td>
</tr>
<tr>
<td>Sex</td>
</tr>
<tr>
<td>-----</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Female</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

\[x^2 = 3.716, \text{ df}=1, \ p < .10\]
An inmate strike at Marysville in February, 1973, led to a number of punitive sanctions on the strikers, whose number included some O.P.L.U. members. Strikers meeting the parole board after the action were generally given 30, 60, or 90-day "flops" (the relative brevity of the "flops" underscoring the arbitrary and punitive nature of the decision). This fact, along with the general lack of support for the union in the reformatory populations and the fact that women may have had more difficulty identifying with the labor portion of O.P.L.U.'s goals, created a situation where there was probably little incentive to join the union. It could also be argued that the socialization process experienced by many (if not most) females has traditionally fostered neither unity nor activism, but rather has encouraged competition among themselves and passivity in social and political matters.

Education

Prisoners' union members, according to our analysis, had a mean educational grade level of 9.8, which was precisely equivalent to the average for the inmate population. Although the means of the two groups indicate equivalency, the chi square value and corresponding level of significance primarily reflect the fact that inmates with more than 12 years of education were notably lacking in the O.P.L.U. sample (four observed, 15 expected). Therefore, although the two groups have identical means, the distribution of cases is significantly different.

While the "typical" inmate still is not a high school graduate, the fact that he has completed about ten years of school reflects a
### Table 6

**DISTRIBUTION OF GRADE LEVEL ACHIEVEMENT FOR OHIO PRISON POPULATION (O.P.P.) AND MEMBERS OF OHIO PRISONERS' LABOR UNION (O.P.L.U.)**

<table>
<thead>
<tr>
<th>Years of Education</th>
<th>O.P.P.</th>
<th>O.P.L.U.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>f</td>
<td>%</td>
</tr>
<tr>
<td>0-6</td>
<td>341</td>
<td>5.5%</td>
</tr>
<tr>
<td>7-9</td>
<td>2244</td>
<td>36.0%</td>
</tr>
<tr>
<td>10-12</td>
<td>3457</td>
<td>55.4%</td>
</tr>
<tr>
<td>More than 12</td>
<td>193</td>
<td>3.1%</td>
</tr>
<tr>
<td>Total</td>
<td>6235</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

$x^2 = 11.384, df = 3, p < .01$

There was some tendency to attract members who were, disproportionately, on the extremes of the intellectual continuum (I.Q.'s above 110 or below 80) into the Ohio Prisoners' Labor Union, as shown in Table 7:
TABLE 7

I.Q. RANGE OF OHIO PRISON POPULATION (O.P.P.) AND MEMBERS OF OHIO PRISONERS' LABOR UNION (O.P.L.U.)

<table>
<thead>
<tr>
<th>I.Q. Range</th>
<th>O.P.P. f</th>
<th>%</th>
<th>O.P.L.U. f</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superior (120+)</td>
<td>265</td>
<td>4.8%</td>
<td>46</td>
<td>8.9%</td>
</tr>
<tr>
<td>Above Average (110-119)</td>
<td>1000</td>
<td>18.1%</td>
<td>102</td>
<td>19.7%</td>
</tr>
<tr>
<td>Average (90-109)</td>
<td>2759</td>
<td>50.0%</td>
<td>242</td>
<td>46.6%</td>
</tr>
<tr>
<td>Slow Learner (80-89)</td>
<td>1226</td>
<td>22.2%</td>
<td>93</td>
<td>17.9%</td>
</tr>
<tr>
<td>Educable (70-79)</td>
<td>234</td>
<td>4.2%</td>
<td>26</td>
<td>5.0%</td>
</tr>
<tr>
<td>Trainable (69 and below)</td>
<td>43</td>
<td>0.8%</td>
<td>10</td>
<td>1.9%</td>
</tr>
<tr>
<td>Total</td>
<td>5527</td>
<td>100.1%</td>
<td>519</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

\[ x^2 = 26.478, \text{df} = 5, \text{p} < .001 \]

The skewness of the O.P.L.U. sample toward the extremes of intellectual capacity seems understandable, given the nature of this movement. Very bright inmates would be more likely to utilize their potential in this kind of activity than in those tasks commonly available to them in prison. We have, in fact, already commented on the intelligence of the inmate leaders of the O.P.L.U. (although not all of those leaders were at the upper end of the intellectual continuum). For the intellectually duller inmates, the explanation for their attraction to the O.P.L.U. may lie in any of several areas. Alternative explanations include: (1) the relative ease with which they could be manipulated or coerced, especially verbally, into joining and supporting this or any other cause; (2) the inability of many of them to understand the complex implications of supporting such a controversial cause and the possible
long-range effects on their futures; and (3) the likelihood that many of them (since they often tend to be described, clinically, as "inadequate personalities") would be likely to join a movement of this sort as a way of winning the approval (and therefore, implicitly, the affection) of inmates who are socially accepted in the inmate social system.

**Offense**

The literature dealing with criminal behavior systems, values, skills, etc., which are associated with certain types of criminal careers suggested the possibility that perhaps inmates who joined a prisoners' union might be disproportionately reflective of one or more of these career types (the thief, for example). Table 8 tends to refute any such contention, at least with respect to this particular movement.

Clearly, the offenses which led to the current incarceration of O.P.L.U. members were very much the same offenses, in the same proportions, precipitating the incarceration of the general population in the prison system. Again we must conclude that the union was highly representative--this time in the attribute of type of offense.
### TABLE 8

**DISTRIBUTION OF CURRENT OFFENSE FOR OHIO PRISON POPULATION (O.P.P.) AND MEMBERS OF OHIO PRISONERS' LABOR UNION (O.P.L.U.)**

<table>
<thead>
<tr>
<th>Current Offense</th>
<th>O.P.P.</th>
<th></th>
<th>O.P.L.U.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$f$</td>
<td>%</td>
<td>$f$</td>
<td>%</td>
</tr>
<tr>
<td>Homicide</td>
<td>1181</td>
<td>(15.6%)</td>
<td>74</td>
<td>(13.8%)</td>
</tr>
<tr>
<td>Robbery</td>
<td>2011</td>
<td>(26.5%)</td>
<td>139</td>
<td>(26.0%)</td>
</tr>
<tr>
<td>Burglary, Breaking &amp; Entering</td>
<td>1224</td>
<td>(16.1%)</td>
<td>79</td>
<td>(14.8%)</td>
</tr>
<tr>
<td>Assaults</td>
<td>439</td>
<td>(5.8%)</td>
<td>30</td>
<td>(5.6%)</td>
</tr>
<tr>
<td>Forgery, Counterfeiting</td>
<td>333</td>
<td>(4.4%)</td>
<td>30</td>
<td>(5.6%)</td>
</tr>
<tr>
<td>Narcotic Drugs</td>
<td>655</td>
<td>(8.6%)</td>
<td>41</td>
<td>(7.7%)</td>
</tr>
<tr>
<td>All Others</td>
<td>1740</td>
<td>(22.9%)</td>
<td>142</td>
<td>(26.5%)</td>
</tr>
<tr>
<td>Total</td>
<td>7583</td>
<td>99.9%</td>
<td>535</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

$x^2=6.740$, df=6, $p<.50$

**Security Classification**

Despite the fact that data on security classifications of inmates were often unavailable on our sample, we were able to verify the classifications of 425 of the 535 O.P.L.U. members. With fairly complete control data on this variable included in the department's statistical report, the comparison of the two groups revealed some interesting differences.

Clearly, members of the O.P.L.U. more often were inmates who had been assigned maximum security classifications. Lest this be interpreted as suggesting some explanation beyond this fact, it must be noted that many inmates who were active in the prisoners' union were then transferred
TABLE 9

DISTRIBUTION OF SECURITY CLASSIFICATION FOR OHIO PRISON
POPULATION (O.P.P.) AND MEMBERS OF OHIO
PRISONERS' LABOR UNION (O.P.L.U.)

<table>
<thead>
<tr>
<th>Security Classification</th>
<th>O.P.P.</th>
<th></th>
<th>O.P.L.U.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>f</td>
<td>%</td>
<td>f</td>
<td>%</td>
</tr>
<tr>
<td>Maximum</td>
<td>3490</td>
<td>(42.0%)</td>
<td>202</td>
<td>(47.5%)</td>
</tr>
<tr>
<td>Medium</td>
<td>4016</td>
<td>(48.4%)</td>
<td>198</td>
<td>(46.6%)</td>
</tr>
<tr>
<td>Minimum</td>
<td>796</td>
<td>(9.6%)</td>
<td>25</td>
<td>(5.9%)</td>
</tr>
<tr>
<td>Total</td>
<td>8302</td>
<td>100.0%</td>
<td>425</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

\[ \chi^2 = 8.991, \text{ df} = 2, \ p < .02 \]

to maximum security institutions or reassigned to maximum security status within the same institution. At any rate, the relationship between being classified "maximum security" and belonging to the prisoners' union is such that it would be difficult to decide which is the independent, and which the dependent, variable in any attempt to test an hypothesis.

Nevertheless, when Tables 9 and 10 are analyzed together, the picture that emerges is one of union strength in the maximum and medium security facilities, and gross under-representation in the three reformatories and in the prison which houses the bulk of older male inmates.

Institution

Continuing with our analysis of security and institutional factors, Table 10 shows that the strength of the union derived primarily from Lucasville, London, and Marion (maximum and medium security facilities with inmate populations serving longer sentences, generally) and,
to some extent, the Ohio State Reformatory at Mansfield (although even there, the union's membership did not exceed what would be expected, based on Mansfield's proportion of the state's prison population). Therefore, using as a "yardstick" each institution's percentage of the state's prison population, O.P.L.U. members were fewer than would be expected at the three reformatories (Mansfield only slightly so, but Lebanon and Marysville decidedly so) and at Chillicothe (with the older population).

TABLE 10

INSTITUTIONAL DISTRIBUTION OF OHIO PRISON POPULATION (O.P.P.) AND MEMBERS OF OHIO PRISONER'S LABOR UNION (O.P.L.U.)

<table>
<thead>
<tr>
<th>Institution</th>
<th>O.P.P.</th>
<th>O.P.L.U.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>f</td>
<td>%</td>
</tr>
<tr>
<td>Chillicothe</td>
<td>1397</td>
<td>(16.6%)</td>
</tr>
<tr>
<td>Lebanon</td>
<td>1277</td>
<td>(15.2%)</td>
</tr>
<tr>
<td>London</td>
<td>1223</td>
<td>(14.5%)</td>
</tr>
<tr>
<td>Lucasville</td>
<td>1116</td>
<td>(13.3%)</td>
</tr>
<tr>
<td>Marion</td>
<td>1089</td>
<td>(12.9%)</td>
</tr>
<tr>
<td>Ohio Penitentiary</td>
<td>167</td>
<td>(2.0%)</td>
</tr>
<tr>
<td>(Medical Center)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marysville</td>
<td>302</td>
<td>(3.6%)</td>
</tr>
<tr>
<td>Mansfield</td>
<td>1850</td>
<td>(22.0%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>8421</td>
<td>100.1%</td>
</tr>
</tbody>
</table>

\[ x^2 = 101.310, \text{ df}=7, \ p < .001 \]

The reformatory populations, of course, are comprised, to a large extent, of younger inmates serving their first sentence for a felony. Many of these inmates, under parole board practices prevailing
at the time of the prisoners' movement (and since modified due to a suit filed by a county prosecutor, insisting that statutory law, rather than administrative discretion, dictate when an inmate is eligible for parole), could expect to be released on parole within their first year of confinement. Inmates in that position may not have identified strongly with a movement that sought profound changes in prison life. They most likely did not have the vested interest in improving prison life as did inmates serving longer sentences.

At Chillicothe, the lack of support for the union may have been related to at least two factors. First, our own interviews with older inmates revealed that they seldom identify with militant approaches to the solution of problems or with movements which focus on political power. They more commonly accept society's definition of them as "less-eligible" and do not share the "political prisoner" ideology increasingly common to the younger, more militant inmates. When they steal, they believe that they have committed a crime and deserve to be punished; many of the younger, more radical inmates believe they were only taking what was rightfully theirs in a society which victimizes them through discrimination and economic persecution.

The second factor operative at Chillicothe involved the inmate leadership of the O.P.L.U. One man ran the local chapter of the O.P.L.U. almost single-handedly. This inmate was a former correctional officer who had been convicted of forgery and was serving his sentence at Chillicothe. Ironically, he had been active previously in the guards' union
and then became the inmate leader of the prisoners' union! Needless to say, his former status as a guard did not automatically gain him the loyalty and support of the inmates. It is, therefore, quite conceivable that the weakness of the union at Chillicothe may have been at least partially related to its leadership.

Other Factors

Although adequate control data were not always available, there were nevertheless other data on our sample of prisoners' union members which add to a perspective of the members. The following is a summary of those findings:

1. Like the O.P.L.U. inmate leaders discussed earlier, rank and file members were also generally (78.2%) unmarried (i.e., single, divorced, separated, or widowed). As noted before, an unattached status may result in a greater willingness to take risks, since spouses and children need not be considered in decisions to support a controversial cause which may affect the inmate's future.

2. The majority (60.8%) of the O.P.L.U. members represented in this sample (and for whom data were available) would be classified, occupationally, as unskilled workers. So, even though about one-fifth (18.6%) were skilled manual workers, any proposed labor union for inmates must take into account the inmates' general lack of marketable skills. Although the educational attainment of inmates has climbed in recent years, their job skills have not kept pace with the increased classroom education.

3. Also, with respect to "tested grade level," the data revealed that although inmates in the O.P.L.U. sample had a mean grade attainment of 9.8 years, their average (mean) tested grade level was only 7.1 years. Not surprisingly, from what is known about the subcultures
from which inmates disproportionately come, they are, by and large, "underachievers." Although comparable data were not available for the general inmate population, it is probable that the findings would be most similar (as were the means for grade level completed).

4. A majority (55.8%) of the O.P.L.U. members for whom data were available had been turned down for parole at least once as of the time the data were gathered. What impact, if any, membership in the union might have had on parole decisions in these individual cases was not readily determinable (although in some cases, especially with some key leaders of the O.P.L.U., it was clear that entries in the inmate's file were designed to be used against him; this point will be discussed further in Chapter V).

5. The mean number of adult convictions for our sample of union members was 3.7, while the median was 2.7. No control data were available for comparison. Previous studies, however, of consecutive admissions indicate similar records.

6. With respect to the amount of time spent incarcerated, the mean for the sample group was 55.7 months and the median was 39.1 months. These figures were higher for O.P.L.U. leaders than for rank and file members.

7. Only 140 of 443 union members for whom data were available had never received a "disciplinary ticket" in prison. The mean number of such tickets was 4.1 and the median 1.8. Whether or not all the citations were warranted, the picture which emerges is not one of rigid conformity to prison rules.

8. In analyzing the number and type of programs participated in, the finding emerges that the sample group had participated in an average (mean) of 1.9 programs (and this is probably higher, due to incomplete file information). Furthermore, while work, vocational training, and education accounted for the bulk of this participation, at least one-third of the sample had participated in more than one type of program. Inmates who joined the prisoners' union, then, were also involved in other activities. Whether this indicates a tendency to be "joiners," or a need to seek out activity to alleviate boredom, or sincere commitments to each program, it is clear that prisoners' union members tend to be heavily involved in the activities of the prison.
9. Finally, but importantly, our data indicate that of 526 union members for whom data were available, 236 (44.97%) had been released from prison since joining the union. Although, again, we are missing reliable control data, this rate of turnover in the course of one year would not seem to imply any harsher parole treatment for the rank and file members of the prisoners' union. Of the 13 leaders whose files were scrutinized, 10 remained incarcerated (but this is at least partially related to the length of their sentences and their scheduled parole hearings, which are based on minimum sentences and other factors).

In conclusion, then, our data show that the inmates who joined the Ohio Prisoners' Labor Union were, in almost every measurable respect, typical of the inmate population in Ohio's adult correctional institutions. With the exceptions of security classification and place of confinement, intellectual capacity, and educational attainment, the two groups were totally comparable.

Opponents of prisoners' unions, who may believe that they were comprised of a "fringe" group of radical troublemakers would not find support for that assumption in these data. The operational definition of "radical troublemakers," if one could ever be formulated, would have to include factors other than those available for this study in order to substantiate such an assumption. There is a belief (wish?) held by many people that such a union movement among prisoners, and the militant stance it represents, is created and sustained by "outsiders." No support for that belief was found in this analysis of the O.P.L.U. The prisoners' union movement in Ohio was primarily an indigenous movement. Its apparent demise was not due to any failure to attract a representative membership.
NOTES TO CHAPTER IV

1 Memo from R. J. Clevenger, Commissary Supervisor at London Correctional Institution, authorizing transfer of $61.26 realized from the sale of cigarettes and cigars confiscated from inmates, February 2, 1973 (photocopy).


4 Ohio Connections: A Publication of the Ohio Prisoners' Fund, I, No. 3 (September, 1973), p. 4.


6 Ohio Connections (September, 1973), p. 4.

7 Columbus Dispatch, August 15, 1973, p. 27B.

8 Ibid., May 25, 1973, pp. 1A, 8A


11 Ibid., Part 2, pp. 1035-1052.

12 Ibid., p. 971.

13 Ibid., p. 970.

14 Ibid., pp. 1020, 1027, 1048, 1049.
CHAPTER V

PRISONERS' UNIONS: ISSUES, REACTIONS, AND PROBLEMS

The emergence of prisoners' unions has created a number of issues and questions, many of which remain unresolved. The legal status of such unions, the reactions of the citizenry, the stance taken by the media—these and other considerations are vital to the survival or failure of prisoners' unions. Such movements do not occur in a vacuum, and proper consideration must be given to these surrounding spheres of influence.

Legal Issues

Do prisoners have the right to form unions? Since that question has not been decided in any court of law, it is necessary to analyze decisions which have been made in cases bearing some relationship to this extension of prisoners' rights. Despite the absence of either constitutional or statutory law in this specific area, there have been a number of pertinent rulings dealing with closely-related matters. As Comeau notes, "The right to unionize is itself a composite of . . . 1 more fundamental freedoms . . ." Before examining specific case precedents which bear on the
issue of prisoners' unions, it is necessary to understand the broad, philosophical evolution of the courts' rulings in the general area of prisoners' rights. Up until 1944, it was widely held that prisoners were "slaves of the state" who had forfeited all personal rights (Ruffin v. Commonwealth). This view was based on the Thirteenth Amendment to the U.S. Constitution (prohibiting slavery and involuntary servitude except as punishment for crime) and on various state constitutional provisions, such as Ohio's: "There shall be no slavery in this state, nor involuntary servitude, unless for the punishment of crime." However, in 1944 (Coffin v. Reichard) the sixth circuit court held that "a prisoner retains all the rights of an ordinary citizen, except those expressly, or by necessary implication, taken from him by law." This ruling has often been cited by those advocating expanded rights for prisoners.

In 1948 a somewhat different view was advanced. In Price v. Johnston, the Supreme Court of the United States held: "Lawful incarceration brings about the necessary withdrawal or limitation of many privileges and rights, a reaction justified by the considerations underlying our penal system." This ruling has, of course, been cited by those seeking to justify restrictions on prisoners' rights.

The Price decision places the burden of proof on the inmate to show why he should have a particular "right." The Coffin ruling clearly places the burden on the state to demonstrate a compelling need to restrict the "right." These two decisions have set the legal "parameters" within which the issues relating to prisoners' rights have been debated.
Recently, however, a trend has developed which relies on the application of the "clear and present danger test" in such matters. In 1968 the fifth circuit court held, in *Jackson v. Goodwin*, that "the state must strongly show some substantial and controlling interest which requires the subordination or limitation of these important constitutional rights, and which justifies their infringement; and in the absence of such compelling justification, the state restrictions are impermissible infringements of the fundamental and preferred First Amendment rights."

Within the framework of this broad overview of judicial philosophies in this area, further analysis of decisions in tests of specific prisoners' rights reveals that the courts have gradually and incrementally "chipped away" at the restrictions of the Thirteenth Amendment in most of these cases. The activities protected by these rulings would be essential to the functioning of a prisoners' union. Such activities include the expression of dissatisfaction with prison administration and management (*Fortune Society v. McGinnis* and *Nolan v. Fitzpatrick*); organizing a prison reform group (*National Prisoners' Reform Assn. v. Sharkey*); expression of political beliefs (*Sostre v. McGinnis*); communicating with attorneys for the purpose of organizing inmates (*Goodwin v. Oswald*); and freedom to receive and read literature (*Fortune Society v. McGinnis*). It might be argued that as a result of these and related decisions, the cumulative effect has been to extend to inmates legal guarantees that amount to the right to unionize.

Although no legal decision has dealt directly with the right of
inmates to unionize, one federal court judge included the strongest judicial statement on the subject thus far in writing his opinion in Goodwin v. Oswald:

There is nothing in federal or state constitutional or statutory law of which I am aware that forbids prison inmates from seeking to form, or correctional officials from electing to deal with, an organization or agency or representative group of inmates concerned with prison conditions and inmates' grievances. Indeed, the tragic experience at Attica . . . would make correctional officials, an observer might think, seek more peaceful ways of resolving prison problems than the old, ironclad, solitary-confinement, mail-censoring, dehumanizing methods that have worked so poorly in the past. Promoting or at least permitting the formation of a representative agency might well be, in the light of past experience, the wisest course for correctional officials to follow.13

As in the foregoing analysis of existing constitutional law relating to prisoners' unions, an examination of statutory law is also devoid of clear guidelines on the matter. However, after a thorough review of the relevant decisions and legal issues involved, both constitutional and statutory, the following conclusions seem apparent:

1. If inmates have a right to unionize, this right is clearly secondary to the state's interest in maintaining a secure and orderly penal system.

2. Where contests develop in this matter, the state must show clear and present undesirable effects on the institution, as a minimum, in order to win its case.

3. With respect to the minimum wage goal of the inmates and their efforts to be recognized as public employees (noted in the discussion of the New York and Michigan prisoners' unions in Chapter III), it would appear that under the National Labor Relations Act, inmates probably could not meet the definition of "employees."14 However, there is nothing in Ohio law to prevent the state from recognizing
inmates as employees if the state wishes to do so (as it has with several labor groups representing staff in correctional institutions). The only law in Ohio specifically dealing with public employees is the Ferguson Act (prohibiting strikes).

4. The right to unionize probably hinges on the ability of the inmates to demonstrate that the union would have substantial control over its members and that it would pose no threat to the internal security and order of the institution.

Official Reactions to Prisoners' Union Movements

If our laws are not totally clear with respect to prisoners' unions, the reactions of correctional administrators, the media, and citizens seem less ambivalent--they are unalterably opposed. There are, to be sure, exceptions to this statement, but by and large the reactions of these groups have been quite negative.

In Ohio, following the 11-day strike at the Southern Ohio Correctional Facility, the Director of the Ohio Department of Rehabilitation and Correction was quoted as saying: "These men (the inmate strikers) are convicted felons--convicted of breaking the laws of society. Under no circumstances will I recognize their so-called union." At an even higher level of state authority, the governor's office, rejection of the prisoners' union effort was equally firm. The governor, who had been elected on a firm base of support from labor union members, was not sympathetic toward the idea of recognition of the O.P.L.U., calling such an idea "absurd on the face of it." He stated that while he envisioned "no role for a prisoners' union," he firmly supported the
prisoners' right to express their grievances through inmate councils, ombudsmen, and uncensored mail. These vehicles for the expressions of inmate grievances (inmate councils, ombudsmen, and uncensored mail) were generally cited by officials as obviating the need for a prisoners' union.

The official reaction of the administration is well illustrated in the above statements. However, an inter-office policy memo dealing with inmate unions perhaps more thoroughly reflects the department's thinking on the matter. This memo stated, perhaps quite perceptively, that "a hasty entrance into this venture (inmate unions) could cause long-range detriment to the inmate body, as public opinion could react in a negative way to the trends of the correctional system, causing a backlash to the programs and changes of the last few years." The "programs and changes" referred to in the quotation have had a community-oriented focus and have attempted to develop alternatives to incarceration. As a result, the state's prison population has decreased significantly. As for the speculation expressed in the memo that "public opinion could react in a negative way," the data to be presented on citizens' attitudes would seem to support this estimate.

Elsewhere in the memo, suggestions were made that the security and custody needs of the institutions be used to "control the organization and formation of inmate unions." The need to show a "clear and present danger" to the institution was also stressed, in line with the prevailing legal philosophy summarized earlier. Strategy in the
memo also included taking the case to the people of the state, "instead of having some half-cocked pedestrianic attorney [presumably a reference to attorneys for the prisoners' union] doing it for you, and misconstruing the facts to the public." The implication that only one side possessed the "facts" was indicative of the distance separating the two sides.

With respect to the union's goal of a minimum wage, the department intended to rely on the Thirteenth Amendment to the U.S. Constitution (prohibiting both slavery and involuntary servitude, except as punishments for crime) to resist that goal. Actually, as noted earlier, the "push" of the O.P.L.U. was not really in the direction of labor-related issues, and the department's position on these matters was not challenged as seriously as in the tests which occurred in New York and Michigan (see Chapter III).

As for concrete behavioral reactions to the union movement, Ohio's administrators reacted in the same manner as their counterparts in California, where the first 40 inmates to join the union were transferred to other institutions all over the state. As noted earlier, this "bus therapy" was a common reaction in Ohio as well, with the more militant leaders especially vulnerable to this tactic. Although intended to weaken the union's leadership, this strategy also (in our opinion) had the unintended consequence of diffusing leadership to other correctional institutions. In some cases, the first strong union leadership which developed at an institution was actually "provided" by the
department's policy of transferring inmate organizers. Other correctional administration reactions have included isolation in "corrections cells" and parole board "flops." Again, these sanctions seemed to be applied to the leaders far more often than to rank and file members.

Although qualitatively somewhat different, it is clear that there are parallels between the reactions of correctional officials and administrators to prisoners' unions and the reactions, years ago, of management to labor union organizing efforts. To determine the extent of opposition to inmate unions and inmate bargaining, Comeau surveyed all the state corrections departments. Obtaining nearly a 50 percent response rate, Comeau reported the following results:

1. Would you oppose the formation of inmate labor unions to bargain with administrators concerning prison working conditions?
   (YES: 20, NO: 3)

2. If a labor union could be structured so that threats to security and order within the institution could be brought below current levels, would you oppose its formation?
   (YES: 15, NO: 8)

3. Are you opposed to all forms of 'bargaining' between inmates and administrators?
   (YES: 10, NO: 14)²³

Comeau concluded that although the responses indicated an unwillingness to accept inmate unions at present, they also seemed to reflect the general position that some forms of bargaining would be acceptable. He also noted that as the perceived threat to institutional
security diminished, acceptability of the idea of inmate unions increased. With respect to the general opposition of correctional administrators, Comeau's research suggested that much of the fear about the unions was based on their belief that certain inmates would become leaders and remain leaders through force and coercion of others. Administrators feared that problems of internal security and control would result from unionization, and to stress their opposition they cited the difficulty of bargaining with inmates who are often "maladjusted" and "socially deviant." Many of them cited the tragic consequences of the use of the "trusty" (inmate) guard in the Arkansas system.

It is clear from this evidence that if prisoners' union leaders hope to change the opinions of administrators, they will have to convince them that existing channels for inmate grievances are inadequate, that the unions do not threaten institutional security, and that they will be able to control internal power struggles so that the union does not end up representing the views and interests of only the most powerful inmates. This will not be an easy task.

Reactions of the Media and the Citizens

The Ohio Prisoners' Labor Union was unable to attract the support of the media or that of the citizens of Ohio. These two sources of support or opposition are, of course, interactive and influence each other significantly. Our observations of the media's reactions to O.P.L.U. led to the conclusion that those responses were bi-modal, consisting of:
(1) ignoring the movement and (2) expressing open hostility toward the O.P.L.U. Reports on union activity tended to be "buried" in the back pages of newspapers, unless they involved a sensational event (such as the strike at Lucasville). The majority of press releases issued by the O.P.L.U. staff were ignored by the media.

Some media reports and reactions were openly hostile, such as the following editorial comment aired by WTVN Radio (Columbus, Ohio) on May 8, 1973:

'A Prisoners' Union is Ridiculous'

The talk of forming a prisoners' union in Ohio strikes us as the most absurd suggestion of the year. Ohio State law professor, J. (sic) Raymond Twohig has been pushing the idea at the statehouse, saying that such a union would make life better for Ohio's inmates.

That's all we need . . . inmates on a sitdown strike because they didn't like the breakfast menu, or inmates striking for higher pay or for a better bed. We've about reached the point where life inside an Ohio prison is better than many low or moderate income families are enduring.

Professor Twohig's idea is ridiculous, and state corrections officials should look on it as nothing more.26 (emphasis added)

Jeremy Bentham himself could not have expressed more eloquently his principle of "less eligibility" (embodied in the emphasized portion of the above editorial). It is likely that this editorial reflected the opinions of a majority of the state's citizens. In order to test that hypothesis, we developed four questionnaire items designed to elicit citizens' attitudes toward prisoners' unions. We were able to collect data from 955 Ohio citizens. These respondents comprised a random
sample, providing a cross-section of urban, rural, industrial, agricultural, and other components of this, the sixth largest state in the nation. Table 11 reflects the responses to the first of these four items:

**TABLE 11**

| ATTITUDES OF OHIO CITIZENS TOWARD COLLECTIVE BARGAINING FOR PRISONERS |
| "Prisoners should be able to bargain collectively." |
| Response   | f   | %   |
| Strongly Disagree | 441  | (46.2%) |
| Disagree     | 312  | (32.7%) |
| Agree        | 152  | (15.9%) |
| Strongly Agree | 44   | (4.6%)  |
| No Opinion   | 6    | (0.6%)  |
| Total        | 955  | 100.0% |

As the above table indicates, the Ohio respondents were overwhelmingly opposed to the idea of collective bargaining for inmates. Collapsing the categories "strongly disagree" and "disagree," 78.9 percent of those sampled opposed collective bargaining for prisoners, while 20.5 percent (combining "agree" and "strongly agree") favored this right.

Next, respondents were asked to indicate their attitudes toward giving prisoners the right to establish unions. The results listed in Table 12 nearly duplicate those discussed above. With proportions of agreement and disagreement virtually equivalent to those in Table 11,
it is apparent that respondents viewed these two issues as nearly identical (Pearson $r=+.86$). A prisoners' union would, of course, encompass much more than just collective bargaining, but the two are so closely associated in most cases coming to the public's attention that it was not surprising to find this high level of intercorrelation.

The issue of whether or not inmates should receive the legal minimum wage produced slightly different results. Those favorable to inmates' rights in this area (23.5%) exceeded the number approving of collective bargaining or prisoners' unions (20.5% and 21.1%, respectively). Nevertheless, the fact remains that about three-fourths (75.1%) of the sample disapproved granting this right to inmates. One interesting feature of Table 13, when compared with Tables 11 and 12, is that fewer people felt strongly opposed to this item than to the other items related to unionization.

### TABLE 12
ATTITUDES OF OHIO CITIZENS TOWARD THE FORMATION OF PRISONERS' UNIONS

<table>
<thead>
<tr>
<th>Response</th>
<th>f</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly Disagree</td>
<td>412</td>
<td>(43.1%)</td>
</tr>
<tr>
<td>Disagree</td>
<td>332</td>
<td>(34.8%)</td>
</tr>
<tr>
<td>Agree</td>
<td>155</td>
<td>(16.2%)</td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>47</td>
<td>(4.9%)</td>
</tr>
<tr>
<td>No Opinion</td>
<td>9</td>
<td>(0.9%)</td>
</tr>
<tr>
<td>Total</td>
<td>955</td>
<td>99.9%</td>
</tr>
</tbody>
</table>
TABLE 13
ATTITUDES OF OHIO CITIZENS TOWARD A MINIMUM WAGE FOR PRISONERS

"Prisoners should receive the minimum wage."

<table>
<thead>
<tr>
<th>Response</th>
<th>f</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly Disagree</td>
<td>369</td>
<td>(38.6%)</td>
</tr>
<tr>
<td>Disagree</td>
<td>349</td>
<td>(36.5%)</td>
</tr>
<tr>
<td>Agree</td>
<td>176</td>
<td>(18.4%)</td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>49</td>
<td>(5.1%)</td>
</tr>
<tr>
<td>No Opinion</td>
<td>12</td>
<td>(1.3%)</td>
</tr>
<tr>
<td>Total</td>
<td>955</td>
<td>99.9%</td>
</tr>
</tbody>
</table>

Finally, respondents were asked a question designed to assess their knowledge about the prevailing rate of pay for inmate labor in Ohio. In a state where the average inmate worker earns 10¢ per hour, citizens are generally either ignorant (the modal response being "no opinion") or misinformed about inmate wages:

TABLE 14
KNOWLEDGE OF OHIO CITIZENS REGARDING PRISONERS' WAGES

"What is the average wage earned by Ohio prisoners?"

<table>
<thead>
<tr>
<th>Response</th>
<th>f</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>10¢/hour</td>
<td>210</td>
<td>(22.0%)</td>
</tr>
<tr>
<td>50¢/hour</td>
<td>206</td>
<td>(21.6%)</td>
</tr>
<tr>
<td>75¢/hour</td>
<td>137</td>
<td>(14.3%)</td>
</tr>
<tr>
<td>$1.00/hour</td>
<td>104</td>
<td>(10.9%)</td>
</tr>
<tr>
<td>$1.25/hour</td>
<td>43</td>
<td>(4.5%)</td>
</tr>
<tr>
<td>No Opinion</td>
<td>255</td>
<td>(26.7%)</td>
</tr>
<tr>
<td>Total</td>
<td>955</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
Only about one-fifth of the sample (22.0%) had accurate information on inmate wages. More than one-fourth (26.7%) had no idea what prisoners earn, while a majority (51.3%) of respondents estimated inmate earnings at five (5) to 12½ times their actual hourly rate.

These attitudes reveal that the citizens of Ohio unequivocally oppose prisoners' unions and the labor rights which would accompany them. While largely ignorant or misinformed about prevailing inmate wages, they oppose granting inmates the legal minimum wage. One possible implication of these findings for groups promoting prisoners' rights is that public education remains a primary objective. If the base of citizen support is to be broadened, facts about prison conditions must be more widely disseminated. The ignorance of this sample population with respect to inmate wages, while not particularly surprising, is, nevertheless, deplorable. While possession of accurate knowledge is no guarantee that attitudes can be altered, it is important that prison reform groups should consider this in formulating policy and strategy.

Finally, in analyzing the response of Ohio citizens on these issues, certain respondent characteristics proved to be significantly (statistically) related to their attitudes, while one characteristic (belonging to a labor union or being married to one who is a member) which was expected to have a significant impact did not. On three of the four items, Pearson correlation coefficients revealed an inverse relationship between the respondent's age and his attitude. Specifically, there was a tendency for the young to favor collective
bargaining \( (r=-.30) \), prisoners' unions \( (r=-.31) \), and the minimum wage \( (r=-.27) \). In addition, being female was even more strongly related to support for the minimum wage \( (r=+.51) \). The latter finding, we would speculate, may be related to the wage discrimination experienced by women in our society and their subsequent empathy with another minority group in this matter. Another factor which may be related to the higher level of support for the minimum wage among female respondents is their tendency to have more accurate information about inmate wages \( (r=+.22) \).

Again, there are some major implications in these latter findings for reform groups. Given the relatively strong support expressed by females for a minimum wage for prisoners, groups whose goals include improvement of inmate wages might find it profitable: (1) to concentrate greater effort and resources on the recruitment of females for leadership and other active roles in such movements; (2) to attempt to link the low wages paid female inmates (as all inmates) with the general women's rights movement; and (3) to investigate further this connection and explore its ramifications. Also, the fact that labor union and non-labor union respondents were indistinguishable, insofar as their attitudes toward prisoners' unions and related labor issues, is an ominous index of rank-and-file laborers' attitudes in this area.

In addition to the widespread citizen opposition confronting prisoners' unions, another serious problem to be dealt with is the difficulty in attracting the support of certain segments of the inmate population. A particular weakness, from the perspective of the
prisoners' union, is the reluctance of many inmates, serving short sentences and realizing their parole dates are looming in the not-too-distant future, to support the prisoners' union (especially in any activities beyond joining). As shown in Table 10, the O.P.L.U. was unable to attract support from the reformatories to the extent which would be expected based on their populations. With earlier parole dates facing them and with less vested interest in the conditions of prisons, the "short-timer" poses a problem for those seeking to organize prisoners. This problem seemed sufficiently important to the future of prisoners' unions to justify further study. To that end, 180 prisoners who were participating in a pre-release program operated by the Ohio Department of Rehabilitation and Correction were given a survey questionnaire, one section of which included four items relating to prisoners' unions. The first item dealt with prisoners' attitudes toward collective bargaining between prisoners and administrators:

<table>
<thead>
<tr>
<th>TABLE 15</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATTITUDES OF INMATES IN PRE-RELEASE STAGE TOWARD COLLECTIVE BARGAINING</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Response</th>
<th>f</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly Agree</td>
<td>77</td>
<td>(42.8%)</td>
</tr>
<tr>
<td>Agree</td>
<td>74</td>
<td>(41.1%)</td>
</tr>
<tr>
<td>Disagree</td>
<td>13</td>
<td>( 7.2%)</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>11</td>
<td>( 6.1%)</td>
</tr>
<tr>
<td>No Opinion</td>
<td>5</td>
<td>( 2.8%)</td>
</tr>
<tr>
<td>Total</td>
<td>180</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
As Table 15 indicates, 83.9 percent of the sample agreed that prisoners should have the right to bargain collectively. It should be kept in mind that the sample consisted of men about to be released on parole. Therefore, their vested interest in prisoners' rights, one might argue, would be at the low point of their incarceration experience; furthermore, the dynamics of anticipatory socialization, one might expect, would operate to facilitate their identification with "outside" values and reduce their psychological kinship with prisoners.

A second item administered to this group tapped their attitudes toward the right of prisoners to form labor unions. Again, there was overwhelming support (81.1%) for this right, as reflected in Table 16:

<table>
<thead>
<tr>
<th>&quot;Prisoners should at least have the right to form labor unions.&quot;</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly Agree</td>
<td>62</td>
<td>(34.4%)</td>
</tr>
<tr>
<td>Agree</td>
<td>84</td>
<td>(46.7%)</td>
</tr>
<tr>
<td>Disagree</td>
<td>14</td>
<td>(7.8%)</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>10</td>
<td>(5.6%)</td>
</tr>
<tr>
<td>No Opinion</td>
<td>10</td>
<td>(5.6%)</td>
</tr>
<tr>
<td>Total</td>
<td>180</td>
<td>100.1%</td>
</tr>
</tbody>
</table>

The greatest display of support (and most impressive number in the "strongly agree" category) occurred when respondents were asked to indicate their attitudes on the minimum wage issue. With 87.8 percent of the sample agreeing that inmates should be paid the federal minimum
TABLE 17
ATTITUDES OF INMATES IN PRE-RELEASE STAGE TOWARD A MINIMUM WAGE

"Prisoners who work while in prison should receive at least the minimum federal wages ($1.60/hour) even if it means a slight increase in taxes."

<table>
<thead>
<tr>
<th>Response</th>
<th>f</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>84</td>
<td>(46.7%)</td>
</tr>
<tr>
<td>Agree</td>
<td>74</td>
<td>(41.1%)</td>
</tr>
<tr>
<td>Disagree</td>
<td>7</td>
<td>(3.9%)</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>8</td>
<td>(4.4%)</td>
</tr>
<tr>
<td>No Opinion</td>
<td>7</td>
<td>(3.9%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>180</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Wage, even if it meant a slight increase in taxes (which they, as paroles, would soon be paying), it is difficult to misunderstand the intensity of feeling on this issue. It is difficult to imagine greater unity being expressed on an item than was forthcoming on this issue.

With all of this support for prisoners' unions and labor issues affecting prisoners, one might question the accuracy of our earlier observations that those due to be considered for parole in the near future tend not to join the prisoners' union. Table 18 reveals that despite the support reflected in the previous responses, our sample of pre-parolees were overwhelmingly not members of the O.P.L.U. at any time. Although only 54 (30%) of our sample were from reformatories, the parole dates set for the others (and known to them) were looming in the immediate future during the time the O.P.L.U. was
TABLE 18

EXTENT OF MEMBERSHIP IN THE OHIO PRISONERS' LABOR UNION
AMONG INMATES IN PRE-RELEASE STAGE

"Have you joined the Ohio Prisoners' Labor Union?"

<table>
<thead>
<tr>
<th>Response</th>
<th>f</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>38</td>
<td>(21.1%)</td>
</tr>
<tr>
<td>No</td>
<td>137</td>
<td>(76.1%)</td>
</tr>
<tr>
<td>No Answer</td>
<td>5</td>
<td>(2.8%)</td>
</tr>
<tr>
<td>Total</td>
<td>180</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

actively recruiting members. Certainly some variable(s) operated to limit the commitment of these inmates to an organization whose goals they clearly supported. Whether they disagreed with the particular methods or style of the O.P.L.U. (while retaining a belief in the goals) or whether they feared reprisals from the parole board or some other official sanctions, the discrepancy between the intellectual commitment reflected in Tables 15, 16, and 17 and the lack of overt support (at least as reflected by membership) provides a crucial problem for prisoners' union organizers—a problem we predict will continue to confront them in the future.

In asking why prisoners whose attitudes support the labor goals of the prisoners' union (and who support the prisoners' union concept per se) would not join, the logical explanation is that these inmates feared reprisals, in the form of "parole flops." To test this hypothesis, the respondents were asked to indicate, on the survey questionnaire, why they joined or did not join the O.P.L.U. A qualitative
analysis of the responses of the non-joiners revealed some support for this hypothesis. The two most frequently-expressed reasons for not having joined the O.P.L.U. were: (1) a professed lack of information about the union or the claim that no local chapter really existed, and (2) fear of reprisals. Examples of responses in the latter category included the following:

I felt the administration wouldn't go along with any of it anyway. I would if it were approved.

It wasn't available because most men are afraid of disciplinary action.

Repression from Administration officials would deny me access to Outside Programs.

Because this institution won't let any man join.

Because I want to get out of here.

Because I would go to the hole and catch more time at the P.B. (parole board).

A man would have a rough time in prison.

Because of the punishment we would receive.

I can't see anything but trouble from the administration.

Because you can get into big trouble by being a member.

I'm trying to stay out of trouble right now. Any one in the union gets trouble if he wants it or not, like Lucasville and the head thumpers.

Of the various fears of reprisals mentioned by respondents, those involving parole board discrimination against O.P.L.U. members were, implicitly or explicitly, rather prominent. This takes on added significance in the light of our findings that there was no statistical
basis for these fears on the part of general members of the O.P.L.U. As noted in Chapter IV, of the O.P.L.U. members on whom we had data (526), nearly half (44.9%) had been released by the time of our study (within a year of the time they joined the O.P.L.U.). This rate of release certainly does not reflect discrimination against O.P.L.U. members. Therefore, any decision on the part of inmates not to join the prisoners' union because of a fear of parole board reprisals was not well-founded, even though there was, of course, no possible way this could be known in advance.

For those inmates who may have wished to become active leaders of the O.P.L.U., however, these fears may have been justified. It was pointed out in Chapter IV that a much lower percentage of the leaders in our sample had been released within the past year (23.8 percent). Although (as was noted) sentence length and other factors complicate the relationship between O.P.L.U. leadership and parole disposition, our research activities brought to our attention some evidence of "stigmatization" of O.P.L.U. leaders by the parole board. This was evident in the entries made in the official parole board files of certain O.P.L.U. inmate leaders. The following quotation from a parole board reviewing officer's worksheet indicates this reaction:


Another O.P.L.U. inmate leader's file contained an article he had written for Prisoners' Digest International, a publication generally
containing a number of articles on inmate organizing activities and prison conditions. While these entries do not, in themselves, constitute proof of intent to discriminate against these inmates for exercising their First Amendment rights, it is difficult to imagine that these notations and inclusions were intended as endorsements of the inmates' progress and support for their early release.

In conclusion, then, the future of prisoners' unions is to a large extent dependent on the resolution of a number of issues and problems currently confronting such movements. As has been indicated in this chapter, serious problem areas exist both inside and outside the confines of prisons. The issues and problems described here, although certainly not exhaustive, provide some "feel" for the kinds of obstacles posed by correctional administrators, a hostile citizenry, and even reluctant inmates which must be obviated if prisoners' unions are to be a viable force in the future of corrections.
NOTES TO CHAPTER V


3 Ohio, Constitution, Art. 1, sec. 6.

4 Coffin v. Reichard, 143 F. 2d 443 (1944).


6 Jackson v. Goodwin, 400 F. 2nd 529, 5th Cir. (1968).


11 Goodwin v. Oswald, 462 F. 2d 1237, 2d Cir. (1972).


14 Comeau, op. cit., p. 968.


17 Ibid.

18 Memo from Bill Weisenberg, Administrative Assistant to the Director (Ohio Department of Rehabilitation and Correction), to Phil Moots, Executive Assistant to the Governor; subject: inmate unions, May 14, 1973.

19 Ibid., p. 4.

20 Ibid., p. 2.

21 Ibid., p. 3.


23 Comeau, op. cit., p. 967.

24 Ibid.

25 Ibid., pp. 978-979.

26 WTVN Radio (Columbus, Ohio), "A Prisoners' Union is Ridiculous" (editorial), May 8, 1973.
CHAPTER VI

SUMMARY AND CONCLUSIONS

Recapitulation

The militancy which has developed among prison inmates has increasingly been channeled into organized protests, strikes, riots, and political rhetoric. The most recent development along these lines is the emergence of "prisoners' unions." Such unions, while differing as to specific goals, membership, and tactics, nevertheless have had in common the purpose of altering current correctional practice in significant respects. The present study was intended to analyze the development and impact of one prisoners' union movement—the Ohio Prisoners' Labor Union—and to compare it with similar movements, nationally and internationally.

The earliest prisoners' unions began in the Scandinavian countries. Sweden, Denmark, Norway, and Finland all developed prisoners' movements—some primarily outside, reform-oriented organizations and others inmate-based. The success of these movements has varied from country to country, but the general receptivity of the citizenry and the progressive stance of the corrections departments have helped such movements survive, although they have not been able to implement the
more radical changes in correctional practice which some of them had espoused. Another European prisoners' union of note was known as PROP (Preservation of the Rights of Prisoners). Currently dormant, PROP at one time was quite militant within the British prisons and was able to coordinate a series of protests and strikes. Support for the union declined rapidly after PROP's militant activities (which occurred quite early in the developmental history of PROP) were publicized.

In the U.S., the earliest prisoners' union was formed in California in 1970. This union, now known as The Prisoners' Union, has since provided resources and consultation for other prisoners' union organizing efforts around the U.S. and has planned a national union for prisoners, based on strong local chapters in each state. The California union has had an outside base, with ex-convicts and others forming a coalition of outside support and guidance which is not subject to the strong retaliatory sanctions facing inmate organizers inside the walls.

The movement which eventuated in the establishment of the Ohio Prisoners' Labor Union can be traced back to two riots which took place at the Ohio Penitentiary in 1968. From that time on, through the next five years, a number of inmates continued to discuss the desirability of a prisoners' union. The O.P.L.U., once formed, rapidly signed up 3,210 of the state's over 8,000 inmates and attempted to establish a bona fide union of prisoners, with outsiders serving only in advisory capacities. This Ohio union made more progress in attracting substantial grass-roots support and setting up local chapters than has any
other prisoners' union movement to date. Nevertheless, a number of
insurmountable problems, both internal and external, caused the O.P.L.U.
to fail. The most direct precipitating cause of the failure was a pre­
mature strike action called by inmate union leaders at a maximum security
facility. The strike resulted in retaliatory activities by the cor­
rections department and also led to substantial internal dissension
within inmate ranks. The desirability of belonging to the prisoners'
union was overshadowed by the lengthy isolation and other penalties
suffered by inmate strikers.

The Ohio Prisoners' Labor Union movement was studied for more
than a year, using several different research strategies to gather data.
We were present at every regularly-scheduled meeting of the union; inter­
viewed inmate leaders and staff; analyzed documents from both inmate
and official sources; monitored reports contained in the mass media; and
utilized an information data sheet to gather social background infor­
mation on 535 randomly chosen O.P.L.U. rank and file members and on 13
key inmate leaders. We were thus able to obtain voluminous data on
virtually every aspect of the O.P.L.U.

The findings and interpretations contained in this study repre­
sent the first systematic, longitudinal investigation of a prisoners' union. Since this was an exploratory study, the analysis and inter­
pretations necessarily were limited by the absence of prior information
and experience. Therefore, one of the primary functions of this study
was to provide comprehensive, descriptive data which would help to
generate hypotheses for further investigation.

Principal Findings

1. The focus of all existing prisoners' unions: (a) is either inside-based or reformer-based and (b) is on either concrete services or more abstract, macrolevel issues.

2. Although no constitutional or statutory law applies directly to prisoners' unions, judicial decisions have guaranteed inmates rights which virtually constitute the right to unionize.

3. The movement which led to the formation of the Ohio Prisoners' Labor Union was initiated by inmates in Ohio prisons. It was not started by "outsiders," although outside advisors were utilized.

4. In almost every measurable respect, the membership of the Ohio Prisoners' Labor Union was representative of the general inmate population.

5. Inmate support for the Ohio Prisoners' Labor Union was strongest at maximum and medium security institutions and weakest at reformatories and at the facility housing older inmates.

6. Although the formally stated goals of the O.P.L.U. emphasized labor issues, the activities of the union were directed chiefly towards legal issues and the conditions of confinement.
7. The **inmate leaders of the O.P.L.U. were primarily self-appointed** and charismatic.

8. Although the membership was representative of the inmate population, the **inmate leadership and the staff of the O.P.L.U. were not representative of that population.** The leadership was disproportionately white, older, more intelligent, better-educated, and had served more time in prison. All regular staff members were white, and only one had served a prison sentence.

9. The **O.P.L.U. staff lacked the business and organizational skills necessary to coordinate activities and establish priorities for resource allocation.**

10. A **premature strike action called by local inmate leaders of the O.P.L.U. precipitated the downfall of the prisoners' union in Ohio** (a pattern which also occurred in Great Britain).

11. The institutional sanctions and retaliatory tactics employed by corrections departments have generally been quite effective in **crippling prisoners' unions.** Exceptions to this include: (a) the punitive transfers of leaders, which had the unintended consequence of diffusing inmate leadership, and (b) physical overreactions by some correctional officers, which served only to create inmate "martyrs."
12. There is overwhelming public opposition in Ohio to prisoners' unions and to granting labor rights to inmates.

13. The vast majority of Ohio citizens are either ignorant or badly misinformed about prevailing inmate wages. Their attitudes generally are not based on accurate information.

14. Belonging to a labor union or being married to a labor union member was not significantly related (statistically) to attitudes toward prisoners' unions and related labor issues.

15. Among the minority of respondents sympathetic to prisoners' unions and related labor demands, support was most frequent among the young. Also, females were especially sympathetic to the minimum wage demands and possessed more accurate knowledge about inmate wages.

16. Although the attitudes of inmates about to be released from prison were highly favorable towards prisoners' unions and related labor demands, only a small minority had joined the O.P.L.U. Many respondents admitted that they feared negative sanctions, especially denial of parole, if they joined.

17. Data generated in this study did not substantiate this fear that rank and file prisoners' union members would be discriminated
against by the parole board. However, there was some evidence that prisoners' union leaders may have been subjected to discriminatory practices.

The Impact of Prisoners' Unions

Any evaluation of the impact of emergent social innovations such as prisoners' unions is extremely difficult—perhaps impossible. It should be apparent that the variety of "models" of prisoners' unions, coupled with their international scope and diffusion, infinitely complicate the evaluative task.

While some of the Scandinavian unions seem to have made significant progress in increasing the input of prisoners into correctional decision-making, this appearance is partially a result of the greater tolerance and receptivity of the Scandinavian governments in matters involving "social problems." The correctional systems of these nations differ so radically from those in the U.S. that comparisons of a cross-cultural nature are especially dangerous. The comparatively "progressive" correctional philosophy found in the Scandinavian countries has led to the evolution of prisons which, while not utopian from the prisoners' viewpoint, nevertheless maintain standards far superior to their American counterparts. While Scandinavian prisoners still have grievances, these are generally related to "higher level" needs (again, in terms of Maslow's concept of a hierarchy of needs), rather than the concrete, everyday problems of living confronting many American prisoners. In fact,
when Professor David Ward showed the list of demands made at Attica to members of the inmate council at Osteraaker Prison in Sweden, one inmate remarked: "I'm ashamed of the kinds of problems we have to discuss here compared to the problems the American inmates have." Given the receptivity to inmate grievances prevailing in most of the Scandinavian nations, the progress made thus far by the prisoners' unions there seems negligible. Most of the reforms which have been effected in those nations had nothing to do with prisoners' union pressure. Outside prison reform groups have had a great impact, and, in many cases, the corrections officials have themselves been innovative. Prisoners' unions per se seem to have had relatively little impact, and their supporters, according to available information, still suffer reprisals for militant activities inside the walls.

In the U.S., the "union" with the greatest impact is not really a union at all, in the true sense of the word. The Prisoners' Union, operating from San Francisco, clearly has had the most success of the American union groups. Through their publication, The Outlaw, and their national coordinating efforts, the California movement has initiated and nourished most of the prisoners' union efforts in this country. Realizing that the Adult Authority (the state parole board) in California wields great power over the lives of inmates, the California "union" depends on an outside base of operations, as described in Chapter III. While the "union" has been modestly successful in affecting correctional policy (such as delaying the construction of new prisons in
California pending complete hearings to determine whether or not they are necessary), it has had a lesser impact on the lower-level needs of inmates—those galling everyday problems which require concrete forms of assistance.

The Ohio Prisoners' Labor Union, in contrast, tried to implement a bona fide prisoners' union concept, but failed to sustain it. The lack of resources; the inadequacy of the staff management; internal conflicts among inmates, among staff, and between staff and inmates; as well as the premature strike at Lucasville and the effectiveness of official sanctions in "cooling off" the union movement—these and other factors led to the downfall of the O.P.L.U. Although managing to achieve a sort of de facto recognition from the state (by filing lawsuits and thus forcing out-of-court negotiations and settlements in some cases), the O.P.L.U. was unable to sustain itself long enough to have any significant impact on Ohio's prisons. In fact, federal court edicts and the acceptance of task force recommendations by the administration have done more to promote prisoners' rights than did the O.P.L.U.

The net effect of the prisoners' union movement in Ohio was, in many respects, negative. The goal of institutionalizing inmates' rights and inmate grievance procedures has not been realized; neither have any of the labor-related goals. Several inmate leaders of the O.P.L.U. were subjected to disciplinary reprisals which probably have decreased and delayed their chances for parole. In failing to build a strong grassroots organization inside the walls (since the inside-based model was
the one being used) and failing to assemble an outside staff and an outside base of support adequate to the tasks involved, the O.P.L.U. "built-in" failure for itself.

There has always been a deep-seated fear of inmate power, whether in the form of inmate councils or in these more recent efforts to form prisoners' unions. The impact of granting such power to inmates has, for many people, been assumed to be negative. Garson, in his excellent analysis of the disruption of prisons from 1863-1970, examined the hypothesis that inmate rioting was related to prison reform, especially via the establishment of inmate councils. The view had been advanced that inmate councils weaken and undermine informal controls and thereby cause disturbances. To support this view, advocates cited three cases of violence in prisons having inmate councils (Auburn, New York, in 1929; Trenton, New Jersey, in 1952; and Oahu, Hawaii, in 1960). After refuting the contention that these three cases were related to inmate councils, Garson concluded: "... there is no statistical or historical connection between the establishment of inmate councils as a reform and subsequent rioting by prisoners."

Similarly, we are aware of no instance in which a prisoners' union has precipitated a riot, although such unions have frequently carried out work stoppages, food boycotts, and other protest activities. As for violence, however, the evidence suggests that except in isolated instances, these activities have been wholly non-violent. In fact, the reactions of correctional officers have frequently constituted the only
violence involved. Prisoners' union strategists have generally attempted to employ the kinds of passive resistance and non-violent tactics which worked so successfully for Gandhi and which were widely utilized in the American civil rights movements of the early 1960's.

The fears conjured up by any suggestion that inmates have the power to bargain collectively with their keepers are often based on the mistaken belief that inmates currently do not possess any bargaining power. In reality, it has been widely recognized and documented in research studies (perhaps most notably that of Gresham Sykes) that inmates do, in fact, "bargain" with those assigned to enforce prison rules and discipline. The trade-offs and exchanges which take place in prisons are not confined to inmate-inmate relations; the involvement of staff in these exchanges constitutes bargaining just as certainly as if it occurred at a negotiating table. Therefore, the question which must be asked is not whether inmates should be permitted to bargain, but whether the bargaining should continue to be informal (thereby favoring the more advantaged and powerful inmates) or more participatory and open (thus representing more elements of the prison population). If the bargaining were to be formalized, the most pressing problem would be the development of an effective model for its implementation. Whether the organizational model appropriate to this end approximates a labor-relations approach, given the pluralistic elements of the prison (the various factions of inmates and staff)--as suggested by Rutherford, for example--or some other model, it is imperative that this aspect of
implementation be given much thought prior to any attempt to implement such reforms.

The Future of Prisoners' Unions

The problem of developing an appropriate organizational model for implementing the collective bargaining sought by most prisoners' unions is not the only major impediment confronting such movements in the future. This research has convinced us that there is a discernible tendency on the part of correctional officers (guards) to regard any extension of inmate power as necessarily reducing their own authority. Such being the case, the growth of prisoners' unions may have the corresponding effect of stimulating a more militant labor union stance on the part of correctional line staff. Unionization among public employees in the U.S., while below the corresponding figures for other developed democratic nations, is nevertheless one of the fastest-growing sectors of the labor union movement in America. In recent years, there has been no shortage of "sickouts," "blue flue," \textit{inter alia}, among governmental employees prohibited by law from striking. Since these legal prohibitions have no real effect in preventing \textit{de facto} strikes, the work stoppage is an effective weapon and will be used increasingly by guards as leverage against extending more power to inmates. An example of this occurred at Lucasville when, after the deaths of two guards (described earlier), the president of the Teamsters local (which claimed to represent about 300 guards at S.O.C.F.) called for the resignation of the Director of the Department of Rehabilitation and
Correction, saying that the institution was a "country club where inmates do what they want to do." He described the mood of guards at the prison as "very bad" and, when asked if the guards would strike, replied: "We don't strike, we get sick. The health situation looks very bad."

It therefore seems a distinct possibility that the formation of prisoners' unions, if perceived as threatening by the guards, could lead to increasing polarization of the prison into two (or more) opposing camps, based on labor issues. In addition to the guards and the inmates, professional staff are increasingly being unionized (especially if "associations" are considered as quasi-unions, which they are). The picture which emerges, when the future of the prison is considered, is one which includes the possibility that a substantial proportion of the prison community (employees and inmates) may be unionized. Although this may seem highly speculative at this point, it need only be pointed out that we have established the fact that the O.P.L.U. had signed authorizations from 40 percent of all inmates in Ohio (and maybe more). When one considers the fact that so many prisoners in the state were "unionized" (if only for a brief time), along with over three-fourths of the rank-and-file correctional officers (see Appendix D) and a substantial number of professional staff (the latter mostly in "associations"), the observations of a professor of economics take on more significance for corrections departments. Professor Everett M. Kassalow noted that when unionization reaches 60-70 percent, bargaining becomes as much inter-union as labor-management. The conflict between unions, in such a highly
unionized situation, could reach significant proportions. Furthermore, as Kassalow has observed, strikes by one organization could trigger counter-strikes by others unless their interests were reconciled so that labor could present a united front to management. While Kassalow did not have prisoners' unions in mind when he made these observations, it is logical to apply the same principles, since the "place of work" is the same for inmates, guards, and professional staff.

Willie Holder, President of the Prisoners' Union in California, once remarked that prisoners' unions should support the labor demands of the guards wherever possible, in exchange for similar support from the guards for prisoners' labor demands. While such a suggestion seems ludicrous, further analysis leads to the conclusion that the seeming absurdity of this idea has nothing to do with labor issues, but is based on social perceptions. Guards perceive themselves as being vastly different from inmates, but objective comparisons do not generally substantiate that feeling. Both guards and inmates are concerned about low wages. Both seek safety and security on the job (in prison). The social-demographic backgrounds from which they come are often similar, especially in terms of education and income. Even in the area of "obvious" difference (criminality), self-reporting surveys probably would reveal that the guards had committed a number of "criminal" acts for which they had not been caught or prosecuted (it will be recalled that one former guard became the president of the local chapter of the prisoners' union after being convicted of forgery). Therefore, a strong
case could be made for a commonality of interests on labor issues between inmates and guards. The idea of inter-union support and bargaining between two apparently antithetical groups such as these in some futuristic, highly-unionized prison seems far-fetched—but not because their labor interests (when examined objectively) are poles apart; it is the social perceptions which underlie the real polarization.

The future of prisoners' unions is, of course, inextricably related to present and future trends in corrections. Currently, it is widely asserted that the increasing utilization of various alternatives to imprisonment is creating a qualitative change in the composition of prison populations in the U.S. Specifically, it is argued that the more extensive use of probation, parole, "shock probation," "shock parole," halfway houses, etc., means that only the so-called "hard core" offender remains in prison. The implications of this development (if, in fact, this is what is occurring) are several. Corrections officials and staff often claim that their jobs are being made increasingly difficult, since they have only the "worst" inmates with whom to work. But the most significant impact of such a qualitative change in the prison population (at least insofar as the focus of the present study) has to do with the potential effect on prisoners' unions.

It is ironic that prisoners' unions should strongly support the increased use of alternatives to confinement, when that very process may make it far more difficult for prisoners' unions to succeed. If prison populations are to be comprised of only the most severely stigmatized
offenders (whether the definition involves the most "dangerous" offenders, those least amenable to treatment, or some other attempt to operationalize "hard core"), then the public's perception of those remaining in prison would undoubtedly be adversely affected. Public opinion is already less than favorable toward the worthiness of prisoners; the knowledge that all but the "worst" offenders were being released would surely lessen even this minimal concern for the plight of those left behind. Data presented and discussed in this study indicate that inmates serving relatively long sentences, especially in maximum security prisons, are among those most likely to support a prisoners' union. The vested interest of these inmates in improving prison conditions is strong, and they are therefore relatively easy to organize (although it is not necessarily easy to sustain such organization over long periods of time). Therefore, it is quite possible that prisons of the future may be characterized by inmate populations which are composed of the most serious offenders, serving long sentences, relatively easy to organize and perhaps more militant, but totally lacking support from the citizenry of the state, from labor unions, from major political parties, and from other sources essential to their success.

Some prisoners' union organizers and advisors are already concerned about this problem. They view the evolution toward "maxi prisons" with a sense of genuine alarm. Professor John Irwin, a criminologist, an ex-convict, and a top advisor to the Prisoners' Union in San Francisco, has addressed himself to this issue:
The newest ploy of the California Department of Corrections (as well as other departments) is to build Maxi-Maxi Prisons to lock up the 'violent,' 'aggressive,' or 'psychopathic' prisoners who are supposedly too dangerous to be housed in the existing prisons . . . a growing number of 'liberals,' 'humanitarians,' or economy minded taxpayers started asking why so many people were being held in prison particularly when so many of them were in for such inconsequential things. The departments of corrections started . . . releasing men early and expanding 'community corrections' programs . . . this of course is increasing the embitterment of those who do not get the break. Their lot now seems worse because so many persons around them, guys such as check writers, petty burglars, and middle class dope users, who used to do some time, are now getting off. Well, the solution for these malcontents is to . . . lock them up in Maxi-Maxi prisons. Their lashing back at the system is proof of how dangerous and unworthy they are. Those of you who are quietly waiting for your break as the system treats more persons leniently beware because you may end up in the maxi-maxi prison (maybe not this time, but next).

Implicit in what Irwin, and others, has been saying is enlightened concern that the convict unity encouraged by prisoners' unions is fractured by promulgating a dichotomous classification of "tractable offender" vs. "hard-core offender," with the expectation that the former will be released quite early while the latter will, of necessity, be incarcerated for many years in order to protect society. All of this is occurring despite the general absence of valid and reliable methods for predicting which offenders are likely to pose the greatest threat to society. Nevertheless, the "rewards" offered to minor offenders for obedient, conforming behavior are more encouraging than the uncertain and seemingly risky advantages of supporting a prisoners' union.

Whether the current trend toward "emptying the prisons" continues or whether the pendulum swings back part of the way toward renewed
emphasis on incarceration, the inmates confined in prisons will continue to be faced with enormous problems, many of them created by incarceration itself. It is likely that regardless of the criticisms directed at prisons and the conditions of imprisonment, society will continue to rely on them in the foreseeable future. That being the case, we believe that some responsible mechanism must be developed to incorporate the expression of inmate concerns and inmate suggestions into the correctional decision-making process. The labor union model, although it certainly has some relevancy and certain advantages (and may have even more relevancy and advantages in the future, since the trend toward confining only offenders with long sentences may lead to increased emphasis on inmate labor), nevertheless seems poorly suited to the current needs and "mentality" of American inmates. Without the support of powerful outside labor unions (currently deemed unlikely), a prisoners' union based on a conventional labor model would be impotent. Inmates, in the final analysis, have few of the bargaining resources possessed by labor unions; their job functions are not indispensable to the operation of the prison, and certainly not for the financial survival of the prison. Inmates have few resources on which to draw in any prolonged strike action.

It is not only the labor model which seems ill-suited to prisoners' unions of the future, but any model which would depend primarily on prisoners as the basis of the organization. The impact of the "community alternatives" approach could be disastrous for an inside-based
prisoners' union. With almost no public support for inmates regarded as "the worst of the worst," the survival of "prisoners' unions" of the future must ultimately depend upon outside support. Of the current prisoners' union movements, the California model seems most likely to adapt itself to the realities which have been described. The vulnerability of the California model rests in its dependence on the continued interest and motivation of persons not currently confined in prison. However, its record of the past four years suggests that it has been able to deal with such organizational maintenance problems with some success--it still survives. Although criticized as a "media creation" and "strictly a public relations approach" by some who are dedicated to a bona fide (inside-based) prisoners' union model, the California Union has been able to concentrate on the policy level and to deal with issues affecting thousands of inmates in that state. In addition, the California organization is not without an inmate base; that base, while not a militant and active one, does exist and serves to provide valuable information to the outside headquarters and supporters, who then help translate this input into union policy decisions.

As for the prisoners' union movement in Ohio, it is currently dormant. The failures of the O.P.L.U., described earlier, were serious. Although the progress made toward the establishment of such a union in Ohio has been halted, the problems which led inmates to the creation of the O.P.L.U. have not been eradicated. Inmates in Ohio have no truly self-controlled vehicle for expressing their grievances with any show of
unity. In 1972, the state employed a distinguished panel of correctional consultants (consisting of Myrl E. Alexander, E. Preston Sharp, Wesley A. Pomeroy, and Serapio R. Zalba) to evaluate the Department of Rehabilitation and Corrections. Their report, submitted in 1973, included this observation:

There are a number of appropriate central administrative policies of which the Panel approves [and which] line personnel perceive as making their jobs more difficult. They are, among others, removing censorship restrictions on inmate mail and publications, and more liberal inmate dress codes. Increased inmate participation, such as the establishment of advisory councils, inmate unions, increased opportunities for inmates to utilize legal processes, the development of new religious groups and sects, and outside community interference such as inmates rights organizations are also seen by line staff as making their jobs more difficult.14 (emphasis added)

While the state has implemented many of these reforms, it has continued to oppose vigorously the establishment of a prisoners' union, despite the endorsement of this distinguished panel. This refusal to allow inmates some independent mechanism for registering their input is, we believe, a mistake. Inmate councils, as currently perceived and regulated, are not satisfactory. In denying inmates the full protection of First Amendment freedoms, the state may be stifling the feedback so vital to the efficient and effective operation of any organization. The institutionalization of independent mechanisms for the expression of inmate grievances and other inmate views would, in our opinion, help reduce the likelihood of rioting and other violent forms of behavior sometimes resulting from long-festering (and officially ignored or suppressed) inmate grievances.
In assessing the future impact of rapid social change on the institutions of our society, Alvin Toffler suggested that:

... the best way to deal with angry or recalcitrant minorities is to open the system further, bringing them into it as full partners, permitting them to participate in social goal-setting, rather than attempting to ostracize or isolate them. In short, goals set without the participation of those affected will be increasingly hard to execute. The continuation of top-down technocratic goal-setting procedures will lead to greater and greater social instability, less and less control over the forces of change; an ever greater danger of cataclysmic, man-destroying upheaval.

If "future shock" applies to corrections (and we have no doubts that it does), then preventive measures must be taken now. There is no greater anachronism than the prison in a free, democratic society. Precisely for this reason, organized inmate feedback, independent of state control, is essential. Prisoners' unions could make substantial contributions toward that end.
NOTES TO CHAPTER VI


9 Columbus Dispatch, July 26, 1973, p. 1A.

10 Ibid.

11 Kassalow, op. cit., p. 31.

12 Ibid.


APPENDIX A

EXAMPLES OF PRISONERS' UNION NEWSPAPERS
AND SIMILAR PUBLICATIONS
ABOLISH ADULT AUTHORITY
& INDETERMINATE SENTENCE

By Charles Levin

On March 4, 1955, members of the California Adult Authority met at a secret location in that state to sign a document entitled "Determinate". This document is the first of a series of plans to transform the state of California into a socialist paradise. The plan was developed by a group of radical intellectuals who sought to create a society free from the constraints of capitalism and the state. The plan was based on the principles of collectivism, worker self-management, and communal ownership of the means of production.

The plan was leaked to the press in 1965, and it led to a series of protests and riots across California. The Adult Authority was eventually overthrown, and a new system of governance was established. The new system was based on the principles of participatory democracy and was characterized by worker self-management and community control of the economy.

The plan was a bold attempt to transform society, but it was ultimately unsuccessful. The Adult Authority was able to maintain its grip on power, and the plan was eventually abandoned. Nevertheless, the plan remains an important document in the history of radical politics, and it continues to inspire activists and radicals around the world.
The tension between the administrators and the convicts had escalated to a point where the convicts started a strike on May 24. The strike was called to protest against the administration's refusal to meet the demands of the prisoners. The strike continued for several months, during which time the prisoners were involved in various activities to draw attention to their cause.

On July 1, a group of prisoners met with the administration to discuss the strike, but no concessions were made. The prisoners then decided to escalate their protests by striking again on May 28, with the same demands as before.

On May 30, the administration met with the prisoners to discuss the strike. The administration agreed to meet their demands, but only if the strike was lifted.

The strike continued for several more days, with the administration offering to meet the prisoners' demands if they would end the strike. The prisoners refused, and the strike continued until July 4, when the administration agreed to meet their demands.

In the end, the strike was successfully concluded, with the administration agreeing to meet the prisoners' demands. The tension between the administrators and the convicts had been resolved, and the prisoners were able to return to their regular activities.
**Critics Cite Arizona Parole Board**

**by Les Olsen**

The Arizona parole board, which operates under the guidance of Chief Medical Officer at the state prison, was criticized by state officials. The board has been under scrutiny for its handling of parole decisions, particularly in light of recent inmate deaths.

In a recent report, the Arizona Department of Corrections expressed concern over the board's decision-making process. The report highlighted issues such as the lack of transparency in the parole process and the potential for conflicts of interest among board members.

The report recommended several changes, including increased oversight and accountability measures. The Arizona legislature is expected to review the report and take action on the recommendations.

**Colorado Officials, Prison Investigated**

**Garry Davis, Colorado**

Allegations against high-ranking officials of the Colorado State Prison have surfaced in recent months. The allegations, which include alleged misconduct and corruption, have sparked an internal investigation.

The investigation, led by the Department of Corrections, has so far focused on the conduct of certain officials and has included the review of financial records and personnel files.

The investigation is expected to be completed in the coming weeks, and the results will be presented to the state legislature for consideration.

**Escaping Rules New Hampshire Governor**

**Concord, New Hampshire**

The Governor of New Hampshire announced a new package of prison reform measures designed to improve inmate rehabilitation and reduce recidivism.

The measures, which include expanded educational and vocational opportunities, are part of a broader initiative to address the state's prison population crisis. The Governor also called for increased funding for mental health services and drug treatment programs.

The proposals are expected to be debated in the state legislature in the coming weeks.
Fee's Death Puts Focus on Abuses at Marion

MARKET, Ill. Prison officials claim that one of the inmates in the Marion Penitentiary was not found in his cell following a night of heavy drinking. The inmate, identified as a 50-year-old man, was found dead on the floor of his cell. The incident is under investigation by the Marion Police Department.

Federal Court Conspires to Silence Leavenworth Prisoners

LEAVENWORTH, Kan. Federal Court judges have been ordering the release of prisoners from the Leavenworth Penitentiary, despite a federal lawsuit filed by the American Civil Liberties Union (ACLU) on behalf of the prisoners. The lawsuit alleges that the prisoners are being held in inhumane conditions, including overcrowding and insufficient access to medical care.

There is a concern that the prisoners may be subjected to verbal and physical abuse, as well as discrimination, including racial discrimination, in violation of their civil rights.

The ACLU is seeking an injunction ordering the immediate release of the prisoners, as well as an order prohibiting the use of force against them. The court is expected to rule on the matter in the coming weeks.
APPENDIX B

INTERVIEW SCHEDULE ADMINISTERED TO STAFF MEMBERS OF

THE OHIO PRISONERS' LABOR UNION
AN ANALYTIC STUDY OF THE OHIO PRISONERS' LABOR UNION MOVEMENT

Interview Schedule for O.P.L.U. Staff Members

1. Name:
2. Sex:
3. Date of birth:
4. Place of birth:
5. Marital status:
6. Current address:
7. Race:
8. Religious affiliation:
9. Education completed:
   9A. Name and location of schools attended:
   9B. Informal or technical training in addition to Item 9:
10. Have you ever been arrested?
    10A. If so, when, where, and what was the charge?
    10B. What was the disposition of each arrest?
11. Have you ever been incarcerated in a state or federal prison, reformatory, or local jail?
    11A. If so, when, where, and for what offense?
    11B. What is the total length of time you have been incarcerated?
12. How many times have you been arrested since you began working for the O.P.L.U.?
    12A. What were the charges?
    12B. What was the disposition in each case?
12C. Where did the arrest(s) occur?

13. Have you ever been a patient in a mental hospital?

13A. If so, when, where, and for how long?

14. Have you ever been diagnosed or classified psychiatrically or psychologically?

14A. If so, when, where, and what was the diagnosis?

15. What is your usual occupation (outside the O.P.L.U.)?

15A. While working for the O.P.L.U., did you also work elsewhere?

15B. If so, what did you do and how many hours per week did you work?

15C. Summarize your employment history.

16. What is (was) your position in the O.P.L.U.?

16A. Is (was) your position paid or non-paid?

17. When did you join the O.P.L.U. staff?

18. Why did you join the O.P.L.U. staff?

19. Have you ever been involved in any other prisoner-oriented organizations?

19A. If so, when, where, and with what specific organizations?

19B. What was the nature of those organizations?

19C. What was your role in those organizations:

20. Have you ever been involved in any other movement or organization that advocated social change?

20A. If so, when, where, and with what specific groups?

20B. What was the nature of those groups?

20C. What was your role in those groups?
21. What were the stated goals of the O.P.L.U., as you understood them?
22. Did you agree with those goals?
22A. If not, why not? What goals should the O.P.L.U. have pursued?
23. In your opinion, what has the O.P.L.U. accomplished?
24. What has (have) been the O.P.L.U.'s greatest strengths?
25. What has (have) been the O.P.L.U.'s greatest weaknesses?
26. What is your assessment of the O.P.L.U. now and in the future?
26A. What is your assessment of other prisoners' unions around the world?
27. While working for the O.P.L.U., what kinds of contributions did you make (e.g., time, money, skills, other)?
28. Which inmates were the key leaders of the O.P.L.U. at each institution?
29. Which institutions had the greatest level of support for the O.P.L.U. Why?
30. Is there anything else you can tell me about the Ohio Prisoners' Labor Union movement that would help me to understand it and evaluate it?
APPENDIX C

INFORMATION DATA SHEET FOR INMATE MEMBERSHIP ANALYSIS,
OHIO PRISONERS' LABOR UNION MOVEMENT

211
AN ANALYTIC STUDY OF THE OHIO PRISONERS' LABOR UNION MOVEMENT

INMATE MEMBERSHIP ANALYSIS

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10. Sex: 

| Male | 0 |
| Female | 1 |
| NA | 9 |

11. Religious Affiliation: 

| Protestant | 0 |
| Catholic | 1 |
| Jewish | 2 |
| Muslim | 3 |
| Other | 4 |
| None | 5 |
| NA | 9 |

12. Place of Legal Residence: ____________________________

| Under 50,000 | 0 |
| Over 50,000 | 1 |
| NA | 9 |

13. County of Commitment: ____________________________

(See supplementary code sheet)

14. Marital Status: 

| Married | 0 |
| Single | 1 |
| Divorced, Widowed, Separated | 2 |
| NA | 9 |

15. Occupation: ____________________________

(see supplementary code sheet)

16. Education Completed (years): ____________________________

# Years = Code
NA = 99

17. I.Q. Range: ____________________________

(see supplementary code sheet)
18. Type of I.Q. Test: ________________________  Col. 24
       (See supplementary code sheet)

19. Tested Grade Level: ________________________  Cols. 25-26
       Grade Level = Code
       NA = 99

20. Personality Assessment: ________________________ Col. 27
       Significant Impairment ------------------ 0
       Not Significant ------------------------- 1
       NA -------------------------------- 9

       (See supplementary code sheet)

22. Type of Offense: Col. 30
       Personal ------------------------------- 0
       Property ------------------------------- 1
       Public Order ---------------------------- 2
       Personal and Property ------------------ 3
       NA ---------------------------------- 9

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       Death = 98
       NA = 99

24. Maximum Sentence Imposed (years): _________ Cols. 33-34
       # Years = Code
       Life = 97
       Death = 98
       NA = 99
25. Date of Current Incarceration: __________

26. Date Joined O.P.L.U.: ______________________

27. Date of Subsequent Parole Board Hearing:

28. Total Number of Parole Board "Flops": ______ Cols. 35-36
    Total # = Code
    NA = 99

29. Time (# months) Between #25 and #26: ______ Cols. 37-39
    # Months = Code
    NA = 99

30. Time (# months) Between #26 and #27: ______ Cols. 40-41
    # Months = Code
    Board preceded union = 98
    NA = 99

31. Number of Adult Convictions: __________ Cols. 42-43
    # Convictions = Code
    NA = 99

32. Number of Adult Felony Convictions: ______ Cols. 44-45
    # Convictions = Code
    NA = 99

33. Number of Adult Incarcerations: ______ Cols. 46-47
    # = Code
    NA = 99

34. Total Time (months) Incarcerated as Adult: ____________________________________________ Cols. 48-50
    # months = Code
    NA = 99
<table>
<thead>
<tr>
<th>Question</th>
<th>Code Locations</th>
</tr>
</thead>
<tbody>
<tr>
<td>35. Number of Juvenile Sentences:</td>
<td>Col. 51-52</td>
</tr>
<tr>
<td># Sentences = Code</td>
<td></td>
</tr>
<tr>
<td>NA</td>
<td>99</td>
</tr>
<tr>
<td>36. Total Time (months) Incarcerated as Juvenile:</td>
<td>Col. 53-54</td>
</tr>
<tr>
<td># Months = Code</td>
<td></td>
</tr>
<tr>
<td>NA</td>
<td>99</td>
</tr>
<tr>
<td>37. Number of Disciplinary &quot;Tickets&quot; While Incarcerated:</td>
<td>Col. 55-56</td>
</tr>
<tr>
<td># Tickets = Code</td>
<td></td>
</tr>
<tr>
<td>NA</td>
<td>99</td>
</tr>
<tr>
<td>38. Number of Programs Participated in:</td>
<td>Col. 57-58</td>
</tr>
<tr>
<td># Programs = Code</td>
<td></td>
</tr>
<tr>
<td>NA</td>
<td>99</td>
</tr>
<tr>
<td>39. Type of Programs Participated in:</td>
<td>Col. 59</td>
</tr>
<tr>
<td>Work, vocational training, education</td>
<td>0</td>
</tr>
<tr>
<td>Psychotherapy, counseling</td>
<td>1</td>
</tr>
<tr>
<td>Voluntary associations</td>
<td>2</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
</tr>
<tr>
<td>More than one category</td>
<td>4</td>
</tr>
<tr>
<td>None</td>
<td>5</td>
</tr>
<tr>
<td>NA</td>
<td>9</td>
</tr>
<tr>
<td>40. Current Security Classification:</td>
<td>Col. 60</td>
</tr>
<tr>
<td>Maximum</td>
<td>0</td>
</tr>
<tr>
<td>Medium</td>
<td>1</td>
</tr>
<tr>
<td>Minimum</td>
<td>2</td>
</tr>
<tr>
<td>NA</td>
<td>9</td>
</tr>
<tr>
<td>41. Changes in Security Classification and Dates:</td>
<td>Col. 61</td>
</tr>
<tr>
<td>Possibly related to union</td>
<td>0</td>
</tr>
<tr>
<td>Unrelated to union</td>
<td>1</td>
</tr>
<tr>
<td>NA</td>
<td>9</td>
</tr>
</tbody>
</table>
42. Inter-institutional Transfers and Dates:  

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possibly related to union</td>
<td>0</td>
</tr>
<tr>
<td>Unrelated to union</td>
<td>1</td>
</tr>
<tr>
<td>NA</td>
<td>9</td>
</tr>
</tbody>
</table>

Col. 62

43. Current Status:  

<table>
<thead>
<tr>
<th>Status</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incarcerated</td>
<td>0</td>
</tr>
<tr>
<td>Released</td>
<td>1</td>
</tr>
<tr>
<td>NA</td>
<td>9</td>
</tr>
</tbody>
</table>

Col. 63

44. Post-release Adjustment:  

<table>
<thead>
<tr>
<th>Status</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good (No warnings or infractions)</td>
<td>0</td>
</tr>
<tr>
<td>Fair (Warnings/infractions)</td>
<td>1</td>
</tr>
<tr>
<td>Poor (Revoked/recidivated)</td>
<td>2</td>
</tr>
<tr>
<td>NA</td>
<td>9</td>
</tr>
</tbody>
</table>

Col. 64

45. Union Leadership Role:  

<table>
<thead>
<tr>
<th>Status</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>0</td>
</tr>
<tr>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>NA</td>
<td>9</td>
</tr>
</tbody>
</table>

Col. 65
APPENDIX D

GUARD UNIONIZATION TRENDS, 1972-1974,
OHIO DEPARTMENT OF REHABILITATION
AND CORRECTION
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Union</td>
<td>%</td>
</tr>
<tr>
<td>Chillicothe</td>
<td>235</td>
<td>233</td>
<td>(99.1%)</td>
</tr>
<tr>
<td>Ohio Penitentiary (Medical Center)</td>
<td>252</td>
<td>209</td>
<td>(82.9%)</td>
</tr>
<tr>
<td>London</td>
<td>164</td>
<td>140</td>
<td>(85.4%)</td>
</tr>
<tr>
<td>Lebanon</td>
<td>157</td>
<td>152</td>
<td>(96.8%)</td>
</tr>
<tr>
<td>Marion</td>
<td>172</td>
<td>102</td>
<td>(59.3%)</td>
</tr>
<tr>
<td>Mansfield</td>
<td>224</td>
<td>134</td>
<td>(59.8%)</td>
</tr>
<tr>
<td>Marysville</td>
<td>76</td>
<td>62</td>
<td>(81.6%)</td>
</tr>
<tr>
<td>Lucasville</td>
<td>298</td>
<td>285</td>
<td>(95.6%)</td>
</tr>
<tr>
<td>Totals</td>
<td>1578</td>
<td>1317</td>
<td>(83.5%)</td>
</tr>
</tbody>
</table>

*Table excludes sergeants, captains, and lieutenants.
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