Sociological Perspectives on a Prison System

Joseph Clarence Mouledous

Louisiana State University and Agricultural and Mechanical College

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SOCIOLOGICAL PERSPECTIVES ON A PRISON SOCIAL SYSTEM

A Thesis

Submitted to the Graduate Faculty of the Louisiana State University and Agricultural and Mechanical College in partial fulfillment of the requirements for the degree of Master of Arts in The Department of Sociology

by
Joseph Clarence Mouledous B.A., Louisiana State University, 1953
June, 1962
MANUSCRIPT THESES

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Prison Farm, South

Like fields of dry dead corn,
Bending beneath the moving gray,
The guards leaned in dreary rows
Chewing their cuds as they spat their names
When barked at in a meaningless yap.

Stood in rows all through the day,
Propped upon their hoes of flesh,
While the whistling rise of the dove
And the squawking contortions of the snipe,
Had the tasseled, yellow, snuff-stained faces
Grinning at this animal fright.

Grinning as they saw the human flesh
In their pin-striped gray,
Rooted as the cane,
Sweeping their knives
Down from the clear sky above them,
Skimming through the muck, through the cane.

Above the silent birds of death,
Above the sweeping birds of prey,
Beyond the steaming sweat of flesh,
Glides the silent, separate night.

By: Joseph C. Mouledous
ACKNOWLEDGMENT

The writer has many obligations. He is especially grateful to Dr. Walfrid J. Jokinen, his major advisor, who, as friend and advisor, has given the encouragement necessary to the completion of this study. The author also wishes to acknowledge intellectual debts to Drs. Rudolf Heberle, Vernon J. Parenton, and Frederick C. Bates of the Department of Sociology and to Dr. William Haag of the Department of Anthropology.

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ABSTRACT

This study reviews selected aspects of the Louisiana State Penitentiary since its origin. The interpretations are based on data from historical sources, statistical reports, personal documents and participant observation. The interpretations of these data are placed in an historical perspective, allowing corrections of certain deficiencies in the literature and permitting consideration of issues which require an historical perspective. The penitentiary reflects the interests of the greater society, in terms of the composition of its inmate population and the manner in which this population is used. Originally the penitentiary housed an immigrant white population in an urban penitentiary applying penological principles identical with those existing in the northern states. The subsequent transformation into a plantation system of predominantly Negro inmates is interpreted in terms of post-Civil War developments. And it is implied that the contemporary penitentiary with its philosophy of rehabilitation and its youthful, urban population reflects a similar shift in conditions of the greater society.

The social organization of the penitentiary is analyzed in terms of a privilege-deprivational system which structures the adaptative patterns of the inmate population and which determines who
possesses the basic elements of power. From the original recommendations of Edward Livingston that the administration rationally create broad differentials in privilege and deprivation, to the contemporary penitentiary program which seeks to equalize all privileges and minimize deprivations, major changes in power structure are analyzed. Generalizations are made that under an autocratic regime which involves inmates by selectively distributing material resources, administration maintains power and becomes the orientation of inmate behavior; in an egalitarian system, administration relinquishes control of the penal environment and an inmate social system gradually dominates that environment; similarly, in a totalitarian system, administration places insurmountable barriers between itself and inmates and again the inmate social system becomes the dominant influence.
CHAPTER I

INTRODUCTION

In the 1920's Frank Tannenbaum published an article and a book which struck a chord that ultimately became a major theme in most studies of correctional communities.¹ Tannenbaum, under such headings as "Psychology of Prison Cruelty" and "Prison Democracy," described the prison as: "... a definitely two-sided social organization. There is routine, discipline, the formal, ... and its opposite -- insistent, ingenious group-organization and group life..."² To Tannenbaum there exist the mutually exclusive worlds of the inmate and his keeper, worlds separated by such intense contempt that "association between the prisoner and the keeper is almost impossible, except as it expresses itself in dominance."³ Of the "inmate world" Tannenbaum notes that it is a cohesive world bound together by common interests and physical proximity. In fact, "the interests of the group are so bound up with the behavior of


²Tannenbaum, Wall Shadows, p. 15.

the individual that he is under constant pressure to conform. Within this framework Tannenbaum wrote an essentially romantic book in which he spoke of the potentiality of a prison system for rehabilitation of inmates once a democratic honor system was successfully introduced and the inmates allowed to participate. However, he qualified his position, allowing for the "toughs" whose previous experiences and behavior made them very nearly incapable of cooperative activity, and he recognized that not all prisoners had the same interests nor did they feel equally the pressures to conform. For example, he notes that the long-time prisoners claimed that they were the most responsible, had the greatest interest in seeing that the best prison conditions were maintained, and that these long-timers bitterly criticized the lack of responsibility and selfish interest of "short-bit" inmates.

Approximately two decades later the studies of Hans Reimer, Donald Clemmer, Norman S. Hayner and Ellis Ash, Norman Polansky,

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4 Tannenbaum, Wall Shadows, p. 78.
5 Tannenbaum, Wall Shadows, pp. 44-47.
S. K. Weinberg, \(^{10}\) and others, continued and intensified Tannenbaum's main theme by focusing their investigations on this "prisoner community," "inmate sub-culture," or "inmate social organization," in which they increasingly stressed that it contained standards of conduct, patterns of behavior, and a hierarchical system distinctive to itself, growing out of the anti-social values inherent in the larger criminal culture and resulting from common experiences prisoners shared in the monotonous, oppressive, deprived penal environment.

This view of the prison as divided into two worlds, that of the inmate and that of the prison official, may take a number of perspectives. Polansky emphasized its authoritarian quality. \(^{11}\) Weinberg developed the themes of conflict and isolation which are supported by the technique of forming "contrast-conceptions" of each other. \(^{12}\) Hayner and Ash shifted their focus from exclusion to interdependence and pointed out that the official policy directly affected what type of inmate became a leader. \(^{13}\) Clemmer, while focusing on the inmate normative system, never concluded that an inmate social system existed. He wrote that "contrary to impressions and writings of other investigators, this study found and reported considerable evidence to indicate that concensus,


\(^{11}\) Polansky, *op. cit.*, pp. 16-22.


\(^{13}\) Hayner and Ash, "The Prisoner Community as a Social Group," *loc. cit.*, p. 369.
solidarity, and feeling among prisoners has been previously exag-
gerated. "14

Recently Ohlin spoke of the "caste-like" division between ruler and ruled. 15 And Sykes and Messinger continue this tradition by developing "...a theory of the structure and functioning of the inmate social system, primarily in terms of inmate values and their related roles..."16 To these authors, "...the inmate code is the major basis for classifying and describing the social relations of prisoners."17

The perspectives vary but a major theme remains constant and identifiable; that is, the theme of two closed systems, of ruler and ruled, in which intense face-to-face interactions, conflict, compromise, hostility, and accommodation prevail, but one in which movement between the two worlds is non-existent and roles are not shared or transmitted but remain the exclusive property of each system.

A further point developed in these studies and retained throughout the years, to be included in the most recent literature,


17 Ibid., p. 9.
is the observation that there exist unusually stable and effective elements which operate to create and maintain stable conditions within the prison in spite of the high permeability of its population, and significant changes in the larger culture's definition of what a prison is supposed to accomplish. Clemmer, for example, illustrates this view of the stability of the prison's structural elements.

The prison, like other societies is dynamic... In spite of these dynamic characteristics, however, the controls which guide the conduct of prisoners, and the behavior of the officials have ... changed little from year to year. Forty years ago the flippant or irascible prisoner was punished by solitary confinement and sometimes beaten just as he is now, and forty years ago the prisoners held physical courage, gambling skill or clever thieving techniques in high esteem as they do now, yet forty years ago it was a considerably different prison populated in terms of personality makeup... There are variations, but the patterns are essentially the same. This tendency toward the establishment of controls and values which continue year after year in spite of great social change is in the nature of a paradox... So in prison the system of living, the system of work, the system of disciplining have persisted tenaciously, in spite of the dynamic characteristics of life and the dynamics of the peoples who are in them and compose them.18

Sykes strongly articulates this idea when he writes that "...in spite of this diversity it is not inconsistent to say that the observer must be struck by the basic similarities which exist among custodial institutions, for there seems to be a remarkable tendency to override the variations of time, place and purpose."19

18 Clemmer, op. cit., p. 84.
And in a recent publication this same observation was stated in this manner:

It has been noted ... that certain roles occur in so many prisons and are so well known that argot terms have been developed to designate them. The maintenance of these roles stems in part from a stereotyping and selective perception of one another by inmates and guards, but must rest also on the prevalence of personality types to which these roles give adequate expression. The frequency of such roles may be governed by the frequency with which certain personality types are found in the criminal population, or perhaps in the population at large; or selective process of imprisonment may funnel into the prison personality types that take on the argot roles. Or is it possible that the prison community shapes personalities in accordance with the requirements of living among inmates, just as a bureaucratic structure fosters certain personality characteristics among its officeholders.\(^\text{20}\)

Important stable elements are seen in the inmate society's anti-social value system expressed in terms of hostility to the official values, a rigid system of stratification, and an inescapable system of social controls based to a large degree on violence and coercive power. This hostile, rigid, inmate system with its internal social controls is understood to be in a subordinate relation to the official system, separated to such a degree that vertical social mobility is impossible and thus a "caste" or "caste-like" relationship exists.\(^\text{21}\)

In other recent studies it has been expressed that in spite of the fact that the inmate social system is primarily hostile to


\(^{21}\)Lloyd E. Ohlin, _op. cit._
and opposed to the official goals of administration, this inmate system significantly contributes toward maintaining the prison as an ongoing system.\textsuperscript{22} In contributing to the maintenance of the total system there necessarily arise points of interaction which call for other than hostile, superordinate-subordinate relationships and which elicit elements of cooperation, compromise, and identity; these in turn have their effect on the norms of each. Goffman, for example, expressed the point as follows:

\begin{quote}
...every total institution seems to develop a set of institutional practices...through which staff and inmates come close enough together to get a somewhat favorable image of the other and to identify sympathetically with the other's situation.\textsuperscript{23}
\end{quote}

Cloward writes that "succession to elite positions does not occur independently of the official system, but rather conditioned in crucial ways by features of the prison structure. We suggest that accommodative patterns, while involving administrative concessions, nevertheless permit the custodian to influence inmate succession to elite positions."\textsuperscript{24} And Schrag expands the idea to say:

The result is that neither the official system nor the society of prisoners can long retain dominance


\textsuperscript{24}Cloward, \textit{op. cit.}, p. 42.
in the prison community. Symbiotic relationships tend to develop in such a way that, although the integrity of the two systems may be retained on the surface, the behavior of an inmate or a staff member in almost any given case is determined by intersecting influences that cannot be realistically accredited solely to either system.  

All prisons do not conform to the findings of these studies, and these descriptions most correctly apply to maximum security, urban penitentiaries found in the Northern and Western parts of the United States. As Garrity points out, these descriptions "...apply least adequately to minimum security and open institutions." What is of significance is the fact that prison systems throughout the world are faced with a basic administrative problem, namely, how to coordinate essentially conflicting social relations to achieve common organizational goals. Historical examples of prison systems which devised methods grossly different from those found in the typical American penitentiary were to be found in the German concentration camps, to a lesser degree in the French concentration camps for political prisoners, and in certain penal systems in the southern region of the United States. In these prison systems there existed a variation of the ruler-ruled dichotomy which consisted of delegating official functions to a segment of the inmate population.

See also Richard McGeery, Policy Change in Prison Management (East Lansing: Michigan State University, Government Research Bureau, 1957).

to help maintain authority and to assure that the required routines of prison life are correctly carried out, to perform, in effect, roles generally considered the property of official personnel.

The French devised an ingenious method of maintaining order and assuring cooperation. They required each barrack to elect democratically a "chief de group." These leaders were held responsible for the behavior of the inmates within their barracks and a number of means were placed at their disposal to help them attain this end. Obviously these leaders were placed under a great deal of strain and conflict. On the one hand, their election was an expression of the confidence their fellow inmates had in their ability to protect them while satisfying the camp authorities, while their duties demanded that they increasingly enforce the restrictions and exert the control required by the authorities. Koestler clearly brings out the difficult and delicate condition of their position in describing the leader chosen by the German political prisoners.

No. 33, the German barrack, had elected Albert, who was a former Commissar with the International Brigades

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27 The material used in describing the French concentration camp, La Vernet, is taken from: Arthur Koestler, The Scum of the Earth (London: Collins and Hamish Hamilton, Ltd., 1955). This book is a vivid description of his experiences in France shortly before the German invasion and the defeat of France.

28 These inmate leaders were responsible only for the behavior of inmates within the actual barrack, camp or hut. Work and activities performed outside of the camp were under the supervision of an armed official guard.
in Spain, had the required authority, and as a former pupil of a Jesuit seminary, the necessary diplomatic smoothness for this post.29

The German concentration camps developed a system in which the inmates chosen as leaders came from a segment of the prison population which had greater identification with the officials than with the other inmates. The heterogeneity of the German concentration camp population allowed this development. The camp contained inmates ranging from multiple criminal offenders and religious and political opponents of National Socialism to Jews.30 It was primarily from the ranks of the criminals that the camp officials selected their inmate assistants.31 According to Cohen, the criminal prisoners were entrusted with duties and responsibilities that touched upon every aspect of camp life: general administration, living environment, work details and even security and custody.32

29Koestler, op. cit., p. 105.

30Elie A. Cohen, Human Behavior in the Concentration Camp (New York: W. W. Norton and Co., 1953). See also:

31Cohen makes reference to one exception which developed from such excessive brutality on the part of the "greens" (criminals) that the German political prisoners, the "reds," killed more than one hundred "greens" with the result that the SS authorized the "reds" with the submanagement of the prison. See Cohen, op. cit., p. 200.

32Ibid., pp. 23-24; see his organizational tables in which he lists the position of Lagerpolizei (camp police) and others as being held by the criminal prisoners.
Unquestionably the combination of a criminal with authority and the purpose of the concentration camps produced a terrifying "role." Cohen's description is as follows:

...a type of man who has completely adjusted himself to the camp, which he regards as his definitive life, and which he desires nothing more than to continue. Both outwardly and inwardly he has identified himself with the SS, as he reveals in his behavior, his clothing, his bawling, his beatings, his treatment of the weak, his shameless organizing, his cruelties on the pattern of the SS, his demand for discipline and obedience.33

The Louisiana State Penitentiary, since its reorganization at the turn of the century, has met its problem of "handling men" by two diverse methods. The first method - covering an approximate period from 1900 to 1950 - was startlingly similar to the German concentration camps. A wide range of privileges and deprivations were introduced into the residential and work areas of the penitentiary as an inducement to the inmate to exchange his labor, responsibility, to assure - in Veblen's terms - that the inmate would not withdraw his efficiency. This exchange system was, in turn, superimposed on an extremely brutal "threat system," which fitted the demands of non-mechanized, unskilled farming when the supply of labor was virtually unlimited and it coincided with the dominant ideology of the southern white toward their servile rural Negroes. The results were that selected inmates held positions of authority and responsibility normally occupied by lower staff,

33 Ibid., p. 200.
while other inmates worked under the most coercive conditions. But regardless of the method, threat or exchange, administration held the reins of power and the inmates were responsive to administrative needs and demands.

Since 1950 the methods of threat and exchange have largely been discarded and administration has failed to devise new methods to replace them, with the result that administration has largely relinquished its control of the elements of power. Inmates are presently decreasing their responsiveness to administrative demands and correspondingly increasing their responsiveness to the demands of the inmate population. They are increasingly motivated to achieve positions of status through the opportunities provided within the inmate population.

Our perspective of the prison, then, is that it is an achievement system, that is, an environment which holds out for its members a range of opportunities (privileges, goals), provides a variety of means to achieve these, and conditions participation according to differentials within the population: age, race, sex, crime, length of sentence, length of incarceration, occupational skills, education, etc. From this perspective numerous foci are possible: comparative studies of prisons, shifts in opportunities, means and the differentials conditioning participation over an historical period, changes in the opportunities offered a given inmate during his period of incarceration, and other inquiries.
In recent studies there is expressed a growing interest in aspects of these problems. The article by Glaser and Stratton, and Wheeler's recent journal article, in which the "U-shaped" curve of change manifested by inmates during their incarceration is presented, are but two examples. Korn and McCorkle touch upon but do not develop, the implications of this approach when they remark in their chapter on the inmate social system that it could be re-written in terms of a search for status. If it is approached as an achievement system in which its members are directed toward definite goals by a variety of means, we can then analyze the objective characteristics of the individual to determine if they tend to place the individual in a position where he must choose between a limited number of adaptative patterns (means) to attain privileges. For example, a first offender, elderly alcoholic, a nomadic individual sentenced for a relatively short period of time and devoid of occupational skills, may discover that both the legitimate and illegitimate means of achieving privileges are closed to him and be forced to withdraw, or to retreat, in Merton's terminology, from all such competition.


Since prison systems are adaptative systems, it would be appropriate to use Merton's five types of adaptation. Using his typology there is no need to develop a descriptive typology of "politicians," "merchants," "moonshiners," "prosocial" and the rest. All of these can be presented as descriptive examples of Merton's broad functional categories.

The literature contains an excellent example of the basic value of Merton's approach in the article "Characteristics of Total Institutions," by Erving Goffman. Goffman does not make any direct references to Merton, nor does he use precisely the same categories, but his analysis approaches conclusions similar to Merton's. Goffman perceives the institutional environment as a system of adaptative patterns to the existing privilege-deprivation conditions. These conditions allow for different ways of meeting them, and, as Goffman puts it:

...we find, in fact, that the same inmate will employ different lines of adaptation or tacks at different phases in his moral career and may even fluctuate between different tacks at the same time.

He may employ the process of situational withdrawal, or the rebellious line, or of colonization, that is finding satisfaction with the immediate privileges to such an extent that the ultimate privileges

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37 Robert K. Merton, *Social Theory and Social Structure* (Glenco, Ill.: The Free Press, 1949), Chap. IV.


of release become unwanted, or of conversion, in which "the inmate appears to take over completely the official or staff view of himself and tries to act out the role of the perfect inmate."\textsuperscript{40}

In total institutions there will also be a system of what might be called secondary adjustments, namely, techniques which do not directly challenge staff management but which allow inmates to obtain disallowed satisfactions or allowed ones by dis-allowed means.\textsuperscript{41}

The similarity with Merton's analysis is unmistakable: situational withdrawal and retreatism, conversion and conformity, colonization and ritualism, rebellious line and rebellion, secondary adjustments and innovations. The basic difference is that Goffman fails to perceive these -- adaptive patterns of alleviating deprivations and providing privileges -- as functionally related to the goals of the system.

Goffman's basic assumption is that inmates enter total institutions with a structured "civilian self," which is threatened and attacked by institutional activities which he compares to the "rite de passage." Such experiences provide the main "pains of imprisonment" and these in turn motivate the inmate to develop adaptive patterns which aid in reconstructing and/or protecting the "self." Goffman's basic assumption is unproven and probably untenable. Recent writings by David Reisman, Erick Fromm and a great deal of the existentialist literature strongly argue that contemporary man is devoid of a true conception of "self"; that the

\textsuperscript{40}\textit{Ibid.}, pp. 461-462.
\textsuperscript{41}\textit{Ibid.}, p. 459.
freedom that he has gained weighs heavily upon him filling him with anxiety and dread and that he must turn to others for a reflection of some semblences of "self" and to gain a fleeting satisfaction. Goffman, furthermore, in developing his argument, has used as "data" the writings of such sensitive and creative authors as Herman Melville, Thomas Merton, Brendan Behan, T.E. Lawrence, George Orwell, Kathryn Hulme and others. It is highly conceivable that such individuals did have a strong "self conception" which was threatened in their institutional experiences. The fact that they wrote of such experiences supports this argument. But to generalize from such highly selected individuals to inmates in general is certainly questionable, even if we did not have the writings of the existentialists, Reisman, Fromm, and others.

For Merton the categories are functionally related to the means and ends (goals) of the system and vary relatively. Using Merton's approach an investigator need not make psychological assumptions, but rather he is orientated to the objective social factors of goals and means which largely determine who will be permitted to participate in existing opportunities, and the behavior required, and who will be denied, and correspondingly, the behavior which this elicits. For example, the economic goals of the old Angola regime reduced the free personnel force and made such great demands on labor that excessive privileges were built into the custodial classes of inmate guard and trusty. These
primarily required the adaptative patterns of conformity (conversion) and/or ritualism (colonization), but tolerated innovations (secondary adjustments) in the form of "dealing" with the "gunmen" and "red-hat" cons because these "deals" functioned to maintain the existing communication system. Similarly, while excessive deprivations were built into the working conditions of the gunmen and red-hat custodial groups motivating many to a rebellious adaptative pattern, the relative absence of rules for the residential environment and the freedom of behavior allowed, encouraged an adaptative pattern of innovation to achieve sorely needed immediate privileges.

As we shall see in the subsequent chapters, under the contemporary Angola regime in which the goals have been shifted from profit to "rehabilitation," the conditions of privilege and deprivation have also been shifted, so that the "big stripe" or medium custody inmates (previously gunmen) now have more privileges and less deprivations built into their work and residential environment than do the inmate guards.

The contemporary Louisiana State Penitentiary must therefore be viewed as in a state of transition, moving from the privilege-deprivalional system built around the institution's main goals of profit and toward a privilege-deprivalional system built around the less tangible goals of rehabilitation, which require a bureaucratization of the penitentiary. Obviously residues of the old order still remain and create complications. Moreover, complications
arise from the composition of the population, in that the philosophy of rehabilitation carried out by southern whites can only be applied with extreme difficulty to the Negro prison population. Test measurements are invalid for a southern Negro population. Understanding of the Negro by a white psychologist or sociologist is extremely difficult no matter how skillful and sensitive he may be. Thus, the prison system becomes divided horizontally into categories, which are differentiated by their relationship to the existing privilege-deprivational system and the adaptative patterns elicited, and vertically into two broad racial groups that participate unequally in the prison system.

It will be noted that throughout our discussion we will avoid using such typologies as right guy, hoosier, politician, wolf, punk, etc., as Clemmer, Sykes, Schrag, and others have used, nor do we intend to develop a more sophisticated typology as did Schrag in a later study with his prosocial, pseudosocial, asocial, and antisocial types. Such typologies are fraught with dangers. They allow an infinite number of what often prove to be

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43Sykes, op. cit., Chap. V.


superficial and artificial types, the epitome of which are Caldwell's classes of leather-workers, moonshiners, religionists, etc.\textsuperscript{46} Such types have been criticized by Glaser and Stratton as "a 'poor man's' or non-academic version of Weber's ideal types."\textsuperscript{47} Our main objections to them are that they are static and impute an essential characteristic to the individual; that they are generalizations largely derived from inmate argot and as such may reflect the symbols by which inmates strive to control one another and structure their environment, rather than reality; that they orientate the investigator to a limited perspective, the inmate population, rather than to the total institutional environment and its relation to the larger society in which it exists.

A Note on Methodology and Organization

Data were collected for this study over a three year period while the writer was employed in the Department of Classification of the Louisiana State Penitentiary. As the writer and his family resided on the prison reservation, in one of the old residences, entrance into the relatively closed and close-knit community of older staff members and their families was greatly facilitated. It was through the frequent informal discussions concerning the penitentiary with these individuals that the writer gained his first


knowledge of how the "old order" functioned and had his curiosity stimulated. Thus the study originated from personal experiences and curiosity and therein lies both its strength and weakness. Its weakness is apparent in the selectivity of the topics discussed and the virtual absence of systematically collected data. Its strength resides in the quality of the information acquired from staff and inmates as well as in the historical perspective which, among other things, corrects existing deficiencies in studies of the origin and development of the Louisiana State Penitentiary.

The writer, in spite of being a member of staff, was fortunate in having excellent entrance into the inmate population. Two Negro "big stripe" inmates were well known to him in that they had sailed and worked with the writer aboard merchant ships during and after World War II. Several white inmates from New Orleans had previously been acquaintances. Furthermore, the writer feels that he was able to gain rapport with a number of inmates mainly because his staff position was non-custodial and involved few threats to the inmates.

Data, therefore, were collected by personal observation and participation, and by informal and unstructured, as well as formal structured, interviewing. Items of information were generally received from a number of sources and the writer has attempted to substantiate these by historical records, letters, memorandums, the official records of the penitentiary, and other original documents.
The organization of the study does not correctly reflect the writer's original intent, namely, an exact analysis of the Louisiana State Penitentiary, as was executed in Chapter V, The Inmate Guard. The shift in the writer's focus, which resulted in the first chapters of the study, occurred when it became obvious that existing sociological literature largely ignored or misrepresented Edward Livingston, the contract and lease systems, and the profit and patronage fulfilled by the penitentiary. These chapters, therefore, are presented as corrections of and additions to sociological literature. They, combined with the writer's perspective which views the penitentiary as an open achievement system, constitute the main contributions of this study.

The study omits an exact analysis of the Negro inmate, and therein lies one of its major shortcomings. While the writer recognized this weakness he was unable to correct it -- and for the same reasons some of the other weaknesses -- because he failed to collect the necessary data during his employment and had no access to such data following his departure.
CHAPTER II

EDWARD LIVINGSTON

The names of Cesare Beccaria (1738-1794), Jeremy Bentham (1748-1832), Alexander Maconochie (1787-1860), V. John Haviland (1792-1852), Cesare Lombroso (1835-1909), Gabriel Tarde (1843-1904), Raffaele Garofalo (1852-1934), Enrico Ferri (1856-1929) and others are familiar in the literature of criminology. At the same time this literature has largely ignored or misrepresented Edward Livingston (1764-1836). Called by William Tallack America's greatest penologist, and considered the first legal genius of modern times by Sir Henry Maine, this son of parents who participated in the American revolution grew up to write a system of criminal jurisprudence for the State of Louisiana, and

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1Hermann Mannheim (editor), Pioneers in Criminology (Chicago: Quadrangle Books, 1960). This volume contains articles on seventeen pioneers; Edward Livingston is not included.


subsequently served as Secretary of State and Minister to France under Andrew Jackson.4

The exclusion of Livingston from most contemporary criminological literature by sociologists gains interest when we understand that he is neither an obscure nor an insignificant figure in the history of American criminal jurisprudence. From the beginning he was given widespread recognition. In addition to Sir Henry Maine and William Tallack, such contemporaries as Thomas Jefferson,5 and G. DeBeaumont and A. DeToqueville6 recognized his abilities and praised his production. Throughout the years scholars have maintained an interest in him. Carleton Hunt7 and Eugene Smith8 published articles on him at the turn of the century; Charles and Mary Beard9 make favorable reference to him in the 1920's. Finally the


5Teeters and Shearer, op. cit., p. 25


height of academic and professional interest was shown in 1936 when an Edward Livingston Centennial was held in New Orleans, October 27-30, 1936, featuring lectures by Dean Roscoe Pound, and a series of articles were published in honor of Livingston in the Tulane Law Review\(^\text{10}\) and other journals.\(^\text{11}\) Yet in spite of this widespread interest and extensive literature, a review of contemporary works in the field of criminology and penology show that only two studies make reference to him. In the earlier study he is correctly judged as an opposer of the death penalty, a supporter of solitary confinement without flogging or other forms of brutality, an advocate of productive work for criminals for which they would receive due pay, and a supporter of separating those imprisoned before trial from those already found guilty.\(^\text{12}\) In the later study, he is simply and mistakenly referred to as a follower of the phrenologist Combe.\(^\text{13}\)

Livingston deserves greater recognition and more thorough understanding on the part of criminologists. His influence on the origin and early development of the penitentiary system in Louisiana suggest it, and the quality of his ideas, considering his place in history, require it.

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\(^\text{10}\) For examples, see:


\(^\text{11}\) Jerome Hall, *op. cit.*

\(^\text{12}\) Teeters and Shearer, *op. cit.*, p. 24-25.

Historically Livingston's life span most closely coincided with Cesare Beccaria and Jeremy Bentham. Beccaria was a much admired intellectual progenitor. Bentham was a contemporary and the two engaged in correspondence.

As is to be expected, Livingston has been previously compared to these thinkers. Jerome Hall correctly notes that in Livingston's writings there is a shift from Beccaria's reliance on abstract principles and a marked tendency to use empirical methods. Eugene Smith and later Paul Brosman found it necessary to acknowledge that while Livingston was indebted to Jeremy Bentham he reached a broader and higher plane of thought. The importance of these comparisons is not that they show Livingston's intellectual debts but that they bring us, through Livingston, to the heart of an issue of the Enlightenment which is very much alive today; namely, the "rational" and "positive" orientations.

It is generally agreed that Beccaria is a member of the "Classical" school of penology. Even H. Mannheim, who questions the validity of classifying thinkers into schools, places Beccaria — but only Beccaria — in the Classical school. Bentham on the other

14Jerome Hall, op. cit., p. 195.
15Eugene Smith, "Edward Livingston and the Louisiana Codes,"p.35.
16Brosman, op. cit., p. 256.
17Mannheim, op. cit., p. 8. "In the over-simplified terminology of the Schools we might say our volume shows the progress from the Classical School of Beccaria to the Positivist School of Lombroso and Ferri and from there to the Sociological School of Tarde and Durkheim."
hand has received contradictory treatment. Clarence Ray Jeffer
combines Bentham with Beccaria to construct the Classical school,
while Mannheim places Bentham in the Positivist school of Lombroso
and Ferri. Obviously the problem indicates more than a misinter-
pretation of either Beccaria or Bentham or of the composition of
the Classical and Positive schools.

It is axiomatic that these writers were in the main tradition
of the Enlightenment. Beccaria's indebtedness to the French philos-
ophers, especially Montesquieu and Rousseau, is so great that his
book has often been claimed as their spiritual property. Bentham
in turn admits a direct debt to Beccaria, for one, in the develop-
ment of his principle of utility; he wrote, "Before it was mine it was M. Beccaria's." As inheritors
of the Enlightenment Beccaria and Bentham expressed the two main
spirits of that age: the "rational" and the "positive" spirits.
And while it is correct to state that each placed greater emphasis
on one, it is incorrect to imply - by the separation of these spir-
its into "schools" - that the mind of the Enlightenment ever con-
sidered these two "spirits" in conflict. In fact, as Cassirer

18C.R. Jeffer, "Pioneers in Criminology: The Historical Development of Criminology," The Journal of Criminal Law, Crimin-
ology and Police Science, L (1959), 3-4.

19Mannheim, op. cit., p. 5. See also Elio Monachesi,

20David Baumgardt, Bentham and the Ethics of Today (Prince-
points out, a major goal of the Enlightenment was to create a synthesis of the two "spirits." "One should not seek order, law, and reason as a rule that may be grasped and expressed prior to the phenomena, as their a priori; one should rather discover such regularity in the phenomena themselves, as the form of their immanent connection."\(^1\) Thus universals remain the proper goal of inquiry but a significant methodological shift has occurred in that a priori universals have changed into universals grounded in human experience.\(^2\)

The writers who compose the movement referred to as "The American Enlightenment"\(^3\) also inherited this synthesis of the "rational" and "positive" spirits and expressed them in their writings. Jefferson -- as a single example -- believed that every man was born with a moral sense or instinct. This instinct did not provide men with immediate or intuitive knowledge of good or evil, rather it allowed men to judge acts correctly in relation to the specific conditions of the environment. "Men," he writes, "living in different countries under different circumstances, different habits and regimens may have different utilities; the same act, therefore, may be useful, and consequently virtuous in one country

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\(^2\) Ibid., Ch. V.

\(^3\) Including, for example, Benjamin Franklin, Thomas Jefferson, Thomas Paine, Benjamin Rush. See Joseph Blau, Man and Movements in American Philosophy (New York: Prentice-Hall, 1952).
which is injurious and vicious in another differently circum-
stanced.\textsuperscript{24} Obviously the underlying assumption is that man is
inherently reasonable and basically good. Defects in human beings,
evils and perversions, are capable of being corrected through edu-
cation and the use of reason. Yet in its specific expressions
virtue can vary, can be determined by the conditions of its en-
vironment.\textsuperscript{25} Edward Livingston is a direct descendent of the great move-
ments of European and American Enlightenment. Within the confines
of his immediate family, he came into contact with those ideas of
social contract and the rights of man that played such an important
part in developing the American revolution. His grandfather was an
extreme advocate of an American revolution and predicted that it
would occur within the grandchildren's lifetime.\textsuperscript{26} Edward's brother,
Robert Livingston, served with Jefferson, Franklin, Sherman, and
Adams as the committee selected by Congress to prepare the Declara-
tion of Independence.\textsuperscript{27} Later, in 1782, Robert Livingston along
with George Washington and Robert Morris arranged for Thomas Paine
to "... receive a salary of eight hundred dollars a year, no triv-
ial sum in those days, to write in the cause of liberty."\textsuperscript{28}

\textsuperscript{24}\textit{Ibid.}, p. 48.

\textsuperscript{25}\textit{Ibid.}, pp. 48-49.

\textsuperscript{26}\textit{Hunt, Life of Edward Livingston}, pp. 20-21.

\textsuperscript{27}\textit{Ibid.}, p. 20.

\textsuperscript{28}\textit{Blau, op. cit.}, p. 55.
From the European movement of the Enlightenment Edward Livingston acknowledges, in addition to Beccaria\textsuperscript{29} and Bentham,\textsuperscript{30} intellectual debts to Francis Bacon,\textsuperscript{31} the encyclopaedists Voltaire,\textsuperscript{32} Condorcet\textsuperscript{33} and Diderot.\textsuperscript{34} He undoubtedly was familiar with Edmund Burke, Thomas Hobbes, Grotius, Rousseau and others, but the quality and extent of their influence is difficult to determine mainly because Livingston's ideas are expressed in a single work which was commissioned.\textsuperscript{35} Furthermore, at its completion the original draft, along with most of his notes, was destroyed in a fire, and Livingston was required to rewrite his entire work, mainly from memory and a few remaining notes.\textsuperscript{36}

Within the limitations of this single work Livingston articulates a theory of man and society which, in spite of obvious identities with prevailing Enlightenment theories, shows a degree of


\textsuperscript{30}\textit{Ibid.}, I, 155.

\textsuperscript{31}\textit{Ibid.}, I, 116.

\textsuperscript{32}\textit{Ibid.}, I, 116.

\textsuperscript{33}\textit{Ibid.}, I, 207.

\textsuperscript{34}\textit{Ibid.}, I, 116.


\textsuperscript{36}Hatcher, \textit{op. cit.}, p. 263.
sophistication and awareness not expressed in criminological liter-
arture until Durkheim and Tarde, in the 1880's, published attacks
on the Lombrosian theory. 

Livingston, first, rejects all prevailing theories of "social contract." He does not accept the Hobbesian
state of nature composed of selfish men who are continually in a
state of war with one another. 

Similarly he rejects the peaceful state of nature theory as expressed by Grotius (1583-1645), Locke
(1632-1704), and subsequently drawn in idyllic terms by Rousseau
(1712-1778). Livingston considers the argument meaningless. Man,
he argues, has always lived in a state of society. Societies are
found wherever men are found, and must have come into existence as
soon as the number of the species was sufficiently multiplied to
produce them. 

Thus society is a natural and inevitable product
of human existence. And, logically, the main function of society
is the preservation of the life of its members. 


38 On this point Livingston takes an important step away from
Beccaria. Beccaria's entire system is predicated on the Hobbesian
theory of social contract. To Beccaria crime is a result of man's
inherent nature which is self-seeking and which therefore leads him
into conflict with society. Punishment functions to control this
self-seeking nature and thereby to preserve society. See Monachesi,
loc. cit., pp. 36-50.

39 Livingston, op. cit., I, 192-3. While Livingston because
of other interests fails to make the next logical step from this pre-
mise, he has still brought us to the threshold; namely, that socie-
ties will vary according to the size of their populations.

40 Ibid., I, 533.
way an original statement. The similar doctrine of inalienable rights was a major theme of the French philosophers of the Enlightenment. And as Cassirer points out, John Locke's theory of social contract held that:

All such contractual ties are rather preceded by original ties which can neither be created by a contract nor entirely annulled by it. There are natural rights of man which existed before all foundations of social and political organization; and in view of these the real function and purpose of the state consists in admitting such rights into its order and in preserving and guaranteeing them thereby. Locke counts the right of personal freedom and the right of property among these fundamental rights.

But in Livingston we find a more extreme position, for Livingston, completely unhindered by the contract theory, is free to virtually drop the theme of preservation and right of property and focus on the preservation and rights of man. This position is unquestionably consistent with the more "radical" American Enlightenment. As Thomas Jefferson wrote, "the freedom and happiness of man are the sole objects of all legitimate governments. And God forbid that we should ever be twenty years without a revolution." In Livingston the theme of human rights and the preservation of life becomes a thread that unites such uncommon ideas as his opposition to the death penalty and his insistence that society is responsible

41Cassirer, op. cit., p. 250.

42Ibid., pp. 249-250.

43Blau, op. cit., p. 49.
for its beggars, paupers, criminals, etc.

If man, as Livingston sees him, is potentially reasonable and inherently good and virtuous, how then does he explain the not infrequent acts of evil. The possibility that some men can differ from the majority so significantly as to create a different class of being - which is what Lombroso did with his class of criminals of atavistic or degenerative origin - is completely excluded by Livingston's acceptance of Hobbes' theory of human equality.\textsuperscript{44} To Livingston, criminals, no matter how depraved and degraded, are still men, men who are capable of being, in our modern terms, rehabilitated to where they can successfully function in society. Livingston writes that the "error ... lies in considering them as being of a nature so inferior as to be incapable of elevation, and so bad as to make any amelioration impossible."\textsuperscript{45}

Excluding the possibility of defective humans as the source of criminality, Livingston turns his attention to the existing legal system. Again in the spirit of Voltaire and Diderot, he laid the blame for a great deal of criminal acts on the existence of inhuman laws, and on the jurist who would make use of such laws for

\textsuperscript{44}Hobbes wrote: "Nature hath made men so equal in the faculties of the body and mind; as that though there be found one man sometimes manifestly stronger in body, or of quicker mind than another; yet when all is reckoned together, the difference between man, and man, is not so considerable, as that one man can thereupon claim to himself any benefit, to which another may not pretend." See Hobbes, \textit{Leviathan} (Oxford: Blackwell, 1946, edited by Michael Oakeshott), p. 80.

\textsuperscript{45}Livingston, \textit{op. cit.}, I, 563.
his own ends. To Livingston laws have generally been oppressive and have supported "class" interests. He writes: "Everywhere, with but few exceptions, the interest of the many has, from the earliest ages, been sacrificed to the power of the few. Everywhere penal laws have been formed to support this power." Livingston is especially critical and bitter of the part law has played under the English common-law system. The English had "seen their fellow subjects hanged for constructive felonies; quartered for constructive treasons; and roasted alive for constructive heresies."

From this criticism of legal systems Livingston moves to an analysis of criminal behavior as behavior that is learned by the individual, in the process of his maturation, from a defective family environment, and through association. Here Livingston steps right out of nineteenth century criminological thinking directly into one of the main tenets of twentieth century criminological theory; namely, that crime is normal learned behavior. Beccaria,

46Ibid., I, 115-118.

47Ibid., I, 528-535. This statement and others leads Mitchell Franklin to view Livingston as anticipating Marx. He states: "Edward Livingston's ideological conceptions are definitely historical conceptions reflecting the bourgeois social bases that then existed. Livingston, however, represented the material conditions of several advanced liberal countries, in such a way that he was enabled to create an ideology different from any that actually prevailed; and perhaps he almost reached the threshold of socialism." See Franklin, op. cit., p. 172.

48Livingston, op. cit., I, 13.

being tied to his Hobbesian social contract theory, couldn't approach it. Bentham, it is said, flirted continuously with the idea but never really came to grips with it. Lombroso's third group of "occasional criminals," called habitual criminals, is based on defective education and training which allows them to express primitive tendencies. Since such criminals are mainly drawn into crime through associations, it is argued that Lombroso expressed the germ of the normal learned behavior theory.

Livingston quite clearly states the main ideas of the "crime as normal learned behavior" theory, arguing that deviant behavior among children is produced by defective rearing in which the child is improperly taught. He writes:

The moral sense is, in childhood, produced by instruction only, and the force of example, and that with the children who are generally the objects of criminal procedure, instruction has either been totally wanting, or both that and example have been of a nature to pervert, not form, a sense of right... Either they have parents who entirely neglect the task or abuse the power given to them by nature, and confirmed by the laws of society.

These children, devoid of true family relations "are thrown friendless and unprotected into the most contaminating associations, where morality, religion and temperance are spoken of only to be derided, and the restraints of law are studied only to be evaded. Thus a

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52 Livingston, op. cit., I, 572.

53 Ibid., I, 573. Here Livingston's emphasis on association clearly antedates the focus that led to Sutherland's formulation of
defective environment during the formative period combined with subsequent associations whose standards of behavior differ grossly from those of society are the natural conditions that breed criminal behavior.

In considering the conditions of adult criminal behavior, Livingston develops the important social dimension of being "dispossessed"; these are the unemployed, the paupers, the mendicants, the idle in general. Mitchell Franklin claims that "from the relatively advanced methods of production in England and America he found the free working class and other dispossessed groups, and thus discovered unemployment." 54

The motives for criminal behavior for this class need not have originated in the defective environment of the formative period, but arise out of the wants and needs created by a defective adult

the "differential association" theory.

Livingston's views that human character is formed in early childhood mainly by the conditions of the environment were antedated by the writings of Robert Owen. Owen's experiences as an owner-manager of a Scottish textile mill allowed him to become intimately acquainted with the effects of a brutalizing factory environment on children. In 1813 he published A New View Of Society, in which he argued that the antisocial child behaves as he does due to physical hardships and emotional disturbances. Owen's position was that these delinquents had to be helped, not punished; society owes that obligation to itself as well as the individual. See J. Bronowski and B. Mazlish, The Western Intellectual Tradition (New York: Harper & Bros., 1960), pp. 450-471.

54 Franklin, op. cit., p.173.
social environment. Livingston unequivocally states that such conditions as idleness, unemployment, pauperism, etc., create needs which send the greatest numbers to our prisons.  

What is of greater interest is that Livingston is not content to leave his analysis at this level; for while these can be understood to be the motives of criminal behavior, how to perform criminal acts is normally learned through associations with sophisticated criminals. Thus Livingston holds that "the criminal ranks drew their recruits from those who were unable to secure employment or who were able to work but refused to do so." The following is an example of Livingston's observations in this regard:

The Bridewell of a large city is the place in which those representatives of human nature, in its most degraded shape, are assembled; brought into close contact, so that no art of fraud, no means of depreciation, no shifts to avoid detection, known to one, may be hid from the other; where those who have escaped received the applause due to their dexterity, and he who has suffered, glories in the consistence with which he has endured his punishment, and resisted the attempts to reform him. Here, he who can commit the oldest crime the newest sort of way, is hailed as a genius of superior order, and having no interest to secure the exclusive use of the discovery he freely imparts it to his less instructed companions.

One of the immediate impressions of Livingston's observation on the Bridewell is of its empirical quality. This "positivist spirit" runs as a recognizable theme throughout his study. Jerome

55 Livingston, op. cit., I, 528.
56 Hatcher, op. cit., p. 277.
57 Livingston, op. cit., I, 538.
Hall notes that in collecting notes and preparing his study Livingston sent out circular letters or questionnaires, developed statistical tables, and constructed "partial mortality tables showing the number of persons committed for trial, tried, convicted, discharged or acquitted." Also "he proposed to engage in field work by devoting a few months of the summer to a personal examination of the different institutions of the kind (penal) in the Atlantic states." Furthermore, he made use of case history materials, of which the following are examples:

D.B.L. Aged fifteen years, born in New York, committed from the police on suspicion of having stolen a shawl. He was brought up in the vicinity of Banker Street, and for some months played the tambourine in those receptacles of vice and misery, the dancing-houses of Corlears Hook.

L.S. Age about sixteen, born in Ireland; his parents emigrated to this country about eight years ago. His father has since died. His education was entirely neglected by his parents, and the choice of his companions left exclusively to himself. He has worked at several mechanical branches of business, to none of which his restless disposition could attach itself. He was committed to the Refuge in March, 1825 from the police office for stealing a copper kettle.

Livingston's analysis of crime and criminal behavior was unsystematic and incompletely expressed mainly because it was subservient to his more ambitious goal of providing a "plan of jurisprudence, combining the prevention of crime with the reformation of the criminal ... on such a scale as would embrace all the different stages and

\[58^\text{Hall, op. cit., p. 195.}\]

\[59^\text{Ibid., p. 195.}\]

\[60^\text{Livingston, op. cit., I, 579.}\]
departments of criminal procedure."\(^61\) In achieving these ends Livingston proposed a wide range of reforms.

To correct injustices originating from vague, outmoded and inhuman laws administered by self-seeking judges, Livingston turns to and asserts great confidence in the general public, when this public is properly informed and educated. To Livingston, "publicity is an object of such importance in free government, that it not only ought to be permitted, but must be secured by a species of compulsion. The people must be forced to know what their servants are doing or they will, like other masters, submit to imposition rather than take the trouble of inquiring into the state of their affairs."\(^62\) Equally, for education, Livingston held that "religious, moral, and scientific instruction must not only be provided but enforced, in order to stamp on the minds of the people that character, that public feeling, and those manners, without which laws are but vain restraints."\(^63\)

He, therefore, made such specific suggestions as that laws be written in a language comprehensible to the public, and in his own case, he submitted his code to men not familiar with legal terminology, and had them to mark each word not completely understood. "The words so marked were, in the body of the work, always printed in a peculiar character, to show that they were the subject

\(^{61}\)Ibid., I, 525.

\(^{62}\)Ibid., I, 15.

\(^{63}\)Ibid., I, 587.
of explanation in a separate place, the Book of Definitions; and each word thus marked received all necessary attention in that book."64

He was a strong advocate of the jury system, suggested legislation that would make trial by jury mandatory, and recommended that judges be restricted to the law, and the statement of evidence only when requested by the jury.65 Livingston supported his stand with the statement that "by our constitution the right of trial by jury is secured to the accused, but it is not exclusively established. This, however, may be done by law, and there are many strong reasons in its favour, that it has been thought proper to insert in the code, a precise declaration, that in all criminal prosecutions, the trial by jury is a privilege which cannot be renounced."66

For those individuals who either violated laws, or for whom a high probability for criminal behavior existed (paupers, mendicants, etc.), Livingston proposed a complex machinery that contained a house of detention, a penitentiary, a house of refuge and industry, and a school of reform all under the centralized supervision of five inspectors.67 The school of reform was a juvenile

64Hunt, op. cit., p. 264.
65Hall, op. cit., p. 196.
66Livingston, op. cit., I, 15-16.
67Hatcher, op. cit., p. 278.
training school for all youths under the age of eighteen and over the age of six who were sentenced to any term less than life imprisonment. All youthful vagrants, beggars, etc. within these age limits would also be placed in the school of reform for instruction and training.

Livingston conceived that the major function of the school of reform was to teach youths essential skills so that they would be able to successfully seek and meet the conditions of employment following their release. To achieve these ends he proposed that fully qualified teachers be placed in charge of the apprenticeship program. He also introduced a type of indeterminate sentence in that youths would be discharged after they had successfully completed their apprenticeship even though they had not yet served out their full sentence. But he felt that a minimum of two years was required for a successful apprenticeship and, therefore, specified that no apprentice could be discharged before that time. Judgment of whether a youth had achieved a successful apprenticeship was made by the warden and required final approval by the five man board of inspectors.

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68 Alexander Maconochie (1787-1860), who was superintendent of the British penal colony, Norfolk Island, from 1840 to 1844, is considered to have been the originator of the movement that led to indeterminant sentence. Maconochie, who published his articles on penal reform after his recall from Norfolk Island in 1844, expressed many ideas that are almost identical with Livingston's. See: J.V. Barry, "Alexander Maconochie," in Mannheim, op. cit., pp. 68-90.

69 Livingston, op. cit., II 576-584.
For those classes (categories) for whom there exists a high probability that they might perform criminal acts (ex-convicts newly released, vagrants, beggars, unemployed, etc.) Livingston devised the house of refuge and industry. "Society owes to the discharged convict the opportunity to utilize the skill necessary for his support which he had acquired during his confinement." \(^{70}\) In the house of refuge and industry, Livingston writes:

...the discharged convict may find employment and substance, and receive such wages as will enable him to remove from the scenes of his past crimes, place him above temptation, confirm him in his newly-acquired habits of industry, and cause him safely to pass the dangerous and trying period between the acquisition of his liberty and restoration to the confidence of society. \(^{71}\)

Also the unemployed, vagrants, etc., would be placed in houses of industry and refuge where they would be given employment. Obviously, Livingston strongly felt that society had a basic obligation to its members, and providing them with the basic necessities of life was one of the foremost.

In the houses of detention Livingston conceived of placing all those who received short sentences that did not require penal incarceration, those who had been arrested and were awaiting trial, and even those whose appearances were needed as witnesses and of whom there was some question whether they would freely present themselves. In order to avoid "vicious associations" Livingston proposed

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\(^{70}\) Hatcher, \textit{op. cit.}, p. 281.

\(^{71}\) Livingston, \textit{op. cit.}, I, p. 565.
that these houses be divided into departments that would keep separate those who were held for investigation from those who were charged with crimes, and these from those who were serving their sentences. He considered a further subdivision separating those who were awaiting trial for misdemeanor crimes from those awaiting felony trial.72

The penitentiary itself was the subject of Livingston's most intense interest and study. As we have previously stated, he approached his task in a highly empirical manner, making studies, securing statistics and information from other states, from Europe and especially of the penitentiary systems of Massachusetts, New York, and Pennsylvania.73 He concluded from his study of the Pennsylvania "experiment" that "while the numbers were not too great to admit seclusion, offenses diminished; and when it was no longer practicable, they increased."74 This and other factors led him to hold that seclusion with labor would successfully diminish offenses. But Livingston adds qualifications to this system which prevents his being classified as a simple proponent of solitary confinement.

In viewing the penitentiary as a system of reformation as well as punishment, Livingston proposed that education and employment training be made available to the inmates so that they could develop

72 Ibid., pp. 541-543.
73 Hall, op. cit., p. 195.
74 Livingston, op. cit., I, 512-513.
skills which would allow them, through the aid of the houses of refuge and industry, to make a successful readjustment to society. But he did not propose to make these conditions of education and training available to all inmates; those imprisoned for life sentences would be denied these privileges. Similarly those who showed no interest in "reforming" would be denied the privileges attached to the education and training program and be required to exist under the extreme deprivations of solitary confinement. 75

For those who manifested a desire to reform, Livingston planned a better diet, partial relief from solitude, visitors at stated intervals, etc. When the prisoner manifested his interest in reforming, by his good conduct and participation in limited programs, for a period of time usually covering six months or longer, he then could be admitted to the employment training activities and after a relatively long period of probation he might eventually be permitted to work outside the penitentiary. On discharge such inmates would be given a portion of the proceeds of his labours and would receive a certificate of good conduct, industry and skill in the trade learned or practiced while in prison. Naturally all

75 It is of interest to note that in recent articles Erving Goffman analyzes "total institutions" as privilege-deprivation systems. See the two articles by Goffman in D.R. Cressey (editor), The Prison; Studies in Institutional Organization and Change (New York: Holt, Rinehart and Winston, 1961), pp. 15-105.
privileges would be suspended for misbehavior.\textsuperscript{76}

Livingston opposed the death penalty but, as we have implied, he did not propose to offer these prisoners any privileges nor did he conceive that they should ever be returned to society. Instead, he felt that their punishment should be such as to provide an example to the public. He specifically recommended, "imprisonment for life in a solitary cell, to be painted black without and within, and bearing a conspicuous outer inscription, in distinct white letters, setting forth the culprit's name and his offense, with its circumstances."\textsuperscript{77} This inscription would be:

His food is bread of the coarsest kind; his drink is water mingled with his tears; he is dead to the world; this cell is his grave; his existence is prolonged that he may remember his crime, and repent it, and that the continuance of his punishment may deter others from the indulgence of hatred, avarice, sensuality, and the passions which lead to the crime he has committed. When the Almighty, in His due time, shall exercise towards him that dispensation which he arrogantly and wickedly usurped towards another, his body is to be dissected, and his soul will abide that judgement which Divine Justice shall decree.\textsuperscript{78}

Recognizing this function of punishment, Livingston antedates Durkheim's position that a wrongdoer is punished so that the act will be judged as abhorrent in the minds of all men, and thus the moral ideals of the society are maintained.\textsuperscript{79}

\textsuperscript{76}Livingston, op. cit., I, 526-528.  
\textsuperscript{77}Hunt, op. cit., p. 266.  
\textsuperscript{78}Livingston, op. cit., II, 573, Article 168.  
Livingston's comprehensive code was never made law, and he subsequently left Louisiana to re-enter national politics. Still his influence on the Louisiana penitentiary system can be seen, in that Louisiana built an urban-industrial penitentiary in which was incorporated the ideas prevalent in existing Northern systems, and appointed a five man Board of Control -- whose statements on penal philosophy frequently echoed the ideas of Livingston -- to supervise the system. As we shall see, the subsequent development of Louisiana's penal system grossly violated Livingston's philosophy.
CHAPTER III

THE LEASE AND CONTRACT SYSTEMS: 1800-1900

In 1790 Pennsylvania opened the Walnut Street Jail and the judiciary was given authority to send criminals to the new institution. In 1817, construction was begun on the Pennsylvania penitentiary at Cherry Hill. These events mark the beginning of the American penal system. They constitute the first steps away from the stocks, the whipping posts and the over-crowded, filthy, county jails. From these beginnings subsequently developed the modern penal system with its industrial and educational programs, its emphasis on rehabilitation, its good time laws, pardon and parole opportunities, and its diagnostic centers functioning to classify prisoners into meaningful categories for treatment.

Contemporaneously with the Auburn and Pennsylvania flowering, Louisiana was moving to deal with her penal problem. Recommendations to build a penitentiary were made by Governor General W. C. C. Claiborne to the Legislative Council as early as 1804.

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2Ibid., p. 4.
The reasons given were the same as those in the North, the inadequate, inhuman, expensive jail system. Toqueville and Beaumont, visiting New Orleans, received an extremely painful impression of the jail, and wrote:

... the place for convicted criminals in New Orleans cannot be called a prison; it is a horrid sink, in which the prisoners are thronged together, and which is only for those dirty animals found here together with the prisoners; it must be observed that those who are detained here are not slaves; it is a prison for persons free in the ordinary course of life. It seems, however, that the necessity of a reform in the prisons is felt in Louisiana; the governor of that state said to us, that he would not cease to ask the legislature for funds for this object.⁴

By the act of March 16, 1832, the Governor was authorized to appoint five commissioners to purchase a suitable site at Baton Rouge and erect a penitentiary on the plan of the prison at Wethersfield, Connecticut.⁵ Similarities with the northern penal systems, Auburn, Sing-Sing, Philadelphia, and Wethersfield, are clearly evident:⁶ the penitentiary was located in an urban center; the physical plant was composed of 100 cells in which the inmates lived in silent solitary confinement at night; during the day they worked together in the prison industries;⁷ the administration was entrusted to a board of commissioners that appointed the superintendent and

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⁶Information concerning the northern penal systems is taken from Beaumont and Toqueville, op. cit.

⁷Ibid., p. 24.
was ultimately responsible for the care, treatment and employment of the prisoners;\(^8\) the population of the Louisiana prison was predominately immigrant white,\(^9\) and an introduction of an industrial program patterned after the contract system existing in Northern penitentiaries was one of the first steps.

The practice of "contracting" or "leasing" prisoners to individuals was not unique. The demands for labor were so great in the early 1800's that widespread use of convict labor was made by developing capitalism.\(^10\) Unfortunately in recent literature on the Louisiana State Penitentiary there exists confusion on this point with the result that the "lease" system is mistakenly thought to have begun in the 1840's and continued almost until 1900.\(^11\) This

\(^8\)Ibid., p. 27. The authors write: "At Auburn, Sing-Sing, Philadelphia, and Wethersfield, the superintendent is appointed by the inspectors."


\(^11\)The best treatment of the penitentiary during the years 1840 to 1926 is to be found in Elizabeth Wisner's Public Welfare Administration in Louisiana (Chicago: University of Chicago Press, 1930), Chaps. XI and XII. Dr. Wisner covers much of the same material that is contained in this chapter. She notes that: "The lease system, which fastened itself upon the southern states after the Civil War,... did not originate in the South and a few prisons were leased in the North prior to the war." (p. 155) Her observation, while essentially correct, shows that she neither perceived the differences between the "contract" and "lease" systems, nor made use of this distinction as presented by George Washington Cabel, although she refers to his
misconception has resulted in an equating of the pre-Civil War with the post-Civil War operations of the Louisiana penitentiary, and the "lease" systems of the two periods were considered to be identical. Allgood, for example, writes:

Little is known to the writer about the operations of the Louisiana State Penitentiary during the last half of the nineteenth century. It is noted, however, that when the Board of Control of the Louisiana State Penitentiary was organized in 1900 the prison was under lease. It seems likely, therefore, that the Louisiana prison was under the lease system during that period of time.12

This confusion originates from a failure to properly understand and separate the "contract" and "lease" systems, and most probably has its origins in the loose language of the public press of the era in which "lease" and "contract" were used interchangeably. Actually there should be no problem for the issue was clarified by George Washington Cable, who showed that the contract system was often miscalled the "convict lease system" by the public press. He explains that the contract system merely, under careful restrictions, leases the convicts' labor within the prison walls during the certain hours of the day and is entirely subordinated to the official study (footnote 5, p. 155). Furthermore in discussing the penitentiary during the years 1900 to 1926, she makes no attempt to relate penal organization to politics, the patronage system, or penal profits. Thus she completely ignores the cutback of the "free personnel" staff and the introduction of an inmate guard system, which occurred in 1916.

management of the prison. Under the convict lease system, on the other hand, the prison, the prisoner and the prison management are all farmed out into private control.\(^{13}\)

In the Northern penal systems the method of contracting prison labor existed during the early years of their development. It was established in the Auburn penitentiary by 1831.\(^{14}\) Under its conditions the contractor was not allowed to supervise the convicts. They were deprived of the right of inspecting the workshops and thus any specific instruction in the arts and skills of the trade they were contracting was left to the jailers or whomever they could find among the prison population;\(^{15}\) this discriminatory regulation was shortly lifted and permission to supervise the conditions of work was granted. The contract system was not always limited to labor and its products. In Auburn, Sing-Sing, and Boston, prisoners were fed by contract. But at Wethersfield, contracts were entirely avoided, and the management of the penitentiary supplied the convicts with all of their physical needs, and, in turn, realized the greater part of the value of their labour.\(^{16}\)


\(^{14}\)Beaumont and Toqueville, *op. cit.*, p. 36.

\(^{15}\)Ibid., p. 36.

\(^{16}\)Ibid., p. 35.
Louisiana, in opening its new prison, embarked upon a carefully planned industrial program. A cotton mill and a shoe factory were established, not only to manufacture essential articles for slaves, but also to train machine operators and to fight the high prices of Northern capitalists. Plans were made to contract the manufacturing of goods and to sell them on the open market in competition with private industry. These plans were a major part of a growing sentiment for manufacturing to make the South independent of Northern goods.

Unfortunately, in addition to competing with Northern goods and prices, they also ran into direct competition with the skilled citizen workers. These immigrant artisans were already engaged in an intense struggle with slave labour, and definite inroads, especially in the rural areas, were made into the favorable position held by the skilled artisans by the development of slave artisans. The general trend was to use immigrant labor for unskilled employment that was too dangerous for valuable slave property. The


services of the slave were bought for life; planters could ill-afford to lose him. A practice was to employ gangs of Irish immigrants to ditch and drain plantations at five dollars an acre. "Outside of these occupations slavery was unquestionable cheaper than free labour."\textsuperscript{20} Thus the actions of the legislature in developing penitentiary industries, whose goods were to be sold on the free market, compounded the free artisans' problems and resulted in conflict that did not terminate until the Civil War.

The conflict began immediately after the opening of the penitentiary. The complaints of the Mechanic's Society and the critical articles published in the Baton Rouge \textit{Gazette} became "so numerous that the governing authorities were forced to take cognizance of them. The question was investigated by a committee in 1840 and again in 1842. The practice of allowing competition between prison labor and citizen labor was condemned in each instance."\textsuperscript{21} These investigations and complaints seem to have had an effect for with the "lease" of 1842 it was specified that the chief employment be the manufacture of coarse cotton and woolen cloth, Negro shoes, cotton bagging, and hemp rope. The foundry could be operated, along with any other shops needed by the penitentiary, but no other business could be pursued if it would come into competition with the citizen mechanics of Baton Rouge.\textsuperscript{22}

\textsuperscript{20} Ibid., p. 90.
\textsuperscript{21} Stout, \textit{op. cit.}, pp. 48-49.
\textsuperscript{22} Ibid., p. 52.
With these principles of operation an initial victory was gained by the mechanics and their supporters, but the conflict was far from over. When the "lease" came up for renewal in 1845, the pressure of the financially strong and influential pressure groups who wished to use contracted convict labor in competition with free industry, became so intense that mechanics in 1845 deserted Baton Rouge en masse in protest against a proposed contract that would allow the competitive use of convict labour.\(^{23}\) The newspapers carried on their protest; the editor of the Baton Rouge Gazette in 1846 explained to the general population of Baton Rouge "that workingmen with families could not hope to compete with convicts."\(^{24}\)

In 1847 administrative enthusiasm for the "lease system" reached a high level. "Governor Johnson, who was originally opposed to the system, was so optimistic in 1847 as to predict that the new insane asylum might be erected out of the surplus earnings of the penitentiary after the expiration of the lease."\(^{25}\) As Dr. Wisner correctly notes, "enthusiasms over the lease system rose and fell in direct proportion to the amount of profits accruing from the labor of prisoners."\(^{26}\) In spite of administration support and a favorable majority report of the legislative committee, opposition was expressed by a minority report as well as by the continual critical articles in


the Baton Rouge Gazette. Furthermore, not only were the citizen mechanics, a legislative minority, and the journalists opposed to this proposed competitive use of convict labor, and aware of the fact that under the "lease system" this undesirable condition would only become more prevalent, but also the Board of Directors, who supervised the penitentiary, opposed it. Unlike the mechanics' dramatic protest, the Board of Directors clearly explained the existing program of treatment, appealed for complete control of the penitentiary, but concluded that if the penitentiary were to be leased, that a clear division of its management, from its manufacturing, be made, and that the board retain the authority to appoint every officer, and feed and clothe the prisoners. In the spirit of Edward Livingston, the Board of Directors focused their arguments on deficiencies in the care and treatment of prisoners. They complained of the failure to segregate in the parish prisons youthful, first offenders from old, multiple offenders, they argued that a penal sentence should begin with the date the sentence was passed, not when the prisoner arrived at the penitentiary, and noted that examples of convicts arriving three months after receiving their sentences were not infrequent; they disapproved (and in doing so disagreed with Livingston and the Northern penal practices) of silent, solitary nights; they strongly recommended a system of

27 Ibid., p. 150.

education for illiterates, and the purchasing of approved books and magazines for others; they encouraged periods of leisure and recreation, such as one hour of rest during the dinner period; they appealed for the establishment of a system of inducements ranging from improved diet to the remittance of time from the prisoner's sentence for good conduct. In arguing for improvements in the treatment of prisoners, they reaffirmed their opposition to the system of leasing, stating that it makes the condition of the prisoner and the means of carrying out the true spirit and intention of the penitentiary system all secondary to a revenue to the State, implying thereby, that the spirit of true human rights, which subordinates the rights of the State to that of the individual, were superceded by private, economic interest. 29 The least they wanted was to maintain with strong reservations, the Northern practice of contracting prison labor. To a degree, they were successful: the penitentiary was "leased," but specific regulations were written into the "lease" which limited the authority of each party concerned, the Board of Directors and the lessee.

Beginning, therefore, with the revised statutes of 1852, Article 22, 30 and continuing through 1861, a compromise existed in which the lessees controlled the penitentiary but were restricted in the manner in which they could work the inmates. The clerk of

29Ibid., p. 4.

30Ibid., p. 3.
the penitentiary whose duties were the keeping of the state's and
the lessee's books was to be appointed by the governor and, furthermore, the board of directors was made responsible for inspection of
the penitentiary's operations to determine whether the conditions
of the contract were being maintained, but at the same time it had
no authority to authorize expenditures of money to insure the main-
tenance of such conditions. As stated in the second session of
the Fourth Legislature in 1859, "the legislature of the last session
passed an act prohibiting the Board of Controls from disbursing any
money; by another act the lessees will be prevented from employing
any convict without the walls of the penitentiary." 31

The climax was reached in 1861 with the beginning of the
Civil War when both the House of Representatives and the Senate of
the State of Louisiana received special reports from their respective
committees on the Louisiana penitentiary. The Senate committee ar-
gued against the lease and stated:

Whatever differences of opinion may have been enter-
tained heretofore with regards to the best mode of
managing the penitentiary, we think that all will
agree that the State should take charge of and man-
age it for the benefit of the Army. This is not the
time for the State to encourage monopolies, much less
to become herself a part to them; neither is it sound
policy to pay $1.50 a yard for cloth to equip our
volunteers when we can do it for one-half the amount.
As the present lease expires the first day of April
next, we would recommend the passage of an act for

31 Report of the Board of Control of the Louisiana Peniten-
tiary, 1859, p. 3.
Legislative Document, State of Louisiana, 1859.
its management by the State; and also, an act authorizing and requiring the auditor of Public Accounts in the State Treasury to settle with the lessees according to law. 32

The committee of the House of Representatives disagreed and argued in support of the established "lease system":

As there seems to be a diversity of opinion among the members of the legislature as to the best mode of administering this institution, it being contended on the one hand that it would be for the best interest of the State that it should be conducted for the account of the State alone, and on the other hand, that the system of leasing gives the best guarantee for the successful management, and as the leasing system has been the one under which it has been governed in the past five years and its workings have been fully demonstrated, therefore, your committee would respectively suggest that the lessees Messrs. McHatton, Pike and Company be extended for the time of one year under provisions of the bill now enforced... 33

The subsequent developments of the Civil War temporarily terminated this controversy. "The penitentiary was occupied by Federal troops immediately after the capitulation of Baton Rouge in May, 1862, and General Butler, commanding at New Orleans, subsequently ordered the release of all convicts." 34 During the Civil War the Louisiana Penitentiary at Baton Rouge housed military prisoners and quartered troops until its reopening, under a newly established Board of Control, on the first of February, 1866. 35


33Special Report of the Committee on the Louisiana Penitentiary to the House of Representatives, State of Louisiana, 1862, pp.3-4.

34Fortier, op. cit., II, 302.

35Annual Report of the Board of Control of the Louisiana Penitentiary, 1867.
According to Act 34, passed December 22, 1865, the governor, James Wells, the only native Louisianian to serve in this post during Reconstruction and a man of apparent moderation and sympathy with the problems of his state, was authorized to appoint, with the advice and consent of the senate, a Board of Control to serve for a period of two years; this board was to have direct and complete management of the penitentiary and be responsible for the selection of the prison's executive officers: a clerk, chief warden, and a captain of the guard, each to receive $2500.00 per annum; two lieutenants at $1500.00 per annum; a physician receiving $1200.00; three chaplains at a salary of $333.00; and a custodian of the machinery at Clinton who would receive $1500.00 per annum. The guard force consisted of eleven regulars paid $720.00 per annum, and extra guards were sometimes employed when an excess of prisoners existed or working parties had to go outside the penitentiary.

Immediately after the reorganization of the Board of Control and the selection of these officers, a request was made of the military authorities that delivery of the prison, as ordered by Major General Canaby, be made. On February 1, 1866 prison officers took possession of all prison buildings and grounds that were not temporarily reserved by General Eggelston, and on February

38 Report of the Board of Control of the Louisiana Penitentiary, 1867, p. 9.
13, 1866, the first shipment of vermin-covered prisoners was received from the Parish Prison of New Orleans.\(^{39}\)

The newly established Board of Control articulated intense opposition to any form of leasing convict labor outside of the prison walls. They held that,

The system of hiring convicts outside of the prison walls to work is not approved by this board, and only resorted to from necessity. It is destructive of the labor and wages which naturally belong to the laboring class in our midst, and to the convicts it is a great privilege. Board of Controls therefore, confidently trust such an appropriation will be made, or such facilities be afforded to those much needed works be partially put in operation, so that the prison may become self-supporting.\(^{40}\)

The Board of Control planned to reorganize the penitentiary along the same lines as the pre-Civil War penal operation, allowing the contracting of prison labor, but retaining general supervision and responsibility for the prison and its inmates. In accordance with these plans, "a committee was appointed to draw up rules and regulations of officers and guards and also regulating labor and conduct of the convicts." These rules were to "differ but little from the system adopted by the state lessees and the Board of Controls in former years."\(^{41}\)

With the reorganization of the penal system, the prison was "leased," or, more precisely, the labor of the prisoners was contracted, and once again a "conflict of interest" between the

\(^{39}\)Ibid., p. 7.

\(^{40}\)Report of the Board of Control of the Louisiana Penitentiary, 1868, p. 5.

\(^{41}\)Report of the Board of Control of the Louisiana Penitentiary, 1867, p. 7.
lessees and the Board of Control arose. The lessees insisted on using convict labor on the levees and railroads even though Act 34, approved December 22, 1865, specified that no convicts were to be employed outside of the penitentiary walls. Furthermore, these particular lessees mismanaged their operations to such a degree that they became deeply indebted to individuals as well as to the state, with whom they had contracts.\footnote{Supplemental Report to the Annual Report of the President of the Board of Controls of the Louisiana State Penitentiary, 1868, p. 51.} The result of this particular struggle ended in a victory for the Board of Control, when a judge declared the lease null and void, "having been made without the shadow of legal authority, state or federal."\footnote{Ibid., p. 52.}

It is important to note that during this period of conflict the Board of Control approved and authorized the working of convicts outside of the penitentiary, giving as unusual conditions requiring such action, the extreme shortage of labor and the state's financial investment. Their remarks are:

In response to an offer made by the Board of Directors of the Baton Rouge, Grosse Tete and Opelousas Railroad Company, the Board of Control furnished a number of convicts, averaging about 45 in number, to aid in the work of restoring the roads of that company to its former condition. In complying with this request, the Board of Control was actuated by a knowledge of the large interest possessed by the state in the stock of that company, and by the fact that we had no work for that number of prisoners to do at that time.
The amount paid was fifty cents per day for each prisoner, the prison furnishing the food and guards, and the railroad company paying the latter. By this kind of supply of labor the railroad companies were not compelled to meet with mentors of West Baton Rouge and Iberville for the limited supply of labor in their midst, or interfere with the contractors of the Chinn, Morganza, and Grand Levees by competing for the white labor that was engaged in those important works.

On the first of January the supply of free labor became greater, the convicts were returned. The city of Baton Rouge also desired convict labor to secure the Front and Levee Streets of that city, and they were furnished at the same regulations. These convicts, however, returned to the prison every evening.44

The needs of an impoverished post-Civil War South shackled by a scarcity of cash and labor proved too overwhelming and the Board of Control was unable to maintain an urban-industrial penitentiary limited to the contracting of its convict labor. Railroad lines and levees had to be rebuilt and extended, and these needs required a dispersed labor force of limited employment skills. It was these needs, combined with the increasing arrest and incarceration of the now enfranchised Negro population, that finally broke the penitentiary walls and created the dispersed convict camp system which lasted until the purchase of Angola and other plantations in the early 1900's.

In 1870 the penitentiary was again "leased," and the lessees took the contradictory steps of contracting convict labor to rebuild the levees in the Baton Rouge area, and at the same time purchasing

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44 Report of the Board of Control of the Louisiana Penitentiary, 1867.
a complete textile mill and having it, along with trained mechanics who were to teach the convicts how to operate the equipment, shipped from the North. By some strange oversight the mill required a labor force of five hundred fifty men while the penitentiary population was but three hundred fifty.\(^45\) It is not surprising that the mill never began serious production. In 1874, when once again a new Board of Control was appointed, they were unable to determine who were the legal lessees, and they reported that, "...nearly all of the convicts are distributed upon the levees and plantations."\(^46\) This was the first mention of such a use of convict labor.

The report of the Board of Control of 1874 was the last report in which a determined stand was taken against the uncontrolled leasing of inmates. In this report the Board of Control noted that for those convicts retained in the penitentiary the number of meals per day had decreased from three to two, and for the majority of inmates who had been distributed to levee camps and plantations, their moral and religious training had been completely interrupted. In the hope of correcting these evils they made the following recommendations:

First, an act by the legislature by which the Governor in the interval of the sessions of the legislature shall have the power to pardon such

\(^{45}\)Report of the Board of Control of the Louisiana Penitentiary, 1870, p. 6.

\(^{46}\)Report of the Board of Control of the Louisiana Penitentiary, 1874, pp. 3-4.
convicts as may, for good and sufficient reasons, be recommended by the general officers of the Board of Control.

Second, an act abolishing flogging entirely, or limiting it to a certain number of strikes.

Third, an act fully defining the duties and powers of the Board of Control under the present management.

Fourth, an act creating an office of prison inspector and defining his duties and powers.

Fifth, that an appropriation be made for the services of the inspector for the present year.47

Such agitation resulted in a victory for the Board of Control, for by Act 22 of 1875 the legislature declared it a misdemeanor to work convicts outside of the penitentiary.48 But it proved to be a short-lived victory, for Governor Kellogg threw the weight of his office behind a plan to use convict labor on works outside the penitentiary walls. In the Fourth Annual Governor's Message, Kellogg argued the following:

The chief engineer of the State reports that work actually done by the Levee Company for the last three years has been insufficient to replace the ordinary wear and tear of the levee, and the state is losing ground every year..., /In comparison/ the penitentiary hands have built the Newsom, McCullum, Bass and a large portion of the Hickey levees besides all of their repair work during the same months... The Levee Company, I understand, professes their willingness to surrender their charter, on payment by the state of certain claims, which they allege be due them for work done. This, also, is a question which may be left for future information and action. The immediate and practical point that can be determined is, can revenues which the present

47 Ibid., p. 5.

48 Legislative Document, State of Louisiana, 1875.
three mill tax, or less tax, will yield be so utilized that it can give the state more levee work than the Louisiana Levee Company has hitherto supplied? I believe they can. Is there any better payment than I read? I feel confident there is. The plan which seems to me most likely to give increased efficiency and economy to our levee systems consists of employment of able bodied convicts of the state. In older countries practice of thus employing convict labor has been pursued for years with beneficial results. From an official statement made to me by the officers of the State Penitentiary, I learned that they had under their charge on the 20th of December, 1875, 582 convicts classified as thus: males 554; females 28; able bodied males 520. This number of able bodied men is not likely to diminish. On the contrary, as population increases and the law becomes rigidly enforced, the numbers will largely augment from year to year... The penitentiary situated at Baton Rouge, Louisiana on the river, about the center of the field of operation is most conveniently located for the base of supplies. By means of boats adapted for that purpose, the convicts, securely can be moved from point to point with the celerity and precision of a military organization. It is estimated by the state engineer that 500 able bodied men will build 5000 cubic yards per day. It is the experience of contractors that convict labor rates higher than other labor. The state engineers estimate 1,500,000 cubic yards as the lowest amount of levees to be built each year. Five hundred convicts working but 200 days in the year can build at least 1,000,000 cubic yards of levee. Seventy cents seems to be a liberal estimate for the cost of guards, rations, and clothing per day per man.49

While the governor spoke of the movement of convicts to and from Baton Rouge with military precision, convict camps increased in number throughout the state. The period of the "true" lease system, the "black" lease system, was now coming into existence and for the next twenty-five years most controls would be off. The

49Fourth Annual Message of the Governor of Louisiana, January 3, 1876.
authority and responsibility of the Board of Control was one of the first to go. In 1877 the Board of Control submitted its last report to the Governor and by its optimistic tone and favorable appraisal of the existing lease and the conditions under which the convicts lived, it made clear that the days of conflict between the lessees and the Board of Control were over, and that the lessees had won. In their report they wrote:

As your excellency is aware, the lessees have for the past few years employed all the able bodied convicts (with the exception of a few bad and desperate characters now wisely retained within the walls) upon construction of the New Orleans Pacific Railroad enterprise, which has been strongly recommended to the citizens and state officials by two joint resolutions of the General Assembly as worthy of great encouragement, and one that when completed will be of great returns to the material interest of the state.

A portion of the convicts are now working in the rear of the Natchitoches on the road and a portion on the Atchafalaya River. The lessees provide strong walled cells and rooms for their lodgement and safekeeping at night... As in evidence of the real vigilance of the wardens in charge, we have but to refer your excellency to the very small number of escapes which, we believe, will favorably compare with any prison in the country where the labor is worked out without the enclosure of the penitentiary walls, being 21 in number, and of these three have been recaptured and returned, and others have been recaptured and are being detained in parishes where captured and are waiting trial or charges.

The food and clothing is furnished in even a greater quantity and variety than required by law, the lessees finding it to their interest to provide liberal in these particulars, to better secure their labor.50

50 Report of the Board of Control of the Louisiana Penitentiary, 1877, pp. 3-4.
Under these favorable conditions the lessees felt free to use their convict labor as they pleased, and as the need for such labor on the levees and railroads decreased, they began to sublease, rent, and themselves use convict labor on the plantations throughout the state. As we have noted, as early as 1874, the Board of Control made reference to this practice. During the 1880's the use of convict labor on plantations became widespread, and as it grew, so did its opposition, but this time the opposition came not from the Board of Control, but from a humanitarian organization named the Prison Reform Association of Louisiana, which came into existence around 1886.

The history of this movement has yet to be written, and what we know of it is limited, but even this limited information throws light on penal conditions and the struggle over these conditions during the 1880's and 1890's. The organization came into existence in 1886 and immediately took opposition to the leasing of convict labor. It agitated for legislative reform and in 1890 successfully secured the passage of Act 114 which specified that:

51This date is given in the Proceedings of the Annual Congress of the American Prison Association, New Orleans, November, 1917; the Prison Reform Association presented a report of its history in which it was stated, "The Prison Reform Association was organized in 1886." The later date of 1897 is given as the date of organization by Wisner, op. cit., 162 and also by Jane Zimmerman, "The Penal Reform Movement in the South during the Progressive Era 1890-1917," Journal of Southern History, XVII (1951), 462-492.
...the convict labor may be employed upon all public works, such as building and repairing levees, railroads, canals, etc., but under no circumstances shall they be hired, sub-let, or rented out, or be used by the lessee himself in the cultivation, planting or gathering of any agricultural crops,...it being the object of the State herein expressed that convict labor shall be used only in and on public works and improvements.52

While this law remained on the books for four years it had no real effect, for there existed no machinery whereby the state could control the actions of the lessees. The Board of Control was defunct, no position of inspector existed and it is inconceivable that the local authorities would arrest a planter for using convicts on his plantation. In 1894, Act 114 was rescinded by Act 134, which permitted the lessees to employ and sub-let convicts on farms and plantations. 53

For the State of Louisiana the penal system had played a successful and important role in the economic reconstruction of the state, especially the economic reconstruction of the plantation system. In the years immediately following the Civil War when labor and cash were short, convict labor helped repair and rebuild the major systems of transportation used in shipping farm crops to markets. In the 1870's which saw the major steps taken to rebuild the plantation economy, the convict lease system combined with the

52 Act 114, passed by the General Assembly of the State of Louisiana at the regular session of 1890. Legislative Document, State of Louisiana, 1890.

53 Act 134, passed by the General Assembly of the State of Louisiana at the regular session of 1894. Legislative Document, State of Louisiana, 1894.
share-cropping system and with the crop-lien credit system to "redeem" the planter economy. As these systems, built upon a one crop cotton economy, pushed larger and larger numbers of white and Negro farmers into the ranks of tenant farmers and sharecroppers, the need for convict labor on the plantations decreased. Furthermore, even the small cash outlay required by the convict lease system became relatively expensive during the depression years of the late 1880's and 1890's when the price of cotton dropped. Thus it is not surprising that the humanitarian demands of the Prison Reform Association, which unquestionably were a small part of the broader Populist demands, were given favorable consideration. In 1896, a position of warden was established primarily for the purpose of making monthly investigations of the convict camps throughout the state. The establishment of this position actually signified the ending of the "lease" system. Two years later the Constitutional Convention of 1898 passed constitutional provisions against the leasing of convicts, and subsequently laws were passed to purchase land for the creation of a State-owned and run penal farm system.

When the state once again assumed responsibility for its penal population, conditions had drastically changed. The predominantly immigrant white, pre-Civil War penal population was now a

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54 By Act 127 of the General Assembly, Regular Session, 1896, the position of warden was established. Legislative Document, State of Louisiana, 1896.
predominantly Negro population. From an 1859-1860 population of 490 white and 132 Negro males, the population had boomed to approximately 1450 Negroes, and dropped to 270 whites at the turn of the century. The urban-industrial penal plant in Baton Rouge had been virtually abandoned and that population would subsequently (by 1910) be completely removed. In assuming complete responsibility for such a large and productive labor force, and in purchasing large acreage of rich and productive land, the state laid the foundations of profitable economic operation that could be easily incorporated into the patronage system which most clearly developed with the rise of machine politics in the 1900's.

55 Smith and Hitt, op. cit., p. 364.

56 Report of the Board of Control of the Louisiana Penitentiary, 1906-1907, lists 1479 Negroes, 273 whites, 1 Chinese, 1 Filipino.
CHAPTER IV

PROFIT AND PATRONAGE: 1900-1950

The contemporary Louisiana penal system had its rebirth in the conservative Louisiana Constitutional Convention of 1898, in which a constitutional provision against the leasing of convicts after 1901 was passed, thereby establishing the legal basis for placing the convicts under the direct supervision of a state penal system. The reasons for the elimination of the lease system were stated in strong humanitarian terms. At the legislative session of 1900 laws were passed recreating the Board of Control, authorizing it to purchase land necessary for penal farms. The position

1See the writings of George Washington Cabel, especially the volume entitled The Silent South; also publications of the Prison Reform Association. In the Proceedings of the Annual Congress of the American Prison Association, New Orleans, November 1917, the Prison Reform Association gave a report in which it reviewed its history: "The Prison Reform Association was organized in 1886. It was soon aroused to the evils and abuses of the system of leasing the state convicts to individuals or corporations: a system which the majority of the Southern States were practically forced to adopt immediately after the close of the Civil War, owing to their impoverished condition and the great increase in crime, both among the white but particularly among the newly enfranchised negro population. The laws authorizing the leasing out of the convicts were crude, with few safeguarding restrictions, and consequently abuses grew up rapidly soon developing into barbarities. The association in 1898 secured a constitutional provision against the leasing of convicts after 1901."
of warden -- to be in charge of all penal farms and levee camps -- was created. During the first year of operation the Board of Control claimed the achievement of those ends of reform concerning humane care and physical treatment, and articulated future goals of individual treatment. In their 1901 report to the governor they stated:

As to the reform inaugurated in the handling and care of the prisoners, the death record is the best evidence. We at once stripped the shackles from every man employed in outdoor work. No prisoner is allowed under any circumstances to work in chains or irons of any description or to be clogged or hand-cuffed in any way, either going to or coming from work. No sub-officer or guard can strike a prisoner unless in defense of his life. The captain alone can administer punishment. If a prisoner is sick he must be sent at once to the hospital and a doctor decides upon his case and he decides also when he is returned to labor or whether he shall be put at some other form of work. Each man is graded physically and put at labor suited to his ability.

But we have by no means yet brought about the conditions which ought to exist. After so many years of lessee management, reformation is difficult and slow. The material question before us has demanded attention first, and physical conditions have to precede the moral upbuilding. The organizing and training and building had to first be on business lines, preparatory to the finer work of the best modern system of prison management. There is yet much to do to lead up to the point where we can take hold of the individual and deal with him.²

In view of the complexity of the problems of reorganization which they faced and the fact that they were stated by the political appointees of the conservative plantation-merchant class which had

come into power with the Constitutional Convention of 1898, these claims are unquestionably exaggerations and the goals of "individual attention" little more than propaganda, probably to satisfy demands of reformers.

First, it must be understood that the State on assuming responsibility for the convict population did not attempt to centralize its population, but essentially incorporated the lease system by purchasing those large plantations which had previously leased large numbers of convicts. These were: Angola, 8,000 acres; Hope, 2,000 acres; Rosedale, 1,000 acres, Hard Times, 400 acres; Oakley, 1,400 acres; Monticello, 1,400 acres. In addition, four levee camps were maintained throughout the state and a central penitentiary unit was in operation at Baton Rouge functioning as a receiving and shipping station, a hospital, a maximum security unit for dangerous criminals, and a women's prison.

Secondly, these penal farms, composed of a prison population generally of more than eighty-five per cent Negro inmates, were required to function on at least a self-sustaining and preferably a

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3"Biennial Reports of the Board of Control of the Louisiana Penitentiary, 1906-07," *Legislative Documents*, XIII (1906-08).
Also see *Morning Advocate*, Baton Rouge, 1932, p. 6. Residues of this system remain in existence through 1961, with the virtually all-Negro prison farm at St. Gabriel, Louisiana. Warden D.D. Bazer, removed from Angola following the convicts' heal slashings was transferred to St. Gabriel (Camp M) and was in 1961 still in charge of that unit. In 1932 there were penal camps at Baton Rouge, St. Gabriel, Pine Grove, Norwood, Franklinton, and Star Hill.

4"Biennial Reports of the Board of Control of the Louisiana Penitentiary, 1906-07," *op. cit.*
profitable basis. In order to achieve this end, the politically appointed Board of Control assured the legislature that the State would not be called upon for a single dollar of money beyond the revenues earned by the farms and camps. Thus from the very beginning there was a decentralized penal system populated by servile Negro inmates who provided a major source of revenue and labor for the state and the immediate community in which the penal farm existed. These factors helped to destroy all incipient reforms demanded by those who had fought to defeat the lease system.

Of all the penal farms, Angola, by virtue of its size and resources, quickly proved to be most profitable and to have the greatest potential. Containing thousands of acres of the best river-bottom land in the state in sugar-cane production, hundreds of acres of cypress in the uncleared river bottoms, and a virgin forest in the loess formation called the Tunica hills, Angola's revenue greatly exceeded its expenses. The magnitude of the economic potential was such as to motivate the Governor, in his 1910 report to the General Assembly, to encourage the closing of all penal farms and camps, the sale of the main prison at Baton Rouge,

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5 Ibid., p. 1279.

6 One must remember that the national and international lumber corporations entered Louisiana at the turn of the century. Lumbering became such a profitable operation that a railroad line was built through and criss-crossed the penitentiary. See the excellent photographs in the 1906 Board of Control report.
and the concentration of all prisoners on the Angola plantation. As previously mentioned, this total concentration of all of the prisoners at the Angola unit has never occurred, but there did occur a gradual concentration of prisoners on the Angola plantation.

Following a decade of prosperity due to successful crops and large timber sales, the penitentiary began to have financial problems. "Partial failure of cotton crops and later the appearance of the boll weevil, which proved fatal to cotton plantations over large areas of the state, the low price of lumber, ... and, finally, the devastating floods of 1912 brought the whole penitentiary system close to ruin." Faced with bankruptcy, "an opportunity was offered for the refunding of the penitentiary debt through the Interstate Trust and Banking Company of New Orleans. Notes covering a period of twenty-five years payable $10,000 annually were issued."

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7 The Governor's Message to the General Assembly of the State of Louisiana, May 9, 1910, p. 17. It is extremely interesting to note that the governor gave as his reason the efficiency of having a centralized labor force for use in highway construction. Angola, in 1910, was virtually inaccessible by road; convicts were transported by river-boat and log-train. The governor's speech was obviously for political consumption due to the excessively bad conditions of Louisiana's roads. In fact, the regime of the "liberal" Governor Parker (1920) concerned itself so totally with this problem that he gained the title of "Gravel Roads Parker." See Perry H. Howard, op. cit., 119-122, for a discussion of Governor Parker's regime.

8 Wisner, op. cit., p. 167.

9 Ibid., p. 167.
Plans to meet this crisis by reorganizing the penitentiary centered around the Board of Control and the position of warden. Most observers were critical of the board and recommended the appointment of a single superintendent who would be totally responsible for supervising the penitentiary. Even the Louisiana Prison Reform Association supported the movement to replace the Board of Control; their recommendations were that an unpaid board of citizens be created, who would be responsible for appointing a qualified superintendent. They also cut to the heart of the problem when they strongly recommended a proper budget, a booking system and publicity of expenditures.  

In 1916 the Board of Control was replaced by a general manager, in whom were vested all the duties and powers formerly exercised by the board. But this was all. A proper budget was not introduced. In fact with the 1916-1917 reorganization the pattern of profit and patronage that was to last until the major reforms in the early 1950's was fairly well established. Under the regime of Governor Pleasant, the ultimate acts to assure profit and to incorporate the penal system into the governor's patronage system occurred. First, the

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10 Ibid., p. 168., footnote 40.

11 The argument that the South used its penal institutions to supercede chattel slavery, as a source of profit for officials, private businessmen, sheriffs, judges, clerks and others, is forcefully presented in:

Walter Wilson, "The Chain Gang and Profit," Harpers, CLXVI (April, 1933), 532-543. Wilson argues that, "Convict slaves in the South are punished for the same reason -- and with much more severity because they have no capital value to a master -- that chattel slaves
legislature abolished the Board of Control and created the position of General Manager (in place of Warden), who was to be appointed by the governor and responsible directly to him. Second, the legislature re-affirmed the stand that the penitentiary was to be self-sustaining by specifying that no tax monies would be available for penal operations and that the penitentiary would operate entirely on revenue gained. Third, General Manager Henry L. Fuqua, who obviously used the penitentiary as a stepping stone for his political ambitions -- he became governor of the state in 1924 -- dramatically announced the new era by firing the vast majority of "free personnel" guards and introducing the economical inmate guard system. Within six months, he reduced the "free personnel" guard

were punished: namely, to increase production." Related arguments can be found in the following articles:


F.A. Kellor, "Advantages and Abuses of Southern Penal Systems," The Arena, XXV (April, 1901), 419-428. Kellor writes that, The office of Justice is shunned by the better class of men, and few honest persons accept it. The salary is small, and the rule is: no conviction, no fee, for either justice or jurors."


12 The shift in titles from warden to general manager indicates the change in attitudes. The penitentiary was an enterprise to be managed, not a prison requiring a warden.


14 See Chap. V for a discussion of the inmate guard system.
force from a total of more than one hundred and fifty to less than twenty-five with the remarks that: "They were for the most part riff-raff, for the job paid but forty dollars a month and board. Brutal bullies with huge whips who patrolled the fields where men worked, intermittently."15

For the next thirty-six years Angola functioned as one of the most profitable institutions in the patronage system of the Louisiana Government. In 1921, "the fourth largest sugar refinery south of the Mason-Dixon line was situated in the middle of the institutional levee, ... 6,000,000 pounds of granulated and 1,000,000 pounds of lump sugar were produced by the convicts at this refinery.16 Thomas Mott Osborne, visiting the Angola penitentiary in 1921, wrote:

Here is an institution with plenty of room; no walls or narrow cells, like an ordinary prison; efficient business administration; healthy outdoor labor; in short, a system based on intelligence and intelligently and logically carried out. Were this a mere business enterprise, one would not be justified in making a criticism; for, as I

15Cornelius Vanderbilt, Jr., "Life in a Prison Deluxe in Louisiana," Literary Digest, LXXVII (April 21, 1923), 50. See also: Allgood, op. cit., p. 53, who writes: "Prior to 1916 the prison employed one hundred and fifty paid guards. In 1923 there were eleven employed guards, and this number was increased by only eight between then and July 1, 1952."

Biennial Report of the Louisiana State Penitentiary, 1942, contains this statement: "Angola being an entirely isolated community it is necessary to provide housing for its civilian employees and their families. The forty-six (46) here when this management took over were mostly dilapidated and run down."

16Vanderbilt, op. cit., p. 52.
understand it, the balance sheet is showing a handsome profit; and the state treasury is being rapidly reimbursed for former deficits.\textsuperscript{17}

By 1942 the farm had doubled its sugar production and added an extensive vegetable crop. General Manager W. T. Mitchiner reported a sugar production in 1942 of twelve million pounds of sugar, 19,985 gallons of table syrup, and 445,000 gallons of blackstrap molasses.\textsuperscript{18} Significantly, Louisiana was one of a minority of states which show an increase in the value of penal production from 1923 to 1932, an increase which rose from $257,992 in 1923 to $979,230 in 1932.\textsuperscript{19}

Examples of patronage can be given for each administration, but the 1940 purging of job-holders from the state pay-roll is the most extreme and dramatic one. Nearly all of the free personnel guards were given their dismissal notices effective August 1, 1940, and in receiving their notices they walked, en masse, off their jobs, leaving the prison with only a handful of free personnel, and the inmate guards. "Warden Bazer was forced to keep the red cap gang (incorrigibles) and the gunmen (men who worked under the gun) under confinement while he hired replacements.\textsuperscript{20} But that was all.

\textsuperscript{17}Annual Meeting of the Prison Reform Association of Louisiana, New Orleans, February 19, 1921, p. 11.


\textsuperscript{20}Times Picayune, New Orleans, La., July 31, 1940.
Three days later all inmates were again in the fields supervised and guarded mainly by inmate guards. Small wonder that Warden Bazer would hold in the reform movement of the 1950's that "unless high salaries are paid the use of inmates as guards would provide better security." 21

Security was not the basic goal of the prison administration. Angola did not primarily exist for the purpose of protecting the existing social order, but as part of the state's wealth sorely needed by the rising "poor white" politicians, as a means of insuring and extending their political control of the state. As long as the penitentiary operated without drawing excessive public criticism, security, like other non-occupational activities, was lax. Escapes and attempted escapes were common. During the first thirty years of operation, Angola lost approximately three per cent of its population yearly through escapes. 22 In the 1930's, when brutality reached its peak and the mortality rate reached a record high of 1.44 23 per cent under the general-managership of Mr. Himes, some of

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23 This rate is based on data contained in the official records kept by the Record Office, Louisiana State Penitentiary, Angola, La. Records were examined beginning with Jan. 14, 1930, Inmate #15094 and going through February 8, 1948, Inmate #31742. These records also show that during the years 1931-1939 fifteen white males and two Negro males were shot while working on gunman farm lines. In addition, three white males and four Negro males were shot while attempting to escape. Death by sunstroke claimed five white and twenty-seven Negro males. In contrast the death rate during the years 1953-1960 was approximately .43 per cent, and no deaths were listed as caused by sunstroke or gunshot wounds.
the hardened outlaws of the "red hat" gang and of the gunman class carried out mass escapes killing free personnel and inmate guards in the act. The death of Captain Singletary and others in the escape led by Frazer and Joyner is best known. The fact that such dangerous inmates could acquire the necessary weapons to carry out their plans implies a basic deficiency in the manner in which custody and security were maintained.

Angola plantation was not a homogeneous unit but was composed of approximately eight separate and distinct camps each of which General Manager Landry, in 1938, compared to the average Louisiana plantation. Each camp was under the direct supervision of a camp captain and three employees, who, with their families resided in residences built on the periphery of the camps. Assisted by inmate guards, to whom they assigned many of the duties previously the responsibility of "free personnel," these semi-literate, "poor-white" prison officials lived an idyllic life which mimicked that of the passing plantation aristocracy, on a plantation which, in General Manager Mitchiner's words, held "...18,000 acres of the most fertile land this side of the River Nile, ... a 750 acre lake alive with fish and having a surface population of ducks, which, in their gorgeous plumage, compete with the myriad colors of the lake in the sun's early light."  

24 *Progress,* Louisiana State Penitentiary, May 6, 1938.  
Added to the aesthetic beauty of the environment was the mass of inmate labor, mainly Negro, which made each camp unit almost self-sustaining, and provided the camp officials with the labor to raise their chickens, cows, horses, vegetables, and flower gardens as well as cook and clean house for the "boss-lady." These privileged jobs were assigned to "good ole nigras" who were allowed to live in small shacks behind the "boss's" residence where they would be available to the lady of the house. 27

The camps maintained, repaired and built much of their own equipment in their machine, carpenter, and blacksmith shops and, depending on the skill of the inmates working in these shops, provided the bosses with household furniture, boats, saddles and leather goods of varying degrees of value. The situation was not unlike Kogon's description of similar practices in the concentration camp, when he writes that "the output consisted of luxury goods of every description, some of them of high artistic value." 28

27 This writer had the opportunity to live in one of the old residences which was still surrounded by orchards of pecan, pear, fig, and peach trees, a massive chicken house, the remains of a pig pen, and a well-constructed, single room shack of rough but excellent timber in which the Negro trusties had lived.

28 Kogon, Theory and Practices of Hell, pp. 91-92. Even today residues of this system exist at Angola. The writer personally knows of boats that have been built, cars rebuilt, painted and made like new, quarter horses brought in for training, and an inmate specifically assigned to the job of horse trainer having a private shack built for himself and stables for the horses; furniture built, saddles made, etc., for privileged "free personnel."
The surrounding rural countryside and the small communities similarly benefited from the labor of the Angola penal population. The incident reported in 1951, in which inmates under the supervision of an inmate guard labored at a private baseball park in the St. Francisville community, is but one example of such aid. According to the reports of families in the communities, not only were inmates available as laborers, but also as entertainers, in that the inmate band frequently provided music for the dances in these communities. Furthermore, fruits, vegetables, sugar, syrup, etc., passed freely through the gates. Hunting, fishing and similar recreational activities were permitted. In spite of the high incidence of escapes, the families of the area surrounding Angola perceived Angola as an economic benefit and had few complaints. It was only after the reform movement of the early 1950's and subsequent statements by the inmates, a registered nurse employed at the penitentiary, and an article by Westbrook Pegler, in which the latter strongly implied that Sheriff Percy of St. Francisville was the real boss of Angola, that the countryside complained of

29 *State Times*, Baton Rouge, La., May 31, 1951.


the problem Angola posed for them with the numerous escapes of inmates. 33

For the prison population, the residues of the cultural traditions of a plantation slave society, and the extraordinary demands of work and profit placed upon the grossly under-staffed rural, semi-literate, poor-white captains and farm bosses, combined to create a complex deprivational-privilege system which structured the available patterns of adjustment. 34

The typical camp was divided into four custodial classes: (1) gunmen, who worked and lived under the gun; (2) riskies, who lived in the gunmen camp but who performed responsible, skilled jobs within and without the camp, such as cook, barber, medical orderly, water-cart tender, food server, etc., which removed them from the immediate supervision of a gun-guard; (3) trusties, who lived apart from the gunmen and risky inmates, who held responsible jobs usually

33State Times, Baton Rouge, La., March 31, 1954.
Times Picayune, New Orleans, La., Dec. 11, 1953.

34Richard H. McCleery, "The Governmental Process and Informal Social Control," in Donald R. Cressey (editor), The Prison (New York: Holt, Rinehart and Winston, Inc., 1961), p. 163, writes, "...the main dimensions of social action emerged in relation to needs generated or exaggerated by the deprivational system. The structure of social action was governed by needs to achieve what the processes of custodial control denied: personal identity, meaning, and purpose for behavior, independence from official sanctions, etc." Erving Goffman, "On the Characteristics of Total Institutions: The Inmate World," in Cressey, The Prison, p. 50-51, writes: "...punishment and privileges come to be geared into a residential-work system. Places to work and places to sleep become clearly defined as places where certain kinds and levels of privileges obtain..."
requiring skill and sometimes involving supervision of other inmates, and who were given a great deal of custodial freedom; and (4) inmate guards, who lived in the trusty unit, who were given almost total freedom of movement and whose duties normally consisted of custodial and occupational supervisory responsibilities on the level of lower staff.

The "free personnel" staff attached to each camp generally consisted of four employees: (1) a camp captain who was in charge of the entire unit; (2) a field foreman who was responsible for the farm operations; (3) a yard supervisor who supervised the cooking, feeding, issuance of medicine, clothing, etc., on both the gunman-risky yard and the trusty-inmate guard yard; and (4) a night officer who was responsible for the unit after the gunmen and riskies were counted and locked upstairs in their dormitory-style living quarters. (Trusties and inmate guards were neither counted nor locked up.)

The demand that the penal plantation be self-sustaining led to a concentration of occupational activities in farming, which was the major source of profit. Virtually all inmates were either directly engaged in farm work, or indirectly so, in that they maintained the equipment, kept records, fed and clothed the farm workers, etc. Industrial activities were similarly farm-related: sugar mill, cannery, and abattoir.35

35In the 1940's the construction of an industrial plant to make state automobile license plates and the construction of a combination maximum security-hospital unit, created environments that differed markedly from the old camp-farm system.
From each camp - with the exception of Camp "G" which was a cattle camp that quartered only trusty inmates - the majority of the gunman inmates were marched daily from their camps to the fields to labor. Generally they remained in the fields all day, receiving the noon meal from a food cart. While working in the field and during their movements to and from the camp, these gunmen were under the immediate supervision of inmate guards who fulfilled the dual role of guard, guarding the line, and straw-boss, pushing the line.

Gunman farm lines were divided into "long lines" and "short lines" and dispersed to various areas of the farm for which their camp was responsible. Throughout the day the field foreman would ride his farm to see that the day's labor was accomplished, to give his inmate-guards new tasks, and frequently to give overt and immediate support to the guard's authority by doling out whippings. The guards were also given unofficial authority to mete out such punishment, and used this power as a means to speed up the work pace as well as to punish rebellious inmates. For example, a common practice was to place each man on a row of cane, cotton, or some other crop that required weeding, harvesting, etc. The job would then begin like a footrace: fifty or more men each with his own row to work and the last five to reach the far end of the row would be whipped. With this slave-style brutality it is not

36 Whether the line was considered "long" or "short" was determined by the number of men in the line. At Harvest time huge concentrations of gunman farm workers would occur when the "long lines" of one camp would be brought to another camp to help them gather in their crops.
surprising that the records of the Louisiana State Penitentiary "showed 10,000 officially recorded floggings of prisoners during the years 1929 to 1940.37

The majority of the gunman inmates, then, worked under coercive conditions of great deprivation, and had infrequent contact with the "free man" who was the field foreman. They existed in an entirely subordinate position: a position which held access to limited goods and services in the form of fresh fruits and vegetables, but the transportation of these to the camp required the approval of the inmate guards; a position which could only provide the dubious prestige of being strong enough to either set or keep up with the work pace and tough enough to take punishment with a minimum of complaint; 38 a position in which they were isolated and insulated from interaction with others than their peers and their inmate-guard supervisors save when these supervisors communicated favorable or unfavorable reports on them to the field foreman or camp captain.

37Morning Advocate, Baton Rouge, La., May 11, 1941.

38Strength and toughness became important factors in determining the type of adjustment an inmate made. This was especially true during the first period of his incarceration, for the average man entered the penitentiary soft and weak after months of idleness in jail and he was immediately put out on a farm line. There, pushed by the inmate-guard line pusher and pulled by the pace setting tough cons, his strength, toughness and whatever reputation he held in the "streets" as a criminal were quickly tested.
Factors which tended to alleviate these conditions and modify hostile, aggressive behavior arose from experiences external to the penal environment as well as from the internal structure of that environment. The belief among criminals in the corruptibility of the police and courts is widespread. When one is arrested he either uses his financial resources to hire a "fixer" or he makes a deal by refusing to fight his case and "cops a plea," sometimes even offering to clean the books for the D.A., for a lesser sentence. In entering the penitentiary, this belief in the corruptibility of police power was carried over into the relationship between the inmate and his keepers. And in entering the penal environment, the inmate became immediately aware of an officially approved and supported inmate hierarchy (guards, trusties, riskies, gunmen) with differentials of power and privileges.

Within the gunman custodial class an officially approved and supported inmate hierarchy arose. A minority of gunman inmates did not go into the fields to labor, but remained in the compound to perform such tasks as cook, medical orderly, barber, etc. Gunman inmates were assigned to these jobs by the yard supervisor with the approval of the camp captain, and they performed their work under the general supervision of these officers. The gunman compound was "off limits" to all inmates, with the exception of some inmate guards; but these privileged gunman jobs completely avoided the authority and supervision of the inmate guard, and supervisory contact with this class of inmates was limited to those guards who
manned the gun towers surrounding the camp, and the inmate guard who held the job of gate man to the compound.

From their jobs on the compound privileged gunman inmates gained access to a variety of goods and services, and acquired power and authority over activities and areas which played a dominant role in the non-occupational activities of all gunman inmates who resided in the compound. It was within this residential compound, after the work day was over and the gunmen were locked into their huge dormitory, that the major illicit activities which the inmates devised to alleviate the deprivations of incarceration occurred: gambling, cooking, drinking, sodomy, whatever activities -- or hustles -- one could devise to help him build his time under the best of conditions. Some men worked for the cook by taking the supplies he sent up during the day and preparing meals, coffee and sandwiches for whoever desired them. Others washed clothes, shined shoes, made beds, or sold their bodies. And these activities were facilitated by the fact that cash money was permitted by the administration, thus excluding the awkward bartering of goods as a medium of exchange.

The important fact is that these activities were known to the administration and permitted as long as they did not get out of hand. What went on, at night, when the gunmen were locked in their quarters was of little importance to the officials as long as such activities did not interfere with work performance during the day. The officials knew that their cook provided the goods for night cooking; that their dormitory orderly cleaned up after the gamblers
and stored away their gambling paraphenalia; that the two beds tied together and covered by a makeshift tester housed a "married couple." By permitting such activities the officials not only gave the inmates a sense of freedom of action and control within one major environment of their penal world, but also reinforced and strengthened the power of the inmates whom they selected and assigned to privileged camp jobs.

This inmate power was strengthened in another area; namely, communication. Farm line gunmen seldom came into enough interaction with the officials to communicate with them; they therefore were forced to depend on intermediaries. If they chose the inmate guards who supervised them in the fields, they ran the risk of being identified with the guards with the result that they usually would be chased out of the compound, beaten up and labeled "rat." With the guard to speak up for him most of these "catch-outs" achieved trusty or guard status at the expense of a beating. If they chose the gunmen inmates who held privileged jobs, they avoided the risks of being run out of the compound, but they took the longer path from the farm line and there was little assurance that this path would lead out of the gunman custodial class.

Thus there existed these two major and most often contradictory lines of communication from the mass of gunman inmates to the officials. One line led mainly from the inmate guards through the field foreman to the camp captain, with a less frequent and much weaker but direct communication from the inmate guard directly to
the camp captain, since in his daily roaming of the camp he came into direct contact with them, and generally they reinforced their direct plea by talking with their yard supervisor who, in turn, would carry it to the camp captain. Inmate leadership, as defined by control of goods, services and illicit activities and by the occupation of a central position in the lines of communication between the mass of inmates and the officials which allows them to define for each the behavior of the other, fell mainly into the hands of those inmates selected by the officials. Consequently, inmate leadership within the gunman compound was responsible, and responsive, to camp officials. This fact becomes of extreme importance in the post-1951 period when the inmate guard virtually loses all of his authority, major steps are taken to destroy the camp system, and the majority of inmates are housed in a modern centralized unit with strict rules, regulations and supervision over their residential world.

Paralleling the gunman compound was a unit of almost identical physical proportions which housed a majority of the trusty and inmate guard prisoners. Physically the compounds were identical, excluding the fact that a fence and gun towers enclosed one and not the other. The trusty-guard compound contained a huge, barn-like two-story building with mess quarters, storeroom, and medical unit

39A small number of these prisoners gained the privilege of living at their job sites. The fisherman and horse trainer are but two examples. Other examples could be cited, but these were selected because they still existed as late as 1960 and may still remain.
on the ground floor and a large dormitory on the upper floor. But with this physical similarity the comparison ends, for life within this trusty-guard compound differed grossly from that of the gunmen's.

For the trusty-guard prisoners the distribution of power, authority, possession of goods and services, etc., were not confined to the compound nor manifested in the illicit night time activities within the dormitory, as it was for the gunmen. Trusty-guard inmates were permitted to traverse freely the entire plantation, and the guards had the privilege of leaving the penitentiary grounds. These "after work" privileges were consistent with the manner in which these inmates performed their occupational responsibilities. Inmate guards were permitted to take gunman and trusty inmates off the penitentiary grounds to perform jobs in the parishes of East and West Feliciana, and "some were permitted to drive penitentiary vehicles unescorted to towns and cities in Louisiana to conduct penitentiary business." Trusty inmates in highly responsible jobs

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40 Confining their activities to the compound meant that whatever struggles for power and over goods arose, largely expressed themselves within the dormitory and involved -- either by their awareness or by their participation -- the other gunmen who lived in that dormitory. Struggles among trusty-guard inmates were not similarly confined and, because they were dispersed to comparatively small environments, neither involved a large number of inmates nor ran great risks of detection. Thus disturbances among gunmen were easily detected and reinforced official opinion that they were intractable, whereas the opposite was true of trusty-guard disturbances.

41 Allgood, op. cit., p. 105.
performed these with a minimum of supervision. For example, fresh meat slaughtered at the abattoir and shipped to the various camps came under the general supervision of a "free man," but the actual work of slaughtering, keeping records, loading and checking out these loads to the camps, driving the loads, unloading and checking into the camp, were the responsibilities of trusty and guard inmates. Within the camp the trusty inmate who was responsible for general maintenance of the camp usually constructed his own maintenance shop, selected his assistants, and acquired his materials and supplies from the trusty and guard inmates who worked in the main warehouse and central maintenance area.

The combination of independent responsibility in the occupational area and freedom of movement resulted in the trusty and guard inmates centering their leisure time activities at work sites rather than in the dormitory. Thus this population did not tend to evolve a discernible structure as did the gunmen, but rather developed numerous small groups generally centering around the numerous occupational sites. The barber shop had its group, maintenance its group, culinary its group, and so forth. These inmates spent the vast majority of their leisure time at these and similar sites, and generally limited their use of the dormitory to sleeping. Thus the fragmentation of the trusty-guard population greatly reduced the conditions of large scale, easily perceived conflict, and when conflict was developing, allowed its solution by movement out of the group into another, or the formation of a new group rather than a violent showdown.
Responsible occupational positions, in addition to providing sites for the location and formation of consensual groups, played an important role in cohering the penal organization. The inmate occupants of these positions, through daily contact with the specific details of their jobs, gained a more extensive knowledge of it than possessed by their "free man" supervisor, and thus became the man or men to contact when information was needed, goods and services required, problems solved, etc. The fact that one could communicate to the "free man supervisor," to a "straw-boss inmate," or to any one of a number of lesser inmates in a given occupational environment, greatly aided one in satisfying his requests and seeking solutions to his problems. This ability to saturate the unit at many levels with a request gave the request a source of strength that it did not have when it was originated: the request became quickly known to most, if not all, inmates who worked within the unit and could be widely publicized if needed; thus, an unfavorable reply had to take into account the potential effect it would have on the inmates who performed jobs within the unit.

From these diffused lines of communication arose numerous points of interaction which tied the three broad custodial classes -- gunman, trusty, and inmate guard -- together. Gunman compound workers, satisfying the demands of their jobs and of their superior positions within their compound hierarchy, communicated as directly as possible with privileged trusty inmates who occupied those positions which controlled the goods and services they needed, rather
than communicate through the yard supervisor or camp captain. Frequently the inmate guard in charge of the compound's gate was used as communicator, especially after time had proved him to be trustworthy; more frequently, those trusties who delivered supplies to the compound each day were used. The result was that a non-consensual inmate hierarchy arose which was indirectly conditioned by official policy to delegate authority and responsibility to inmates, and again this inmate hierarchy was responsive and responsible to the officials.

The old prison organization was, then, composed of a gunman world and a trusty-inmate guard world. The gunman world was an almost closed, tightly structured residential environment which included most of the illicit privileges and, for the majority, a difficult laboring environment, which included most of the deprivations. For these gunmen, consensual groups were formed and existed within this limited environment, and thus were responsive to its demands. At the same time the existence of officially created and supported occupational positions within the gunman compound which provided stable points of communication with inmates of other compounds, and in other units within the total penal plantation, had access to greatly desired goods and services, etc., meant that the power arrangement among these consensual groups had to minimize their conflict with these positions of officially supported power. For overt conflict with them normally meant the breaking down of all lines of communication between the gunman compound and the greater penal
world -- gunman inmates generally barricaded themselves in their dormitory to riot or fight out their quarrels -- and the officials, in order to reestablish order and communications, generally invaded the compound with a body of billy-carrying inmate guards. After peace was restored, the same officially supported positions existed with the only possible difference being that new occupants filled them. The crux of the problem is that for gunmen deprivations were truly great, but that extensive illicit privileges were permitted to develop within the residential environment mainly through officially created and supported occupational positions in the compound. Thus, both the consensual hierarchy and the officially created hierarchy had to be accommodative and responsive to administrative pressures.

In the trusty-inmate guard world privileges were extensive and deprivations comparatively few. Here again, all were based on the manner in which one performed his duties and conducted himself as a trusty or an inmate guard, for above their heads hung the threat that they could be broken to the gunman class. The problem of judging their performance was relatively simple since it involved tangibles. For example, tractor drivers either correctly maintained their vehicles, or they did not and had a high rate of breakdowns. In the performance of their duties trusty and guard inmates daily interacted with their supervisor, and many of them came into daily interaction with a number of other officials. Frequently these inmates were in the position of having knowledge and skills superior to
those of the visiting official. For example, a semi-literate farm supervisor from a camp, visiting the administration building to see an extremely busy or absent General Manager or Farm Superintendent, could easily direct his problem to the senior inmate of the unit and have it solved.

The delegation of such broad responsibilities and authorities to positions which inmates were permitted to occupy produces an interesting condition. The duties of carrying a weapon, guarding prisoners, driving official penitentiary vehicles, conducting penitentiary business in nearby towns, and being free to travel on and off the penitentiary after one's work is over clearly defines an official position within the prison organization. This fact is obvious when the individual who occupies this position is a "free man" employee, and the relationship between this individual and those he guards is one of superiority colored with hostility.

Difficulties arise when this position is occupied by an individual who happens to be legally incarcerated. An individual he occupies dual positions within the penal organization, whereas the "free man" can only hope to occupy one. When the prisoner is actually occupying either position (inmate or official) his behavior in one is and must be affected by the fact that the other exists. Thus in performing his official duties he cannot completely eliminate the demands (goals, functions) of his inmate position and vice versa. He must, in his own person cement the interests of the two. He embodies a community of interests. In this sense a great deal
of role conflict could be tolerated as long as it was to the "self-interest" of the occupant. Furthermore, since these positions were important links, points of interaction between staff and gunmen, they became the major source of informal communication between the two groups. For the staff they provided information on the behavior occurring in "the guts of the camp," and for the gunmen they supplied information on the attitudes and plans of staff. They, in effect, created an image of each for the other.

The penitentiary, therefore, is an achievement system in which men, both staff and inmate, are motivated to increase their material rewards through efficient production. In areas where the conditions of work are easily manageable and skills and individual responsibility are not required, staff assures high production by the use of the most brutal, coercive methods. In areas where the conditions of work require skills and individual responsibility, staff develops a sensitivity to the needs and interests of the inmates and develops material rewards and privileges of freedom from custodial restrictions to satisfy such needs and interests. Furthermore, through the cooperation of these privileged inmates, staff officially provides illicit privileges to gunman farm workers, in their residential environment, which helps alleviate their deprivations, quell their hostility, as well as lend strength to the position of privileged inmates. The result is that the administration achieves its production goals; it also elicits from a sizeable number of inmates behavior which manifests individual responsibility, cooperation,
successful handling of conflicting roles, sensitivity to and tolerance of interests other than their own, etc., which is all that any rationally planned rehabilitative program can hope to achieve.

Thus a number of basically antagonistic and hostile groups are welded together into a prison community by the cooperative, responsive interaction of staff and inmate, in numerous groups, as they act to achieve distinct goals, i.e., staff, inmate, and personal goals and goals inherent in the group. The strength of such groups, and thereby the strength of the community, arises from the "self-interest" each occupant has in successfully achieving its goals, as well as the elements of power and prestige these groups possess through the control of goods, services and information.
CHAPTER V

THE INMATE GUARD

Today there are one hundred and twenty inmate guards, the majority of whom are assigned to custodial duties throughout the penitentiary. The visitor passes beneath an armed inmate guard as he enters the main prison gates. If he approaches the back gates, his presence is questioned by unsupervised inmate guards. His visit to the hospital unit, or to the orientation-admission unit brings him into immediate contact with inmate guards performing "key-man" duties - opening and closing the numerous gates. And as he drives around the plantation, he can watch the "farm crews" as they work in the field, surrounded by a line of inmate guards armed with shot-guns and rifles under the supervision of an unarmed free employee. The inmate guards performing these duties are a major residue of the "old order" and, comparable to the "fringer,"1 the "isolate,"2 and the "rat."3 They represent a population that is not assimilated into the "inmate social system."

2 Clemmer, op. cit., Chap. V.
They are - as will be seen - a population that differs significantly from the total inmate body.

Residence

The total inmate population of the Louisiana State Penitentiary is predominantly of urban origin, reflecting to a degree the growing urbanization of the state.\(^4\) In contrast, the vast majority of prison officials are of rural origin being drawn from the rural communities and small towns in the surrounding area.\(^5\) The dissimilarity of background has become a main focal point, a frame of reference so to speak, by which each is judged. The prison officials - especially the custodial officers and the farm supervisor - use the derogatory term "urb" to describe and identify that onerous body of inmates from the city of New Orleans and all others who associate or act like them. The inmate's most frequently used term for prison officials is "hoosier," a term, as Clemmer shows, that is also used to identify the lowest class of inmates, i.e., the dull, backward, provincial, feeble-minded, etc.\(^6\) Thus, the "contrast-

\(^4\)D.A. Dobbins and B.M. Bass, *Trends in Admissions to Louisiana State Penitentiary*, Research Report No. 2, June, 1956 (Baton Rouge, La.: Department of Institutions, June, 1956), pp. 20-23. See Also Louisiana Department of Institutions, *Annual Statistical Reports*, 1955-56, which shows that urban communities of 500,000 or more (New Orleans) supplied 30% of all admissions and urban centers of over 100,000 supplied 42%.

\(^5\)The historical factors of a plantation economy and the geographical isolation of the penitentiary are the predominant reasons for this condition.

\(^6\)Clemmer, *op. cit.*, pp. 107-08.
conceptions," in Weinberg's terminology, formed by each group revolve around basic differences in social background, i.e., language usage, values, beliefs, experiences, etc.; differences so abiding and prevailing as to make inapplicable to Angola Sykes' statement that "guards and prisoners are drawn from the same culture and they hold many of the same values and beliefs. They share a common language and a common historical experience."7

Whereas the characteristics of the majority of the total inmate population do not support Sykes' argument, the characteristics of the vast majority of inmate guards do support it in detail.8 Inmate guards, like the employed custodial officer and farm supervisor, are mainly Louisianians of rural background and with existing rural ties.9 Of the total forty-six white inmate guards, thirty-four claimed Louisiana residence, giving as an "emergency address" a member of a conjugal or consanguine family.10 Twenty-nine of these

7Sykes, op. cit., p. 33. Sykes' statement may be valid for the maximum New Jersey penitentiary, but even here the history of crime, arrest, incarceration, and conviction creates experiences for the inmate that are unknown to the prison official.

8Of the total one hundred and twenty inmate guards, only one hundred and twelve cases were available to the writer and all statistics are based on this number: 46 white guards, 66 Negro guards.

9Analysis of case histories reveals that they are of rural background; their emergency addresses establish the existence of their rural ties.

10The fact that some of these may be "floaters" who gave their family's address as an emergency address does not affect this argument.
thirty-four Louisianians gave rural farm and non-farm communities of less than 2,500 population as their major rearing environment; the remaining five claimed urban ties.

The Negro inmate guards show a slight variation within this pattern. Of the total sixty-six Negro inmate guards, fifty-seven are from Louisiana and forty-five of these are from rural backgrounds. Of the twenty-three who are from urban environments, two are from "out-of-state," while ten are from New Orleans; among the white inmate guards only one man can claim such a distinction.

Age

Crime is a young man's occupation and penal populations are primarily composed of young men, but there is no general agreement on the importance of age. Schrag, for example, found age of little importance in the selection of inmate leaders. But MacCormick states that the Oregon riot was led by a hard core of youths:

The hard core of the July 1953 riot in Oregon Penitentiary...was a comparatively small group of youths in their late teens. It was the same age group that staged a riot in one wing of the California Prison at Soledad soon after it opened.

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11 Chapter VII of this study is specifically concerned with an analysis of the youthful penitentiary inmate.


His claim, that youths are trouble makers, is supported by the personal experiences of Robert Neese #24933\textsuperscript{14} and by Sacks' study of trouble making at Lorton, Virginia.\textsuperscript{15}

Louisiana State Penitentiary, consistent with national conditions, "...is primarily a young man's institution and is becoming younger with each year's admissions."\textsuperscript{16} In addition, the general attitude of prison officials toward the younger inmates is that they are intractable, undependable and devoid of even the most elementary occupational skills. Thus they are excluded from the most responsible and skilled jobs, and are expected to provide most of the custodial problems.

As opposed to the youthfulness of the total population, the inmate guard population is distinguishable by its maturity of age. The median age for Negro and white inmate guards is thirty-six years, approximating in age and generation the prison officials and thus establishing the probability of another dimension of shared experiences.

Length of Sentence

A most important factor in a penal community is time and its correlative change. While penitentiaries have been characterized

\begin{itemize}
\item \textsuperscript{14}Robert Neese #24933, \textit{Prison Exposures} (Philadelphia: Chilton Company, 1959).
\item \textsuperscript{15}Jerome G. Sacks, \textit{Trouble Making in Prison} (Washington, D.C.: Catholic University of America, 1942).
\item \textsuperscript{16}Dobbins and Bass, \textit{op. cit.}, p. 27. Based on Louisiana Department of Institutions, \textit{Annual Statistical Reports}, 1955-56, 1956-57, 1957-58, the median age of prisoners is 26 years.
\end{itemize}
as composed of closed and self-contained systems obviously they have a high rate of change since new inmates are being admitted daily and old ones are being discharged. With each individual change a shift occurs in the living and working environments.

Change is correlated with instability. Lasswell and Kaplan point out that any social system with a high rate of change will correspondingly experience sharp cleavages among its members, be weakened in its solidarity, and be at odds as to what are its goals and how to attain them.\(^\text{17}\) But the prison community seems to offer an exception, for in spite of its high "permeability," it is considered to have solidarity, a distinct "code of behavior," and the means -- generally in the form of coercive power -- to enforce adherence to the code.\(^\text{18}\) The basis for the penal exception is that the inmate social system is not homogeneous but stratified into a rigid hierarchy.\(^\text{19}\) Inmate leaders are recruited from the "elite class," they are sophisticated, habitual criminals who are serving lengthy sentences.\(^\text{20}\) Schrag's study, for example, delineates inmate leaders as "criminally mature inmates who are serving long sentences


\(^{20}\) Clemmer, *op. cit.*, pp. 107-08.
for crimes of violence." 21 Thus, leadership and power lie in the hands of a relatively permanent group, entrance into which is extremely difficult.

Somewhat paradoxically good behavior has also been correlated with lengthy sentences. Sacks observes that "the model prisoners come from that group with the longest sentences," and, referring to his specific findings, "the resistant prisoners had maximum sentences whose mean length of 5.78 years was almost 100 percent less than the mean length of the sentences of the good prisoners of 10.74 years." 22

If we take the fact that both good behavior and inmate leadership are positively correlated with long sentences, add to it Korn and McCorkle's observation that the prison officials give covert support and recognition to the inmate hierarchy by assigning better jobs and quarters to high-status members providing they are good inmates, 23 and Sykes' observations on the extensive corruption of the functions and authority of the prison official, 24 we receive the clear impression that for career criminals and career prison officials, each of whom must view his penal condition in terms of years


22 Sacks, op. cit., p. 56.


24 Sykes, op. cit., Chap. III.
of highly complex, intensely personal interaction, accommodation, rather than conflict, becomes the characteristic relationship. It is through such accommodation that each contributes to the stability and predictability of the system in which he exists, and creates fissures in the "closed system."

What is of immediate significance to this study is that outside of the southern inmate-guard system, American prisons have not devised any method by which they can make use of this inherent accommodation. In fact, American prisons seems to be dedicated to the proposition that it is corruptive and must be corrected and eliminated. American prisons allow inmates to participate informally within the formal prison organization, generally in some responsible job, but they do not give recognition to such jobs in the form of increased status, or a classification that would differentiate these inmates from the main population, etc. They require that these men remain "convicts," living and associating with the main population; but the inmates do tend to classify them as "center men," "rats," or in Johnson's terminology, "quislings." 25

The inmate guard system gives recognition to the fact that inmates can successfully function in a formal role within the official penal organization, and furthermore, makes a deliberate point of selecting inmates who are serving relatively long sentences. For

25 Johnson, loc. cit.
the total inmate population the median sentence is 3.5 years (white
3.2 years, Negro 3.8 years) and the median time actually served in
the penitentiary is but 1.5 years. Inmate guards receive median
sentences of 8 years (white 6 years, Negro 10 years) and while no
precise statistics are available as to the length of time they ac-
tually serve, it can be safely assumed that the average will be
considerably longer than one-third of the sentence. At the time
these statistics were compiled the median time already served was
2.25 years. Thus the inmate guard brings an element of stability
to his job. As a social group, inmate guards experience less change
of membership and correspondingly have greater cohesiveness.

Crime and Offender Class

In describing the typical inmate guard to the public, the
prison official usually describes an ideal inmate who, in addition
to being mature of age and with strong family ties in Louisiana, is
a first offender, without basic criminal tendencies or identifica-
tion, incarcerated for a crime against person; murder, manslaughter,
aggravated battery, etc. He is, in other words, a situational crim-
inal. His crime, it is argued, is a crime of violence performed in
a moment of passion and, with the exception of this one act, the

26 Based on Louisiana Department of Institutions, Annual Sta-
tistical Reports, loc. cit.

27 By law consideration for clemency by the Board of Parole oc-
curs when an inmate has served one-third of his original sentence.
For first offenders parole is generally granted at this date, but, as
will be seen, the majority of inmate guards are multiple offenders and
are, therefore, denied clemency until they serve time in excess of
one-third of their sentence.
subject is no more a "criminal" than the average citizen who walks the streets. This argument, which involves an indirect criticism of our penitentiary system, goes on to say that such a man has nothing to gain from incarceration, and if required to live and associate with the main inmate population will slowly develop criminal attitudes and identifications. An alternative to this situation, it is suggested, is to make him an inmate guard, place him in a position of responsibility and trust, reward him with additional privileges, greater freedom, create a closer and more informal relationship between him and the prison official, and he will be more likely to maintain his basic non-criminal orientation and thereby increase the probability of a successful readjustment to society.

This is, as stated, an ideal, an ideal based on fact, although the number of such facts are few. Inmate guards who are first offenders, incarcerated for crime against person, constitute slightly more than ten percent of the total inmate guard population (12% of the Negro guards and 9% of the white). Illustrations of this category of inmate guards are given in the following two case histories.

D.S. #5089. A thirty-four year old Negro born and reared on a tenant farm near Leonville, Louisiana. He was the youngest of nine children born to the stable union of his parents. His parents were illiterate, French-speaking mulattoes, who were only able to provide a marginal income for their large family, possibly five hundred

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28A good example of how a penitentiary sentence can be dysfunctional for society.
dollars cash, a vegetable garden, hogs, chickens, etc. Typical of these large poverty-stricken tenant families the subject was forced to quit school at age 12-13, after completing the sixth grade, and help on the farm. When he was eighteen he left and joined the Army, serving for nearly three years, attaining the rank of PFC and receiving no court martials. Following his honorable discharge he returned to Louisiana to work and live in urban communities in the general area of his birth and rearing. During this period he completed a course in Automobile Body and Fender work on the GI bill but subsequent work history fails to indicate employment in that trade. Work is limited to common laborer. He continued this uneventful and unfettered life until age thirty when he married. Children are quickly born, three in three years, and he finds it increasingly difficult to meet his family responsibilities. He leaves but she has him arrested for non-support (his first arrest). The climax occurs when he, as he relates it, visits his wife to make a non-support payment, sees his children dirty and ragged and begins arguing with his wife. She pulls an ax from the woodpile and threatens him, but he takes it from her and kills her. Sentence - 21 years for manslaughter.

B.R. #5-56. A thirty-four old white male born as the second of three children to respectable working-class parents who live in Pascagoula, Mississippi. Prison officials like him for his quick, easy smile and agreeable manners. He enjoys his job, driving an ambulance to New Orleans, Baton Rouge, Jackson and other areas even though it requires that he be on 24-hour call and that he live by himself in a small room near the ambulance depot. Reared in one of the main maritime-industrial communities in Miss., B.R. quit school at age 16 and began employment in
the shipyards. By the time he was 18 he entered the U.S. Army and married. His army hitch was successful - honorable discharge at age 20 with the rank of PFC - but his marriage failed and he received a divorce. He returned to his industrial work and then shifted into the off-shore oil fields, because money was better. On the job he was friendly, hard working and well paid; off the job he was a heavy drinker and quarrelsome. Within two years his second married occurred and during their eight years of marriage his staying out and drinking with the boys, and his violence while drunk led to conflict and eventual separation. While separated he claims that his wife established a relationship with another man. Reunion and a move to New Orleans with the hopes of rebuilding his family resulted in a period of adjustment, but his old drinking habits returned and she decided to leave once and for all. Instead of allowing her to leave, he, while drunk, accused her of wanting to leave him for another man, and killed her. Sentence - LIFE. Murder.

In reality the majority of inmate guards are multiple-offenders sentenced for crimes against property. Surprisingly, the inmate guard population contains a far greater percentage of multiple-offenders than exist in the total population. Eighty per cent of the white inmate guards, and seventy-seven per cent of the Negro, are multiple offenders. The key to this almost incomprehensible condition is that most of these multiple offender inmate guards were previously incarcerated in the Louisiana State Penitentiary. Eighty-six per cent of the white multiple offenders and eighty per cent of the Negro multiple offenders experienced previous incarceration in the Louisiana State
Penitentiary, at which time each proved his ability to make a good "institutional adjustment" by working and living as trusties or inmate guards.

Inmate guards do differ from the total inmate population in terms of the crimes for which they are incarcerated.²⁹ Approximately sixty per cent of the white, and approximately sixty-two per cent of the Negro, inmate guards have committed crimes against property compared to seventy-eight of the white and sixty-five per cent of the Negro total inmate populations. And crimes against person compose thirty-three per cent of the white and thirty-six per cent of the Negro inmate guard populations, compared with but eight per cent of the white and nineteen per cent of the Negro total inmate populations. What at first seems to be a clear trend to select inmate guards from those in the crime against person category is proven otherwise when we remember that among the first offenders chosen as inmate guards there were no basic differences in the two categories of crime.

The picture of what type of criminal is allowed to become an inmate guard becomes better focused when narcotic crimes are considered. Narcotic violators comprise six per cent of the total white admissions and twelve per cent of the total Negro admissions for the years 1955-59.³⁰ Their actual representation in the

²⁹Also based on statistics from the Louisiana Department of Institutions, Annual Statistical Reports, loc. cit.

³⁰Ibid.
penitentiary is far larger, however, due to a number of discriminatory factors. Narcotic violators receive longer than average sentences (4.3 median years) and because they are denied parole consideration by law, and have been refused pardon board clemency and "double good time" privileges by the Governor's refusal to sign such recommendations. Consequently, they serve a far greater percentage of their sentences than any other class of criminals. In addition, the vast majority of narcotic criminals come from New Orleans, which we have already seen is almost totally excluded from the white inmate guard population, and represents but 6.5 per cent of the Negro inmate guard population. Thus they make up a relatively stable and homogeneous segment of the total inmate population whose language, social background, "esthetic" experiences with narcotics, etc., differ markedly from the experiences of rural men who comprise the custodial staff. It is this class of criminals which is systematically excluded from the inmate guard population, and furthermore, it is this type which is the focus around which the "contrast-conceptions" of the rural custodial officer are built.


32 The average inmate serves only 43.8% of his sentence before being released (narcotic criminals included). Narcotic criminals serve 80.6% of their sentences, which is 28 percentage points higher than the next highest category.

33 The custodial officer can "understand" the average inmate's explanation of why he steals, and he can understand the anger and passion that would lead to violence, but he has no ability to comprehend the "esthetic" experience the narcotic addict identifies with his drugs.
The inmate guard is a multiple offender criminal, mature in age, of rural background, indigenous to the State of Louisiana, incarcerated for a relatively long period of time, manifesting a variety of crimes, excluding narcotics, and he is highly "institutionalized." Institutionalization means the process by which he develops, and is given favorable recognition for, positive attitudes toward and identification with the prison administration, and seeks the most favorable position within its organization. As so defined, the concept applies to any inmate who helps attain and further the goals of administration by an effort beyond that which is simply required.\textsuperscript{34} The concept differs from "prisonization"\textsuperscript{35} and "assimilation"\textsuperscript{36} in that it measures the degree of institutionalization by the number of recognized and officially approved roles an inmate performs, and to what success. The frame of reference is the official prison system, rather than the inmate social system, and from this viewpoint it is not surprising to find that many so-called inmate leaders as well as "center men," "rats," and inmate guards are gradations on a continuum, from partial to total institutionalization.

\textsuperscript{34} The question of motives is not brought in for it is assumed that all "institutionalized" inmates seek personal gain; the fact that they seek it within the framework of the formal penal organization is the important element.

\textsuperscript{35} Clemmer, \textit{op. cit.},

\textsuperscript{36} Johnson, \textit{loc. cit.}
Prisonization and assimilation pose perplexing problems, first, because they refer to adjustment to the inmate social system, and, second, because that system is viewed as a self-contained unit in conflict with the official prison system. Such an approach creates a limited framework in which "prisonization" and "assimilation" become the necessary conditions for adjusting to the inmate social system; there are virtually no alternatives. Korn and McCorkle express this clearly when they write that "the most obvious characteristic of the inmate social system is the absence of escape routes from it....the only escape is psychological withdrawal." 37

Those individuals who fail to be assimilated successfully into the inmate social system are ostracized and labeled as a type of "rat," defined as "a turncoat against the inmate code who exchanges information for personal advantage." 38 Ironically, and quite frequently, a mentally deficient or psychotic inmate, who has no access to information and less interest in transmitting it to the prison officials, will be labeled a "rat." 39 This prejudicial inmate term is a "catch-all" but one that has been generally accepted by students of penology and only recently is receiving more exact analysis.

37Korn and McCorkle, Criminology and Penology, p. 523.
38Johnson, loc. cit., p. 528.
The position of the "rat" is an unfavorable one. He is damned from both sides. Cast out from the inmate society he is made to live, in fear, on the periphery of their world, and because of his legal status as a convicted felon, he is denied entrance into a formal role within the prison organization, no matter how deep and intense his attitudes toward and identifications with this official world. Marginal to both, he is claimed to be a major source of difficulty by prison officials, and they look upon him with disdain. Korn and McCorkle even assert that "actually, the main administrative problem presented by informers is not gaining them but avoiding them, since they come as volunteers from all levels of the inmate hierarchy."\textsuperscript{40}

The problem for the Louisiana State Penitentiary is quite different (but becoming less different under the influence of the new rehabilitative movement) because the two systems are not closed to one another. Being open to each other, mobility, for the inmate, becomes a two-way street: one leads down the scale of institutionalization and into the stereotyped "convict" role of conflict with, and rejection of, official personnel, but not necessarily into a position of inmate leadership; the second street leads up the scale of institutionalization into one of the numerous responsible jobs that inmates perform in this penitentiary with the ultimate condition

\textsuperscript{40} McCorkle and Korn, "Resocialization Within Walls," \textit{loc. cit.}
being that of inmate guard.\textsuperscript{41} The fact that degrees of institutionalization below the level of inmate guard are not contradictory with positions of inmate "leadership" and prestige, are of significance and require a passing reference.

Unlike Sykes' experience in the New Jersey prison, where he found "center-men" generally equated with "rats," most inmates in the Louisiana State Penitentiary who hold responsible jobs, and gain privileges and rewards that they can dispense from these jobs, are also influential men in the inmate social system. A major factor for this condition is the existence of the plantation. The jobs of record-office clerk, typist, bookkeeper, etc., which exist in the control center unit, gain in value when they are compared with the relatively unpleasant working conditions of the fields, especially if one must work directly under the gun of a despised inmate guard. It frequently becomes a point of leadership, at least for the older men who must look forward to years of penal incarceration, to acquire a "good job," and a "good boss."

The second factor contributing to the occurrence of successful institutionalization and inmate leadership by one individual is the inmate guard system itself. The guards as "official rats" fulfill many of the functions that the "rat" concept performs in other institutions, and thereby allows members of the inmate population

\textsuperscript{41}Allgood, op. cit., p. 66, makes reference to one inmate guard who, following his discharge as a felon, was employed by the prison as a "free employee guard."
to work in close cooperation with prison officials without fear of serious criticism. Still, the rat concept exists and is frequently used. Essentially it is a double-edged weapon by which inmates attempt to maintain some control of their environment, a weapon which they can direct against their own population as well as the administration. Using the concept to maintain control of one another, generally, and in situations they do not entirely comprehend and against which they do not have adequate techniques of defense and protection, they personalize the cause, attributing it to a "rat" who informed the officials. It is then possible to release aggression against a member of their own population, a display that should serve as a clear warning to other inmates. Against administration the "rat concept" becomes a devious weapon by which the inmate can gain immediate goals. For example, the gunman inmate who wishes to become a trusty may have one of his buddies report him as a "rat" to the Chief of Security or some other official. When interviewed, the so-called "rat" will claim that his life is in danger, that he cannot live on the gunman yard, and request transfer to a trusty compound. Regardless of its use the "rat concept" does not challenge administration; it is a conservative technique which aids, rather than threatens the status quo. And it is not an infrequent situation to have inmates in responsible positions combine with staff to label, as a rat, inmates who question the status quo.
CHAPTER VI

THE REHABILITATION REGIME 1950

In the early 1950's, a series of riots and self-mutilations on the part of the inmates at the Louisiana State Penitentiary initiated a protest movement that eventually led to the downfall of the old regime and the introduction of a new "rehabilitative program." It was the beginning of the end of the plantation system of profit and exploitation that had started with the emancipation of the Negro and with the lease system, and which had developed into a system composed of semi-autonomous camps run by a handful of free personnel assisted by senior inmates as guards and trusties.

These riots and heel-tendon slashings gained for the Louisiana State Penitentiary nation-wide publicity, and a reputation as "America's worst prison."\(^1\) They also became primary political issues, and one of Governor Robert Kennon's major campaign issues was to clean up Angola, take it out of politics and reorganize the state's penal and correctional system. The subsequent policy changes that occurred in the administration of the prison and the drastic physical changes in the prison plant were the direct results of the

fulfillment of these promises.

In June of 1952 Governor Kennon reached into the Federal Bureau of Prisons to hire, as Superintendent of the Louisiana State Penitentiary, Reed Cozart of the federal institution at Seagoville, Texas. Cozart accepted the position and shortly thereafter recommendations were made to the Louisiana legislature to replace the existing decentralized camp system with a single centralized prison plant in which three custodial groups could be physically separated yet integrated into a single unit. The result was that more than eight million dollars were spent in the construction of this unit during the years 1953-54. Further significant administrative re-organization resulted in the creation of a new Department of Institutions. Warden Cozart was appointed Assistant Director in Charge of Penal and Correctional Institutions. His replacement as Warden of the Angola Penitentiary finally settled on Maurice Sigler, also of the Federal Bureau of Prisons, Seagoville, whose temporary appointment of December, 1952 was extended into a permanent position which lasted until his resignation in July, 1958.

These Federal men had been trained in a highly bureaucratic system in which relations between prison officials and inmates were

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2These goals have not yet been realized. Three of the old camps are still being used at the present time; there are plans to build a new hospital in the new prison compound.

3Cozart resigned shortly thereafter and returned to the federal service.

4Sigler's replacement was Victor Walker, also of the Federal Bureau of Prisons, Seagoville, who had served as Chief of Security at Angola under Sigler.
formal and impersonal. They were accustomed to rules and regulations which covered virtually every possible situation. When they moved into Angola, they entered a Southern penitentiary characterized by familiarity and mutual cooperation between selected inmates and officials, brutality, a dominant goal of profit based on the widely accepted virtue of hard labor (does not the court sentence the felon to hard labor?), and close ties with citizens and elected officials in the immediate area as far as St. Francisville, who profited in many ways from the penitentiary and, therefore, encouraged the continuation of the policy of the old regime.

The new administration was faced with the problem of introducing policies and goals that were in conflict not only with those of the old prison administration, but also of the residents in the immediate countryside, and probably throughout the rural areas of the state wherever individuals benefited from the labor of prisoners working out of the parish jails on the parish "pea farms."\(^5\)

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\(^5\) Clarence Schrag, in Cressey (editor), _loc. cit._, p. 326, writes that, "...the role of the prison superintendent is to digest and evaluate reports from diverse sources so as to initiate and maintain policies that are successful in attaining the goals that are prescribed for the institution, namely, the cultural goals... In this way the mechanizations of prison administration are essentially related to cultural goals and objectives...the common conception of the prison as a cultural island existing in isolation from civilian norms and values is far from accurate. The same thing holds for the presumed autonomy of prison society. A significant topic for investigation, then, is the reciprocal relationship between civilian normative codes and the behavior of prison inmates and officials."
The officers of the new administration, assured of support from the officials of the state government in Baton Rouge, took no pains to hide their obvious distaste of the use of brutality as a means of maintaining discipline, the delegation of authority to inmates as guards, the granting of broad privileges to selected inmates, the lax custodial methods which not only resulted in a high rate of escape but allowed inmates to traverse freely the penal plantation and even frequently to visit in the surrounding countryside, and the providing of penitentiary labor and services to the citizens of the area. They were appalled at the archaic camp system which placed the officials and their families (who lived on the periphery of each camp) in close proximity with the inmates, allowing them to use the goods, produce, services, and labor of the camp as a means of supplementing their wages and making life more luxurious. And they correctly understood that paramount to the successful enforcement of their program would be the elimination of this camp system and the complex of accommodations which helped to maintain it.

One of the first moves was to destroy the power and authority of the inmate guard, for it was around these inmates that a large part of the system revolved. The new officials made clear their disdain of the inmate guard system, viewed it as a necessary but temporary evil, and expressed their hopes of eliminating it as quickly
as possible. In the meanwhile, they proceeded to reduce drastically the power and authority of these inmates. Farm lines and other large work crews were required to perform their duties under the direct supervision of a "free man," and the inmate guards had their activities limited to "holding a line" and preventing escape. Naturally such an arrangement depended entirely on the attitude of the supervising official and violations of this order frequently occurred until Warden Sigler began cracking down by establishing his own lines of communication which, among other things, informed him of the behavior of the guards and farm supervisors. But this point is yet to be developed. Inmates as guards supervising the camps on the night shifts and functioning as stewards, nurses, etc., were replaced as quickly as additional personnel could be employed, and when this was not possible, they performed these duties under the direct supervision of a "free employee" who was held responsible for their actions. Inmate guards were denied the right to report violations of discipline. Their recommendations for custodial and/or occupational transfers were not only ignored, but analyzed for the ulterior motives that were felt to exist. And finally, as the new prison plant arose, these inmate guards were physically isolated from the main prison population. Old Camp H was "remodeled" and more than

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6In spite of a growth in the "free personnel" force to more than four hundred employees, inmates as guards are still being used. See Chap. V.
two hundred Negro and white guards were placed in that unit. There they were required to stand count like all inmates, eat meals cooked in the central prison and carried over by truck, and from there they were daily transported to stand their twelve hour shifts of guard duty. 7

As the new prison plant arose and the "free personnel" force increased, other significant changes began to be manifested. For the first time, a true custodial force came into existence. Previously, custodial goals were subservient to occupational goals, and discipline was essentially a means whereby high work performance could be attained. As stated, little concern was given to the behavior of the inmates in their residential environment as long as such behavior did not hinder their work. Under the new regime work ceased to be the major goal and became a means whereby the ends of rehabilitation were to be attained. As Warden Sigler writes in the opening paragraph of the "General Policy of the Institution," rehabilitation was to be the primary purpose, and the chief functions were the custody, welfare and discipline of the individuals committed. 8 The problems of introducing an efficient custodial force that could maintain order and reduce escapes soon became the foremost problem.

7 Exceptions to this general condition exist, the best example being the operation of the hospital unit.

From this need the position of Chief of Security gradually increased in power and after the departure of the business manager and farm superintendent, both of whom were of the old regime's philosophy, and the occupation of the position of Chief of Security by Victor Walker, a Federal officer also of the Seagoville Institution, its power and authority became second only to that of the Warden's. The Chief of Security conducted the meetings of the Initial Classification Committee, in the absence of the Warden. He was the chairman of the Reclassification Committee. All camp captains were under his authority and directly responsible to him. Some farm crew supervisors were considered essentially custodial officers and could easily find themselves supervising a farm line one week and standing a guard shift the next.\(^9\) The hospital unit, which also served as a receiving and discharging station and therefore had the identification office, was placed under the over-all authority of a custodial captain.\(^10\) And through his authority to issue emergency transfers, the Chief of Security could effect changes in an inmate's occupation or residential status without needing the approval of a higher authority.\(^11\)

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\(^9\) This confusion of duties has been a major source of complaints; work supervisors have requested a clarification of their status.

\(^10\) This is a major source of conflict with the medical department.

\(^11\) Two men in addition to the warden had this authority: the Chief of Security and the Director of Classification. A discussion of the implications of this authority is to be found in Chapter VIII.
Methods of handling disciplinary violations were formally stated in written rules and regulations. For example, General Order No. 8 specifies:

No inmate will be placed in isolation or segregation units before being seen by the Disciplinary Board. A person who wishes to have an inmate brought before the Disciplinary Board will write a report against the inmate and send or bring the report to the Control Center; the inmate will be notified by the person writing the report that a disciplinary report is being placed against him; the inmate will then remain on his regular job assignment until he is called for by the Disciplinary Board for disposition of his case.  

Disciplinary measures were limited to confinement in isolation with a supervised diet based on minimum standards, loss of good time (generally returned to the prisoner after a period of good behavior), custody change, job change, etc. Gone were the days when the work supervisor could be his own disciplinarian, when poor work and related behavior could be quickly, brutally, and simply solved by a "whipping," and the violator immediately put back to work. The new regulations presented the officer's side of the story in a formally written report (and so many could barely write), while the inmate defended himself verbally before the Disciplinary Board. Generally, the Board felt duty bound to uphold the officer, but there have been many occasions in which the board threw out the officer's report with obvious damage to his authority and morale.

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12 Sigler, op. cit., General Order No. 8. All general orders referred to in the text are to be found in this mimeographed material.
The newly hired custodial employees were in a contradictory position. Usually they were individuals who resided in the area and had similar attitudes and identities as those possessed by the old officers. Furthermore, the new administration had yet to develop an employee training program, so the new employee was forced to lean upon an older officer, and quite frequently a senior inmate of some power, until he learned the ropes. Obviously they found it difficult to adhere to the new administration's philosophy and at the same time to gain much needed support from the old officers and the senior inmates. Thus, most of these new employees sided with the old regime, complained that the new administration was "coddling the inmates," creating a "country-club," and wasting millions of the Louisiana taxpayer's dollars by tearing down perfectly good homes, plowing up the beautiful orchards, and flower-beds, and building a monstrosity of a suburb in the country. They predicted that in twenty years the eight million dollar central prison plant would be an eight million dollar pig pen.

What resulted was that the thirty to thirty-five officers of the old regime who remained at the penitentiary (the rest either resigned or were fired) and a majority of the new employees merely met the basic demands of their jobs, and, to the best of their ability, ignored the demands of the new administration. Blackjacks were carried in the pockets of "free officers" and inmate guards; privileges were granted to selected inmates; and the officer who was accepted into the ranks of those who preferred the old way found
that varied goods, services, and products were available to supplement his basic wage. Warden Sigler, in an obvious expression of his failure to enforce his program, issued in November, 1957 (five years after his arrival), the first written rules and regulations for the Louisiana State Penitentiary, and these rules and regulations were written to define the conduct of the "free personnel," not the inmate.  

The privileges previously afforded to officials were drastically cut. For example, General Order 15, issued Nov. 1, 1957, limited the employees to but two boxes of fresh vegetables per week, and required that these must be obtained only from the Angola store. Previously, vegetables had been brought to each employee's residence by cart, very much like the vegetable hawker who rides the city streets in his horse and wagon. Orders issued Nov. 18, 1957 specified that, "Effective immediately, custom slaughtering services at the Prison Abattoir for individual employees will be discontinued. The additional work and responsibilities of keeping this meat separated from penitentiary products making it necessary to rescind the privilege..." "And effective immediately, all employees owning a horse maintained on the institutional grounds must register same with the Administrative Officer. Only one horse or one pony may be handled on the reservation, the extra animals must be removed from the premises..."

Free personnel were restricted in the aid and assistance they could offer their inmate workers. General Order 5, Nov. 1, 1957, specified that "paid employees of the institution may, under no circumstances, take individual cases outside the institution. Any recommendations for individual prisoners who have exceptional work and behavior records, should be made in writing to the Warden."

Employees were denied the right to communicate any information to outside agencies by General Order 10, paragraph 14, which states that "reports to the press and to the other public agencies will be made by the Warden....Information concerning inmates will originate through the Warden's office only."

And, an example of the administration's relations with the people of the surrounding countryside is afforded by General Order 32, which denied them entrance to the prison reservation unless accompanied by an employee. Previously these "neighbors" had had complete freedom to enter the reservation and visit employees. Since the community was relatively small, everyone was known, entrance had been permitted, on recognition, by the gate officer.

The publication of these rules and regulations defining the behavior of the "free personnel" and their families signified the almost total breakdown in communication between the office of the Warden and his supporters, and the main body of employees. Without access to these essential lines of communications, Warden Sigler was denied information on the daily activities occurring in the widely separated industrial and maintenance units, the remaining camps,
the farm crews, or, in inmate argot, "the guts of the prison."

Therefore, in order to protect his administration and successfully conduct his office he was forced to develop more and more a definite authoritarian manner. He dominated all staff and committee meetings and determined their decisions. He ignored established lines of command and delegated excessive authority to individuals who impressed him personally. (Naturally as these individuals lost his favor they not only lost the unofficial authority his support had added to their office, but also most of the respect and authority initially contained within their official functions.) He viewed established institutional policy and its supporting rules and regulations as mandatory for staff, but he reserved the right, as Warden, to change such policy. He found it necessary to be personally informed of all problems and conflicts occurring in the penitentiary. After Warden Sigler resigned, the new warden, Victor Walker, continued this interpretation of his office. Shortly thereafter, the granting of an exception to established rules and regulations determining the maximum number of correspondents an inmate is allowed, brought to a head a deep conflict between members of the Classification Department and the Associate Warden, who had been previously the Director of Classification. Warden Walker's decision that he, as warden, could issue orders effecting individual exceptions of existing rules and regulations and that these orders must be obeyed, resulted in the firing and resignation of three of the five members of the Classification Department, including the Director and Assistant Director. See Chapter VIII.

Barrington Moore, Jr., Political Power and Social Theory (Cambridge: Harvard University Press, 1958), p. 20, writes: "In the absence of rules...the supreme authority in a totalitarian system can alter policy and shift the personal instruments of his power with minimal hindrance from the organization. In this manner he can shift attachments to a particular locality or to a particular function...
Thus developed a system of informers from the ranks of staff and from the inmate population, a condition known to all and readily admitted by Warden Sigler as expressed in the following excerpt from a letter to the Superintendent of the Women's Institution, dated April 11, 1958.

It has been pointed out to me by the inmates of the Women's Institution that you have taken women directly from their confinement cells to the visiting room where their families were waiting, without first allowing them to bathe and change clothing. If we have no concern for the feelings of the inmate, we must consider their families. The visit has two primary purposes. First, is that, as much as possible, we operate our business in such a manner that when our guests leave with a sense of satisfaction that their people are being properly cared for. These people are taxpayers. They are entitled to the same considerations as any other visitor on the institutional grounds. Never forget, most of our best public relation work is done within the confines of the institution, as our visitors, many of whom are highly respected in their various communities, go home and tell their neighbors and friends how we are conducting the affairs of the prison.\(^\text{16}\)

A circle was admittedly completed; the new administration, like the old, was forced to depend upon inmates but the cast of

\(^{16}\)Letter of Warden Sigler to the Superintendent of the Women's Institution, April 11, 1958. She denied these accusations, made by inmates and unquestioningly accepted by the warden.
characters and the stage and range of their performances grossly changed. Sigler, in rejecting the inmate guard and the senior trusty, was forced to select his inmate supporters from a qualitatively different class of inmates; and in destroying the old camp system which allowed a wide range of privileges within the residential environment, he was forced to develop a new set of privileges consistent with the centralized prison plant, its regimentation, and the rehabilitative program.

He found his most important supporters from an inmate population which had no identities with the provincial, semi-literate custodial officer: the narcotic offender. Narcotic offenders became an important class of inmates in the penitentiary following the end of World War II when the rate of their incarceration grew from an average pre-War admission rate of less than 10 yearly to a post-War yearly rate of approximately 100. In addition, these inmates, due to Legislative Acts 30 of 1951 and 429 of 1952 received very heavy penalties and were denied parole consideration. Due to the personal decision of Governor Earl K. Long, they could not receive pardon board clemency; all pardon board recommendations were ignored by Governor Long and it is doubtful that more than one narcotic violator received clemency during his administration.

The vast percentage of these narcotic violators were from the urban center of New Orleans, and they manifested a false cosmopolitanism based on their urban background; they were the "hipsters" who desired to live "the sweet life" and enjoy the esoteric
kicks they received from their "junk." To the custodial officer their crime was incomprehensible, their mannerisms distasteful, and their attitudes and interests a major barrier to communication. These inmates were denied participation in the ultimate privileges of clemency and early release, and had difficulties in sharing in the immediate privileges provided by the custodial officers. They were the "have nots" who willingly and eagerly sided with the new administration.

The male narcotic offenders established a direct line of communication with the warden through the position of Secretary of the Inmate Council. This inmate was mature in years, a multiple offender sentenced to Life as a habitual, which under the narcotic acts denied him parole and left the only possibility of a release to the favorable recommendations of the pardon board and the Governor's signature. He was an intelligent man who performed the complex duties of his difficult position with a quiet dignity and a politician's cleverness that made him many friends and few enemies. Following the resignation of Warden Sigler, the dire predictions that he would have to suffer for being Sigler's man not only did not materialize, but the man attained the profitable position of the manager of the inmate store.

His duties as Secretary of the Inmate Council were considered full-time and were his only assignment. One requirement was a daily conference with the Warden, in which the two of them, in private, discussed the numerous problems he brought from the inmate population.
For example, an inmate who had difficulties while working on the farm in a "long line" and knew he was to receive a disciplinary report, could present his side to the Inmate Council Secretary at the end of the day, and know that the following day such information would be communicated to the Warden. In comparison, a "free official" experiencing difficulties was required to go first to his supervisor informing him of the problem and request that it be communicated through the Department Head and the Division Chief to the Warden. The possibility that it never reached the warden's ears was great. Some officials in opposition to the warden and his program, would not tell him anything; others, who supported his program, judged what the warden should know and screened the information he received.

The reliability of the Secretary of the Inmate Council in communicating information became so well known that "free officials" used him in reaching the warden. One excellent example was the manner in which an Admission-Orientation center was created in one of the old camps. In achieving this unit, the Assistant Director of Classification, and other members of his department, after months of futile discussion with their Director and convinced that the warden was not being informed of their ideas, used the Secretary of the Inmate Council and the female inmate Secretary to the Warden to favorably convey to him their plans. The result was that the warden met privately with these men, approved their ideas and promised to open an Admission-Orientation Unit in spite of the Director's opposition.
A most influential inmate in the penitentiary was an intelligent young woman sentenced as a narcotic offender, who served as the warden's personal secretary. The practice of using inmates as secretaries dates back to the "old regime" when senior inmates who were guards or responsible trusties were used as clerks and secretaries. Sigler replaced all of these male inmate secretaries with female inmates, it was claimed in order to weaken and destroy the power of the remaining members of the old regime.\(^{17}\) Previously the women had been restricted to such non-clerical jobs as seamstress, washing, ironing, etc., within the confines of their camp.

As the warden's private secretary, this inmate handled all of his correspondence, kept his appointments, attended staff meetings as the stenographer taking the minutes in shorthand, maintained his files, and like all good private secretaries, protected her boss from the numerous invasions of his privacy and time. In effect she was what over-worked administrators highly value: an intelligent, efficient secretary who made it her business to learn every detail of the office, who assumed on her own initiative responsibilities and details of work which previously had tied her boss to his desk.

Sigler explained his continued use of her in spite of aggressive opposition as follows:

\(^{17}\) A business manager who had been with the penitentiary nine years gave this move -- which he claims Sigler put into effect while he was on vacation and could not oppose it -- as one of the reasons for his eventual transfer from the institution.
I had inmate male secretaries when I came to Angola. When we moved into the new administration building and could not hire men for the work we employed the wives of employees and trained them. The decision was made to use women inmates instead of men. During this time I had two paid secretaries, wives of employees, who had to resign for personal reasons. This girl was brought into my office as a temporary measure until I could employ a civilian. I was unable to find a secretary through civil service and after a few months I did not try as this girl had proved to be so proficient I did not want to change. This girl was kept in the position in which she was placed because of her ability to do the job and her willingness to apply herself in self-improvement. She earned her way.18

Naturally resentment against Sigler existed for placing the skills and abilities of a female inmate above those of the wives of the free personnel who were available as secretaries. The girl was in the contradictory roles of an inmate and a representative of the warden as his secretary. Frequent complaints were made by officers that they wouldn't try to see the warden because they had "to go through that bitch." And, as frequently, specific orders issued by the warden and transmitted verbally, by telephone, and by his inmate secretary, would be ignored with the common remark, "I'm not taking any orders from her."

Her background as a narcotic addict from New Orleans was further blackened by the stories of her previous occupation as a stripper and the rumors that her "fall partner" was her mulatto lover which, if true, meant that she could have been charged with

18 Morning Advocate, Baton Rouge, La., July 30, 1958, p. 5-A.
the crime of miscegenation in addition to her narcotic crimes. She had nothing in common with the prejudiced "red-neck" farmers and French speaking "cajuns" who made up the bulk of the custodial force. As she gained the warden's admiration through the excellent performance of her secretarial duties and her position as an Inmate Councilwoman, she strove to broaden his thinking, to develop in him an understanding and tolerance of deviant behavior, especially the behavior of narcotic addicts. To the degree she succeeded she increased the warden's growing isolation from his personnel.

Through her activities, and those of the Secretary of the Inmate Council, that organization became one of the most important sources of inmate influence and power. The inmate council, with the support of the administration, became a major channel of communication. Through the medium of inmate council meetings, inmates could make requests for expansion of immediate privileges, criticize specific departments and the manner in which they carried out their duties with respect to the inmate population and expose points of controversy between segments of the inmate population and staff which could lead to conflict. For example, an expansion of immediate privileges was made and granted in the Inmate Council meeting of September, 1957, in which the council asked as "the first item for consideration a request for later rapdown on Saturday nights... We are unable to ask for a definite period of extension as the late movie varies in length, but the representatives advise that
should a flexible rapdown be approved for this particular night, the privilege would be treated with proper respect." 19

The council in a meeting July 25, 1957, struck sharply at the custodial officers and the manner in which they used their main official means to insure discipline - the Disciplinary Report.

An item of extremely delicate nature but one considered of major importance concerning this recent epidemic of Disciplinary Reports which are entered into inmate personal files. It was pointed out that all parole violators wishing restoration of good time on sentence served before release on parole must have maintained a perfect conduct record since return to this institution. These disciplinary reports are of great detriment to the inmate applying for consideration to the Pardon or Parole Board, even if no action is taken and it is considered a "meat ball rap." The council requested that the Warden perhaps speak to those civilian employees not familiar with the damage such a report might do and ask that the offender be first warned or counciled before a report is written. 20

Obviously, the point of this complaint is to bring into line an officer who is "shooting the inmates" with disciplinary reports for each violation he sees. The remarks that they have an effect on the Pardon and Parole Boards even when the Disciplinary Committee rejects them as false, or "meat ball raps," is invalid. The Council by its tone and content, conveyed to the employee that the warden would disapprove of these reports, and that he had better change his

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19 Minutes of the Inmate Council Meeting, Women's Institution, September, 1957 (mimeographed).

attitude. Clearly there is no hint that the inmate may be at fault and all responsibility is shifted to the administration and its personnel.

An interesting comparison of focusing the blame is the Inmate Council report of September, 1957, under Sigler's administration and one of November, 1960, under Walker's administration. Each report is concerned with the problem of food handling and cleanliness. The 1957 report complains of human hairs found in the food, and asks the administration to purchase necessary head covering to prevent continued occurrence. The 1960 report does not specify individual conditions of uncleanliness, but suggests to the administration that it set up, as the routine duties of the medical department, a daily check of the inmates reporting to work as food handlers, and that those who report with colds, sores, etc., or who are dirty in appearance be either temporarily or permanently assigned to other jobs. The implications are obvious: the 1960 report recognizes that cleanliness is an individual responsibility and approaches the solution on this basis. The 1957 perspective is that it is the administration's fault in that adequate equipment was not supplied. 21

21 Another example of the 1960 report is of interest in that it indicates the manner in which the council came then to handle critical problems. In a request that cuts to the core of discrimination in the penitentiary, the council requested that "colored inmates be given an opportunity to earn back lost good time, such as is provided by the donation of blood to the Hemophilia Society." The problem is actually understated, but what is of greater importance, the problem is no longer an individual and frequently petty complaint; it is a broad condition of discrimination which affects all Negro inmates. See Minutes of the Inmate Council Meeting, November, 1960 (mimeographed).
It is significant to note that with the exception of the inmate guard population, the Inmate Council represents and speaks for the entire inmate population. The Council not only cuts across the custodial divisions of trusty, "big stripe," maximum and close, but functions to weld together into a cohesive unit the entire inmate population and to create similar, if not identical, conditions of deprivation and privilege.

Under the new administration a strong movement developed toward the equilization of treatment and privileges for the minimum (trusty) and medium (big stripe) custodial classes. As previously described, under the old system treatment and privileges differed vastly for each class; trusties were better treated and afforded a wide range of official privileges and these were held up as incentives for behavior desired by the officials. The new administration considered this practice as discriminatory and attempted to provide equal treatment and privileges for trusty and "big stripe" inmates. The administration argued that regardless of a man's past criminal behavior, he was to be given the same rights and privileges, within the limitations of the custodial class to which he was classified. His classification was to be based on objective factors indicating the probability of attempting escape, and this was to be the only important factor determining whether he would be assigned to medium or minimum custody. Essential to the philosophy of the new administration was the premise that men were sentenced "as punishment, not for punishment" and they defined the denial of or removal of
privileges as a form of punishment. Therefore, it was limited to those inmates who provided trouble within the institution, and these were sent to the maximum cell block yard, or to isolation in the "Control Cells Restricted" tier.

The new administration provided virtually identical residential conditions in the new prison plant for medium and minimum custodies. Each custody group had identical living quarters containing approximately sixty men, with a TV and lounging room at the end of, but separated from, the sleeping section. Each had a large yard area in which baseball, softball, basketball, track, boxing, weight-lifting, etc., were daily leisure-time activities. The only major differences between the two custodies were: (1) the medium yard was fenced in and had a number of gun towers surrounding it, and (2) the medium custody inmates were limited to jobs within this -- or a similar -- protective enclosure, and, therefore, denied employment on a number of maintenance crews that traversed the prison plantation virtually without supervision, although even here exceptions were found.22

22Since most of the privileges were built into the activities occurring within the new prison plant, the trusty Negroes residing in the old camps were largely denied them. Also the inmate guard -- who once had privileges equal to the civilian officer -- now found himself denied participation in the educational programs, Dale Carnegie activities, and Christmas programs, unable to get recreational equipment, required to receive his visitors in the same room with other inmates with the strong probability of verbal insults being directed at him in front of his visitors, etc.
In the new prison plant the residential environment, combined with its after-working-hours educational and self-help programs, became the main means through which official privileges were gained. Under the old regime the residential environment provided the main area in which unofficial and illegal privileges existed. Now the conditions became reversed, occupational sites became the main area in which the individual official could create his own personal system of unofficial privileges. Inmates at relatively isolated occupational sites did their own cooking, padded their work forces allowing each inmate to spend part of the work day in activities for his own profit, such as leather work, automotive repair, etc., secured items of value for trade or sale with other inmates and sometimes with "free personnel." Profitable and efficient work was still of great importance to the individual work supervisor and to the business manager, but it was no longer the major goal of the administration. The work supervisor was content to have a satisfied work crew that could and would meet deadlines when necessary. Thus, the work environments were built around a core of a few skilled and capable inmate workers and padded with a number of their "buddies" whom they carried.

Due to the similarity of privileges for the medium and minimum custodies, there was not only a marked absence of incentives for medium custody inmates to seek minimum status, but there actually developed an opposition on the part of many medium custody inmates to transfer to the minimum yard. Part of this opposition
was due to the heterogeneous composition of the minimum yard population. For example, one dormitory was mainly composed of young first offenders, with short sentences awaiting transfer to the Louisiana Correctional and Industrial School; another was mainly populated by ex-inmate guards, "rats," elderly chronics, etc. The trusties had significantly shorter periods of time left to serve and, therefore, their dormitory units were in a continual state of change. The medium custody inmate was a medium custody inmate because he was serving a relatively long sentence, and he impressed the classification officers and members of the Initial Classification Committee with definite criminal identifications. These inmates, living on the medium yard with other men of similar criminal identifications, felt more confident that they could control the conditions of their environment. Their opposition was not to being trusties; one inmate wangled the status of trusty and also preserved the right to live on the "big stripe" yard, a situation many others desired. Their opposition was to living with the trusty population. This led to a number of difficulties. The lack of a sufficient number of trusty farm lines to perform the needed farm labor resulted in the continued use of medium custody inmates on the farm and the continued need for inmate guards. 23 The absence of an adequate number of

23Recently the Associate Warden in Charge of Custody and Treatment informed this writer of plans to correct this problem. It was to be proposed that the Legislature amend the "good time" laws, allowing more good time for inmates in the minimum (trusty) custodial class. With this privilege as an incentive, it was felt that more inmates would seek to become trusties, allowing the administration to man its farm lines with trusty inmates and thereby eliminate the inmate guard system.
skilled inmates for skilled jobs motivated the administration to use medium custody inmates in jobs in which they would have freedoms reserved for trusties. An example of this was the assignment of two "big stripe" inmates to Warden Walker's office when he was Chief of Security. These men eventually took advantage of the trust placed in them, and working late one night, without supervision, as they frequently had to do to keep up with the heavy work load, they simply ran off the reservation and swam the Mississippi, only to be caught when they stopped to build a fire and dry their wet clothes.

The new administration had the problem of destroying an old regime and replacing it with a rehabilitative program. It failed to do both and, succeeding only in destroying the one, it was faced with problems that were in many ways more difficult to overcome than was the old regime of brutality. The breakdown in the morale of the "free employees" and their growing sense of insecurity were basic to their accusations which after a time led to the resignation of Warden Sigler. Warden Walker's acts, which have in no way undermined the rehabilitative philosophy, clearly show that the supporters of the profit and patronage goals have not yet returned to power. Rather, Walker has begun the first steps to create an administration with the support of its staff and yet pursue the still vague and indefinite rehabilitative goals. Walker, with exceptions, has avoided authoritarian rule and has preferred to allow his subordinates to assume authority and responsibility. He has refused to have an inmate secretary in the Warden's office, and has carried on with the assistance
of a civilian employee. He conducts the meeting of the Inmate Council with his staff, and avoids all private discussions with these representatives. Through the activities of the Classification Department he has begun a survey of all departments to determine the number of inmate personnel required by each, and has set up machinery to fill each vacancy as it comes into existence. He has tried to rebuild the lines of communication between his office and lower staff positions, and frequently visits, as a questioning observer, the shops, industries, offices, etc. within the penitentiary. In this area exist major weaknesses for he has inherited, and has yet to overcome, the reluctance on the part of officers to communicate the problems they have, for the same supervisors who refused to communicate under Sigler remain. His major weakness is in regard to the overall goals of the institution, i.e., the rehabilitative program and the inmate. Here he has yet to translate into a clear program the vague social service concept of treatment and rehabilitation that dominated the Sigler administration. It is an approach by which the administration views rehabilitation as a system of available services: educational, recreational, religious, counselling, etc., through which the inmate can gain help to help himself.24 In practice, it quite often becomes a situation in which

24 In his introduction to the volume, The Prison, Cressey refers to social welfare activity as one of the principal areas of official activity. He writes (p. 5): "There are three principal sections in this division of labor -- a hierarchy of custodial ranks, an industrial hierarchy, and a social welfare agency -- and they are devoted to keeping inmates, using inmates, and serving inmates." (Italics
each service competes with the other and actively solicits the inmate's interest, and measures success in terms of the numbers of inmates enrolled in their activities. The education department of the Louisiana State Penitentiary gives us an excellent example for, in compiling its statistics it includes in its programs many men who work in the industries, shops, and offices as "trainees," and can then total an average of between 700 and 800 men enrolled in school.

The administration has not yet attempted to integrate the wide range and variety of custodial and occupational conditions, the numerous "services" provided, the rules and regulations, the variety of immediate privileges, and those of ultimate privileges into a coherent system of readily perceived goals by which the inmate could, through appropriate behavior and manifested self-improvement, achieve a larger and larger share in the existing privileges of the system; this approach avoids any attempt to create significant classes of inmates based on characteristics determined by such

Cressey's). As we have previously noted, such a division of labor was nonexistent under the old regime at Angola. Service agencies did not exist and the functions of custody were subservient to occupational functions and generally combined in the single position of supervisor. Under the new administration such a division of labor came into existence with a major emphasis on custodial problems.

25 Don C. Gibbons and Donald L. Garrity in "Some Suggestions for the Development of Etiological and Treatment Theory in Criminology," Social Forces, XXXVIII (1958), 51-58, list a number of inadequacies in treatment programs all of which are applicable to Angola.
diagnostic methods as testing and interviewing. Rather, it places the inmate into positions determined by the unique conditions of the penal environment, and gives him the opportunity to move from those positions of least privilege and greatest deprivation to those of greatest privilege and least deprivation according to his overt performance and manifested abilities. This suggestion to deny a man privileges simply because he might insist on manifesting values and attitudes that differ with those of the penal administration, smacks of a totalitarian approach and direct violation of the basic rights of man, but, since the penal system deals directly with individuals who by their actions have forfeited these rights, it could be a fruitful way to modify behavior and shift the affective attachments of the inmates.

Schrag recently pointed out that the "reorganization of attitudes and modification of affective attachments to objects and persons in the social environment are generally viewed as personal issues over which prison policies have little control. The possibility of redefining the roles and changing the social positions of inmates by means of administrative procedures receives relatively little consideration." 26 This is correct, little or no official consideration is given to influencing the attitudes and attachments of the inmate, but a great deal of unofficial consideration is given

through the medium of privileges and deprivations. Unfortunately, a major share of these now originate in the "inmate social system," and, therefore, the new inmate is motivated to shift his attachments in the direction of inmate approval rather than official approval. If the prison administration would recognize that the penal environment motivates most inmates toward achievement, and then set before them a series of goals and the approved means by which these goals can be achieved, attaching to each achievement greater and broader privileges, they might create behavior patterns and a way of striving for available immediate goals through approved means which could have a carry-over into civilian life when the inmate is released.
CHAPTER VII

YOUTHS

We have stated in previous chapters that successful adjustment to a penal environment basically implies participation in a system of privileges.¹ The privilege system is tightly interwoven, the loss of one generally affecting others. For example, disciplinary reports received for misbehavior performed in the dormitory unit could easily result in temporary isolation, change of living quarters, loss of employment, assignment to the farm line, loss of good time, etc. Similarly, successful participation in a privileged activity may also result in improvements in other areas. For example, the previously rebellious inmate who is elected as an inmate councilman and handles his position with judgment and tact, will frequently find opportunities for a better job, reinstatement of lost good time, and other privileges again open to him. It is this system of privileges and deprivations, rather than a structured inmate social system, as Korn and McCorkle claim, from which there is virtually no escape except withdrawal. All of those who do not psychologically withdraw

from this reality, recognize its existence and to one degree or another share in its available privileges and experience its deprivations.2

While there are no escapes from the rewards and punishments of the system, neither is there assurance that desire to participate is sufficient. Positions of privilege are differentially distributed throughout the inmate population according to such factors as race, age, crime, length of sentence, criminal skills and associates, occupational experience and skills, etc., and according to the historical background and the unique situational requirements of the specific institution.

Since the privilege system assures both immediate rewards in the form of better jobs, recognition and status, and is also directly related to the long-range, ultimate goal of discharge from the penitentiary through clemency agencies or the Warden's use of good-time laws, it can be safely assumed that virtually all inmates are motivated to participate in either the immediate privileges available or the ultimate ones of early release, or both.3

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2Korn and McCorkle, Criminology and Penology, p. 523, state that: "The most obvious characteristic of the inmate social system is the absence of escape routes from it. The offender is not only incarcerated in a physical prison without exit; he is also enmeshed in a human environment and a pattern of usages from which the only escape is psychological withdrawal."

3Exceptions can be found. For example, the inmate in a rebellious period, especially younger men who have relatively short sentences, may reject both the immediate privileges as well as the ultimate ones. "Bucking" the system, they take pride in "doing their time flat" and receive all punishments with a statement, "They can't eat me alive."
level of motivation will understandably vary according to a complex combination of expectations of, and needs for, successful participation in the system, but it is to be expected that nearly all will desire to achieve participation in the privileges especially those related to occupational activities due to the existence of oppressive farm labor. The inmate, therefore, is to be expected to adapt his behavior as he perceives the conditions successful achievement require.

As has been noted in previous chapters, the Louisiana State Penitentiary inherits the influence of two major orientations: (a) economic, in which the main goal of the institution is the efficient and profitable production of farm goods; (b) rehabilitative, in which the goal is the resocialization of its inmate population.

While the two goals need not be mutually exclusive, each tends to develop a system of privileges based on grossly different characteristics: one on occupational skills, productive labor, permanence of employment, etc., the other on rehabilitative "potential" as indicated background, age, quality of criminal identification, etc.

The two orientations differ in another extremely important area, that is in the means and ends involved. The economic area is immediate, tangible, measureable; the rehabilitative is indefinite, vague,

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*Inmates of rural background, especially Negroes, whose expectations may not rise above farm labor will relate privileges to varying types of farm work; plowing mules, driving tractors, punching cows, milking, etc., will be the privileged farm jobs.*
intangible, probable. Economic activity becomes that which the institution actually does and can claim credit for; rehabilitation is that which it hopes to do, pretends it does, or says it does. The two orientations provide a context in which the inmates and prison officials carry out their daily activities, and it is from this perspective that we discuss the adjustment of young, white, first offenders to the penal environment.

The premium placed on occupational activities is still an important factor in Angola's environment. Prison officials use inmate labor in virtually every area of activity and gradually come to depend upon them for efficient production. While this dependency is most intense on the lower staff level, where interaction daily takes place, the administrative staff understands that a department needs skilled inmates. As a result, inmates with proven occupational skills are generally assured a job, regardless of age, crime, offender class, length of sentence, or social background.\(^5\) This provides status and an opportunity to dispense privileges and rewards. For those who are unable to convince or prove to the prison officials that they are skilled and can handle a job, there is the plantation which requires farm laborers in the fields to hoe, ditch, plant, cultivate, and harvest.

\(^5\)There are exceptions, the most important being race. Negroes are generally excluded from such jobs as auto mechanic, electrician and clerk typist. When an employer needs a skilled worker and can't find him among the white inmates, he will accept a Negro. The best example known to the writer is a Negro multiple offender, who was a surgical nurse to the medical officer.
Non-farm employment, then, becomes an important measure of status, and such jobs are diligently pursued. Unlike other penitentiaries where a "control center" job is equated with being a "rat," and is avoided by the inmate who is a "right guy," no such label exists for any jobs within the Louisiana State Penitentiary environment, except the officially recognized role of "inmate guard." Inmates use a variety of methods in their attempts to secure a non-farm job: buddies who have jobs are pressured to convince their bosses that another man is needed and they have the best man for the job. Newly admitted inmates lie or exaggerate their prior occupational skills and experience in order to be immediately assigned or "back-logged" for a job by the initial classification committee. Rumors persist that jobs can be bought from inmate-clerks who handle files and records of the inmates in the control center. When these methods fail, inmates try to enter the academic and vocational programs, the Dale Carnegie classes, etc., as a means of advancing themselves out of the ranks of farm hands.

6See Sykes, The Society of Captives, Chap. V.

7This fact may account for the statistics of the Department of Institutions which lists more than 65 percent of the white male inmates as "skilled," i.e., operative, craftsman foreman, clerical, sales, professional and managerial. See Louisiana Department of Institutions, Annual Statistical Reports, 1955-59.

8The fact that inmates "doctored" the records and released men prior to their discharge dates during 1956 and 1957 supports these rumors.
The tenacious and insistent pursuit of non-farm employment mirrors the advantages attached to it. The inmate who successfully meets the requirements and responsibilities of a skilled and important job and proves by his performance that he is capable of meeting responsibility, of being stable, hardworking and industrious is graded accordingly on his official record which is reviewed by the clemency agencies. As he continues to perform his duties successfully, his immediate work supervisor gradually ceases to view him as a "convict" and begins to look at him from the perspective of his contribution to the immediate work situation. This usually results in qualitative changes in their relationship. The inmate, in effect, becomes a desirable employee and is afforded protection. Within the "inmate social system" he becomes an important link in the complex of accommodations and communications that comprise the penal environment. He is the truck driver who can carry messages, the butcher who can provide steaks and knives, the clerk who can copy records, the dental technician who can make new plates, provide pills, issue temporary no-duty slips, the typist who can rephrase a word here or change a thought there in one's case history or progress report. He becomes an inmate of importance and prestige.  

9 In the literature this type of inmate is generally referred to as a "politician" as apart from a "leader." The term "leader" is a difficult one, because the inmate social system is composed of numerous small cliques, each with its own leader.
Since the whole fabric of the institutional milieu is colored by the importance of occupational activity, it is not surprising to find that extremely young felons are placed at a marked disadvantage and find many obstacles to "successful" participation in occupational privileges in spite of the rehabilitation philosophy and orientation of the administration and its emphasis on youth.

Data for this chapter were acquired from two separate populations of young, white, first offenders who were incarcerated in the Louisiana State Penitentiary shortly before the opening of the Louisiana Correctional and Industrial School (LCIS) at De Quincy, Louisiana.

One population comprised of sixty literate youths who were eligible for transfer to LCIS and would most likely be given consideration. We reviewed the official records of these youths to determine the quality of their adjustment, that is, the number and types of disciplinary reports and their job assignments, and then interviewed them concerning the possibility of their being transferred to LCIS. As it is pointed out in the text, all youths, with the exception of two, desired transfer. They expressed their reasons in terms of conflict with older inmates: "We can do our time better among guys our own age"; "There will be more jobs and we will have a better chance for them." The difficulties they faced in the competition for status led these youths to express a desire to transfer to LCIS.
The second population was composed of 52 youths, aged 17 and 18, which was the total number in that age range admitted to the Louisiana State Penitentiary during the fiscal year 1957-58. All were first offenders, but two were found to be juveniles, illegally incarcerated and subsequently returned to the courts; they are, therefore, excluded from this population.

The employment histories and occupational skills of these seventeen and eighteen year olds of highly mobile, broken families of lower socio-economic status, are usually nil. Only three of the youths interviewed could claim any semblance of an occupational skill. Ten youths gave references to vocational training, but had not secured employment in the area in which they were trained. Furthermore, because of their age, these youths found it extremely difficult to convince the members of the initial classification committee that they had had lengthy employment experience and had gained employment skills.

Their replies to questions raised by members of the initial classification committee, became a monotonous affirmation of negation: no skills, no training, no experience, and above all no interests. Accordingly their job assignments became a repetition

10 Most case histories contain a section on occupational history and vocational training, based on questionnaires sent to prior employers and institutions in an attempt to verify the inmate's claims. Furthermore, the family questionnaire contains a section on employment history. To determine vocational interest, questions of the nature "What have you always wanted to become?", "What did your parents encourage you to grow up to be?", "What type of work do you like best?", "What would you like to do here in the penitentiary?", were asked in
of "farm-no backlog, farm-no backlog." Only two youths were assigned directly to existing jobs: one as a mechanic in Auto Service and Repair, and the second as a clerk-typist. Three youth's assignments were directly affected by their medical history: due to an arrested case of tuberculosis and epilepsy, two were made dormitory orderlies, and a history of sleep-walking decided the assignment of the third youth to farm labor and an individual cell in the maximum security compound. The forty-five remaining youths were all assigned to farm crews, but six were promised eventual relief by being "back'logged" for half-a-day schooling and dining-room employment, and subsequently others with relatively long sentences worked their way into non-farm jobs.

Our randomly selected population experienced a similar exclusion from the "employment privileges" available in the institution, and made this fact one of their basic reasons for desiring transfer to LCIS. Only six youths from this population were assigned non-farm jobs. One of the six was directly assigned a position of clerk-typist in the classification department on the basis of military

the admission-orientation period; and the Thurstone Interest Schedule was administered. What is important for our study is not the validity of the conclusions drawn in the case histories and communicated to the members of the initial classification committee, but that these judgments and conclusions were considered valid and used in deciding job assignments and outlining "treatment" programs.

He became one of the writer's clerks. The assignment was based on high school typing, military clerk duties, and a sentimental plea on the part of the chaplain.
clerical skills, test performance, etc. His family and young wife took an active interest in him and their lengthy letters to the warden and classification department unquestionably influenced his assignment. The remaining five "worked" their way into their jobs. Two with previous experience and training in auto service and repair work, enrolled in the educational program and were eventually placed in Auto Service and Repair as "trainees." Three acquired jobs as file clerks even though their case histories gave no indication of interest or experience in that area. One of these three was a narcotic offender, sentenced to five years; he received his "privileged job" after fifteen months on the farm line and two disciplinary reports. The other two were burglars serving four and six years, respectively; each had the reputation of being a homosexual, neither had received disciplinary reports, and both had achieved their jobs within six months of their incarceration. 12

Obviously assignment to a privileged job is determined by many factors in addition to proven skills, attitudes, and interests, but it can be shown that the most consistent factor determining participation in the privilege system is length of time of incarceration.

Time, Youth and Incarceration

When one enters a penal institution, judgment is passed on him according to the manner in which he reacts. Under the "old

12The fact that the inmate teacher responsible for administering typing tests and teaching a typing course was also known as homosexual may have had some influence on these assignments.
order" that existed a few years ago, the process of admission was brutal and direct: a shaven head, identifying "big stripe" clothing, and immediate assignment, generally within a week of his arrival, to a farm-line guarded and "pushed" by inmate guards. Working at a job generally unfamiliar and after months of idleness in a jail, the new inmate was forced to measure his performance and himself against the work-hardened cons and intractable inmates who made strength, toughness and the ability to take it, be it hard work, the "bat" or the "hole," a measure of convict manhood. Pushed and ridden by the inmate guard line pusher, pulled and jeered by the pace-setting cons of No. 1 hoe squad, the "fish" either fought back and proved himself, buckled under and became an object to be misused, or "played it cool" and avoided conflict as best as possible.

Under the present existing system the same goals are more subtly, less brutally, and less consistently approached. The shaven head is replaced with a hair cut, big-stripe clothing with pin stripes, and trial by labor, while not entirely eliminated, has been postponed until the four weeks of testing, interviewing and orientation are over. It has also been minimized by the removal of inmate guards as line pushers, and a lowering of morale of the farm supervisors to where high production has ceased to be a primary goal.

13 This is less true for the Negro whose treatment contains more elements of the old system, than for the white.
Still the pattern is similar. The pattern is that of testing a man, making him prove himself before he is given a responsible job, or, to a lesser degree, allowed to be placed in the responsible custody class of trusty.\textsuperscript{14} Prison officials of all staff levels frequently articulate the value of hard work. The expression "Give him a taste of the line and he'll appreciate a good job when he gets one" is frequently heard at classification committee meetings as well as from work supervisors who have had bad experiences with inmates assigned to their crews without "a taste of the long line." The work supervisor and the custodial officer want to be sure that the inmate placed in a responsible job has learned "how to do time," and for this he needs enough time to train and observe him.

Corresponding to the difficulties the youths encounter in achieving a legitimate status within the official prison system, are the difficulties they experience when they attempt to achieve status within the "inmate social system."\textsuperscript{15} Performing predominately unskilled and relatively petty crimes against property as individuals

\textsuperscript{14}Custody assignment under the present system is generally determined by probability of attempting to escape. This is measured by length of sentence. Under the "old order" minimum custody was more a part of the privilege system.

\textsuperscript{15}Since the opening of the Louisiana Correctional and Industrial School this issue has become a point of controversy between the administrators of the two institutions. The LCIS officials generally refuse to take a youth whose sentence is "too short to allow him to benefit from the program" and the Angola officials insist that his age and first offender class require that he be given the advantage of LCIS and "protected" from the Angola environment.
or in small groups of twos and threes, they cannot use these crimes as a basis upon which to build or claim a criminal reputation. Being limited in their criminal associations to a "sub-culture" circumscribed by peers of similar age and background, they cannot enhance their reputations by "name dropping," by inferring association with known and respected hoodlums. 16

Inmates who participate in the privilege system by holding responsible jobs have excellent reasons of their own to oppose the assignment of a "fish," especially if he is an extremely young first offender, to a crew within their work environment. Youthfulness itself is frequently a source of trouble, of "heat." The predatory element within the work environment may come into violent conflict over him, or with him, causing serious trouble for all inmates assigned in the unit. Whereas, if the youth is initially assigned to a farm crew, such conflict could be resolved deep in the sugar cane rows of the fields and by the time the youth is reassigned, his success or failure in protecting his manhood would be known.

Young "fish" who are assigned to privileged jobs on admission to the penitentiary are also suspect because the very fact of their assignment indicates that the prison officials perceive them in a positive framework, i.e., limited criminal identifications, attitudes and associations, high potential for rehabilitation, etc.

16 An exception, unique to Louisiana State Penitentiary, is narcotic violators. The two teen-age narcotic violators were accepted into the inmate social system. The fact that narcotic criminals have a position of high status is unique to Louisiana State Penitentiary.
Such inmates are considered a danger to the existing illegal activities occurring within the work environment. It is impossible for them not to observe such activities, and since they were only recently incarcerated, their introduction into the penal system is still deficient and their behavior unpredictable. Such youths require tactful and subtle handling until they are successfully frightened into silence, or their identifications and allegiances with the inmate world established.

But even when this is accomplished, these youths are still a source of trouble. The frightened youth still knows of the illegal activities, and there exists the possibility that he can be frightened by the prison officials and forced to "rat." The youth who develops convict attitudes and identifications seldom has the sophistication to hide his changing identification, frequently feels it necessary to show or prove his new status, resulting in trouble for himself and possibly others in the work area.

Such problems are generally avoided when the youth serves his first months of incarceration on the fam line. Those who show themselves to be weak and frightened inmates seldom are given an opportunity to learn of the important existing illegal activities of the inmate system. Some, who because of their fears, are misused and become institutional homosexuals, may eventually learn of these illegal activities, but by the time this occurs their self-identification as convicts has generally been established. Many youths, who expect to be released in a relatively short period of time,
attempt to withdraw from competition for privileges and at the same time successfully avoid any label that would identify them as an object of misuse and possibly force them to seek protection. Some, but only a few, may achieve the status of inmate guard.  

Those young "fish" who diligently pursue the status of a "right guy," a "real convict," during their first months of incarceration, and who are working on the farm line, can do so knowing that all they have to fear is a few days in the "hole" (a vacation) and the loss of a little "Good time," which is generally restored as his behavior improves. Their "messing up" on the farm line threatens the privileged job of no other inmate; he, as an individual, will suffer for not performing his work, or for destroying state property by throwing tomatoes or cutting down the cotton stalks, and the potential rewards of being accepted by the other inmates as a "regular guy" far outweigh the temporary pains of isolation.

Furthermore, the "messing up" of young inmates during their first months of incarceration is understandable to the prison officials and considered normal by the members of the board of parole. It is considered a normal pattern of adjustment and quite often one can point out, with admiration, that the youth stood up and protected

17 See Chapter V on the inmate guard which explains why youth are seldom placed in this position.

18 By "messing up" I refer to relatively minor disciplinary reports. Reports of overt homosexuality, escape, attacking an official will make it very difficult for him to get a job or receive favorable clemency consideration.
himself like a man. Thus, once his behavior begins to improve, and established inmates begin to speak for him to their supervisors, he finds the opportunities of participating in the immediate rewards of the privilege system available to him. And he also knows that when he is considered by the board of parole or the pardon board, his minor disciplinary reports during the initial months of his incarceration will have little effect on their thinking and that they will be offset by his subsequent record showing successful performance on a responsible job.

Therefore, the sequence of "fish," intractable "long liner," and finally a superficially adjusted, cooperative inmate participating in the privilege system is familiar to most inmates with relatively long sentences who enter the penitentiary occupationally unskilled. For young, first offenders without occupational skills, it is almost a required sequence when time, that is, the length of their sentence, allows the full development of the sequence.

Time, then, becomes an important factor, for in time the young "fish" can adapt to the requirements of his environment. He passes through the period of intractable, aggressive, rebellious behavior, which gained him acceptance in the inmate world, and begins to seek ways in which to share in the privilege system, a

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19 One must remember that permeability is a major condition of a penal environment and that each work environment must constantly look for replacements for the men who have been "swung" or who were discharged. New workers are selected from the farm lines and the combination of a "regular guy" with enough time to bring an element of stability is sought.
necessary condition of status. Once the inmate begins to share in the privilege system, significant changes are required of him: his aggressive conflict role which requires a limited and primitively brutal evaluation of others and situations is forcibly changed into a superficially cooperative, accommodating, tolerant, learning role. Instead of cursing and baiting the farm boss and fighting other inmates to assert and protect his masculinity, he must now praise and uphold his boss as a fine electrician, a hard worker, a square shooter, and a right guy. And he must learn to adjust to the more comradely conditions of the work environment without having to fear that such behavior is an indication of "weakness" and that someone may try to take advantage of him, or label him.

An analysis of our seventeen and eighteen year old population clearly reveals the interplay of the factors of age, time, occupational skills, and the quality of penal adjustment. First, it must be recalled that only two youths from this population entered the penitentiary and were directly assigned to existing jobs; two others were given non-farm assignments based on their medical condition. The remaining forty-six were assigned to either a medium (big stripe) farm line or a minimum (trusty) farm line by the initial classification committee. Of our total youthful, first-offender population thirty-three (65 per cent), received disciplinary reports within the first nine months of their incarceration. This percentage represents a significant difference in number of disciplinary reports
from those received by members of the total inmate population. For example, of the 1,088 inmates released in the fiscal year 1955-56, only 403, or 37 per cent, had received disciplinary reports during their entire period of incarceration (median time served 1.6 years). The youthful offenders exceed them not only in the number of disciplinary reports, but acquire these reports in a shorter period of time.

While this is true of our total youthful population, an interesting difference is shown when we analyze the two major custodial groups: seventeen big-stripers and thirty-two trusties. Those youths assigned to the big-stripe yard could expect to be incarcerated for a significantly longer period of time that those assigned to the trusty yard. Medium custody youths had a median sentence of eight years - none had less than three - compared with a median sentence of two years - none having more than four - for the trusty youths. In addition, the trusties could expect to be granted parole within eight to ten months, while the big-stripers had to look forward to two to three years incarceration prior to their clemency considerations. Obviously, the expectation of being released in less than one year and the knowledge of being incarcerated for more than two years can create totally different perspectives of the penal environment and motivate the individuals to basically different goals.

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Furthermore, the big-stripe youths were forced into a more intense interaction with the "hardened, habitual convict" by the fact that they lived on the "big yard." The trusty youth associated with lesser criminals and in an environment less structured by the inmate social system. Under these conditions it is not surprising to find that the big-stripe youths had greater motivations to prove themselves to be "right guys," to be accepted into the inmate world, and to share in the immediate privileges of their penal environment.

Big-stripe youths could be expected, therefore, to struggle for inmate acceptance, and for participation in the immediate privileges, and attempt to share in the ultimate privilege of favorable clemency consideration. Within the first nine months of their incarceration fifteen of these seventeen youths, working on the farm line, received disciplinary reports primarily for "failure to work properly," fighting, and "insubordination." And before their release from the penitentiary all fifteen of these youths eventually participated in one or more aspects of the immediate privileges of the system: most achieved jobs, some enrolled in vocational or

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21 Only two big stripe youths failed to receive a disciplinary report: one was a "known" homosexual; the second was a youth sentenced to life for rape of a three-year-old child. The homosexual, originally classified to the farm line was quickly reclassified to a clerk's job. This is not unusual. Sexual deviation is a known problem, but seldom the basis of a disciplinary report. Custodial officers, as part of their "contrast-conception," look upon such conduct as "natural" to degenerate "ole things." The rapist was made a protection case shortly after he entered the population.
academic programs, etc. Eventually nearly all but those excluded by law participated in the ultimate privileges by receiving favorable clemency consideration.

The thirty-two youths who were made trusties had penal experiences which were significantly different from their peers who were assigned to the "big yard." These trusties, knowing that they would be released within a relatively short period of time had fewer reasons to enter into the competition for "the symbol of status" and a lesser need to be accepted into the inmate social system. The familiar phrase, "I just want to build my own time," reflects the attitude of non-participation and non-involvement expressed by the short-termer. Unfortunately, non-involvement is difficult in the penal environment, and these trusty youths found the pressures for "proving oneself" and being considered "a right guy" existing, although to a lesser degree, on the trusty yard. Thus sixteen (50%) trusty youths became involved in such minor disciplinary reports as "not making the bed properly," "fighting," "insubordination," not working properly. One youth attempted escape. Of the remaining fifteen, none received disciplinary reports, and six, including the two initially assigned by the classification committee, achieved some degree of participation in the immediate privilege system. Significantly, all trusty youths (escapee excluded), regardless of the

22 Two narcotic violators and a rapist had not yet received clemency.
quality of their adjustment, were given favorable clemency consideration and served a median time of approximately nine months.

Whereas the big stripe youth, whose very custodial assignment indicated a lesser potential for rehabilitation, progressed from "fish" through an intractable, aggressive, rebellious role to a role of superficial cooperation in an interpersonal environment which included both prison officials and inmates, and learned that if one passed through this sequence, rewards were available from both the inmate world and the official world; the trusty youth, whose initial assignment indicated a relatively higher potential for rehabilitation, was denied, because of time and the nature of the penal environment, such learning experiences. For those sixteen trusties who entered the aggressive, rebellious role, the fact that their release came while they were performing this role, and identifying adequate masculinity with such "tough-guy" behavior may have deleterious effects on their readjustment to society. For those trusties who did their best to avoid involvement, to simply "do their own time," the fact that they could not achieve immediate privileges, added to the fact that all -- regardless of behavior-- were granted favorable clemency consideration, made them judge the articulated administrative philosophy of rehabilitation as a farce, and made them bitter at the fact that they were fools enough to struggle against involvement in the inmate social system and accordingly be denied the legal and illegal rewards of such involvement.
CHAPTER VIII

CLASSIFICATION

The classification department of the Louisiana State Penitentiary can be taken as an excellent unit of analysis to gain insight into the myriad shiftings in the focus of power which have been occurring since 1952 when the old order was disposed of and the new rehabilitative approach inaugurated. That the classification department is in such a position is not unique, for its operations are so broad as to touch upon every area of the penitentiary's activities, and through the decision-making responsibilities of the committees that are attached to it, classification contains a potential of power not yet realized.

This potential power position of classification is not limited to the unique conditions of Angola but seems to be found wherever the classification system and its college-educated professional staff is used. Korn and McCorkle refer to it as the "nerve center of the institutions."¹ And classification is the "nerve center" of institutions that seriously attempt to orientate their programs along the lines of rehabilitation and individual treatment, for it is the means by which knowledge of the individual prisoner

¹Korn and McCorkle, Criminology and Penology, p. 479.
is gained through diagnosis, and the institutional machinery to use this knowledge is coordinated.

Correctional institutions orientated toward the goal of individual treatment and rehabilitation are far more complex in their organization, contain greater divisions of labor, and create more prevalent conditions for major conflicts of interest than are possible in the traditional institution limited to custodial goals, or the traditional southern penal plantation with its emphasis on production and profit; the relative simplicity of the goals of these systems allow an informal and an immediate evaluation of performance for both staff and inmate, and rewards and punishments are distributed according to the tangible results of their immediate behavior.

Rehabilitative or treatment institutions pursuing the complex, intangible and often indeterminable goals of preparing prisoners for successful readjustment to society, demand a far larger, functionally diverse staff with separate interests. This increase in size alone tends to shift the staff relations from informal and personal to formal, systematized, and impersonal and creates the requirement of formally established lines of communication between the various departments. In addition, under a rehabilitation program the unit of knowledge becomes far more complex. Rehabilitating inmates requires a lengthy period in which diagnostic techniques and their applications can be correlated with the post-release behavior of the population to determine probability of success. It
is therefore understandable why the department which first provides the rest of the institution with an initial diagnosis of the individuals whom they are to "treat," and secondly, continues to be the center of the resulting interrelationship between the inmates and staff, compiling reports on the progress of the inmate and recommending shifts in his program, becomes the department with the greatest opportunity to control, manipulate, and direct the programs of the various other departments.

A clear and forthright statement of the potential "policy making" position of classification committees, and through them the classification department is expressed in the Handbook on Classification:

In the future, the classification committee must increasingly function as a policy making group to advise and work with the head of the institution in all phases of administration concerned with treatment and the setting in which treatment takes place. In some instances within recent years such steps have already taken place. The classification committee and the Warden meet in administrative sessions monthly or bi-monthly to discuss treatment and classification policies relating to the total program of the institution. Sub-committees of the classification committee, composed of members of the professional staff and other interested employees, contribute to administrative planning. These committees have functioned in such areas of program planning as orientation and release programs, in the development of better receiving procedures, in correlating training and education with actual life.

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2 This statement is based on the premise that there is a direct relationship between communication and power. See, for example, McCleery, Policy Change in Prison Management, op. cit., Chap. 1.
situation, in improving visiting and correspondence programs, and in a number of other fields of institutional administration.\(^3\)

Considering the inherent "strength of position" that classification maintains in a rehabilitative institution, it is important to understand how the classification department of Louisiana State Penitentiary became an appendage superimposed upon the prison organization.\(^4\)

From its inception, the Louisiana State Penitentiary's classification program was styled along the lines of classification in the federal prison system, and incorporated the essential features of classification as stated in the Manual of Correctional Standards.\(^5\)

A professional staff existed; case histories (admission summaries) were constructed on all newly admitted inmates; an Initial Classification Committee assigned new inmates to custodial classes, dormitories, and jobs, at weekly meetings in which the admission summary


\(^4\)Frank Loveland, "Classification in Correctional Institutions," in Paul W. Tappan (editor), *Contemporary Correction* (New York: McGraw-Hill, 1951), pp. 91-106. Loveland points out that such a development is common to the traditional custodial penitentiary which introduces a classification program. But for Angola the classification program was an integral and essential part of the new administration, and its failure to achieve its potential within this administration can only be understood in terms of how it pursued these goals.

was presented by a classification officer as the definitive body of knowledge on each inmate; continuity of attention to the inmate's penal adjustment was handled through the classification department by each officer carrying a "population case load" of inmates whom he interviewed and "counseled" and upon whom he submitted recommendations to the Reclassification Committee for appropriate job, custody and dormitory changes based on the progress the inmate was making; progress reports were written by these classification officers on most inmates whose cases were to be reviewed by the Pardon Board specifying information of the inmate's background, his instant crime, the quality of his penal adjustment and concluding with a brief statement of the probability of his successful adjustment to society. The classification department constructed and maintained centralized files on all inmates in the penitentiary, and attempted to provide all levels of staff, from the warden to the custodial officer, with answers to questions which they might have concerning inmate or class of inmate. Thus, the classification department claimed that it compiled basic information on the inmates from diverse sources, selected what was considered the important information submitted by these sources, organized it into a coherent whole and then made it, or part of it, available to the staff of the penitentiary, the Parole Board, the Board of Pardons, and to the statistical

6Recently this function has been placed under the supervision of a "Custodian of Prison Records"; this custodian is a non-professional man, a custodial officer advanced from the ranks.
division of the Department of Institutions. By controlling this information and providing the machinery by which these data were made available to others, the classification department could have existed as an axial unit of the penitentiary, a potential "nerve center," not an appendage; the fact that it came to function as an appendage can only be explained as a failure of nerve.

The classification department consisted of a professional staff which required college graduation as a minimum for employment, a non-professional staff of two record office clerks who were custodial officers advanced from the ranks, and an inmate clerical staff of approximately fifteen medium (big stripe) and minimum (trusty) inmates. Physically, the classification department was divided into two sections: (1) the control center unit which contained the record office, and all of the officers for the professional staff and their inmate clerical assistants; (2) the hospital unit, which was staffed by two inmate interview clerks and which functioned as a sort of admission-orientation unit in that all newly admitted inmates remained in this unit for from two to fourteen days while they were initially interviewed by the resident inmate clerks and subsequently re-interviewed by visiting classification officers.

The director of classification was under the direct supervision of the warden and in turn gave supervision to two assistants: an assistant director of classification in charge of psychometric testing and statistics, and an assistant director in charge of case
work. Only the assistant in charge of case work gave supervision to subordinate classification officers. The assistant in charge of testing had two inmate clerks assigned to him.

The director of classification gave immediate supervision to the record office staff, and he represented the classification department as a voting member of the Initial Classification Committee and the Reclassification Committee. He was a member of the warden's staff, attending the weekly staff meetings in which interdepartmental problems were discussed and policy clarified. He also shared with the Chief of Security the responsibility and authority of issuing "emergency transfers," which effected changes in the inmate's custody status, job and living quarters without requiring committee approval or warden's review and authorization. His philosophy of penology was succinctly expressed in this phrase: "Only when people are thinking and working together can cooperation be effected." He strongly felt that there should be an equalization of privileges and conditions for inmates of the minimum and medium custodial classes. His emphasis was on the individual, and he viewed the counseling of inmates as one of the main functions of his office.

Consistent with this approach, he conducted his office in an extremely informal and personal manner. His door was open to inmates at all times, and he was seldom too busy to talk with an inmate.

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7Louisiana State Penitentiary, Inmate Rules and Regulations, p. 147.
Formal requests for interviews were considered proper, but the enterprising inmate who was able to reach his office in the control center was rarely turned away. He was equally informal and personal in his interaction with the officers of the other departments. For example, requests from work supervisors for inmate help were generally acknowledged by an informal telephone conversation and vacancies and requests were either immediately filled from an existing back-log, submitted to a forthcoming "Reclassification Committee," or by the issuance of an emergency transfer.

No inquiries into the validity of such requests were made by the classification department with the result that most supervisors "padded" their inmate labor force to insure adequate production and to satisfy the demands of their better workers that they give their "buddies" a job. Under these conditions the practice of requesting specific inmates by name and the issuance of emergency transfers to satisfy these requests became a most frequent procedure.

The classification department did not perceive its functions in relation to the activities of the other departments of the institution, other than the maintaining of files and records on the inmate population and providing such information as desired, a passive role of providing services for the other departments.

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8 A review of assignments of inmates shows that emergency transfers consistently accounted for one-third, the remaining two-thirds being shared by the assignments of the Initial Classification Committee and the Reclassification Committee.
Functioning in a passive, service role the classification department did not have any written procedures specifying the limits of authority of the various committees in assigning or affecting the assignments of inmates. For example, the Disciplinary Committee frequently punished inmate violators by removing them from their jobs and placing them on a farm crew. In issuing such punishment the Committee seldom took into consideration whether the inmate's violation occurred within the work environment or some other area, the seriousness of the violation, nor the importance of the job the inmate was performing. It became almost standard procedure to pull a man off his job whenever he received a disciplinary report, and once such action had taken place, the inmate had no other recourse than to wait ninety days before requesting a reassignment to his job, or to present his complaint to the chief of security or the director of classification and request an emergency reassignment to his job.

Limiting their relations to the other departments of the institution to a service role, the classification department turned its main activities to the inmate population. In this area two relatively distinct operations were set up: (1) the admission-orientation period, in which the newly admitted inmate was interviewed, tested, and investigated, for the purposes of gaining

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9The first written rules and regulations were published on April 11, 1959, by W. Spicer Loving, a newly-appointed director of classification. Unfortunately, Mr. Loving did not have these rules issued under the authority of the warden. Memorandum from W. Spicer Loving, Director of Classification, to All Department Heads, Louisiana State Penitentiary, April 11, 1959. (Mimeoographed.)
valid and verified knowledge about him, which information formed the basis of a written case history (admission summary) to be presented to the Initial Classification Committee, mailed to the offices of the Board of Parole, and included in the inmate's official prison records; (2) the population period, in which the classified inmate was to be provided with counseling services as an aid to understanding and handling the many problems he would have to face during incarceration.

Prior to 1958, an admission-orientation unit was located in the gray steel and concrete structure that served as the prison hospital, a maximum security unit in which incorrigibles were kept idle and locked down in a cell block called "control cells restricted," and a similar unit called "death row" for those awaiting executing. Functioning as a hospital, a maximum security unit and a receiving and discharging center, the hospital unit's development was fraught with conflicting lines of authority and responsibility.

The custodial functions of the hospital were under the direct supervision of a custodial captain, assisted by a staff of approximately twelve officers and an inmate guard force of twenty to twenty-five men. All non-medical activities came under his authority and responsibility, and thus the entire procedure of receiving inmates, supervising them while they were in the orientation-admission section of the hospital, and discharging inmates was

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10 In Louisiana men sentenced to death frequently live in this unit a number of years while their attorneys appeal their sentences.
the responsibility of his staff. Receiving and discharging of
prisoners was performed by an Identification Officer assisted by
a six-man inmate staff. New prisoners were delivered from the
courts to sheriff officers under the authority of an information
sheet which gave the prisoner's name, parish of commitment, crime,
and length of sentence.11

The Orientation-admission unit was composed of separate liv-
ing quarters for Negro and white inmates and an interview office
in which two inmate clerks made an initial interview of each new
inmate. Since no classification officer was given responsibility
for, or supervision of, this unit, and since these officers had
duties within this unit that only required them to visit it to hold
their interviews, these two inmate clerks performed their duties
without immediate supervision and were actually in charge of the
interview offices. The living quarters of the admission-orienta-
tion unit were the responsibility of the security captain and gen-
erally the "turn-key" assigned was an inmate guard. Thus, the
classification department had no direct responsibility for, or
authority over, the admission-orientation unit. They made but one

11 This procedure differs grossly from the procedure described
in Barnes and Teeters, op. cit., p. 763, in which, "the prison auth-
orities, of course, have in their possession the client's complete
record (underlined by author) supplied by the court." In Louisiana
seldom are the court papers sent with a prisoner when he is delivered
by the sheriff. These papers are mailed to the institution by the
court and the information they contain is limited to the crime for
which he is being incarcerated. Seldom, if ever, do these papers
contain background information on the prisoner even when such inform-
ation is in the possession of the court in the form of a pre-sentence
investigation made by the Division of Probation and Parole.
demand of it and that was that the newly admitted inmates would be made available for interviews, and this demand influenced the security officers to simplify their problems by keeping all new inmates locked down and idle.

New admissions were interviewed by inmate clerks, classification officers, and then, with an admission summary, presented to the classification board, normally within two weeks of their incarceration. Seldom did this summary contain any information other than what was contained on the sheriff's information sheet, and what the inmate volunteered.

In its final form, the admission summary was composed of information submitted by various, and frequently conflicting, contributors. It was armed with this fictionalized body of knowledge that the classification officer met, as a non-voting member, with the warden and the other members of the Initial Classification Board to decide upon the inmate's treatment program. This contradictory body of information was his major weapon by which he attempted to assert his knowledge of the inmate in question and convince the board members that his "professional" judgment was valid and that his recommendations for custody assignment, work, educational and vocational training be considered seriously.

The deficiencies in the system were well known to all committee members and very little value was attached to the admission summary.12

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12Knowledge of the deficiencies was not limited to the penitentiary staff. While this writer was performing duties for the Board of Parole, an inmate's attorney stated that the admission summary should not be used by the board because inmates did the interviewing, collected the information and wrote the summary.
Rejecting the information contained in the summaries, the committee members made their decisions on the basis of the impressions they received of the inmate, which impressions were structured by their personal experiences and "common-sense" knowledge of criminals. For example, an illiterate Negro of obvious rural background incarcerated for a crime of violence against a member of his own race, would not be considered to be a security problem and classification to minimum (trusty) custody was normal procedure.\(^{13}\) In a similar manner, New Orleans narcotic criminals were judged to be security risks and could expect medium (big stripe) classification. It is obvious that since this committee arrived at its decisions on the basis of personal impressions and opinions, those members with the greatest authority and power ruled. Thus, the warden, as chairman, quickly interviewed each inmate and terminated his interview with an opinion as to custody and work assignment. In the absence of the warden, the chief of security performed this role with similar, but not as complete, authority, and discussion between the committee members generally preceded a decision. When both the warden and the chief of security were absent, the role of chairman fell to either the director of education or the director of classification. Under these conditions the committee found it extremely difficult to arrive at a decision. Discussion, expression of diverse opinions,

\(^{13}\)On one occasion the committee assigned a Negro, who claimed and gave the distinct impression of rural Louisiana origins, as a trusty and tractor driver, only to discover when the fingerprint reports arrived two weeks later, that he was on escape from a Georgia road camp.
and arguments became the normal pattern, and the meetings dragged on one to two hours longer than usual.

In the years 1958 and 1959, two major shifts occurred in the manner in which the department of classification performed its data-gathering functions in the admission-orientation period and its coordinating responsibilities with the other departments of the institution. Warden Sigler approved of the plan of repairing and opening one of the old camps as an isolated reception center in which newly admitted inmates could be detained for approximately one month, for purposes of testing, interviewing, and orientation (lectures) all under the immediate and direct supervision of classification officers. The assistant director of classification in charge of testing was given complete charge of all operations of the new admission unit including supervisory responsibility for those custodial officers assigned to it.  

The admission unit contained many deprivations. While the inmate was in this unit, he was in a sort of limbo. He could receive no visitors, correspondence was limited to his wife, mother and father, and if there existed some doubt of the validity of these family claims, correspondence privileges could be totally denied. While in the admission unit, he was an inmate of the prison.

14 Memorandum from Warden Maurice H. Sigler to W. Spicer Lov- ing, Assistant Director of Classification, Louisiana State Peniten- tiary, May 12, 1958. (Mimeographed.)
yet not in the inmate population; he had no job, the composition of the Admission Unit population was continually changing around him, complicating the formation of inmate roles, and the opportunity of communicating with members of the main inmate population was relatively slight. Recreation was organized and limited to given time periods; television and radio were non-existent. It was, therefore, to the advantage of the inmate to get out of the unit as quickly as possible, and this desire was made all the more intense by the threatening activities of the classification officers as they tested, observed, and interviewed. It was impressed upon him that whether he met the classification committee in the normal time span of five weeks, or remained in the unit a longer period of time, depended upon the quantity and quality of information which he submitted, cross-checked by the replies received to questionnaires.

The procedure was by no means fool-proof. Inmate clerks supervised by a lax classification officer could easily fabricate the case history. But for an alert officer, the system contained checks enabling him to spot fabrications, distortions, and omissions. Furthermore, the system allowed the classification department to provide the institution with valid and verified case

15If an inmate refused to cooperate and turned in blank forms, the procedure was to correspond with the sentencing and arresting authorities for whatever information they could supply, and upon receipt of the fingerprint report, to correspond with each arresting authority listed. In at least one case an inmate remained in the admission unit for a period of three months before sufficient information could be compiled for an adequate case history.
histories on most new admissions, which information formed a basis from which they could directly influence the classification committee's decisions affecting custody, work assignments and treatment planning. Providing the committee with exact information on the inmate not only helped to make easier their decisions and increased the respect and influence of the classification officer, but it also laid the basis for undermining a major source of power of the established inmates, namely the recommending of specific inmates for employment to their work supervisors.

It is not surprising that as the classification officers improved the quality of their case histories and gave the committee valid information, Warden Sigler was able to devote time to other pressing problems and virtually ceased to attend the classification committee meetings. The remaining committee members found the content of the cases of greater interest than previously and gradually discussion became a normal activity, with the non-voting classification officer being called upon to answer specific questions or to explain specific points. Subsequently, the classification officer became such an integral part of the committee that the rest of the members insisted on his having voting responsibilities. With this step the classifications officers insisted on the necessity of writing down the vote of each member and began the practice of calling for vote beginning with their own vote, then the chaplains, then department heads and on up to the chief of security, associate wardens (when these posts were filled in 1959) and the warden. Thus,
the least powerful members of the committee became the first to vote and frequently their opinions set the tone by which a decision was carried.

This system, limited to the admission-orientation period, the writing of case histories, and the initial classification of inmates, increased the stature and respect of the classification department within the institution. Custodial officers, for the first time, had the opportunity to observe how these "college boys" handled the day-to-day custodial problems of their Admission Unit and through these problems and experiences there developed a common meeting ground, a basis of communication between the semi-literate provincial custodial officers and the college-educated classification officers, a condition that was previously non-existent, except in personal friendships. Educational and vocational supervisors found the test results, the educational and employment records to be invaluable to their program. But in spite of its basic validity and general acceptance, the system had little effect on the inmate, and his activities in the institution once he was classified into the population.

Two closely connected and overlapping conditions created major barriers to an integration of the admission-orientation program into population activities: (1) residues of administrative informality and personal solution of problems, and (2) the absence of a formulated rehabilitation program. The first barrier encouraged individual supervisors to solve their immediate personnel problems through an informal trading and bartering of inmates which frequently
made them turn to trusted and responsible inmates in selecting their new personnel. The result was that official committee assignments were often ignored, bypassed and violated. The second barrier meant that the institution existed as a rehabilitative agency in name only, and that the administration could not formulate a positive program with which to combat the existing cooperative combinations of inmates and supervisors and the patterns of deprivations and rewards which they had evolved over the years to motivate and direct the behavior of each.

In the early part of 1959, following the promotion of the director of classification to the position of associate warden and the advancement of the assistant director of classification in charge of the Admission-Orientation Unit to the position of director of classification, definite steps were taken by the new director of classification to change his department's functions from those limited to "services" to those in which it could use its professionally trained personnel and the information collected in the admission-orientation period to formulate a rehabilitation program and become an integral part of it. With these goals in mind the new director

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16 A camp captain of one of the Negro camps remarked to the writer that he wanted a newly-admitted inmate, who was being returned to the institution as a second offender less than two years after his discharge, made a trusty so that he could use him in his old job of camp clerk. When questioned if he wanted the man assigned to that specific job and to his camp, the captain replied that it didn't make any difference where he was assigned as long as he was made trusty. He knew that he could have him informally transferred from another camp and job by simply making a personal request of that captain.
inaugurated two activities directly affecting the use of inmate personnel. One proposal was a systematic evaluation of each work-area to determine the range of work performed, the number of inmates assigned to the unit and the specific work activities of each. As a result of this investigation it was hoped that detailed job descriptions could be written for each work area, specifying the jobs performed, the level of skills, training and experience for each and setting maximum and minimum numbers of personnel required. Possessing this information, the vacancies that developed could be filled immediately from an available backlog or by advancement within the ranks. By this method the work supervisor could be virtually assured of having men assigned to the job on the basis of skill, not contacts, and the supervisor, no longer requesting his own replacements by name, would be free of inmate pressures in that area.

In a second group of proposals the new Director of Classification sought to place controls on two major authorities: the issuance of emergency transfers by the associate director in charge of custody and treatment and by the chief of security, and the virtually unlimited authority of the disciplinary committee.\(^\text{17}\) In a

\(^\text{17}\)At that time the issuance of emergency transfers was limited to these positions. The associate warden in charge of maintenance may have had the authority but he did not use it. After the firing of the above director of classification, the new director was given the authority to issue emergency transfers. Thus, a major source of informal and personal authority capable of circumventing and negating all existing rules and regulations as well as committee decisions has never been closed.
memorandum dated April 11, 1959 specifying the rules and procedures for the reclassification of inmates, the authority for issuing emergency transfers was given to the associate warden of treatment and custody, and the chief security officer, subject to the approval of the Reclassification Committee, which had the power to void or make some other disposition of the action if it did not approve of the emergency transfer. 18 As Reclassification Committee meetings were weekly affairs, in which the associate director of custody and treatment functioned as chairman and the security chief was a voting member, these rules merely meant that their individual decisions would be made subject to committee review, that approval could almost be guaranteed and that the warden would be given an opportunity to review their decisions when he gave his approval to the results of the Reclassification Committee. 19

Also in this memorandum, the director of classification attempted to lay a foundation by which punishment for improper behavior on the part of the inmates would become the responsibility of a committee broader than the Disciplinary Committee which was composed of the chief security officer, two security captains and the chaplains. Limiting his rules to the removal of inmates from job assignments for improper behavior, the director of classification stated that such punitive measures should only be invoked as "a

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18 Memorandum from Loving to Department Heads, April 11, 1959.

19 The warden reviewed neither emergency transfers nor changes effected by the decisions of the disciplinary committee.
last resort and will be ordered by the Reclassification Committee only if other corrective measures have been attempted by the supervisor and have failed."20 And if the immediate removal of an inmate from his work assignment is considered mandatory by the Disciplinary Board, it should be the responsibility of the security chief, or associate warden, to issue an emergency transfer authorizing the change.

All such transfers shall be presented to the Reclassification Committee for approval as provided in Section (6)...21

Whenever the Disciplinary Committee deems it advisable that an inmate be removed from his work assignment, but recognizes that it is not an emergency situation, the chairman of the disciplinary committee shall submit a routine request for reclassification of the inmate to the Classification Department who will in turn present the request to the Reclassification Committee for consideration.22

Underlying these moves to create rational and objective criteria by which privileges would be increased or reduced was the realization that the existing arbitrary decisions based on personal requests and personal information fostered the system of "secret" information and "secret" knowledge generally gained from trusted and responsible inmates. It is understandable that such a system, in which one or two men had ultimate authority and made their decisions on the basis of private information, was beneficial to the more

20Memorandum from Loving to Department Heads, April 11, 1959.
21Ibid.
22Ibid.
sophisticated and highly institutionalized inmate who could work his way into a position of trust and responsibility either directly with those of ultimate authority or with supervisors who were close to them. Such a position allowed the inmate to explain, predict, and even control, to a degree, situations in which all others were totally confused and helpless. 23 To his supervisor he could explain what was going on in the inmate population, and to the inmates he could explain the actions of the officials, and his "explanation" generally led to actions that were either immediately favorable to his position - such as the removal of newly arrived inmate who could become a rival - or ultimately strengthened his position simply because he predicted the situation.

Failure to replace this irrational system based on "secret" information with a rational one based on objective criteria known to all would place an insurmountable barrier to the integration of the admission-orientation unit program with population activities and the development of a systematic rehabilitation program. 24 It would result in the admission-orientation program being an appendage and a show-piece; and the central office program would

23 McCleery, Policy Change in Prison Management, p. 18.

24 It is not to be interpreted that the director of classification and others in his department were convinced that rehabilitation could be accomplished within the confines of the institution. The point being made is that no systematic attempt to develop a rational treatment program ever materialized.
remain a passive service activity.

Without a question, the moves initiated by the director of classification, did fail, for shortly after the issuance of his April 11, 1959 memo, he was fired. Shortly after his departure the admission-orientation unit received a definite blow in that a security captain was placed in charge of that unit. Fortunately, this captain neither knew anything about its operations nor did he care to learn. He happened to be one of the security officers who expressed admiration for the performance of the classification officers in handling the unit, and so he therefore assumed only nominal authority over the unit. More recent developments, in which the admission-orientation unit has been moved to the vacated women's institution, the quarters being far larger and much more desirable, and the warden's memo of October 8, 1960 in which he authorized the classification department to check incentive pay rosters against their records to determine if men were actually working where they were assigned, indicates that the classification program may have been only temporarily impeded. At the same time, the new director of classification has accepted the authority to issue emergency transfers placing himself in a position identical in this respect with that of the chief of security and the associate warden.

25 Memorandum from Warden Victor G. Walker to M. K. Distefano, Director of Classification, Louisiana State Penitentiary, August 7, 1959. (Mimeographed.)
Classification, then, can be the main instrument by which administration can effectively introduce a rational program of rehabilitation and maintain exact control of the penal environment. Its present difficult position has developed because old administrative goals of profit have not been entirely replaced by rehabilitation goals, by the rise of a sizeable custodial staff which considers control of the inmates to be of the greatest importance, and by the warden increasingly using totalitarian techniques to handle these conflicts of interest and maintain his authority. The internal struggle within the classification department is a reflection of these conflicts which permeate the institution. And it is to be expected that if conflict diminishes and rehabilitation goals become dominant, classification will gain power and correspondingly decrease its internal dissension.
CHAPTER IX

SUMMARY AND CONCLUSIONS

More than one hundred years ago Edward Livingston conceived of a Louisiana state penal system which would seriously and rationally attempt to rehabilitate its inmate population. Livingston conceived of rehabilitation within a penal system in which the administration possessed most of the instruments of power, but also a system in which the administration encouraged the inmates to express and increase their human qualities rather than degenerate to some bestial condition. Livingston premised that responsible labor, for which the inmate would receive recognition and due compensation, was basic to a meaningful human condition and so he made the training and motivating of inmates to gain laboring skills and discipline a cornerstone of his philosophy of rehabilitation. Livingston understood that these goals required that the penitentiary staff possess the elements of "power" with which they could control and motivate inmates until they reached a state of self-discipline and responsibility. He therefore conceived of the penitentiary as possessing a range of privileges and deprivations, all rationally provided and under the control of the administration. These ranged from the maximum conditions of deprivation for intractible inmates in which
they would be kept in isolation, idle and provided with simple custodial needs, to the maximum privilege of having paid employment outside the penal walls. Thus, Livingston conceived of uniting power with respectable labor to rationally pursue rehabilitative goals.

In the latter half of the nineteenth century, due to post-Civil War conditions, we see how both power and labor degenerate: the most brutal forms of coercive power arise to assure a slave-style labor in which the inmate can find no personal meaning, can only be made into a legal slave. Labor is conceived as a means to production ends, and power functions to provide the necessary labor. We have oversimplified this period by describing control solely in terms of coercion, and thus, we ignore privilege, ideology, and status as elements of power which function to control labor and achieve production goals. The narrowness of this perspective reflects the interest and purpose of the writer: namely, to clarify the penal history of 1800 to 1900 rather than to present an exact analysis of its social structure.

Following the turn of the century, power and labor in the new penal environment at Angola are given more exact analysis. We show that while labor still exists and functions to attain production goals, conditions demand that instruments of power other than coercion be used to assure responsible and productive labor. Administration is required to introduce a wide range of privileges for those inmates who successfully perform responsible jobs. As a
result, labor for many inmates not only becomes a source of meaning, but it also becomes the basis of status: a status derived from the unique conditions of the penal environment. The very ability to gain and maintain one of these positions, composed of their numerous conflicting roles and obligations, becomes a source of admiration. Status, as we have noted, was also gained by the gunman-farm workers who were admired for their prodigious labor and their hostile, rebellious, anti-staff attitudes. This latter type of status, combined with individual or clique coercion, formed the main basis of their power within the gunman camp, but it was a negative sort of power in that it had no material basis; it could provide no goods, services, or information other than that which existed within the confines of the dormitory of the gunman camp. In contrast, the responsible workers, gunmen, trusties and inmate guards, added to their status an extensive material, or economic, basis since they had access to goods and services and were permitted legally or illicitly to dispense these. In addition they supported their economic wealth and social status with an indirect but administratively supported coercion in the form of reporting violations for disciplinary measures. Thus, through responsible labor they gained power built on a broad basis of coercion, material wealth and status. These positions of power were vulnerable; they were on the "boundary".

in Parsons and Bales' terminology -- and they required that the occupant in some way integrate and work out numerous contradictory and frequently conflicting roles and obligations. But since such a condition is equally true of the greater society, a possible, but as far as administration is concerned, unanticipated and unimportant, result is that such an occupant may develop the very skills necessary for a successful adjustment to society. Although it is equally likely that since labor and responsibility provide, so remarkably easily, an immediate access to high social status and power in the penal social order, the inmate may gain unrealistic expectations of the position he can gain in the greater society through a similar quality of labor and responsibility. As we have previously stated, at least one thing was achieved: from a sizeable number of inmates was elicited behavior that manifested individual responsibility, cooperation, successful handling of conflicting roles, sensitivity to and tolerance of interests other than their own, which is all that any rationally planned rehabilitative program can hope to achieve.

In the rehabilitation period, we receive the first impressions that administration attempts rationally to pursue rehabilitation goals, so that now after more than one hundred years, we return to the original goals of Edward Livingston. Unfortunately, administration is shackled with a number of limitations. The first may be seen as arising from the "service to inmate" philosophy of rehabilitation. Inmates were to be rehabilitated and staff had a duty and an
obligation to provide these inmates with the services necessary for their rehabilitation. Inequalities in privileges were vigorously opposed, steps were taken to eliminate them and to create a system whereby all inmates would be granted essentially the same privileges, unless they overtly misbehaved. Thus, there developed a situation almost identical with that described by Sykes: the administration made an initial grant of all rewards and then threatened to withdraw them for overt misbehavior; the inmate comes to expect such rewards as his inalienable right, not something to be earned, and thus, the whole system of rewards and punishment collapses as an effective means of handling men. A second limitation occurred for staff in a related development. Through written rules and regulations, controls were placed on staff which attempted to eliminate the material rewards they could gain from the job areas which they supervised and the goods and labor which they controlled. Since wages had increased and were now adequate, and fringe benefits existed in the form of inexpensive housing and free vegetables, administration felt that competent men could be employed. This premise may have been justified, but as Bendix points out, there is a significant difference in motivation between men who pursue their economic interests and men who perform their appointed tasks. And when this task involves the handling of

2Sykes, op. cit., pp. 51-52.

prisoners with a deficient system of rewards and punishments, the element of motivation becomes increasingly important. Finally, a residue of the old era remained, in that many areas, especially maintenance, auto service and repair, and clerical, still had to meet heavy production schedules. Thus, an over-worked and undermanned repair shop, for example, presented the difficult condition for the supervisor of motivating himself and his inmate workers with no rewards intrinsic to the job except that it might be better than farm work, for the inmate, or a custodial job, for the supervisor. Under these conditions, illicit privileges were widely introduced. Staff brought gifts of cigarettes, candy, fruit, and other desirable but scarce items; staff permitted cooking; they allowed the inmates to use work materials and work time to make personal items; and they seriously considered inmate recommendations when replacements were needed. Staff achieved the freedom to allow such illicit activities by involving other members of the total penal staff, such as custodial officers who could make inspections, in illicit relationships, such as repairing automobiles, building items of furniture, supplying materials, etc. In this way staff exchanged the labor, goods and services of their respective units for a type of protection.

The results of such a condition are interesting. Inmate-staff interaction still elicited norms of cooperation and accommodation, but these were colored by the fact that such behavior involved conniving on the part of staff, conniving to insure that the inmate-workers would not withdraw their efficiency. While such behavior
on the part of staff did not basically differ from behavior of staff members of the old regime pursuing their economic interest, the significance lay in the fact that the old regime approved, supported and considered it the proper way to manage the penitentiary, while the present regime opposed it. Thus, the norms of cooperation which arose did not grow out of a sensitivity to and tolerance of the interests of others while one pursued his own interests, but rather, they arose from staff's weak position which required that they enter into illicit relationships with the inmates. Thus, a dominant criminal attitude, that is, that society has many "holes," or the criminal pattern of pursuing material goals by illegal innovations, was reinforced, and this is not what a rehabilitation program hopes to achieve.

Furthermore, contemporary administration, through the equalization of privileges and the reduction of the motivating factor of self-interest, which lead to the development of illicit privileges and conniving, not only relinquished its material and coercive basis of power, but also lost whatever respect it previously may have had. The result is that the penal social order which is developing is largely based on and orientated toward conditions inherent in the inmate environment. Coercion as a basis of power residing in inmate cliques, or individual toughs, is a growing condition and has been


given great impetus by the new centralized prison plant. Status as a basis of power has shifted from the status derived from one's position within the privilege system to a status largely inherited from the criminal reputation brought to the penitentiary, especially the range and quality of criminal contacts and future criminal plans, as well as criminal knowledge and skills. Material wealth or privileges, as a basis of power has been undermined by the equalization of privileges, not the least of which is the incentive pay program which allows all inmates to earn at least two cents per hour. This small income, combined with the illicit privileges provided on the job, the free tobacco, shaving equipment, library privileges, nightly television, weekly movies, recreational equipment and leisure time provided by the administration create conditions of privilege which, while being minimal, are satisfactory. The redistribution and equalization of this material wealth which is passed out to the inmate population now becomes the activity of cliques and toughs who coerce, "hustle," or in some manner appropriate this wealth for themselves and their buddies. Thus, power has been usurped by the inmate population and labor has become an inmate threat, a threat to withdraw or to provide the efficiency and responsibility which many supervisors still need.

It is of interest to note that an area in which power, instead of being relinquished, is tenaciously pursued by staff exists in the functions performed and desired by the classification department. Classification, by definition, must be a rational program recommending
in detail how men should be handled. It, therefore, requires knowledge of the individual and knowledge and control over the environment in which the individual is placed. We have seen how classification, through improved case histories and a diagnostic and observation period, has attempted to increase its knowledge of the individual. We have also noted how classification has engaged in an internicine struggle with other departments of administration to impose upon them a simple rational system of rules and regulations by which their departments will conduct their activities and, supposedly, handle their men. It was only recently reported to the author that the elementary controls on "emergency transfers," earlier proposed and bitterly opposed, had been inaugurated. The fact that previous members of the classification department now occupy the positions of associate warden in charge of custody and treatment and of training officer indicates, but does not assure, that classification has increased its position of administrative power.

This struggle for administrative power is only the first, but necessary, step in the reestablishment of administrative power over the total penal community. If classification succeeds, there is still no assurance that they will change the existing philosophy of rehabilitation and enter into the difficult struggle with the inmate population for power.

Regardless of the future development of this struggle, our study supports the generalization that if an egalitarian approach is held, administration relinquishes control of the total penal environment and allows for the development of an inmate social system which
gradually dominates the environment and becomes the main reference for inmate standards and behavior. If administration maintains control of the penal environment by developing an autocratic rather than an egalitarian approach, behavior and standards can be oriented to those of administration. I say can be, because if administration primarily aims coercively to control the inmate population, a totalitarian approach, it essentially rejects that population and places insurmountable barriers between itself and the inmates, and again behavior and standards will become oriented toward the inmate population. If, on the other hand, an autocratic administration maintains its power by also involving inmates in various activities, by distributing to them various material resources and freedoms of movement in exchange for their cooperation, administration then becomes the orientation of inmate behavior and standards. Furthermore, through such an approach administration fragments the penal population into numerous interest groups which not only prevents the development of an inmate social system, but also helps minimize and solve conflicts when they arise.

Concerning the quality of inmate-staff interaction, support has been given to the perspectives of McCleery,6 Wheeler,7 Grosser,8

7Wheeler, op. cit.
8Grosser, op. cit.
and Goffman, who consider accommodation and compromise, especially between long-term inmates and officials, to be the predominant condition, and consensus rather than force, the main basis of control. Wheeler's study found that "there is less conflict between inmates and staff on a private attitudinal level than is usually reported." This is because "the social organization of the institution operates ...to create a perception of severe conflict in role expectations." McCleery asserts that "the illusion that control rests on the instruments of force rather than the procedures for creating consensus is a rich source of error for inexperienced scholars or officials." Grosser writes that "long-term inmates tend to find themselves in positions of leadership. Their control is more secure because a good part of the inmate population changes much more rapidly and thus cannot entrench itself." And Goffman points out that "since the crafts, trades and professions of those who become inmates are often required within the institution, staff will understandably allow and even encourage some role carry-over." What we have added to these studies is an historical perspective which has allowed us to make generalizations as to the nature of inmate-staff interaction under egalitarian,

9Goffman, "Staff-Inmate Relations..." in Cressey (editor), loc. cit.
11Ibid.
13Grosser, op. cit., p. 134.
14Goffman, loc. cit., p. 104.
autocratic and totalitarian administrations, and when the goals of administration are immediate and tangible (profit) and when they are intangible (rehabilitation).

In the light of our study it is required that we say some word concerning the purpose of imprisonment. It is generally assumed that purposes of imprisonment in American society are basically limited to protecting society. Such protection is based on two broad divergent views and methods: (1) protection through deterrence and isolation by imposing, or threatening to impose, lengthy and oppressive sentences on the criminal or would-be criminal; and (2) protection through reformation or rehabilitation generally implying an indeterminant sentence, or various methods of release through clemency agencies, for an offender who is to be given individual treatment in the penal environment.

Originally punishment and imprisonment were directed toward other ends. Revenge, retribution, the blood payment, all were intended to give satisfaction to an injured party. Subsequently, in societies where the social and moral order were closely intermingled, crimes of such enormity as to violate these orders demanded that punishment be meted out to the offender so that he could suffer in atonement for his sin. Expiation as a form of punishment implies that the offender has violated a moral or transcendental order and that he must be made aware of this fact, even if it requires torture. Revenge, on the other hand, implies that the offender has violated a natural order and must give a natural payment: an eye for an eye.
Deterrence, isolation, reformation and rehabilitation imply that the violator threatens an order that is neither natural nor transcendent, but a relativistic order, a product of man and his history, and thus, he must be retrained so that he can understand, accept and adjust to that order, be deterred from violating it, or be isolated from it.

If we fail to take this perspective, a dangerously naive understanding of the functions penitentiaries perform in contemporary society can arise. Consider, for example, the statement made by Donald Cressey in his introduction to The Prison. He wrote: "The purposes of a prison are protection of the community, supply of food, clothing, and shelter to convicted criminals, protection of inmates from each other and from persons in the outside community, imposition of punishment, and rehabilitation of criminals."\(^\text{15}\) Cressey had obviously confused limited organizational functions, intended or otherwise, with the broader purposes of an institution. It would be as logical to claim that the purposes of educational institutions are to provide meals, desks, a favorable environment for making dates, and so forth.

The problem that must be faced is that in this period of human history in which man orders his reality in terms of relativism, it frequently is dominant interests within society which feel threatened and in need of protection, or, of more importance, which gain a

\(^{15}\)Cressey (editor), op. cit., p. 5.
position of power such that they can wield the instruments of the state to maintain and extend their power. Furthermore, when their interests are actually in conflict with social or political groups with opposing interests, or when they proclaim such a group to be a threat, then the purpose of imprisonment under these conditions can only be explained as abetting the interests of those in political power. Rehabilitation can become brainwashing. Isolation can mean the permanent removal of dangerous elements. These statements, by the way, need not be limited to penal systems, police power and other instruments of state power. Blau and Scott argue forcefully that all formal organizations -- and a penitentiary system can be viewed as a formal organization -- can be analyzed in terms of *cui bono*, or who benefits.\(^\text{16}\)

Finally, we assert with Koestler that "guilty or innocent, the prisoner changes form and colour, and assumes the mold that most easily enables him to secure a maximum of those minimal advantages possible within the prison system...It is a struggle for minimal and unworthy objects, but a struggle for existence like any other."\(^\text{17}\) And we deny that continuity of behavior in a penal environment arises from any other condition. To assume that the inmate argot and standards are the basis of continuity would be to

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argue that the predominantly immigrant white pre-Civil War penal population could be compared with the Negro inmate population of 1877 to 1940, or even with the contemporary population which is becoming increasingly youthful and urban. Such a comparison is inconceivable except in terms of the general adaptative patterns used to achieve whatever privileges are available. The process of adaptation to conditions of privilege and deprivations is continuous, not its specific content.

In the hundred odd years of its existence, the Louisiana State Penitentiary has undergone dramatic changes in its physical plant and location, in the composition of inmate and staff populations, and in its goals. In these changes the penitentiary has reflected and has been affected by the conditions of the greater society. Our historical perspective has made this clear. Contemporary changes within the Louisiana penitentiary in which its population is becoming more and more youthful, and its goals more intangible, individualistic and rehabilitative, similarly reflect conditions of the greater society. How these conditions will be characterized by future scholars is difficult to predict, but there is the possibility that such organizations as juvenile homes, penitentiaries and mental hospitals will be characterized in part as "dumping grounds" for youth, who have failed to be socialized and absorbed into a deficient and inadequate adult social order.
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Doctoral Dissertations


APPENDIX

BATCHelor QUADRANGLE SHOWING LOuISIANA STATE PENAL FARM
CORPS OF U.S.

BATCHelor QUADRANGLE
LOUISIANA-MISSISSIPPI

LEGEND

Levee
Secondary levee
Spoil deposit
Retards and dikes

ROAD DATA 1954
In developed areas, only through roads are classified
Hard surface, heavy duty
Hard surface, medium duty
Loose surface, graded and drained, or narrow hard surface road
Improved dirt road or street

Unimproved dirt road; trail
Route markers: Federal; State

BATCHelor, LA.-MISS.
Edition of 1955
N3045-W9130/15

PRINTED BY ARMY-MRC, VICKSBURG, MISS., 1955, 1013

PREPARED UNDER NEW ORLEANS DI
EDITED AND PUBLISHED BY ARMY, VICKSBURG
CONTROLLED BY U.S. ARMY, U.S. POLYCONIC PROJECT
DESCRIPTIONS OBTAINED FROM LOUISIANA.
TOPOGRAPHY BY 1950-53
PLANIMETRY REMODELED
AERIAL PHOTOGRAPHED 5 MILE

DEPTHS, IN FEET, EXPRESSED IN FEET OLD RIVER
MEAN LOW WATER MARK ARE BASED ON MEAN SEA LEVEL
ELEVATIONS, IN R, 1952, EXPRESSED

POLITICAL BOUNDARIES
SECTION LINES
WORK UNDER FLC

MAP IN FOLDER
VITA

The writer was born in New Orleans, Louisiana, December 13, 1926. He received his elementary and high school education in that city. Immediately following his graduation from high school, the writer entered the United States Maritime Service and sailed on merchant ships* from 1944 to 1949.

In February 1950 the writer matriculated at Louisiana State University, Baton Rouge, and received his B.A. in August 1953.

In June, 1951, he married the former Elizabeth Crawford of Gretna, Louisiana. They now have three children, Rhea, Mark and Cathy.

Graduate study was begun in September, 1953, and terminated in June, 1955, and again formally resumed in September, 1961.

The writer was employed by the Louisiana State Department of Institutions from 1957 to 1961 as a classification officer at the Louisiana State Penitentiary and finally as assistant director of the Division of Probation and Parole.
EXAMINATION AND THESIS REPORT

Candidate: Mouledous, Joseph C.

Major Field: Sociology

Title of Thesis: Sociological Perspectives on a Prison Social System

Approved:

[Signature]
Major Professor and Chairman

Max Fordwich
Dean of the Graduate School

EXAMINING COMMITTEE:

[Signature]
William G. Haag

[Signature]
Ferdinand L. Bales

[Signature]
Rudolf Huber

Date of Examination:

May 24, 1962