

Gary Krejca

“5270.7 Tells the Tale”

Administering discipline in the Federal Bureau of Prisons

John J. DiIulio, Jr.

An associate warden I once interviewed, a man who had worked in nearly a dozen different Federal prisons, had this to say about the administration of disciplinary actions against inmates in the Federal Bureau of Prisons: “Discipline is the core of a prison operation. To be effective, it’s got to be consistent, not just within an institution, but throughout the system. But to make it consistent, that takes some doing. I think we do it as well as it can be done.” Inevitably, prison officials exercise discretion in the disciplinary process. But throughout the Bureau, the disciplinary process conforms to official agency policy, is valued by employees, and is administered in a way that minimizes discretion and results in like infractions receiving like penalties.

Like most prison systems, the Bureau of Prisons has developed a detailed policy on the administration of disciplinary actions against inmates. Over the years, this policy has been spelled out and amended in various official “Program [policy] Statements,” including number 5270.7 on “Inmate Discipline and Special Housing Units,” dated December 29, 1987. Not counting the dozens of sample disciplinary forms and flow diagrams incorporated into 5270.7, the statement runs for some 45 single-spaced pages.

In part, its introduction reads: “So that inmates may live in a safe and orderly environment, it is necessary for institution authorities to impose discipline on those inmates whose behavior is not in compliance with Bureau of Prisons rules....Only institution staff may take disciplinary action....Staff shall control inmate behavior in a completely impar-

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tial and consistent manner. Disciplinary action may not be capricious or retaliatory. Staff may not impose or allow imposition of corporal punishment of any kind.” Those words may seem simple and unexceptional. For three reasons, however, they are anything but.

■ First, contrary to the historic norms, policies, and practices of many prison systems, including the Bureau itself until the late 1960’s, this statement limits prison staff to disciplining inmates who violate specific rules. As one retiree recalled: “In the old days, a guard could write up a convict for looking at him crossways, or for having a surly attitude, or just because he felt like it. Nobody would say too much about it, and the convicts just took it for granted as part of what ‘doing time’ was about.”

■ Second, 5270.7 empowers the staff (and only the staff) to administer discipline, prohibits arbitrary, retaliatory actions, and forbids corporal punishment. Well into the 1960’s, many prison

systems, especially in the south, used inmates to punish other inmates (“trusties,” “building tenders,” “con bosses”), sometimes by means of officially sanctioned inmate-on-inmate beatings. In many systems, prison officials routinely used corporal punishment on unruly inmates. Although such actions are now prohibited by law, in some places the administration of discipline still takes this form, albeit covertly.¹

■ Third, 5270.7 mandates that staff administer discipline “in a completely impartial and consistent manner.” But nowhere in the 45 pages that follow does it establish precisely what constitutes a “completely impartial and consistent” disciplinary process, or how to apply general precepts to particular cases. As a Bureau medical worker, one who over the years had initiated several disciplinary actions against inmates, observed: “Every medical problem is unique, every disciplinary problem is unique. In both cases, however, you’ve got to employ judgment, and to apply universal principles to particular cases. There’s no two identical heart problems calling for identical bypass operations. And there’s no two identical assaults on staff calling for identical punishments. But you do your best and try to treat like cases alike, for moral and practical reasons.”

¹Probably because their administrative systems tend to be more primitive, jail systems seem to have more vestiges of such disciplinary practices than do prison systems. This includes not just small county jail systems, but big-city systems as well. During my tenure as a consultant to the New York City Board of Corrections (1986-87), for example, there were numerous incidents of officers physically abusing inmates in retaliation for some alleged infraction. In 1991, several Philadelphia officers were criminally charged with making inmates who had rioted run a gauntlet, beating them with fists and clubs as they moved down the line.

The closest 5270.7 comes to specifying what constitutes an “impartial and consistent” disciplinary process, and how to administer one, is in its section on “Prohibited Acts and Disciplinary Severity Scale.” This specifies four categories of prohibited acts (“greatest”—code 100’s, “high”—code 200’s, “moderate”—code 300’s, and “low moderate”—code 400’s) and sanctions for each. In the “greatest” category, for example, are such infractions as killing (code 100), rioting (code 105), and possession of illegal drugs (code 109). Among the recommended sanctions for such infractions are “parole date rescission,” “disciplinary segregation (up to 60 days),” and “loss of privileges” (recreation, visiting). At the other end of the continuum, in the “low-moderate” category, are such infractions as “possession of property belonging to another person” (code 400), “tattooing or self-mutilation” (code 405), and “unauthorized physical contact” (kissing, embracing) (code 409). Among the recommended sanctions for such infractions are “monetary restitution,” “loss of job,” and “reprimand.”

However, there is no shortage of ambiguities in this section. For example, conduct that “disrupts or interferes with the orderly running of the institution or the Bureau of Prisons” is listed in all four categories (codes 199, 299, 399, and 499). One moderate infraction is “being unsanitary or untidy” (code 330); one low-moderate infraction is “feigning illness” (code 402). It is simply unclear how to interpret and apply such provisions in a way that serves the end of a “completely impartial and consistent” disciplinary process.



Aftermath of 1974 disturbance at USP Marion. Participants in an incident of this type would probably be charged with code 199 “disruptive conduct” or code 105 “rioting.”

It would not be surprising, therefore, to find all manner of disparities and variations in the characterization of disciplinary offenses and the levying of sanctions. In most prison systems, and, indeed, within prisons from one warden to the next (or even one shift to the next), such discrepancies are easy to see. Within the Bureau, however, the “Prohibited Acts and Disciplinary Severity Scale” is understood and applied in much the same way by personnel at all levels throughout the system. More than that, the disciplinary process is valued by employees at all levels as an effective and fair way of ensuring that “inmates live in a safe and orderly environment.” As one Central Office administrator asserted before I had fully researched the matter: “I’m telling you, John, you might not believe it based on what you’ve seen in other systems, but in the Bureau the discipline process is pretty damned uniform. It works in practice just like it does on paper, and we think it works mighty fine. Have you seen 5270.7?”

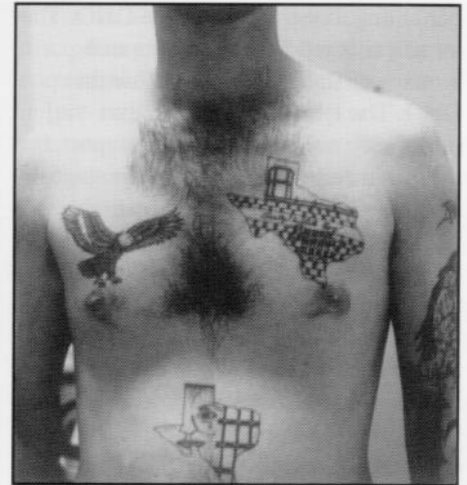
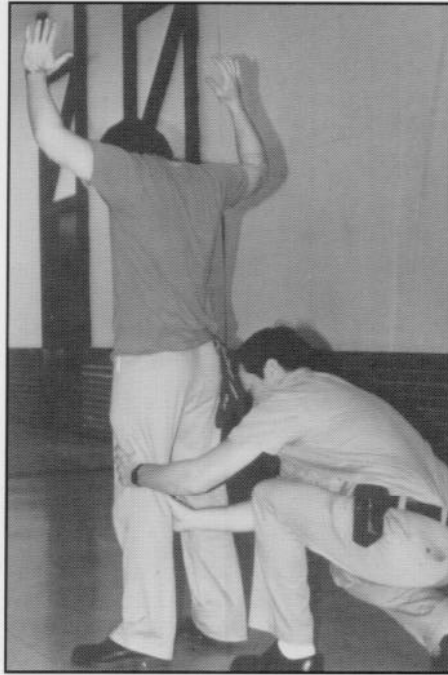
When you’ve had a chance to look into it more, tell me if 5270.7 tells the tale. I bet you find it does.”

In three high-security Federal penitentiaries I studied in detail—Lewisburg, Pennsylvania; Leavenworth, Kansas; and Lompoc, California—the administration of disciplinary actions against inmates has mirrored the letter and spirit of Program Statement 5270.7. In all three prisons, the disciplinary process has the same five basic steps, and it is worth sketching them here.

■ Step one is the detection by staff of the commission of a prohibited act by one or more inmates. In all three prisons, staff estimated that about a quarter to a third of all potential code 300- and 400-level disciplinary charges were dropped or resolved informally short of a formal

disciplinary report. A veteran Lewisburg correctional officer noted: "If a guy is always dogging it on the [prison industry] job, you might see that he's threatened with an incident report. After the second or third time, you might even put pen to paper. But it's best to give him a chance to respond without having to go the whole 9 yards." A Leavenworth administrator stated: "Obviously, you can't police every little thing. If we're talking about repeated minor rule infractions, then, yes, they're going to get a report on them, and they know it. They understand how far they can skate with the small stuff. But even with that, it's generally three strikes and you're out, we make it formal." A former Lompoc correctional officer recalled: "At Lompoc, you'd have some tough guys who always had to act tough. You get these types in all of the heavier facilities. Now, guys like that, you'd be writing 300's and 400's till your arm fell off. For the petty infractions, an individual inmate's bound to get one or two free rides. But you can't bluff them. If they push it, it has to go on paper and you've got to take it to some available penalty."

■ The second step in the process—taken on all potential code 100- and 200-level infractions and more than half of the 300- and 400-level offenses—is the preparation and filing of a formal "Incident Report" by prison staff. The reports all follow the same basic form, relating the "who, what, when, and where" of the incident. Normally, notice of the report is provided to the inmate, and the disciplinary report is filed with a lieutenant, within 24 hours of the incident. In about 10 to 15 percent of all cases that reach the lieutenant, the charge is dropped or resolved informally.



Above. Of the four categories of prohibited acts, "tattooing or self-mutilation" is in the "low moderate" category.

Left: "Possession of property belonging to another person" is considered a "low-moderate" infraction.

■ In all other cases, a third step is taken—the appointment by the warden of an incident investigator. The investigator is a supervisory level employee. No one who was a party to the incident, least of all the report writer, can serve as an investigator. At Lewisburg, Leavenworth, and Lompoc, lieutenants have normally served as disciplinary investigators. The investigator interviews all parties to the dispute, both staff and inmates, and completes a report. When the investigation and report are complete, the matter is automatically referred to a "Unit Discipline Committee" (UDC).

■ The UDC represents the fourth step in the disciplinary process. Most Bureau prisons are administered around unit management teams, and two or more members of the unit team normally serve as a UDC. The UDC holds an initial hearing on the alleged misconduct. The UDC is authorized to drop or resolve informally any 300- or 400-level violations, and to impose minor sanctions.

There are no good data on the rate at which UDC's drop charges or resolve matters informally; the best historic guesstimates for Lewisburg, Leavenworth, and Lompoc range from about 5 to 10 percent.

The final step in the disciplinary process occurs in code 100-level and some 200-level cases when the UDC concludes that a severe sanction (recommendation of a later parole date, loss of time earned for good behavior, transfer to a disciplinary unit) may be in order, or that criminal charges may need to be filed, or both. In these cases, they refer the matter to a "Discipline Hearing Officer" (DHO)—a specially trained, supervisory-level employee who may serve in this capacity at one or more prisons.² The UDC files all materials

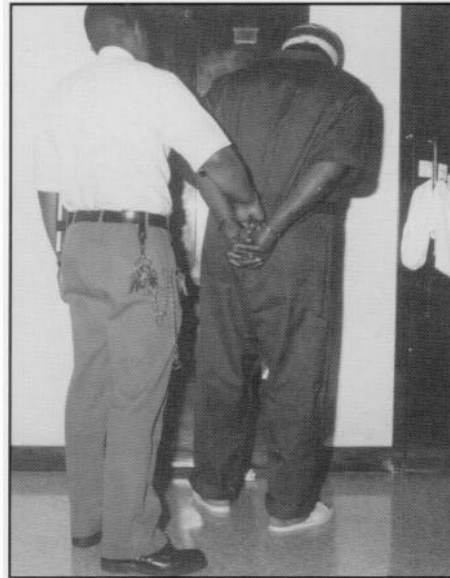
² Prior to 1986, the Bureau used a three-person Institution Disciplinary Committee (IDC) at this stage in the process. DHO's replaced IDC's in 1988.

pertaining to the case with the DHO. The inmate charged has the right to call inmates or staff witnesses before the DHO. The DHO is empowered to informally resolve the incident report, but that almost never happens at this stage, and most inmates who find themselves before a DHO are found guilty.³ At this or any other stage of the process, inmates found guilty have the right to challenge the decision via the Bureau's elaborate administrative remedy procedure; however, because the disciplinary hearing process is so exhaustive, the chances that an inmate will have a punishment modified or overturned are slim.⁴

Across Lewisburg, Leavenworth, and Lompoc penitentiaries, the vast majority of disciplinary actions against inmates (about 80 percent on average) have been for code 200- and 300-level violations, with the rest divided more or less evenly between the most serious (code 100) and least serious (code 400) actions. Based

³A 1987 study of DHO's at six pilot facilities found that DHO's issued "not guilty" findings in only 1.9 percent of all cases; see Loren Karacki, *Research Review: Evaluation of the Discipline Hearing Officer Pilot Project* (Washington, D.C.: Federal Bureau of Prisons, December 1987).

⁴The administrative remedy procedure is invoked by the use of BP-9, BP-10, and BP-11 forms. Inmates who wish to raise issues concerning any aspect of their confinement can file the BP-9 with institutional officials, and, if necessary, the BP-10 (with regional office officials) and the BP-11 (with central office officials) on appeal. In the mid-1980's, the agency-wide denial rates for BP-9's, -10's, and -11's were about 85, 95, and 95 percent, respectively. For example, in 1986, 422 Lompoc inmates filed BP-9's and 322 (89 percent) were denied; 165 of those denied by the institution filed BP-10's, and 151 (94 percent) were denied by the regional office; 63 of those filed BP-11's, and 59 (94 percent) of those were denied.



Above and right. Inmates in disciplinary segregation for "code 100's" have 1 hour per day of enclosed recreation.

on the data available, it is difficult to calculate rates of disciplinary action across these three facilities. Bureau research analysts have reported that, in the early 1980's, the average number of incident reports per 100 inmates per month at all high-security facilities was about 9.⁵ The institutions varied little around this average; such variations as did occur could be explained by changes in inmate population mixes and other factors, rather than by any systematic differences in the way discipline was administered. The few published accounts of the Bureau disciplinary process produced by independent analysts do not contradict this view.⁶

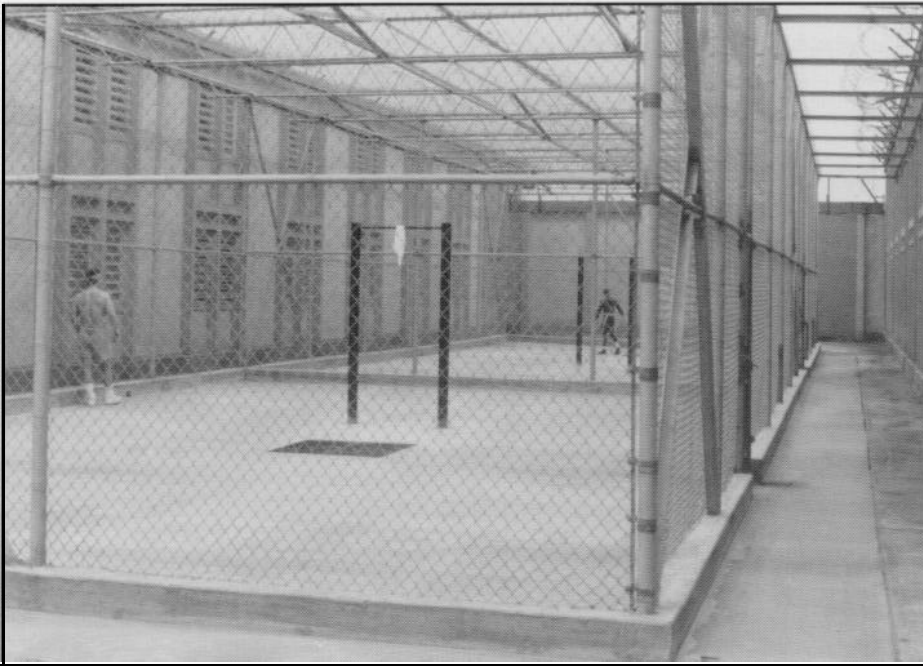
⁵For one such account, see Mark S. Fleisher, *Warehousing Violence*, Frontiers of Anthropology Series, Volume 3 (Newbury Park, London, New Delhi: Sage Publications, 1989). p. 80-86.

⁶Michael Janus et al., "Security and Custody: Monitoring the Federal Bureau Of Prisons Classification System," *Federal Probation*, Volume 50, Number 1, March 1986, p. 35-43.

Indeed, four Bureau employees, each of whom had worked in at least two of the three facilities under consideration here, all reported that the processes were virtually identical from one prison to the next. One would expect as much from looking at each prison's "Inmate Handbook." In each, the basics of Program Statement 5270.7 were conveyed straightforwardly; in all three handbooks, parts of the text of 5270.7 were reprinted verbatim.

Beneath the superficial differences are profound operational uniformities in the administration of disciplinary actions. Indeed, I could not find a single example of comparable incidents that were handled in significantly different ways at Lewisburg, Leavenworth, and Lompoc. Almost without exception, in each prison, reports on all sorts of minor infractions were preceded by informal warnings to the inmate-perpetrators. In each, investigating lieutenants, UDC's, and DHO's played almost precisely the role assigned to them by 5270.7. In each, the relevant associate wardens (and, in serious cases, the wardens) were actively involved in making sure that the facts were straight, the penalties proportionate, and the entire process conducted in accordance with policy.

As a final, loose test of the "5270.7 tells all" notion, I asked a nonsupervisory and a supervisory employee at each of the three penitentiaries how they would characterize and dispose of a hypothetical incident in which an inmate set fire to his cell, several officers saw him do it, and conclusive evidence showed that the inmate committed this act as part of a would-be escape plan. All six of those to whom I posed this hypothetical incident characterized it as a 100-level or "great-



est severity” offense (three correctly specified it as a code 103 offense—setting a fire to further an escape attempt); all six summarized the disciplinary process in much the same terms, with as much excruciating detail as I would allow; and all six correctly specified the categories of sanctions that could be applied. Five of the six said that the hypothetical inmate would be a likely candidate for loss of good time and, depending on where he was housed, for disciplinary transfer; only one said that the incident would definitely result in parole date rescission. As it turned out, their responses mirrored what has actually happened in such cases.

To find that the administration of disciplinary actions followed official agency policy, and that it varied little from one prison to the next within the system, was surprising. But to find that staff at all levels seemed to prize the

process as a management tool left me a bit incredulous. After all, in many prison systems, the dominant ethos, at least among line staff, has favored “curbstone justice,” not bureaucratic procedure, as a means of handling inmates who violate the rules or seriously challenge authority.

But, as a Bureau Central Office administrator who had worked as an agency legal counsel explained: “For most of prison history, discipline was arbitrary. Sometimes, staff are going to want to just dispense justice on the spot, and to get physical. But, when that officer out there knows the pen is mightier than the sword, when he knows by experience that if he properly writes up an inmate for some offense the inmate really did, then the inmate’s almost certainly going to get punished, that’s all it takes.” In the same vein, a regional administrator who had served as a DHO remarked: “Look, when staff get used to doing things a certain way, then, even if that way is not natural, they’ll just do it, especially if it’s proven

effective. That’s the story with our disciplinary process.” Likewise, a junior correctional officer recalled: “They stress in [pre-service] training that you don’t ever rough up an inmate. You do and you lose your job, and you may go to jail, too. But they also stress that you have a far better way to keep discipline. That’s the [incident] reports....Sure, I’ve already had times when I’d like to forget about the DHO’s and all that and let an inmate have it. But the older officers here would never respect that. They only respect guys who do their jobs the right way all the time.”

Former Bureau Director Norman A. Carlson was a bit amused by my interest in the disciplinary process, and completely unmoved by the “finding” that it seemed to work as called for in policy. “The staff get lots of training and oversight. They administer that process every day. They know it works well, and that it’s certainly a heck of a lot better than any sort of vague, variable process....I’m just not too surprised.” Carlson’s successor, J. Michael Quinlan, had much the same reaction: “I’d be shocked if it didn’t work the way it’s supposed to. When I was a warden, I found the process very useful. Again, it’s not just that it’s official policy....It’s that it’s a good policy, and one we really do believe in.” ■

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Myrl E. Alexander

1909–1993

John W. Roberts

The entire Federal Bureau of Prisons family was saddened by the death of Myrl E. Alexander last year. Alexander, third director of the Bureau and one of the leading figures in American corrections for more than half a century, died in Corpus Christi, Texas, on January 14, 1993, of cardiac arrest. He was 83 years old, and had been in poor health since suffering a stroke in July 1991.

Myrl Early Alexander was born in Dayton, Ohio, on August 23, 1909, the son of John and Florence Alexander. He received his A.B. degree from Manchester College, North Manchester, Indiana, in 1930, and pursued graduate studies at Bucknell University, Lewisburg, Pennsylvania. He was awarded honorary doctorates of law from Manchester College in 1956, Pacific Lutheran University in 1966, and Susquehanna University in 1972. Alexander was the author of a book, *Jail Administration* (1957), and was a frequent contributor to professional journals. His most recent article, in the *Federal Prisons Journal*, Winter 1992, concerned the jail system administered by the Bureau in Alaska during the 1950's and 1960's.

Alexander began his career in 1931 as a junior warden's assistant at the U.S. Penitentiary, Atlanta, Georgia. He went on to assignments at the U.S. Penitentiaries in Lewisburg, Pennsylvania, and Leavenworth, Kansas, before being named Parole Executive in 1937. As Parole Executive he was in charge of administrative operations for the United States Parole Board in Washington, D.C. From 1940 to 1943 he served as associate warden at the U.S. Penitentiary,

Continued on p. 69



Top: Myrl Alexander (seated third from left), instructor for a training class, U.S. Penitentiary, Lewisburg, Pennsylvania, c. 1935.

Above: Assistant Director Alexander at an awards ceremony, Springfield, Missouri, 1949.

Left: Alexander shortly after joining the Bureau in 1931.

Three Inmates

Myrl Alexander

A former colleague of Myrl Alexander once referred to him as a "human dynamo." Indeed, Alexander kept active long after his retirement from teaching in 1981. In addition to operating his tree farm in Pennsylvania, he spoke at Bureau of Prisons conferences, participated in various Bureau history projects, and contributed to the Federal Prisons Journal. He also devoted considerable time to writing his memoirs.

While Alexander was unfortunately unable to complete his memoirs, a chapter that he did complete, entitled "Three Inmates," appears here in print for the first time. The stories he relates not only depict varying inmate reactions to prison, but also reveal how different from today's environments prisons were when Alexander began his career.

We were having dessert and bridge recently with our condo neighbors, Frank and Mary Saturn, retired from business in Ithaca, New York.

Frank had developed an interest in the classic Russian writers. While Mary and Lorene were in the kitchen brewing a pot of coffee and dishing up a dessert, Frank and I sat talking in the living room.

"Alex, I have two questions about some incidents I've just read in Tolstoy's *Resurrection*. My questions involve conversations among some prisoners. Do you mind?"

"Not at all. I'm interested. They should have a ring of authenticity, since Tolstoy, like Dostoyevski, was once imprisoned for political crimes."



Associate Warden, USP Lewisburg, Pennsylvania, 1942.

Frank read from his notes, "Tell me if these sound like what prisoners today might say. Prisoner Novodnorov says: Now when I was in solitary confinement, I never let my imagination run away with me, but arranged my time most systematically; that's why I could endure so well. What do you think?"

The quote suggested several personal experiences in my career. "Frank, there may be differences between today and a century ago in Russia. But I'm certain the reactions of men isolated from other human contact haven't varied too much."

"What experiences have you had with that sort of thing?"

"Many. Let me give you two examples. When I began working in the Atlanta Penitentiary in 1931, we had about 10 inmate clerks working in our office. One was an affable young typist, Sammy Schwartz, jolly and well liked. One morning he didn't show up for work. We reported his absence and then discovered he had been sent to isolation, the 'hole.' He had been reported for 'insulting an officer.'"

Frank was puzzled. "How did he insult an officer?"

"We learned the details a few days later when Sammy reappeared for work. While marching in line down the main corridor, he walked past the guard at the entrance to the mess hall, glanced at the officer's feet, and grinned a Bronx smirk.

"That was interpreted by the guard as 'disrespect.' The fact that the guard wore size 15 shoes, scowled as he inspected passing lines of inmates, all the while clenching his night club between two fists, was a common joke among the inmates. Sammy thought the man was a bizarre-looking character and made the serious error of smiling as he surveyed the underpinning of that guardian of prison discipline!"

Frank was flabbergasted. I explained that the incident happened more than 50 years ago when major change in the Federal prison system was scarcely underway.

"But back to Sammy. When we asked him how tough it was to spend 3 days locked up alone, he laughed and said it was a breeze. Other guys were cursing and yelling in their cells. The worst part for him was living on a few slices of bread and a quart of water a day."

"At first a few flies bothered him. But he concocted a game. He caught some flies, 'dewinged' them, raced the flies around the cell floor while mentally betting which would win. When a few cockroaches invaded the

territory, he pulled some threads from his clothing, harnessed the roaches, and raced them with the flies!”

My host exploded, “Ye gods, wasn’t he angered by the entire incident?”

“Not Sammy. He simply didn’t fall into the trap of bitterness, but insisted it was worth the ‘vacation’ when he saw the guard’s face turn scarlet as he ordered Sammy out of the marching line.”

“I’m amazed at the man’s reactions. But he said other men were yelling and cursing. That suggests a wider range of reactions to solitary confinement,” Frank observed.

“Right. But let me tell you of another case with a different reaction. When I was the associate warden at Lewisburg [Penitentiary, in Pennsylvania], this man, Wally, was committed on a forgery charge. He was a narcotic addict who forged checks to buy narcotics.

“Then, in the 1940’s, addicts were committed for treatment to the U.S. Public Health Service Hospital at Lexington, Kentucky [now a Federal Medical Center]. Inmate Wally was in turmoil, wept and moaned. Other inmates ridiculed and taunted him. When I told him he would be transferred to Lexington, he was profuse in gratitude.

“But he protested he couldn’t stand the jibes of other prisoners until his transfer orders arrived from Washington. We agreed to place him in a segregation cell with regular meals and reading material. I saw him every day when I made my rounds of the segregation cells. All was fine.



Alexander on a fishing trip with Bureau colleagues in Minnesota, 1939.

“Then the transfer order arrived. ‘Good news, Wally. You will be leaving in the morning for Lexington.’ The inmate grasped my hand and expressed his ‘eternal thanks’.

“Later in my office, the emergency phone rang. ‘There’s an emergency in Segregation. Suicide attempt!’

“I ran to Segregation, located in the hospital building. Psychiatrist Ken Chapman was injecting adrenalin into Wally’s heart. ‘It’s useless. He’s gone,’ Ken explained.

“Wally had made a noose with tom sheets and clearly had it made when I visited him that morning. We were never certain what kind of mental process led to his suicide.”

Mary interrupted our conversation, “Dessert and coffee are ready, you guys, come on and then we can get to bridge.”

As we prepared to follow Mary’s invitation, Frank interposed, “Let me read one more quote from Tolstoy. Another prisoner says: I was often very glad to be safe in prison. When you are free you are afraid of everything...of

getting arrested, or entangling your friends and doing more harm than good. But once you are locked up, your responsibility ends. Then you can rest. All you have to do is just sit and smoke. How typical is that today?”

“That sort of thing happens more frequently in jails

than in the big houses,” I suggested. “While we’re eating dessert let me tell you about the man we knew as Old Folks.”

Lorene gave me her “what, again?” look, suggesting I slow up on prison stories. I gave her the “just-one-more” response.

While we munched on Mary’s fruitcake, I continued, “This inmate called Old Folks had been committed regularly to Atlanta [Penitentiary] in the fall, usually with a sentence of a year and a day and always for a minor postal violation. He always worked at the farm piggery. After 9 months he was discharged in early summer with 3 months off for good behavior.

“Years later, when I was the Bureau Director, the warden of the Tallahassee institution phoned, ‘We’ve got a prisoner here who is raising hell. Claims the U.S. Marshal double-crossed him by bringing him here instead of to Atlanta where he’s gone for years. Claims to have known you personally for 20 years.’

“Let me guess, George. Does he go by the name Old Folks?”

“You got it. He’s the man.’ We agreed he should be transferred to Atlanta, back to his familiar piggery.

“Several years went by. Then one day Mary Rawlings, my secretary, called on the intercom, ‘There’s an old man out here who claims you knew him for years in Atlanta. Wants to see you.’

“I knew who it was. I went directly to the outer office and grabbed his hand. ‘Old Folks, what in hell brings you to Washington? Come on into my office.’

“Well, Mr. A, I don’t reckon the good Lord has too many years left fer me and I figured I oughta see these here headquarters while I can.’

“Old Folks pulled out a sack of Bull Durham and deftly poured some tobacco on a slip of paper. ‘Reckon it’s OK for me to smoke here in headquarters?’

“Here, have a Camel,’ I offered.

“He refused and explained, after 50 years of smoking prison-issue ‘makings,’ he had no use for ‘tailor-mades.’ For 15 or 20 minutes we talked about old times. The old man opined that ‘them fancy young guards and social workers don’t know nuthin’ about us old cons.’

“It was a good visit with an old friend.

“Well, I’ve gotta go now that I’ve seen headquarters. Have to be back in Birmingham Monday morning to see the judge.’

“I thought I knew, but asked, ‘What’s that all about?’

“‘Hell’s fire, you know it’s September and I gotta get back to the piggery for



Lorene Alexander at the Alexanders' tree farm in Mifflinburg, Pennsylvania, 1990.

winter. Went out to a nice section of town the other day, picked up a rock and smashed one of them cast iron mailboxes. Took damn near an hour to get someone to stop and call the cops.’

“A few weeks later Warden Blackwell called from Atlanta. Old Folks wanted me to know he was safely back at the piggery.

“Then in mid-winter the warden called again. ‘Kinda unhappy news for you today. Old Folks died in our hospital today. Doc says it was heart failure and pneumonia.’

“The old man was buried in the prison cemetery. A single bouquet of flowers lay on his pine casket. It was charged to my personal florist account.”

“Don’t you ever get tired of telling those prison yams?” Lorene asked later as we went to bed.

“Nope!”

“That story about Old Folks was rather nice, I thought.” And she turned out the light. ■

Alexander cont. from p. 66

Lewisburg, and in 1943 he became warden of the Federal Correctional Institution, Danbury, Connecticut—at 34, one of the youngest wardens in the history of the Federal Bureau of Prisons.

When the U.S. entered World War II in 1941, Alexander received a commission as an officer in the United States Army. Before he could enter the service, however, Attorney General Francis Biddle announced that senior officials of the Department of Justice would have to stay at their posts.

In July 1945—only 10 weeks after Germany’s surrender—Alexander was detailed from his assignment at Danbury to accompany then-Director James V. Bennett to Germany to establish control over civilian prisons in the American occupation zone. Bennett returned to Washington a month later, leaving Alexander in charge of the German prisons. Attached to the Legal Division of the U.S. Military Government, Alexander served as chief of prisons until June 1946. One of Alexander’s primary responsibilities was to “de-Nazify” the German prison system—that is, to ensure that Nazi officials were removed from positions of authority. Alexander discussed his work in Germany in an interview that appeared in the Spring 1991 issue of the *Federal Prisons Journal*.

From 1947 to 1961, Alexander was assistant director of the Bureau in charge of field operations. In that position, he was credited with numerous innovations that improved institutional climates throughout the system. During that period, he was elected president of the American Correctional Association (1956).

Alexander retired from the Bureau in 1961 to establish the Center for the Study of Crime, Delinquency, and Corrections at Southern Illinois University in Carbondale, Illinois, and to serve as its first director.

In August 1964, Attorney General Robert F. Kennedy appointed Alexander as director of the Federal Bureau of Prisons, replacing Alexander's long-time friend and mentor, James V. Bennett, who was retiring.

Shortly after becoming director, Alexander announced in a speech that the challenge of developing more effective prison programs was "part of the larger effort to reduce or eliminate our major social problems" and that "as the roots of criminal and delinquent behavior lie deep in the community," prison had to cease being isolated from the community and had to work to "prepare and guide" prisoners "for *community* adjustment, rather than adjustment to probation or to the correctional institution." Seeking to achieve greater community involvement in corrections, Alexander supported enactment of the 1965 Federal Prisoner Rehabilitation Act, which greatly increased halfway-house, work-release, and study-release opportunities for inmates, and was responsible for implementing its provisions. He considered the expansion of community-based alternatives to incarceration to be one of his most important contributions to the field of corrections.

As director, Alexander also became deeply involved in international corrections activities. In 1965, he was appointed to the 10-member United Nations Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders. He was vice chairman of the U.S. delegations to United Nations



Above: Assistant Director Alexander meets with Warden Harold E. Hegstrom at the National Training School for Boys, Bladensburg, Maryland, c. 1950. H.G. Moeller, in the background, later served as Alexander's deputy director.



Left: Alexander visits Warden William Hartwick at FCI El Reno, Oklahoma, 1951.

Below: Judge Charles Fahy swears in Alexander as director, August 1944. Outgoing Director Bennett and Attorney General Robert Kennedy look on.





Above: Alexander shows characteristic exuberance at a wardens' conference, c. 1966. Mrs. Alexander is at left.

Left: Alexander shows model of FCI Morgantown, West Virginia, to Senator Robert C. Byrd, 1967.



Above: Alexander (far right) meets with (left to right) former Director James Bennett, Senator Roman Hruska (Nebraska), Warden Lawrence Carpenter, and Senator Quentin Burdick (North Dakota), 1965.

Right: Attorney General Ramsay Clark looks on as Vice President Hubert Humphrey presents Alexander with the President's Award for Distinguished Federal Civilian Service, 1967.



Congresses on the Prevention of Crime that were held in Stockholm, Sweden, in 1965, and in Kyoto, Japan, in 1970.

In July 1967, he received the President's Award for Distinguished Federal Civilian Service from President Lyndon B. Johnson. The award recognized Alexander's work as "a progressive and farsighted administrator" who pioneered "more effective methods of treatment in correctional institutions."

Alexander retired as director in January 1970 and rejoined the faculty of Southern Illinois University. In 1973, he moved to the University of Florida in Gainesville to establish the Studies in Criminal Justice and Corrections program, and direct the program until 1979. He continued to teach at the University of Florida until his retirement in 1981. During the 1970's and 1980's, Alexander also served as a consultant to numerous State prison systems.

Throughout his life, Alexander participated in professional and church organizations. He was a member of the Professional Advisory Council and the Board of Directors of the National Council on Crime and Delinquency, and was also a member of the American Correctional Association, the American Society for Public Administration, the American Academy of Political and Social Science, and the National Jail Association. He was also active in the Lutheran Church, serving on the Executive Board of the Illinois Synod of the Lutheran Church in America (1961-64), on the Board of Social Ministry (1966-72), and on the Bishop's Commission for Economic Justice (1985-87).

For many years, Alexander and his wife divided their time between residences in Gainesville, Florida, and Mifflinburg,

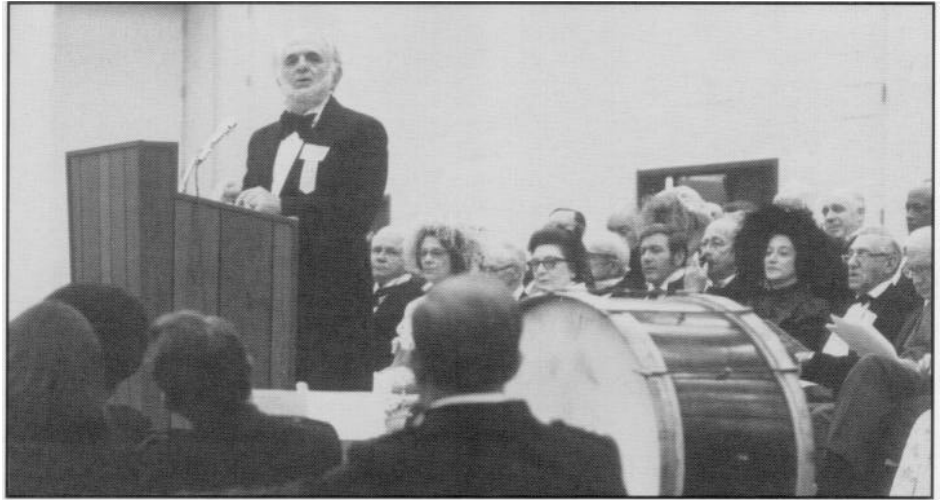
Pennsylvania, where they maintained an award-winning tree farm. They moved to Corpus Christi, Texas, in 1991.

Alexander is survived by his wife of nearly 59 years, the former Lorene Miller Shoemaker, a native of Mifflinburg. He is also survived by his daughter, Nancy Alexander Hibbs, his son, John L. Alexander, four grandchildren, and four great-grandchildren.

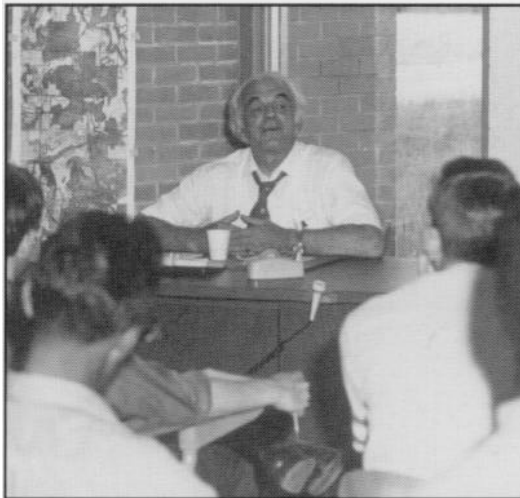
In his Presidential Address to the American Correctional Association in 1956, Alexander enunciated what he called “a bill of rights for the person under restraint in a free, democratic society.” Alexander said that inmates had a right to “clean, decent surroundings,” to maintain ties to family and community, to “develop and maintain skills as productive workers,” to receive “fair, impartial, and intelligent treatment” while incarcerated, and to enjoy “positive guidance and counsel from correctional personnel.”

Upon Alexander’s death, the current director of the Federal Bureau of Prisons, Kathleen M. Hawk, noted that “Myrl E. Alexander made enormous contributions to society and to the American system of criminal justice. He once observed that when he entered the field of corrections, ‘respect for human dignity in prison was hard to find’ and ‘public esteem for those who worked in prison was non-existent.’ Alex devoted his career to securing better living conditions for prisoners, more effective prison programs, and greater appreciation of the professionalism and hard work of corrections personnel. He played a vital role in creating modern, safe, humane, and progressive prisons in the United States.” ■

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Above: Alexander (with false beard) portrays legendary 19th-century warden Zebulon Brockway at the 100th anniversary meeting of the American Correctional Association, Cincinnati, Ohio, 1970.



Left: Alexander devoted the latter part of his career to university teaching. Here he speaks to a class at Southern Illinois University, 1971.



Below: Alexander with his first two successors, Norman A. Carlson and J. Michael Quinlan, at the Conference on the History of Federal Corrections, Smithsonian Institution, 1991.

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