

U.S. Department of Justice  
Federal Bureau of Prisons



# Federal Prisons

JOURNAL

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**60 Years of Public Service, 1930-1990**

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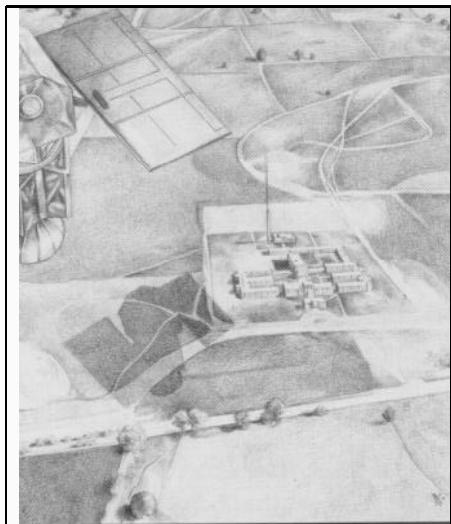
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# Federal Prisons

## JOURNAL

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## From the editor

This special issue of the *Federal Prisons Journal* marks the 60th anniversary of the Federal Bureau of Prisons—and completes the first year of this magazine's publication.

Guest Editor John W. Roberts, the Bureau's archivist, conceived and helped assemble the historical material for this issue; our thanks to all who helped with photographs and illustrations. "The Log" will return in the next issue.

During the past year, the Bureau has been installing and testing a new mailing list data base, which is now operational. It should provide quick responses to your subscription inquiries and changes of address. If you know someone who would benefit professionally from reading the *Federal Prisons Journal*, please pass along his or her address.

As always, we welcome your feedback and ideas for articles—and manuscripts, of course.

# What Should the Public Expect From Prisons?

Overcoming the myths

*J. Michael Quinlan*

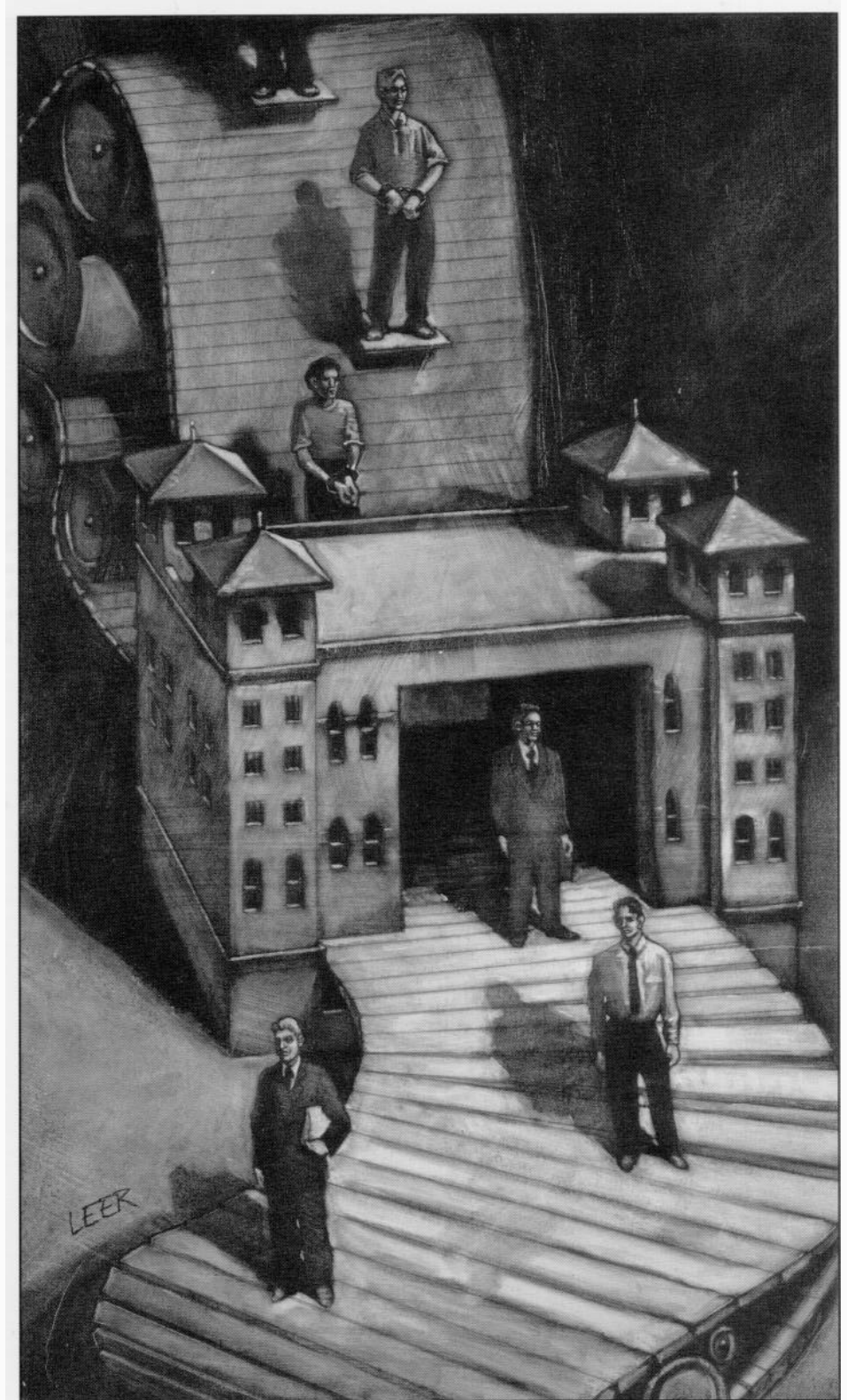
As the Federal Bureau of Prisons begins its seventh decade, the public is aware that we are in the midst of a huge expansion of our Nation's prisons. Citizens are increasingly scrutinizing the management of the vast sums that legislatures are dedicating to prison construction and operation—properly so, for they have a right to know that their tax dollars are well spent.

Anyone who has worked in prisons for more than a few years will remember that this kind of scrutiny was rare in the past. Historically, the public has turned its attention to prisons only in times of crisis, when debates tend to focus on the issues of the moment, without the slightest reference to the everyday realities of prison management.

It's not surprising, then, that our perception of how well we do our job is different from the public's. The Federal Bureau of Prisons has a very positive reputation among corrections agencies, both domestically and abroad, of which we can be proud. The growing professionalization of the entire corrections field means that corrections work is an increasingly attractive career choice.

Yet the public is largely unaware of this, for two reasons. The first is a failure of omission. We have simply failed to devote the time and resources we need to get our story across. The second reason, however, is more difficult to deal with. People already think they know what they need to know about prisons.

Unfortunately, however, these public opinions are largely a collage of inaccurate, outdated impressions garnered from sensationalistic accounts of escapes or riots, or from James Cagney and Clint Eastwood movies. Woven from bits and



Rebecca Leer

pieces of history and anecdote, these images are far from the truth, but they also are far too easy for the average citizen to absorb as facts. In short, the myths of mismanagement, staff brutality and neglect of inmates' needs, rampant sexual assault, and unfettered drug use in prisons seriously misrepresent most prisons in America today.

A subtle but pervasive misconception is associated with these beliefs—the notion that prisons should, in some unique way, be able to change all inmates into law-abiding citizens. Prison programs for self-development can help some offenders. However, to expect such programs to do so invariably is unrealistic.

Prisons primarily house offenders who are products of failed experiences with every other institution of society. By the time an inmate arrives in prison, the home, school, church, and other social agencies have all had an opportunity to intervene in this person's life—to no avail. It is totally unrealistic to think that in a context defined by deprivation of society's freedoms, imposing prison programs (no matter how good they might be) on such individuals will automatically change an inmate for the better.

To be realistic, how can we expect prisons to do what every other instrument of society with far more constructive potential has failed to do?

Upon reflection, most people would acknowledge that prisons are far from the ideal setting for effecting change in attitudes and behavior. Even the best managed are artificial environments with fewer resources and many more constraints than the average community-based education, counseling, or job training program. Inmates are held involuntarily, away from family and



*Inmates in fiction—James Cagney and Edmond O'Brien in White Heat. Most people's impressions of prison life come from movies such as this one. Inmates in reality—right, an inmate crew at the Federal Correctional Institution, McKean, Pennsylvania, clears trails for the U.S. Forest Service; inset, the Emergency Response Team of firefighters at the Federal Prison Camp in Boron, California.*

friends, in a single-gender environment, supervised by staff who are necessarily concerned with security first. They are not as likely to develop and successfully pursue personal goals as those in the "free community" who do so voluntarily, with the support of significant others and helping professionals—who are not burdened with the "role duality" that comes with being a correctional worker.

Prisons characteristically receive that select group of offenders who pose a significant risk to the community and have been poorly motivated to change in other, less stringent settings and programs. The prison population is, in a sense, defined by its very unwillingness or inability to change positively. As a result, we should not expect the prison experience to produce successes at the same rate as programs in the free community.

Moreover, that community measures correctional success by the ex-inmate's

performance in the community upon release. Yet inmates released from prison face stigmatization that virtually ensures major obstacles for even the best candidates for a productive, crime-free life. No matter how well behaved or well intentioned an inmate might be upon return to the community, or how many programs he or she might have completed, the "ex-con" label can unravel the best plans and intentions. The best prison programs are often neutralized by adverse community reaction.

Thus, prisons are in a double bind—on the one hand, society's expectation that imprisonment must have an improving effect on inmates' characters and make them less likely to recidivate; on the other, the incapacitation-, just deserts-, deterrence-driven "warehouse" image, which implies that prisons exist essentially to stack inmates out of harm's way, without attending to their betterment. No

corrections professional subscribes simplistically to either of these notions. That so many citizens do suggests what a large public relations task the profession has in front of it.

Is there a way out of this double bind?

I believe there is. We must encourage society to take responsibility for its offenders—to come into our prisons, bringing with them normal social values. One way to do that is through a highly professional staff, as I have mentioned; this process is well underway in American corrections as a whole. Staff members bring “outside” values in to work with them each day, and have the opportunity to convey those values and societal expectations to prisoners in their daily interactions. This also conveys the message that the offender is considered part of the community to which he or she will return. Receiving fair and consistent treatment is a new experience for many inmates, and it does not go unnoticed by them.

Another avenue of “normalization” has been too little explored—bringing the public directly into our prisons through a greatly expanded program of volunteerism. We are working to create such opportunities for expanded involvement with Federal prisons:

- In more remote areas, prisons can provide services—such as fire protection—that smaller communities sorely need.
- We are also working closely with Prison Fellowship, Alcoholics Anonymous, and other organizations and volunteer groups who counsel inmates and attend to their personal needs.



Courtesy FCI McKean

Courtesy FPC Boron

- Most of our institutions now have Community Relations Boards, in which prominent citizens meet with prison officials to discuss issues of mutual interest—including child-care initiatives, emergency preparedness, open houses, local procurement, and recruitment. The next few years should see a wide variety of innovative joint projects.

- In our nonmandatory prison programs, particularly in comprehensive and intensive drug treatment (discussed elsewhere in this issue) and in literacy, we have the opportunity to play a “quasi-parental” role, to reinforce inmates’ motivation to stay out of prison by improving the quality of their lives. Citizen participation is essential here as well, if these programs are to realize their full potential.

- At many Federal prisons, inmates are involved with BOP employee sponsors and representatives of local communities

to provide outreach services to the community, such as drug education and “toys for tots.”

- We are collaborating with other Federal agencies on a number of projects; for instance, helping the Forest Service keep trails clear of debris, and supplying inmate labor to the Department of Defense to perform maintenance functions on military bases. Both types of projects provide on-the-job supervision to inmates, through personnel who, while not volunteers, are non-correctional representatives of community norms and values. This resource-sharing will be increasingly valuable as government budgets tighten, since they enhance cost efficiencies by reducing labor costs.

By bringing the “inside” and the “outside” into regular contact, these types of activities will help ease the inmate’s

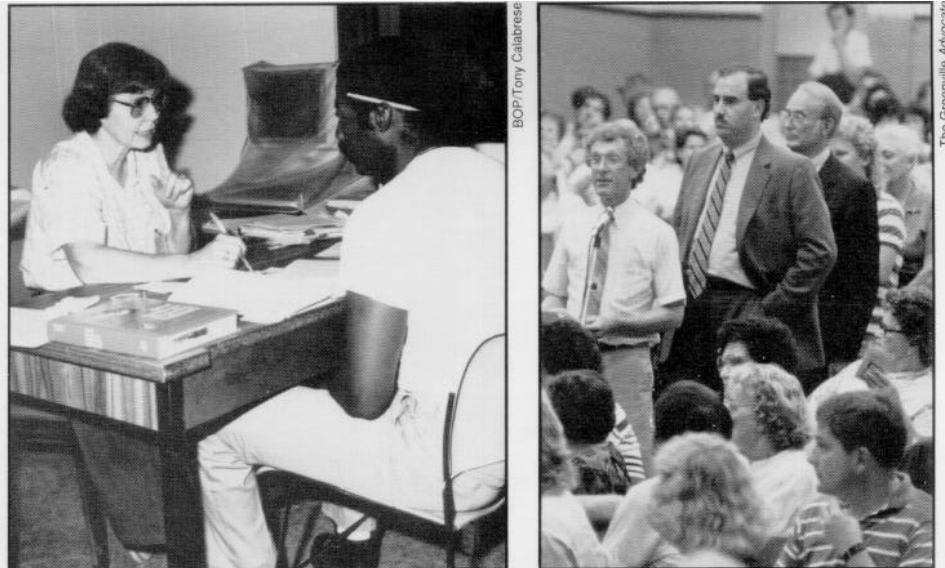
eventual reentry into society. One of the most vexing problems inmates face upon release is the lack of support networks to help them stay straight. This breeds a sense of failure—all too often a self-fulfilling prophecy. If, instead, an inmate knows that he or she remains part of a community (even if not his or her own), that inmate may be much more strongly motivated not to return to prison. Hence, it is imperative that corrections engage the community in “taking responsibility” for its offenders by educating them in mainstream norms and values, and by supporting them upon their release.

Bringing citizens into closer contact with the justice system has other benefits. We can hope that it will help to reduce the sense of alienation from prisoners and prisons that so many people feel. And it will definitely improve their knowledge of what goes on inside, reducing the mythology that breeds distance and even fear.

Thus, in the final analysis, what should society realistically expect from prisons?

Society should expect that prisons will protect public safety. It should expect that inmates will be confined safely and humanely. It should expect prisons to provide inmates with a reasonable diversity of programs and services that will give them the opportunity to better themselves before returning to the community. It should expect that such programs will be cost-efficient: in practical terms, this means stratifying programs according to inmates' needs (such as educational deficiencies), motivation to change, and severity of criminal history.

In America today, these correctional initiatives are increasingly the norm. To help the public begin to learn this,



*Public involvement with the Bureau of Prisons can take many forms. Left: a volunteer teaches reading. Right: citizens testify at a public hearing on prison siting in Greenville, Illinois.*

corrections administrators need to be increasingly open about their profession and its accomplishments. The public should know that the Federal Bureau of Prisons and, indeed, prison systems in many States and in Canada, protect society in an effective, humane, efficient manner. Great strides have been made in program development, staff training, and professionalization, particularly when one considers that we are ending a decade when inmate populations have almost doubled, and that until recently resources devoted to corrections have not grown proportionately.

The myths that Americans believe about corrections are an impediment to an optimally effective correctional system because they prevent the community from taking its full responsibility for the offenders who will eventually be challenged to productively reenter society. These myths inhibit the community from undertaking the partnership with corrections that is required if prisoners are to be given the best possible opportunities for self-betterment. Even so, line staff,

as the “public face” of the Bureau, deserve the credit for slowly eroding those inaccuracies and building confidence in corrections. To the extent that correctional programs and issues can be put into proper perspective, our prisons will run even better.

If we are successful in bringing the “outside” and “inside” together, we can, I think, expect reasonable progress toward better public understanding of the true nature, purpose, and process of punishment in our society, that ultimately will result in an improved climate for reducing the recidivism rate. Public understanding, and participation, will help these human beings—who have the potential for either productivity or further disruption—contribute to society upon release, not take from it. ■

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*J. Michael Quinlan is Director of the Federal Bureau of Prisons.*

# Prisons That Work

Management is the key

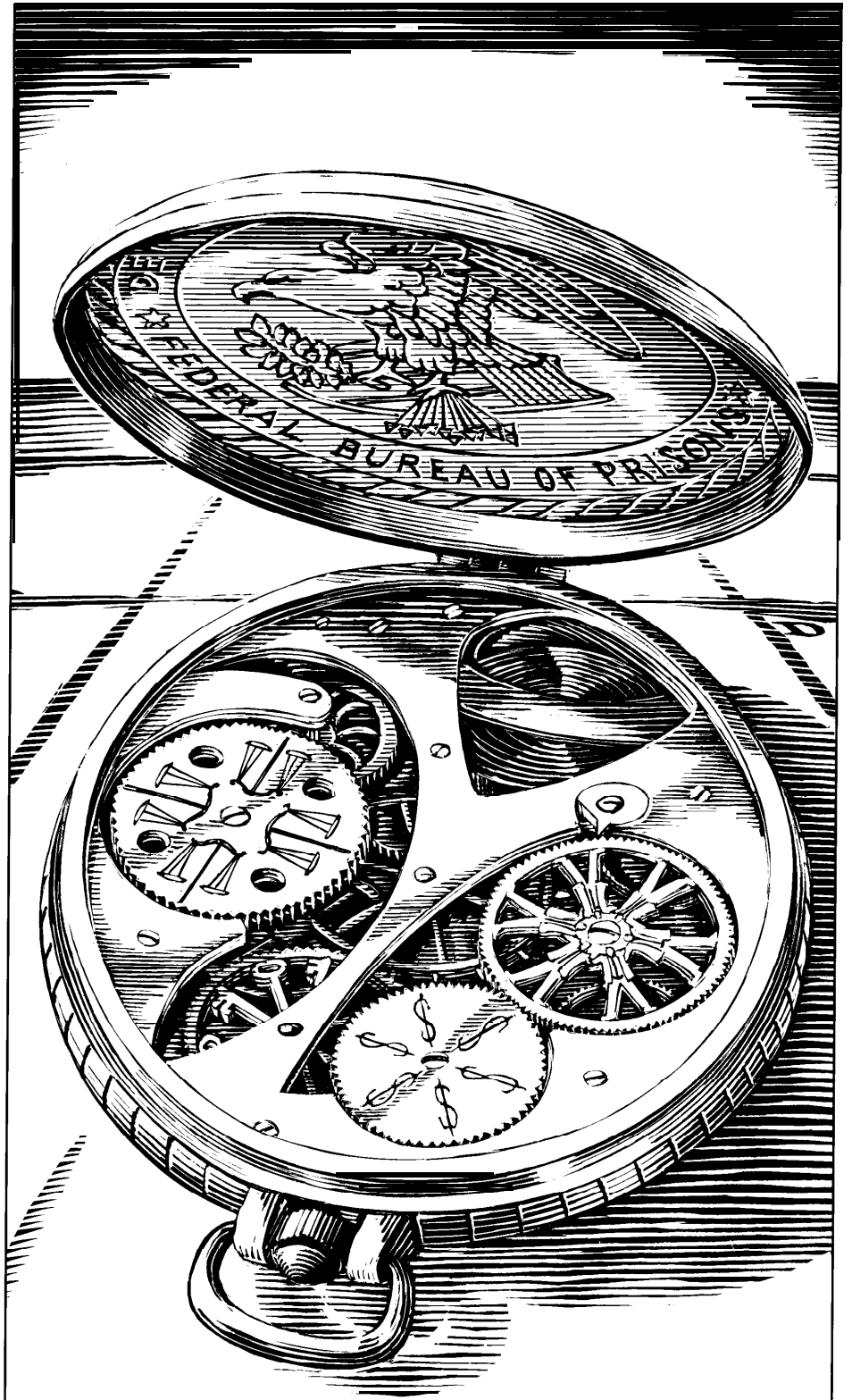
*John J. DiIulio, Jr.*

For most of its 60 years, the Federal Bureau of Prisons (BOP) has been a standing rebuttal to those who believe that Government bureaucrats are inherently wasteful, self-interested, and uncreative. It has likewise been a demonstration of government's ability, despite all of the political and other problems associated with this thankless task, to run safe, civilized, cost-effective prisons. If someone were to write an *In Search of Excellence* on public organizations, the BOP story would have to be chapter one.

I was slow to develop this buoyant opinion of the agency. In mid-1986, I had just completed 3 years of research on prison management in several States, focusing on Texas, Michigan, and California. I had spent most of this time going in and out of maximum security prisons as a Harvard graduate student researcher, and wasn't terribly eager to continue this line of research. But then I heard from BOP Director Norman A. Carlson, who directed the agency from 1970 to 1987. He had read the draft chapters of my book on State prison management and invited me to take a look at how the Feds do it.

So I accepted Carlson's invitation and took a trip to the Federal Correctional Institution (FCI) in Butner, North Carolina. Opened in 1976, FCI Butner was designed to test ideas about prison management advanced by the University of Chicago's Norval Morris in his 1974 book, *The Future of Imprisonment*.

At that time, liberal penologists still had the notion that criminals could be rehabilitated by "treating" them in mandatory counseling sessions and other programs. Penological radicals alternated





between “tear down the walls” and “inmate self-government.” Conservatives continued to peddle the ancient maxim “throw away the key.”

Morris had a saner set of ideas. Offer prisoners educational and other programs on a voluntary basis. Use state-of-the-art classification procedures to place prisoners in the least restrictive setting commensurate with their basic security needs. Train staff to live up to the correctional credo—“firm but fair”—in their dealings with inmates.

To be safe, humane, and productive, Morris conjectured, most prisons need not look like fortresses or be run like boot camps. He hoped that, compared to more conventional practices, a regime like the one he envisioned might reduce the propensity of prisoners to commit new crimes (recidivate) once they returned to the streets. But he argued only that, if properly instituted, life behind bars would be more civilized and less costly in human and financial terms.

Carlson articulated the BOP’s historic mission as operating prisons in which inmates enjoyed “safety, humanity, and opportunity.” He saw no contradiction between strict administrative controls and tight discipline on the one hand, and the provision of basic amenities (such as good food and clean cells) and life-enhancing programs (from remedial reading to vocational training) on the other.

In fact, experience taught Carlson that these things went hand in hand. For some years, the agency had experimented with the “medical model” of corrections in which rehabilitation was emphasized above all else. By the mid-1970’s, he was rethinking this emphasis. The heavy



**Norval Morris.** His book *The Future of Imprisonment* greatly influenced the Bureau’s direction in the 1970’s.

emphasis on rehabilitation, he thought, had begun to crowd out other values—internal security, public protection—both in the BOP and in many State prison systems.

Thus, in Morris’s proposals, Carlson found a reflection of his own evolving ideas about prison management, as well as a well-argued expression of his core conviction that “imprisonment itself is the punishment, and horrible, repressive conditions of confinement are an illegal and immoral” burden that must “not be heaped upon the deprivation of liberty.”

FCI Butner put these ideas into practice. Inmates chose programs as they wished. Restrictions on inmate movement were minimal. By the time I visited the prison, it had a decade’s worth of statistics and studies behind it. In sum, they showed that it had done nothing to reduce

recidivism (or, for that matter, to improve prisoners’ post-release ability to get and keep jobs). But the studies also hinted at reduced violence, increased rates of inmate participation in (and completion of) educational and other programs, and lowered staff turnover and job-related stress.

The quality of life inside Butner was amazing compared to what one could see in most State medium and high security prisons. When I visited Butner, its warden was Sam Samples, an agency veteran with a doctorate in education who followed the principle of “management by walking around.” The prison staff was on top of things. Every unit sparkled. The food was excellent. The work areas hummed. No shouting. No aggressive horseplay. Little inmate idleness. In short, there were few of the unpleasant sights and sounds I had come to expect when observing life behind bars.

So I returned from North Carolina impressed with the way the Feds ran Butner. But the prison was known as one of the agency’s “showplace” facilities. Besides, I “knew” that, compared to the States, the BOP got “a better class of criminals,” that it spent buckets of money lavished on it each year by Congress, and that it had almost as many officers as inmates.

Or at least that is what I thought I knew. A little archival digging revealed that, historically, the BOP spent pretty much at the national median per prisoner per year. In 1987, costs ranged from under \$6,000 per year per prisoner at minimum security Federal Prison Camps (FPC) such as Eglin in Florida, to a high of nearly \$25,000 at the supermaximum United States Penitentiary (USP),

Marion, Illinois. At its regular maximum security penitentiaries, the agency spent less than \$13,000. The agency-wide average was about \$14,000 per prisoner per year—roughly \$7,000 less than in most State systems.

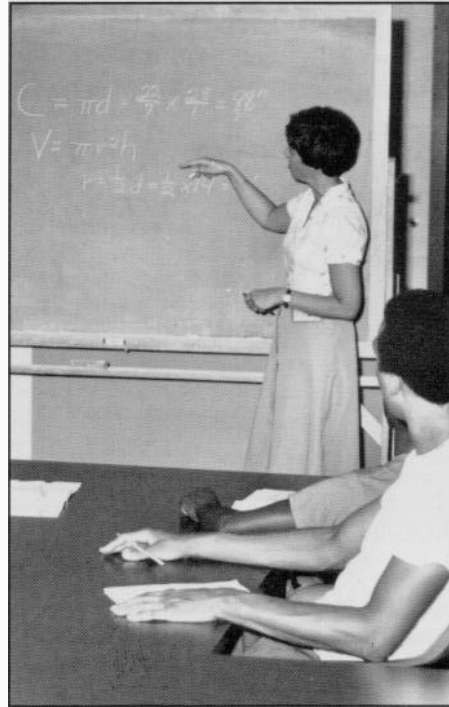
The “Club Fed” explanation for the BOP’s relative success did not withstand scrutiny either. In 1987, for example, 45 percent of the agency’s prisoners had a history of violence. For years many States have transferred their “too-hard-to-handle” inmates to the BOP; the agency now holds hundreds of these inmates.

Finally, I found little evidence that inmate-to-staff ratios in the BOP were lower than in most State systems. In 1988, the BOP had about eight inmates for every correctional officer; the ratio in California and most other State systems was closer to six to one.

Furthermore, when one compares BOP inmates at any level of security to comparable inmates in the States, it turns out that the rates at which Federal prisoners commit violent infractions of all kinds (rapes, assaults, homicides, escapes) behind bars have been substantially lower, while the rates at which they participate in work and other programs have been substantially higher than the rates for State prisoners.

### The “x factor”: management

What then accounts for the comparative success of the BOP in bringing about safe and humane conditions behind bars without emptying the public treasury, handling no one but convicted Wall Street traders, or employing wall-to-wall staff? The answer is simple: how the agency has been led, organized, and managed, both in the cellblocks and in the corridors of political power.



*The Federal Correctional Institution at Butner, North Carolina, was designed to put the new ideas of the 1970's into practice.*

In the 1920's, Federal prisoners were beaten for minor rule violations. They ate rotten food served from slop buckets. Recreation and work programs were virtually nonexistent. Crowding mounted as Prohibition violators were arrested, tried, and convicted in ever-increasing numbers.

In 1929, Sanford Bates, the reform-minded director of the Massachusetts prison system, became Federal Superintendent of Prisons. In the same year, the congressionally sponsored report of the Cooper Commission documented the horrors of the existing system, and contained the seeds of the legislative proposals that gave birth to the Bureau of Prisons in the following year.

Not unexpectedly, Bates became the first BOP Director. Everyone had confidence in Bates' administrative abilities, but he

and his young aides made sure that the enabling legislation also made the director's post a strong one. They had previously witnessed the failure of California's newly formed Department of Penology, headed by a director whose only formal power was to call a meeting of five deputies once a month.

Bates and company avoided this mistake. The BOP director was granted the power to hire and fire wardens and other personnel (staff were brought under Civil Service regulation for the first time), and Bates wielded this power. Staff found guilty of acts of brutality were terminated or demoted; staff who publicly bucked the agency's official commitment to the “individualized care and custody” of inmates did so only once before having to find new jobs during the dog days of the Great Depression. At the same time, Bates used his extensive personal connections to Republican Party figures, including former President Calvin Coolidge, to rally political support for the agency.

In 1937, Bates was succeeded by James V. Bennett, who directed the agency from 1937 to 1964. A clerk in the Bureau of Efficiency (forerunner of the Office of Management and Budget), Bennett was on the team that investigated conditions inside Federal prisons for the Cooper Commission; indeed, he wrote most of the Commission's report. Bates made the enterprising Bennett his assistant director. Bennett repaid Bates' confidence with two major innovations, one technical, the other political.

First, Bennett guided the development of a prisoner classification system intended to rationalize inmate management and promote individualized treatment. For its time, the system he developed was sophisticated and precise; its elements

remain in the classification instrument that the BOP uses today.

Second, Bennett laid the political groundwork on which Federal Prison Industries (known since 1978 as UNICOR) was built. Then, as now, opposition to the production and sale of prison-made goods was fierce. But Bennett argued, persuaded, and compromised his way to the centralization of formerly scattered Federal prison industries, anticipating by decades the call of former Chief Justice Warren Burger that prisons be turned into “factories with fences.” Today, UNICOR employs tens of thousands of Federal prisoners and is a multimillion-dollar enterprise that produces goods from clothes and Army helmets to highway signs and furniture.

For nearly three decades, Bennett was the agency’s “public face” and chief spokesman. He cultivated positive relationships with key judges, attorneys general, activists, and academic opinionmakers. He developed a selective recruitment and training program for agency workers, instituted award programs for institutional managers, and remained sensitive to the needs and perceptions of line staff.

Bennett’s work was carried on by Myrl Alexander, who directed the BOP from 1964 to 1970. Alexander was an intelligent man who had spent plenty of time in Bennett’s enormous shadow. Nevertheless, he was able to consolidate many of the gains Bennett had made, and he made a few innovations of his own.

By the time Norman Carlson became director in 1970, he faced the problem of maintaining control over an increasingly large and far-flung penal bureaucracy. At the same time, throughout the country,



*Federal Prison Industries has been a cornerstone of Bureau operations since the Bennett era.*

political, judicial, and media pressures on prison administrators were starting to mount. Though even its harshest critics felt obliged to acknowledge its achievements, in the early 1970’s the BOP faced calls for its abolition as an affront to the principle of federalism; others merely opposed further construction in the belief that crime trends spelled an end to the need for more prison beds.

In this environment, Carlson saw the need to make sure that the agency was carrying out its mission in the most professional manner possible. Over time, the BOP had instituted a number of practices designed to ensure “field compliance” with Washington’s policy directives: frequent transfers of personnel from prison to prison, an elaborate system of internal audits (fiscal and operational), and a common training program for all employees. Each institution would have its special operational needs, and Washington would make provisions for those.

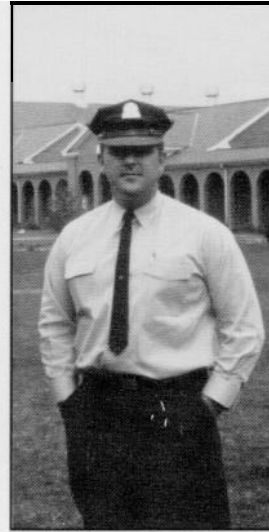
Fundamentally, however, all institutions operated on the same principles via the same basic procedures. As one measure of the importance of administrative

uniformity to the agency’s leaders, persons who came to the agency with experience in other prison systems were screened carefully and retrained extensively.

Carlson restructured the agency in ways that would reinforce this tradition. He carved the agency into five regions, each with its own headquarters and regional director. Some observers read this as an attempt to decentralize BOP operations. The opposite was true. Rather than creating semi-autonomous decision-making centers, regionalization was Carlson’s way of reinforcing accountability and control by strengthening Washington’s administrative appendages in the field.

Carlson implemented unit management throughout the Bureau. Under this concept, teams of security staff and counselors were placed in charge of a given wing or “unit” of a prison and held responsible for the quality of life therein. Unit managers served as “mini-wardens,” responsible for everything from sanitation to keeping track of their inmates’ activities and release dates.

In addition, Carlson sponsored agency meetings, seminars, and award ceremonies intended to deepen the close-knit, “family” culture of the BOP. Frequent moves encouraged staff to anchor their social lives with other agency workers and their families. (The talk of the agency as family is more than a metaphor: “Bureau brats”—children or grandchildren of agency workers—can be found in most Federal prisons. The current warden of USP Lewisburg has a father, two brothers, and a son, all of whom worked in the BOP.)



Photos courtesy Patrick Keohane

*The Bureau as family. The picture at left, taken in 1959, shows Lt. Thomas F. Keohane at the Federal institution in Springfield, Missouri, with two of his sons. Correctional Officer Thomas F. Keohane, Jr., at left, eventually became warden at Miami and Terre Haute. Correctional Officer Timothy M. Keohane, at right, became warden at Safford, Englewood, El Reno, Lompoc, Terminal Island, Florence, Arizona (now closed), and San Diego. The picture at right, taken at Leavenworth in 1968, shows another son, Correctional Officer Patrick Keohane, who became warden at Memphis and is currently warden at the U.S. Penitentiary, Lewisburg, Pennsylvania.*

Finally, while feeding the agency's culture, Carlson maintained and enhanced the network of outside alliances handed down from Bates and Bennett through Alexander. He maintained this network in part by opening the prisons to any credible person who cared to learn. He also kept abreast of legal changes, striving always to stay "one step ahead of the courts." (For that reason, the agency has never invited the sort of sweeping judicial intervention that has occurred in many State corrections agencies.)

### Planning for the future

By most estimates, over the next decade the BOP's prison population will double, to more than 100,000. Given its rapid growth, will the BOP be able to run progressively safe and humane prisons and detention centers? Will it continue to boast a "family" organizational culture, an innovative management approach, and a balanced penal philosophy?

The answer, I think, was made clear in how the agency resolved its first major crisis under Carlson's successor, J.

Michael Quinlan, who took over from Carlson in mid-1987. He had served as a BOP attorney, as Carlson's executive assistant, and as the warden at FCI Otisville, a medium security facility in New York State. He was the agency's deputy director prior to his appointment as Director.

On November 21, 1987, just months after Quinlan became Director, the Federal Detention Center in Oakdale, Louisiana, had a major disturbance, followed 2 days later by a disturbance at USP Atlanta, Georgia. The former disturbance lasted for 8 days; the latter went on for 11. All told, 138 hostages were taken, several mass escape attempts were made, \$64.6 million worth of property was destroyed, and another \$48.9 million was spent to quell the uprisings and to relocate the rioters. In both cases, the disturbance was caused by political events essentially beyond the BOP's control.<sup>1</sup>

<sup>1</sup>Virtually all who participated in both disturbances were Cuban detainees who came to America in the 1980 "Mariel boatlift." The Immigration and Naturalization Service (INS) found thousands of them unfit for immediate admission due to mental illness

Quinlan resisted the temptation to storm the facilities. He publicly declared a policy of "endless patience" as long as there was no evidence that hostages were being abused, tortured, or killed. He kept the BOP in charge of the situation, placing personnel from the FBI and other law enforcement agencies who came to the scene under his authority. The trouble ended with all hostages being released, and with only one inmate death (in the first moments of the Atlanta disturbance).

The amazing response to the disturbances by BOP employees from all over the country is perhaps the strongest indication of the agency's ability to do as well in the future as it has done in the past.

or criminal records; many have been detained in BOP custody since 1980. Others were released to the community at some point, committed new crimes, and returned to BOP custody; most of this second group were sent to Atlanta and Oakdale—the latter Institution administered jointly with the INS. On the morning of November 20, 1987, the State Department informed the Department of Justice that a repatriation accord with Cuba, suspended by the Cuban Government 2 years earlier, had been reinstated. The agreement was made public only 4 hours later; the Oakdale disturbance occurred the next day.

Though by no means uniformly popular with staff or clearly cost-effective, the BOP's policy of frequent transfers means that most employees personally know someone at most facilities. Of the hundreds of BOP staff I have interviewed, all but a few knew one or more of the hostages at Oakdale and Atlanta. Moreover, the BOP's "family" traditions and ethos are never more in evidence than when co-workers are threatened or harmed.

The crises made visible some intangible qualities of organizational life. Staff members reached inside their flak jackets to pull out some cash for the families of the hostages. Middle-aged secretaries stood watch on the prison's perimeter with counselors, unit managers, uniformed officers, and administrators. Union representatives put aside outstanding disputes until the trouble was past. Retirees phoned each other, watched the news on television, and listened anxiously for any word on the disturbances.

As one of the former hostages remarked: "So you see, this is what you get from lousy Government bureaucrats, most of whom make less than \$30,000 a year—loyalty to each other, selflessness in the line of duty, and a dedication to protect the public they serve." He might have added "commitment to the rule of law" and "professional calm"; in the wake of the disturbances, not a single act of vengeance was taken by a BOP staff member against a rioter.

The crises could easily have—but didn't—derail Quinlan's plans to reorganize the agency's management structure in ways that can accommodate by the year 2000 (or before) twice as many Federal inmates, staff, and institutions as there were on the day that



Courtesy NY City Dept. of Corrections

*A number of State and local corrections systems have adopted Bureau of Prisons innovations. Here, the Rikers Island jails (New York City).*

Quinlan became director. Quinlan has drawn upon public management experts and outside consultants to develop a "Human Resources Management" (HRM) program within the BOP—giving the agency a corporate management structure without gutting its "family" customs and traditions.<sup>2</sup>

## Lessons for American corrections

What broader lessons should be learned from this 60-year-old Federal agency that runs prisons that work? I think there are four.

<sup>2</sup>Thus, one part of the HRM strategy is an active program to involve staff more directly in decisions about where they serve, what they wear on duty, and how job-related stress and other problems can be ameliorated. Another part is the move toward a computerized "key indicators" system that will smooth and standardize the flow of data among and between the institutions and the regional and central headquarters, and that will make possible more sophisticated and useful analyses of what management and staffing practices work best under given conditions. The institution of the Program Review Division and the increasing use of strategic planning at the national, regional, and institutional levels are other examples.

### *Success is possible*

The BOP experience proves that decent prisons are possible, and that wretched prisons are not inevitable. Historically, the key to the BOP's success has been good management. The BOP has faced all of the problems often said to make safe and humane prisons impossible—overcrowding, understaffing, a diverse inmate population with plenty of hardcore offenders, old physical plants, and so on. It has met these problems with administrative creativity and resourcefulness. It has enjoyed stable leadership (in most States, corrections chiefs come and go every few years), and each of its five leaders has managed the agency's external constituencies with as much energy and thoughtfulness as in managing its inmates.

One might wonder whether State and local correctional systems could borrow pages from the BOP's book with the same results. The answer is that many have already done so. For example, New York City's Department of Corrections has instituted unit management in the new Manhattan Tombs and in selected jails on Rikers Island. The results: a reduction in the frequency and the severity of inmate violence, less use of force against inmates by staff, and an improvement in officer morale. To cite just one other example, a few years ago the Maryland Department of Corrections, a troubled prison system, adopted the BOP's classification procedures. Maryland officials are convinced that the procedures have given them a better handle on inmate management, and data on the rates of disorders and inmate participation in educational and other programs tend to bear them out. (It should be noted that the BOP is rivaled in many respects by the Minnesota Department of Corrections and several other agencies. Over the years, the BOP has also learned from other corrections departments.)

The moral of the BOP story is not that we should continue to incarcerate with reckless abandon. The fact that prisons can be well run is no argument for putting more people behind bars.

Many offenders must be incarcerated. The threat posed by violent and repeat offenders cannot be taken lightly. Over three-quarters of the Nation's 3.5 million convicted criminals are now on the streets, on probation or parole. Tens of thousands of them should not be. Some State offenders were released early to relieve population pressures (or to honor court-imposed population caps); others (including murderers, who serve a median of under 8 years in confinement) "paid their debt" (minus overgenerous "good time" sentence reductions) and were freed prematurely; most were freed without anyone looking over their shoulders or helping them to find jobs and adjust. Some of these freed criminals have killed, raped, and robbed.

However well administered, prisons are not terribly conducive to the better angels of our nature. If our moral strictures do not prevent it, then first-time and low-level nonviolent convicts who can "do time" in the community—that is, serve their sentences under meaningful supervision, and without posing more than a small statistical risk of committing new crimes against property or persons—must not be locked up. To incarcerate these offenders is to engage in nothing more than moral quackery and practical foolishness.

Yet the possibility of sensible alternatives to incarceration does not make prisons obsolete. With characteristic carefulness, the BOP has proposed that the new Federal sentencing guidelines, the constitutionality of which was



Gregg Flummel, courtesy NIJ/NCJ/IRS



Courtesy BOP Community Corrections office, New Orleans

*Left: Electronic monitoring is likely to be used more intensively in years to come as an alternative to incarceration. Right: Marian Manor, Louisiana, one of many community corrections facilities managed with Bureau of Prisons oversight.*

recently upheld by the U.S. Supreme Court, be interpreted so that at least some Federal felons can be "incarcerated" in the community under various punitive intensive supervision and house arrest programs.

#### ***Private management is no panacea***

A second lesson is that proponents of "private prisons," and champions of the ostensibly greater efficiency, flexibility, and innovativeness of private management over public management, should take a second look.

Research shows that private prison construction and financing arrangements do offer substantial savings and raise few moral dilemmas. But private correctional management has not even begun to prove itself. Of the roughly 22 facilities now run by the more than 25 existing private prison firms, not one is a maximum-security prison for adult male offenders. Instead of Atticas, San Quentins, and Leavenworths, the private firms have locked themselves mainly into jails for juveniles and similar institutions. Moreover, even with this "corrections creaming," the comparative cost-

effectiveness of their operations is often asserted but never demonstrated.

There is more than human caprice behind the fact that we have MPA's and MBA's, government and business, politics and markets, public agencies and private firms, a public sector and a private sector. When society's goals are multiple, vague, and contradictory (e.g., punish, deter, incapacitate, rehabilitate), and its desire to achieve these goals is constrained by legal and constitutional norms (e.g., no "cruel and unusual punishments," rights of due process, equality of treatment), there will be an ongoing political debate.

As political scientist Herbert Kaufmann observed, government bureaucracy and its "red tape" are creatures of our democratic values. "One person's red tape," he noted wisely, "may be another's treasured safeguard." When privatization spokesmen say they will cut the "red tape," they may unwittingly be promising to "cut" inmates' legal and constitutional rights, and the rights of staff to unionize freely and bargain collectively.

In a free society, citizens may value the public nature of a process as much as they value its results. Even if private firms could somehow overcome the labor-intensive demands of the “prisons business” and run more safe and humane prisons for less money, would the moral questions surrounding their enterprise be resolved? Does it matter whether the hand that pulls the trigger on a would-be escapee is the hand of a duly authorized public official? I believe that it does, though many people I respect disagree.

The BOP has taken a cautious approach to privatization. Like many other prison agencies, for years the BOP has contracted for a host of auxiliary services, from food preparation to mental health counseling. But there are no plans to privatize any of its major facilities, and most agency veterans would balk at such a move.

I believe that the BOP experience makes privatization a less enticing option than “nationalization.” By nationalization I mean an enhanced Federal role in State and local corrections policymaking directed from the executive branch (BOP officials) instead of from the Federal bench (interventionist judges). In a forthcoming book, I argue the need to develop a full-scale National Academy of Corrections run by the BOP. The Academy would be a center for training State and local corrections officials: the funds would come from the Federal Government, supplemented by private foundations.

### ***Cynicism about Government is unwarranted***

A third lesson of the BOP experience is that “bureaucrat-bashing,” and the concomitant view of public servants as self-interested “empire-builders” out mainly to maximize their budgets and their perks, does not reflect reality.



*Bureau of Prisons line staff: a rebuttal to “bureaucrat-bashers.”*

This cynical view informs many journalistic accounts, punctuating “insider” stories about what government agencies do. Worse still, it has been elevated to the status of a “theory” among many academics who have rarely, if ever, studied the workings of government except from their offices or from the computer room, a cloister where prepackaged statistical programs can shield one from real-world complexities that are hard to quantify or model.

The unpaid hours worked, the thankless tasks completed, and the undeserved criticisms suffered over the years by BOP employees are a rebuttal to those who can read only cynicism and defeatism on the face of civic virtue and can-do government.

### ***Corrections has a moral dimension***

Finally, the BOP experience furnishes a lesson—a very compelling lesson because it involves how we treat our least popular citizens—of what a “kinder, gentler nation” (and a government organized to bring it about) might look like.

The BOP, like other corrections agencies, handles people whom most of the rest of us would neither care nor dare to be around. Some of them are remorseless criminals who harmed others and would do so again given the slightest chance. Others are people who simply, and only half-intentionally, were in the wrong place at the wrong time and will regret it for the rest of their days. Still others were trapped in whole or in part by their life circumstances. (I recall one Federal prisoner who was convicted of armed robbery. His gun, however, was not loaded, and there was evidence that he knew it at the time of the holdup. “I wanted,” he said, “to just use a stick-up note but I didn’t know how to write.”)

Regardless of their crime or their background, the BOP has managed these criminals in a way that provides for their protection and future self-betterment. For six decades it has sought for better ways to run decent facilities while protecting the public and its purse.

For criminals, America’s Judeo-Christian culture prescribes revenge tempered by forgiveness, justice tempered by mercy. In light of the BOP’s record, those of us who feel a part of that culture have something in which to rejoice. ■

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### Marion—Turning a necessity into a virtue

The BOP has not been perfect. Alcatraz, for example, was the scene of heavy-handed administrative tactics. More recently, USP Marion has been attacked as a prison that does nothing but “warehouse” criminals. I have visited Marion and studied every published document pertaining to its history. Some persist in seeing it as a wart on the agency, but I see it as the BOP’s way of turning an administrative necessity into a virtue.

Between February 1980 and October 1983, there were 14 escape attempts, 10 group disturbances, 57 serious inmate-on-inmate assaults, 33 inmate assaults against staff, and 9 inmate murders at Marion. On October 22, 1983, two Marion officers were killed and two others seriously injured. A few days later an inmate was murdered, and a riot occurred in which five staff members were beaten.

More than 98 percent of Marion’s prisoners have a history of violence; 55 percent of them have been involved in murder, and almost 30 percent of them have killed while in State or Federal prison. Nearly 40 percent have made escape attempts. The average Marion prisoner is serving a 39-year stretch; many will never return to the community. As one Marion officer remarked: “Here we have the hardest of the hard, the most aggressive, the most uncaring—the most dangerous to the public, the staff, and other inmates.”

Marion was built in 1963 as a modern, “open” institution, but it was only after the violence of 1983 that the BOP decided that its attempt to manage Marion via normal maximum security procedures simply could not work. It

was a tough decision for Carlson and his executive staff. They prided themselves on having done as much as possible to deregiment the agency’s prisons. And they certainly anticipated the political and legal challenges (and the intense media scrutiny) that would follow any move to run Marion as a supermaximum.

Initially, Marion was placed in normal “lockdown” status. Inmates were confined to their cells for all but one hour a day. Quickly, however, Carlson moved to develop a “controlled movement program.” This program differed from a lockdown in that, while at Marion, inmates who demonstrated good behavior could gradually work their way into a less restrictive (though still highly monitored) daily routine. Inmates who qualified would be permitted to take all three meals out of their cells and to work in the prison’s UNICOR plant. Those who worked their way into the prison’s pretransfer unit could work in the factory 7 hours a day, 5 days a week. Through this program, about 100 inmates have been transferred out of Marion each year since 1983. All inmates, with the exception of those in disciplinary segregation status for serious misconduct, have a television and a radio in their cells, and are permitted to enroll in correspondence courses.

In the year after the heightened security procedures went into effect at Marion, inmates filed a class action suit. In *Bruscino v. Carlson*, they claimed that conditions at Marion violated the Eighth Amendment’s prohibition on “cruel and unusual punishments.” In a decision issued on February 24, 1987, the Federal District Court of Southern

Illinois found that “...the controls are a unitary and integrated system for dealing with the nation’s least corrigible inmates; piecemeal dismantling would destroy the system’s rationale and impair its efficacy.” In a ringing endorsement of the *Bruscino* decision, the U.S. District Court of Appeals for the Seventh Circuit stated: “...the plaintiffs described as cruel and unusual punishments...procedures which were protecting them from murders and attacks by fellow prisoners.”

Part of the BOP’s rationale for Marion is that, rather than permitting incorrigible inmates to disrupt operations at its other facilities, they should be isolated in one place. Normally, inmates who commit serious infractions are placed for a brief time in the “lockdown” segregation wings of their facility (their “prisons within a prison”). If this does not cause them to behave in the future, or if they are determined “heavies” who exploit their peers for sex, drugs, or money, or if they have extraordinary protection needs, then Marion is waiting. “Marion,” said one BOP official, “is a way to put all the rotten apples in one basket so that the others don’t go bad. If one of the rotten apples ripens, we’re glad to transfer him....”

Correctional experts have debated the wisdom of this approach. But whatever its shortcomings, if forced to choose, I would rather be confined in Marion than in most State maximum security prisons. At least I could count on being safe from the violent whims of my predatory neighbors. As former warden Gary Henman noted, “Our first job is to protect the public; our second job is to protect the inmates.”—*J. DiIulio* ■