

LIFE IN THE U.S.

PRISONS

Prisons begin bursting at the seams

By Mark Swartz

A NEW, HARD-NOSED JUDICIAL approach to prison sentencing, especially in those states that have recently enacted the liberal reform of determinate sentences, has resulted in dangerously over-crowded, volatile prison conditions from California to Maine. Ironically, the determinate sentencing laws that were passed by four states were intended to ease frustration and anxiety in prisons.

In the near future, according to corrections officials, the situation can be expected to reach catastrophic proportions as the impact of longer determinate sentences are felt in the ever-swelling prison populations.

California, Illinois, Indiana and Maine have implemented determinate, or fixed, sentencing laws. A determinate code will go into effect in Arizona on Oct. 1. And the federal government and other states are considering similar laws.

The purpose of the laws is to create a uniform, less arbitrary method of sentencing. Instead of handing down a sentence of one year to life for armed robbery, for example, a judge might give a fixed sentence of four years.

But the public has pressured judges to set longer sentences than they used to under the indeterminate laws. As more convicts stay in prison longer, the populations swell.

The determinate sentence, said Phil Guthrie, spokesman for the California Department of Corrections, "puts the heat right on the judge" instead of the parole board. "There is very little sympathy for the prisoner in most parts of the country. Judges are being ousted in an unprecedented way because of court-watching citizen groups."

David Petrocchi, a California Department of Corrections researcher, said that "one of the things that has always been an unknown factor in the effects of determinate sentencing is how judges will behave.... If he increases his prison commitments from 8 percent to 10 percent, prison admissions go up 20 percent."

Sending more up the river.

Judges have responded to the new laws by sending more defendants to prison instead of local jails, according to the Judicial Council of California. California state courts sent more than 4,400 male felons to prison in the first half of this year, the highest six-month total in California history and a 22 percent increase over the same period in 1977. The total state male prison population jumped from 17,000 in January to nearly 18,200 today.

"The prison population is going up faster than we predicted," said Jerry Enomoto, California corrections director, "and this is primarily the result of a big increase in prison commitments by the courts. If this keeps up, we will face serious overcrowding and extensive double-celling in just a few months."

The only solution, Enomoto believes, is to allocate more money for new prison construction, something most states are decidedly unwilling to do.

Robert Colby, spokesman for the Illinois state prison system, which was rocked by violence this summer, said Illinois prisons are "already severely overcrowded. Because of the new sentencing law that went into effect on Feb. 1," he said, "we do anticipate an increase in the number of prison commitments. Judges are giving more severe sentences."

He said the population of the state's ten prisons, now estimated at 10,700, has increased 50 percent in the last two years.

"We're in the process of building two



Inmates at the Cook County jail await their trials and transfer to state or federal prisons.

new medium-security institutions," Colby said, "but that won't be enough."

Overcrowding and violence.

He pointed to the July 22 violent upheaval at the Pontiac prison that left three guards dead and three inmates injured. Although he said the prison was built to hold 1,200, there were over 2,000 prisoners there at the time of the incident.

"There are other reasons for overcrowded prisons," Colby said. "The economic condition has something to do with it. And there is no Vietnam—there isn't a war. Young people of the crime-prone age are not getting killed."

The experience in Maine—the first state to institute determinate sentencing—reflects conditions in California and Illinois but on a much smaller scale.

"We have experienced a significant increase in the adult prison population," said Peter Tilton, assistant director of Maine's probation and parole division. "At our two main adult institutions, we've gone from not being overcrowded to overcrowded. But we're still trying to figure out just what the impact of the new sentencing law has been."

The population at the Maine State Prison increased from 350 to 500 in the last two years partly because the "mood of the times" has resulted in longer prison terms, Tilton said.

While some states have reduced the length of time an ex-convict must serve on parole, Maine has eliminated parole and all forms of post-prison supervision. Of the four states that have implemented fixed sentencing, only Indiana does not have an overcrowding problem.

Since the new sentencing code went into operation last October, the adult prison population has remained at about the same level, after an initial decrease, according to Tom Hanlon, administrative assistant for the Indiana Adult Authority or parole board.

One reason for the stable population could be Indiana's liberal "good time" law that allows a prisoner to get a sentence cut in half for good behavior.

But the picture may not be so bright in

Judges are sending more people up the river under new sentencing laws. But as prisons fill to overflowing, inmates are left up the creek without a paddle.

Arizona, where a determinate sentencing law takes effect in October. The courts have ordered administrators to sharply reduce the convict population at the Arizona State Prison in Florence to avoid overcrowding. As a result, the legislature has allocated about \$30 million for planning

and construction of new institutions. But even with that, a spokesman for the department of corrections in Phoenix expressed concern over whether the state "will be able to keep up with a constantly increasing prison population."

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Profile of prison population unchanged since Attica uprising.

Sept. 13 marks the seventh anniversary of the Attica uprising in New York. The recent July disturbances at the Georgia State Prison and Pontiac Correctional Center in Illinois reveal that the American prison system remains in an explosive state of crisis.

The rate of imprisonment is dramatically rising throughout the country, although the crime rate is not. Parole reduction, increased and determinate sentencing, stepped up police activity and mandatory imprisonment classifications are resulting in a surge in the prison population. The U.S. now has the highest imprisonment rate of any western nation.

Economically motivated crimes against property continue to be three times as prevalent as crimes of violence. Those placed behind bars in America are strikingly found within predictable economic and racial parameters:

- fully half of the prison population is black
- 31 percent of all inmates were unemployed before their latest arrest
- 60 percent earned less than \$6,000 in the year prior to their arrest
- the vast majority are "repeat offenders"

•over 60 percent of the prison population is between 18 and 29

•over 600,000 youths under the age of 16 are incarcerated each year

Serious overcrowding and inadequate facilities are widespread in corrections systems on all levels and authorities are responding by initiating major construction programs. The costs of such prison construction and maintenance are enormous. Just one new prison cell can cost \$30,000. And to keep it occupied can cost over \$10,000 per year per prisoner.

To help meet such needs in the state of New York, the government plans to turn what will be the 1980 Olympic Village in Lake Placid into a federal prison for youths after the games are concluded.

The National Moratorium on Prison Construction in Washington, D.C., and the New York Council of Churches have formed an ad hoc group to oppose those plans and to use the issue as a focal point to question additional prison construction as a solution to the current crisis. Rev. William Sloan Coffin Jr., commented recently on the proposed Lake Placid plans, "Once again urban minorities will be guarded by rural whites; another Attica in the making."

Wit' a Brooklyn Accent



By Mark Naison

ANOTHER FOOTBALL SEASON is upon us, and, as usual, I'm approaching it with mixed feelings. I'm an incurable addict, but the sordid dimensions of the sport seem to be multiplying steadily.

Even with the shortened pre-season, the NFL has had more than its share of serious injuries. Darryl Stingley, a talented New England receiver, is now paralyzed from the neck down as a result of a blow delivered by Oakland safety Jack Tatum.

Two of the league's best quarterbacks, Bob Griese and Bert Jones, have to miss the first part of the season because they are hurt.

And in the first nationally televised regular season game, the starting quarterbacks of both the New York Giants and the Tampa Bay Buccaneers were put out of commission in the first half.

Even some notoriously hard-nosed figures in the sport appear to be shaken up. When Oakland coach Jack Madden was asked what he expected to accomplish in a pre-season game with San Francisco, he said, "We're hoping no one gets hurt."

All of these developments were anticipated in a three-part series in *Sports Illustrated* this summer on "Brutality in Football."

The series documents virtually every charge made by radical critics of the sport over the last ten years: that the use of amphetamines by players—in quantities that induce psychotic behavior—has reached

epidemic proportions; that coaches on all levels of the sport teach tackling and blocking methods designed to maim opponents; and that officials fail to enforce existing rules against late hits, out of bounds tackles and piling on.

If owners and coaches do not take steps to check this violence, the magazine warns, they may be hit by a wave of lawsuits by the injured players that could bankrupt some franchises.

Whether the rulers of professional football will heed this appeal to their self-interest remains to be seen, but millions of fans appear willing to watch the game even in its current brutalized form.

The popularity of football.

What accounts for football's extraordinary popularity?

First of all, it's entertaining. There is constant action, movement, and numerous spectacular individual plays that are visible from the stands and the TV screen. Not only is there a great deal of scoring, which Americans seem to enjoy in their games, but there is time to discuss the action with a neighbor or a drinking partner in between plays, and that makes the game particularly amenable to group viewing.

In addition, the game generates extremely strong loyalties in those who have played it, even when those feelings are mixed with memories of sadistic opponents and authoritarian coaches.

Football inspires an extraordinary camaraderie among those who play it. Some of this is due to the common experience of enduring great pain, but the nature of the game itself maximizes solidarity. In few other sports is team coordination so essential to success. Every brilliant individual achievement—a pinpoint pass, a leaping catch, an acrobatic run from scrimmage—is dependent on actions invisible to the crowd: smooth snaps from center, perfectly coordinated blocking, decoys and feints by linemen, ends and backs. The star running back or quarterback knows he is only as good as his blockers, and, if he's got any sense at all, carries himself accordingly. When a team is working well, this mutual dependency breeds affection and respect among players and allows for expressions of physical affection—hugs, pats on the behind, arms around the shoulder—that are rarely displayed by men outside the sphere of sport. This compensates for the rigors of the game.

Some like it tough.

Nevertheless, football is also appealing because of its roughness. In a society where fear of physical violence is widespread, and where violent behavior is all too common, football seems to offer a relatively safe outlet for the aggressive feelings generated in daily life.

In many poor and working class communities, football is one of the more constructive channels for the anger and aggressiveness of young men who are repeatedly called upon to prove their strength and toughness by peers, relatives and employers. As bruising as the game can be, it can inculcate a sense of discipline and collective responsibility if it is taught properly, and is far preferable to the crime, gang fighting, and ethnic warfare that so often occurs in powerless communities.

This is a pretty heavy burden for a sport to carry—and it is not surprising that it often carries the burden poorly. Anybody who has played the game knows there is a big difference between hitting hard and cleanly, and hitting with intent to injure. Yet the ranks of the sport are filled with coaches, owners and rooters who exploit the players' insecurities by telling them that their masculinity and their livelihood depends on their ability to maim the opposition. Since many of the players come from environments where violence is rife, and, as they put it, "only the strong survive," they respond as directed.

To keep from being intimidated, those players who cannot generate such hostility naturally do it with drugs, which trainers readily supply.

The result is a brand of football that lacks discipline or restraint, which incites players into psychotic fits rather than teaching them to control their anger. It's no accident that Rosalyn Gay, the wife of a Philadelphia Eagles lineman who fatally stabbed her husband after being beaten by him repeatedly, attributed her husband's behavior to the tensions bred by pro football.

We have enough violence in our streets and homes without seeing it glorified in our most popular televised sport. It's time that fans and concerned citizens put pressure on NFL officials and the Congress to take the game back from those who have corrupted it, and take concrete measures to minimize injuries, institute drug testing before games, and suspend players and coaches who practice or encourage gratuitous violence.

CRIME

White-collar crime pays, pretty well

By Joseph Pissarevsky

ASCORE OF STATES ARE CONSIDERING new capital punishment laws and New York state is going to put some 13-year-old offenders in jail for the rest of their lives. But while this is going on many criminals are not getting any attention at all. According to John Conyers, the chairman of the Subcommittee on Crime of the House Judiciary Committee, over \$44 billion are lost to "white collar" crime every year, compared to a little over \$4 billion lost to "street" crime.

This white collar crime total of \$44 billion does not include the \$30 to \$40 billion that the U.S. Chamber of Commerce estimated in 1968 was being lost each year through anti-trust violations. The figure does include such things as consumer fraud, illegal compensation, embezzlement, securities fraud, political corruption and fraud against the government. According to Jack Anderson, "If rip-offs

White-collar crime make street crime look small time. The white-collar crook is more subtle and efficient.

from non-felonious price fixing were included the total would run to \$200 billion annually."

Conyers' subcommittee has been holding hearings since June on "White Collar Crime: The Problem and the Federal Response."

One reason for so much "white-collar crime" is the lack of means available to stop it. In the 1979 federal budget only \$36 million is allocated to deal with some \$44 billion in documented white collar crimes. Another reason is that some businesses are too embarrassed to admit they have been cheated. The *New Yorker*

has reported several cases involving computer fraud where businesses defrauded of more than \$3 or \$4 million have simply dismissed the employee responsible.

Professor Gil Geis of the University of California at Irvine, who testified before Conyers' committee, argued that white collar crime is not well understood. "The major difference between white collar criminals and the traditional street offenders probably is that the burglar and the robber have more limited means at their disposal. The white-collar crook can be more subtle and more efficient in his criminal self-aggrandizement."

"The members of the underclass command so few resources that, when engaging in criminality, they must rely upon stealth, guile, or frontal assaults on property to attain their objectives. Not so for elites who can use bureaucracies as instruments for the perpetuation of their criminal ends. Control over organizations thus becomes a kind of functional equivalent of the bandit's pistol."

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