

**The Trickle Down Theory of Prisoner Rehabilitation:
Life at the Washington State Penitentiary
1965-1980**

Sandy Judd

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INTRODUCTION

Dr. Karl Menninger came to Washington on February 6, 1970 to praise the state's efforts to reform its prison system. In his address to correctional officials, he assailed the more traditional American approach toward incarceration: ". . . I think it is a crime. It doesn't change anybody. It doesn't make anybody do differently. It doesn't correct anything. A man doesn't sit in his abominable cell in the filth, the drabness and the loneliness, thinking about his wife and children crying at home, and then say, 'Well, I will never forge another check....' That doesn't cure anybody. . . . But still we perpetuate a system in which we subject people to one, two, four, nine, seventeen, twenty-five, thirty-five years of this on the idea that the more of this horrible sort of treatment we give them the nicer they'll be when they get out."¹ By contrast, he later said that "Philosophy of Corrections," written by Dr. William Conte of Washington's Department of Institutions was the finest statement he had ever read.²

Was Washington really that different? Judging from the progressive wording of a 1965 law, one would think it was: "The director of institutions shall provide for the establishment of programs and procedures for convicted persons at the state penitentiary, which are designed to be corrective, rehabilitative and reformatory of the undesirable behavior problems of such persons, as distinguished from

programs and procedures essentially penal in nature."³ Just what programs legislators had in mind was, for the most part, ill-defined, although other laws from approximately the same time period leave some clues as to what they might have meant. For instance, a 1959 law called for the creation of a "state narcotic farm colony," to which drug addicts would be sent for treatment.⁴ Also in 1959, the Institutional Industries Commission was created in order to "assist the department of institutions in. . . promoting rehabilitation by affording such [idle] inmates an opportunity to participate in industrial and agricultural activities...."⁵ Furthermore, in the 1965 law, special provisions were made for the care and treatment of the criminally insane.⁶

The professional literature of the period indicated that correctional officials, psychologists and sociologists had similar ideas of what constituted a rehabilitative program. Much was made of the need for psychotherapy, and the successes of experimental therapy programs gained wide attention. Other major topics of research and discussion were drug and alcohol treatment; encouraging prisoner ties to the community; the treatment of the mentally ill; and education and vocational training. In the professional literature, however, the ideas were much more detailed than in the Washington legislation. Even seemingly minor points got attention, such as the effects of architecture and nutrition on the chances of successful rehabilitation.

The need for these types of programs was not a subject of much controversy among professionals. They did draw a battle line, though, along the question of whether punishment complimented or detracted from rehabilitative efforts. We have seen the view that punishment is inconsistent with rehabilitation in the statement by Dr. Menninger. Similar sentiments were also expressed by Dr. Richard Ball: "It is frustration-instigated behavior which brings many into trouble with the law in the first place. Frustration is thus part of the problem, and an institution which augments frustration actually aggravates the problem it was designed to solve."⁷ The opposing view was best summarized by S.W. Engel, M.D.: "By accepting his punishment the prisoner reaffirms his identification with society, and this enables him to dissociate himself from his misdeed."⁸

A study of the Washington State Penitentiary (WSP), to which the 1965 rehabilitation law eluded, will shed some light on this debate. The literature of the period indicates that the ideal rehabilitative institutions would include programs of mental health treatment, drug treatment, education, job training and extensive psychotherapy. Such an institution would also maintain an atmosphere conducive to character reform, where the prisoner's contacts with the community would be encouraged and expanded. The reality at the state's largest prison, however, was very far from this ideal. Furthermore, the punitive role of the prison often led to those aspects of prison life that stood in the way of

rehabilitation. In short, the inherent nature of prisons in general, and the conditions at this prison in particular, made implementing major rehabilitative programs impossible in the short term and unlikely even in the long term.

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LIVING IN A WALK-IN CLOSET WITH THREE OTHER GUYS

Overcrowding has been a common phenomenon in American prisons throughout the latter half of the twentieth century. Washington State prisons in the 1970's were no exception, and WSP was the worst offender. From the perspective of prison management, this was a serious problem and a key factor in many incidents of violence. From the point of view of a rehabilitation advocate, however, it was a problem that would have to be overcome if any new program was to have a realistic chance of success. It had ramifications for counseling and mental health treatment, drug treatment, and education and vocational training, as the availability of such programs would be limited by the proportionally small number of facilities and staff. Overcrowding also affected visiting, as the number of visitors were limited to the capacity of the visiting room, which probably discouraged some visitors from making the trek to Walla Walla to see their friend or family member, knowing that they may be turned away at the gate.

Although these things would have been affected by even a small amount of overcrowding, the situation at WSP went far beyond this. According to Judge Jack Tanner, who was writing in a 1980 court opinion about conditions there, the lowest population at Walla Walla in recent history was 1000 to 1100, which exceeded the state's own rated capacity by about two hundred. Tanner then applied the American Correctional Association (ACA) standards, and determined a capacity of 492. This meant that the state would have to remove two thirds of the prisoners at WSP in order for the ACA to consider the facility humane.⁹

The use of numbers to describe overcrowding might make it hard to relate to the problem, but the consequences to prisoners were quite grave because it aggravated existing resource problems. In addition to the difficulties with rehabilitative programs mentioned earlier, more basic services suffered. A medical care system that could not serve prisoners in a timely fashion under ordinary conditions became even less effective in a situation of overcrowding. Similarly, building facilities no longer sufficed; for example, the cafeteria became too small, forcing some prisoners to eat standing up, which led to fights. Opportunities for exercise, which relieved tension, also became more rare as the prison became more crowded. Furthermore, the tension level increased as opportunities for privacy decreased, and this contributed to the violence.

Crammed together into spaces considered too small for zoo animals¹⁰, prisoners tended to get on each others nerves.

Prisoner against prisoner violence, however, was not the only consequence of the heightened tension level. In the aftermath of a 1979 riot at WSP, the Washington State Senate Subcommittee on Adult Corrections determined that "the single most serious problem in adult corrections is the degree to which the inmate population exceeds the rated capacity of state facilities."¹¹ Overcrowding was determined to be a major cause of the riot, which cost the taxpayers \$2.2 million. In 1980, similar riots at prisons in Monroe and Shelton, which were also overcrowded, cost the state a million dollars each.¹²

Adding weight to the Senate Subcommittee's conclusions were the recommendations made earlier by investigators from the American Correctional Association (ACA) to the Washington Adult Corrections Division. The investigators called for the immediate relief of overcrowded conditions by moving anyone within 120 days of release to a work release or similar program. They also suggested that all prisoners be released as soon as they reached their parole dates, which the parole board had become more and more reluctant to do as public pressure to keep people locked up increased.¹³

That the ACA made these recommendations and that it had a set of standards designed to discourage overcrowding indicates that it was a widely occurring problem. That they sent investigators to Walla Walla indicates that this and

other problems were particularly acute at WSP. Therefore, the prospect of implementing new programs that would be adversely affected by overcrowding was especially bleak at the Washington State Penitentiary.

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SCANNING THE WANT ADS FOR LICENSE PLATE JOBS

Among the services that suffered due to overcrowding were education and vocational training, which were the most intuitively sensible of all the rehabilitative programs. Common sense tells us that many people turn to property crimes in order to survive because they are unemployed, poorly educated, and have no occupational skills. This conclusion was supported by 1963 statistics from Washington, where only 14.3 percent of prisoners had graduated high school, and more than half of the male prisoners had no occupational skills.¹⁴

Apparently, the problem existed nationally, as prison officials in many states experimented with education and training programs in the hope that they would better prepare prisoners for the hardships awaiting them in the outside world. A study of one such program at the Indiana Reformatory, for example, concluded that while 36.6 percent of all its parolees were returned for parole violations, only 15.8 percent of those who received institutional education

were returned. A 1965 analysis of Washington's academic programs showed similar, though less dramatic, results: Parolees as a whole had a 39.6% failure rate, compared to 36.5% for program participants. The study's author concluded that these numbers were insignificant in light of other factors, such as the success rate among non-participants of the same age group, but parolees, parole officers, and employers generally considered the program to be of value.¹⁵

A 1980 report from the Washington State Department of Social and Health Services (DSHS) contained similar sentiments: "Education and vocational training programs comprise a major part of rehabilitative efforts in adult corrections facilities in Washington. Resource expenditures in these areas reflect, in part, a judgment that convicted felons lack both educational and job skills that could enable them to survive in a competitive employment market."¹⁶ According to the report, only 23% of those prisoners without a high school diploma or GED were enrolled in an educational program.¹⁷ It also stated that 28% of all Washington State prisoners wanted to participate in such programs but could not be fit in.¹⁸ Furthermore, the unmet demand for vocational training was 40%, with a 67% unmet demand for the more popular training programs in mechanics, business and construction.¹⁹ When it came to actual work experience, 55% of the state's prisoners were employed, but only 5% were employed in Institutional Industries, which had the greatest demand.²⁰

Perhaps the reason for the popularity of Institutional Industries was the perception that the experience gained there would be more valuable than that gained elsewhere. As it was, released prisoners would have a hard enough time finding a job with only prison work experience, but if that experience were in milking cows or making license plates, their chances of success would be even slimmer. Thus, the inherent nature of the prison as a place of punishment, which served to stigmatize prospective employees, combined with the inadequacies of employment within the prisons to make it very difficult for prisoners to find work upon release.

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DRUGS ARE BAD FOR YOU

Just as overcrowding at WSP negatively affected the availability of education and vocational programs, it also posed a problem for the implementation of substance abuse treatment. Even prisoners who asked for drug treatment could not get any, despite the known effectiveness of treatment programs in reducing recidivism among the addicted. For example, the Seattle Police Department began an experimental project in 1948 to send alcoholics to treatment centers instead of jail. A study on the desirability of the program concluded: ". . . [I]t is apparent that a rehabilitation facility can cut down the arrest rate of chronically arrested

alcoholics, at least for the six months following release. Aside from the benefits to individual alcoholics from such a project, the financial savings to the city are tremendous."²¹ A 1974 Census Bureau study concluded that 53% of homicides and 67% of assaults were committed under the influence of alcohol,²² so the savings to the community probably went beyond the financial domain.

Although most of the studies done on treatment programs up to this time concerned alcohol treatment, corrections professionals were also experimenting with narcotics treatment. One such program, the Cornerstone Program in Oregon, was later found (in 1985 and 1989) to greatly reduce recidivism.²³ Part of the reason for this was that the treatment facility was completely separate from the prison, and participants helped to run the program.²⁴ It is interesting to note that this aspect of treatment will come up again later when discussing self-esteem therapy and the Resident Governmental Council at WSP.

In any case, the availability of drug and alcohol treatment at WSP was quite limited. According to the DSHS report mentioned earlier, the only drug treatment in any of the state's prisons was not treatment at all, but drug education, and even this was unavailable at WSP. On the other hand, 46% of WSP prisoners wanted to participate in a treatment program.²⁵ Three of them even tried to get treatment by filing suit: "We assert that our addiction is an illness, and that failure to provide us with needed

medical treatment or care amounts to a violation of the Eighth and Fourteenth Amendments of the United States Constitution." They added to their grievance that the justification for incarcerating them was based on the policy of rehabilitation.²⁶

Like in the case of the Seattle police project, the state would have done well to give addicted prisoners the treatment they demanded. According to two separate studies, alcohol was involved in the crimes for which 43% of Washington's prisoners had been incarcerated in 1979, up from 40% in 1977. The figures for drug involvement were 32% in 1979 and 47% in 1977.²⁷ Although there was probably some overlap between the two sets of numbers, the incidence of drug and alcohol involvement in leading to eventual imprisonment was astonishingly high.

The reason behind WSP's poor response to the need indicated by these figures is unclear. Undoubtedly, overcrowding would have made treatment programs difficult to implement, but the striking difference between the Cornerstone and Seattle police projects and the programs (or lack thereof) in Washington's prisons indicates that the problem went beyond just overcrowding. The Seattle project, for instance, was meant to be entirely rehabilitative and not at all punitive, whereas the primary purpose of the prison was to punish and only secondarily to rehabilitate. The Cornerstone Program avoided this contradiction by sending prisoners to the program at the end of their sentences, so

that the punishment phase was over, providing a clean break between punishment and rehabilitation. In prisons, substance abuse was treated like a crime because prisons were criminal institutions, and thus the natural tendency was to prohibit consumption rather than to eliminate the user's addiction. Like in the case of education and vocational training, substance abuse treatment was limited both by the poor conditions at WSP and by the very nature of the prison setting.

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SHARING THOUGHTS OF INTIMACY WITH THE PRISON CENSOR

The above pattern also held true in the realm of community ties. Although the establishment and maintenance of strong bonds with members of the community was known to have a rehabilitative effect on prisoners, those ties were constantly being threatened by the nature and conditions of the prison.

The DSHS report on program needs recognized that continuing contact with family members increased the prisoner's chances of post-release success.²⁸ Furthermore, in a 1967 study of parolees in Chicago, Italian parolees, who generally maintained close family ties throughout imprisonment, were found to be more successful than Polish parolees, who did not have this advantage.²⁹

In addition to the more formal studies, B.J. Rhay, the warden at WSP for twenty years beginning in the late 1950's, went to Europe to study what corrections professionals considered to be advanced prison systems. In his report on the trip, Rhay noted that England had a volunteer visitor program where community members visited prisoners who would not otherwise have gotten visits and later assisted in their re-entry into society.³⁰ He also noted that the general use of home visits served "as a salutary bond between the community and the offender."³¹

The significance of such observations was not lost on Dr. Conte, whose "Philosophy of Corrections" was mentioned earlier. Two of the four major reforms that he implemented in 1970 as director of the Washington Department of Institutions dealt with the prisoner's ties with the community. First, prisoners were allowed to make collect phone calls to people on the outside. As Conte wrote, "The purpose of this endeavor is to assist the resident in maintaining contact with the family and friends. . ."³² The other related reform was the discontinuation of the policy of censorship of prisoner mail.³³ In his 1990 book on prison reform, Dr. Conte described an event that showed the need for such a change: "A young man once showed me a letter he had received from his girlfriend. It had been censored. . . . The woman had obviously been writing her tender thoughts because the general nature of the paragraph censored revealed her feelings of intimacy. The incensed young man asked me

how it was that his lover's innermost thoughts interfered with the security of the prison or how they could possibly be interpreted as being destructive to his adjustment in the correctional setting. I was at a loss to answer."³⁴

Despite Dr. Conte's efforts, mail censorship was a consistent problem at WSP throughout the 1970's, especially in the segregation unit.³⁵ A constant source of irritation for prisoners, putting an end to mail censorship was usually on the list of demands made during the numerous protests they staged. It was item number four on the prisoner Bill of Rights, written by Resident Governmental Council representatives in 1972 as a guide for how to improve life at WSP.³⁶ The problem culminated after the 1979 uprising, as administrators stopped mail delivery completely for several months.³⁷

The situation was not much better for personal visiting. In her book on language and culture at WSP, Inez Cardozo-Freeman quoted prisoner Eugene Delorme: "The general attitude of the prison personnel is that there isn't a decent sonovabitch inside the walls as far as they are concerned, so it just follows that a woman that would marry a person like us would have to be a low-life, and probably a criminal herself. . . ."³⁸ This attitude led to a great deal of frustration for the prisoners and discouraged visitation from their friends and family.

The problem continued on through the 1970's and, like the mail censorship, culminated in 1979, when prisoner unrest

led to the complete elimination of visiting. Investigators from the American Correctional Association criticized this move: "Inmates have been denied visiting for an entire month or more. We believe this to be totally inconsistent with any sound, humane, rational correctional treatment."³⁹ On the other hand, it was perfectly consistent with WSP's history of discouraging prisoner ties to the community.

This can partly be explained by the prison's isolated nature. Since the purpose of prison was to separate the prisoner from society, it would follow that contact with people on the outside would be limited. As Conte wrote in his *Philosophy of Corrections*, "Prisons are both isolated and isolating. . . . This isolation, which is part and parcel of the prison system, constitutes a major obstacle to be overcome at this point in time when every effort is being made to help the individual relate to and adjust in the community from which he came, to which he will ultimately return, and in which he will, hopefully, demonstrate an improved relationship to others."⁴⁰

Beyond the isolation factor, another aspect of prison that is just as deeply ingrained had a negative effect on prisoners' ability to maintain their community ties. Since prisons were primarily places of punishment, the tendency for the public as well as the guards was to expect prisoners to suffer. It followed that they should be denied anything that might make them happy, and for most people, having meaningful relationships with friends and family members did just that.

This turned out to be a very difficult psychological factor to overcome in this segment of the struggle to rehabilitate.

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VERMIN INFESTATION AND OTHER UNPLEASANTNESS

Along with their discussions of the need for prisoner contacts with the community, correctional professionals wrote about more subtle changes that should be made, like the creation of a community-like atmosphere within the institution. As Sim Van Der Ryn of the University of California put it, "Treatment is beginning to focus on modifying the immediate environment in order to modify human behavior. Under this concept, architectural design becomes a problem of creating a truly adaptable, non-threatening setting in which a natural and gradual transition may be made from external control to a more social and internalized control."⁴¹ Along a similar line, Dr. E. John Lease noted that environmental factors such as diet seem to play a role in human behavior.⁴² Thus it would be of some use to examine these types of conditions for WSP prisoners.

Basically, this aspect of prison life also proved contrary to the philosophy of rehabilitation. For instance, Superintendent James Spalding reportedly told Judge Tanner that he thought WSP should be shut down due to the physical deterioration of the facility. Although Spalding later

retracted this statement,⁴³ Judge Tanner concurred with his original assessment, calling the physical plant "old, dilapidated, and ill-maintained." Specifically, he said that poor lighting caused eye strain and hindered sanitation efforts; poor plumbing produced a threat of water contamination; lack of fire prevention created a danger in living areas; food was prepared under unsanitary conditions, including the presence of rodents; vermin infested the prison; and the air "was generally dank."⁴⁴

To sum up, conditions at WSP were far from ideal. If the food preparation could not even be considered sanitary, it is difficult to imagine how prison officials could have provided diets specifically engineered to positively affect behavior, as Lease suggested. Similarly, if officials could not or did not bother to expel the vermin from the institution, they could hardly be expected to take up an architectural project dedicated to creating an atmosphere conducive to rehabilitation.

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BIG RED

That the poor physical plant conditions at WSP resulted from unwillingness as well as inability to make improvements was suggested by the existence of Big Red, a segregation unit used for solitary confinement. If creating a community

atmosphere was rehabilitative, then subjecting a prisoner to sensory deprivation and solitary confinement must have been its opposite. Dr. Conte tried to control this by eliminating strip cells as one of his four major reforms,⁴⁵ but the use of Big Red continued.

Transfer to segregation was what happened to prisoners who became active in strikes and other protests against the conditions at WSP. Naturally, the conditions in segregation were worse than in the units for the general population. For instance, in 1976 prisoners from protective custody, who were generally "rats" and enemies of the activists, got control of food preparation for the ISU. This resulted in soap chips ending up in pudding, Purex in coffee and urine in salt shakers. This, in turn, led to a conflict between ISU prisoners and staff: "The urine in the salt shaker incident touched off a bitter struggle. It started off as a hunger strike and escalated to the point where prisoners were throwing shit and piss on their captors. Some prisoners are still suffering from the lingering effects of beatings inflicted during the course of this struggle."⁴⁶

Abuse from guards was also worse in the ISU than in other parts of the prison. The Walla Walla Brothers, a group of activists in segregation, summed up the situation in a 1976 article: "Prisoners are at the mercy of guards. Because the segregation units are isolated from the rest of the prison and the outside world, qualified, decent guards can't stop racist, often sadistic guards from harassing or

beating prisoners, or, in some cases, tear-gassing them. Guards rarely, if at all, have to answer to higher officials for their treatment of prisoners."⁴⁷

Besides being counterproductive to the rehabilitation of prisoners in its grasp, the segregation unit served to punish those who could play a role in the rehabilitation of others. In a 1977 article, the Walla Walla Brothers proposed to counteract the negative effects of prison: "The prison system is such a failure that it actually contributes to the problem it purports to solve. We are rights conscious prisoners who not only want to expose this dangerous fraud, but who want to work towards alternatives as well. . . . There is a lot we can do to reduce crime against women, small business people, the aged and working people."⁴⁸

One way that they went about this was to create Men Against Sexism (MAS). The short term goal of the group was to reduce prison rape, but in the long term this group could have achieved the Walla Walla Brothers' objective of uniting with victims of street crime to reduce violence on the outside. One example of the work of MAS was described in an article about overcrowding that was written by one of its members: "We have frequent occasion to deal with these problems [of overcrowding] in Men Against Sexism. Prisoners stumble into the office with a broken nose or a black eye asking us to help find them a cell where they can get along."⁴⁹

The above quotation is meaningful for two reasons. First, it shows that prisoner groups were trying to deal with problems that the administration should have already resolved. It is also significant in that the mention of an office implies that the group was officially sanctioned. Despite this, both prisoner members and outside associates were harassed by prison officials because Ed Mead, a founding member, had belonged to a radical prisoner rights group on the outside known as the George Jackson Brigade.⁵⁰ Furthermore, Mead and another important MAS member, Danny Atteberry, were kept in segregation for much of their stays at WSP, and they were both transferred to the federal penitentiary in Marion, Illinois in the early 1980's. Once again the philosophy of punishment had collided with the objectives of rehabilitation and left only broken spirits behind.

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TAKE TWO ASPIRIN AND BLEED TO DEATH BY MORNING

Discussed thus far have been the results of efforts to provide substance abuse treatment and to improve prisoner occupational skills and community ties. The implications of the physical plant conditions, nutrition and segregation have also been examined, leaving only one element yet to be discussed: psychotherapy. Before it would be appropriate to

discuss the logistics of providing psychotherapy for prisoners, however, it is prudent to first look at the availability of more basic services, such as medical and mental health care, beginning with a look at medical care.

In general, WSP prisoners in need of medical attention had a great deal to be concerned about. One example of the prison hospital's less fortunate patients was Robert Redwine, who was stabbed by another prisoner on May 23, 1978. Doctors determined that his wound was not serious, stitched it up and sent him away. When he complained that he was in pain and needed further attention, the head nurse had him locked down. Other prisoners heard him screaming and tried to get attention for him, but the nurse refused. He died from internal bleeding within a few hours.⁵¹

This was not an isolated incident. Like with the mail censorship, decent medical care was always on the list of demands of activist prisoners when they organized strikes and other protests. In the case of a 1974 hospital takeover, it became the central issue. The incident began when the Resident Governmental Council (RGC) requested that the warden, B.J. Rhay, consider a list of demands that were mostly related to medical care. RGC members warned that prisoners were very upset about the situation and that they would become violent if he did not start negotiating. He refused, the prisoners rioted, and then he told the press that the violence came as a complete surprise.⁵²

During the uprising, Danny Atteberry and another prisoner gained control of the hospital and took several hostages. When an RGC member informed them that the negotiations were going nowhere, they stabbed four hostages, injuring them superficially.⁵³ Guards stormed the hospital, beat the prisoners, and the demands were never met.⁵⁴

In an article published in the Northwest Passage, an anonymous author said that unnamed prisoners criticized the takeover, and particularly the stabbing. They felt that prisoners would have made gains had their actions not been so extreme. They also complained about the injuries to the nurses, because they felt that civilian employees were their only friends at WSP.⁵⁵ Obviously, men like Robert Redwine would not have shared in this sentiment, and for this reason the stabbing should not be viewed solely as a negotiating tactic, but also as a symbol of protest against the way the hospital staff treated prisoners.

In addition to the evidence presented by prisoners, the lack of decent medical care was documented by the courts. In Hoptowit v. Ray, a 1980 class action lawsuit objecting to conditions at WSP, Judge Jack Tanner made nine points on this issue: The staffing and the administration of the medical care system were inadequate; medication was dispensed by people who were not trained or licensed; the medical records system was deficient; there was no preventive health care; facilities were ill-equipped; and there was no basic mental health care.

His other two points dealt with the inadequate access to medical care: "Sick call is not conducted on a daily basis, and preliminary procedures at sick call often cause denial or delay of necessary medical care. . . Much discretion to decide which prisoners will get access to medical care is vested in the guards. Often, guards fail to forward medical complaints and use their discretion as leverage over the inmates. . . ." ⁵⁶

Thus it appears that prisoners had legitimate concerns about the quality and availability of medical care. The Ninth Circuit Court of Appeals affirmed Judge Tanner's decision in 1982: "Based upon the findings of fact the district court did not err in concluding that the medical services provided at the penitentiary are so deficient that they reflect a deliberate indifference to the serious medical needs of the prisoners and therefore constitute a violation of the Eighth Amendment." ⁵⁷

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DIAPERS, CHAINS, AND A MENTALLY ILL PSYCHOLOGIST

Regarding basic mental health care, Judge Tanner declared that it was non-existent at WSP, ⁵⁸ while the DSHS report of the same year (1980) asserted that the only psychiatric care available in the Washington prison system was at the Mental Health Unit at Walla Walla. ⁵⁹ While the

report declared this care to be woefully inadequate, this still represents a contradiction to Tanner's findings. Perhaps the reason for this was the timing, as the head psychologist, Dr. William Hunter, had only recently left his leadership position in this unit that was largely his creation.

Another possible reason for the contradiction was that this creation, even under loose criteria, could hardly be called beneficial to the mentally ill. Created in 1970 under Hunter's direction,⁶⁰ the Mental Health Unit at WSP was supposed to provide psychological therapy for the prisoners, but in reality it functioned as a laboratory for the sadistic doctor and as a control mechanism for the administration to use against prisoners who acted up.⁶¹ The experiments and "treatments" the prisoners were subjected to could not have been legally administered to free people, and had this man practiced these methods in the free world, he might well have been brought up on criminal charges.

Dr. Hunter's theory was that people who committed crimes had not gone through childhood correctly.⁶² Among his therapeutic techniques were the practice of making prisoners wear baby diapers and carry baby bottles, chaining them to their beds for days, thereby forcing them to urinate and defecate on themselves, locking them in strip cells and allowing "good" prisoners to "discipline" the others.⁶³

The latter element was perhaps the worst part of the treatment. The patients who were willing to betray their

fellow prisoners and to follow Dr. Hunter, like dogs trying to graduate from obedience school, were put in charge of the facility. Hunter allowed them to do whatever they wanted to the other patients.⁶⁴

The Walla Walla Brothers described what this meant to patient Donald Snook: "As soon as he got [to the Mental Health Unit], he was assaulted by the resident attendants (the 'good' prisoners) while the guards watched. He was handcuffed to a radiator during group sessions at which he was ridiculed by other prisoners; he was hosed with cold water, tied between two mattresses with rope, chained to a bed for 16 days, isolated in a strip cell, injected with massive doses of tranquilizers and maced."⁶⁵ They did not mention whether these actions were provoked in any way, but in any event, it is hard to imagine what Snook could have done to deserve this treatment. One gets the impression that Hunter's "good" patients were psychopathic and did not need a reason to hurt someone. Incidentally, in that same article, the Walla Walla Brothers noted that several of Hunter's patients had committed suicide, some under suspicious circumstances, while being held in the Mental Health Unit.

Dr. Hunter himself was a megalomaniac who believed he had found the answer to the crime problem. In giving a lecture to a group of prisoners in a psychology class, he claimed that no one who had been through his program had ever reoffended. He also said he believed that all prisoners

should have to go through his program, that they should then be released, and that if they committed another crime they should be executed.⁶⁶ Ironically, Donald Snook, the patient mentioned above, ended up on death row for killing another prisoner. He did this hours before he was to appear before the parole board, which probably would have started him on his way toward release. His victim was one of Dr. Hunter's resident attendants, the one who had wrung urine from a mop onto Snook's face while he lay chained to the bed.⁶⁷

As for Dr. Hunter, he was pressured into resigning in 1976 but was later taken on as a consulting psychologist and essentially remained in charge of the Mental Health Unit. The controversy surrounding his practices continued, however, and he was forced into an early retirement in 1979.

Clearly, a state that was serious about providing treatment for mentally ill criminals would not hire someone like Dr. Hunter to head up a mental health facility. On the other hand, Dr. Conte's sincere desire to promote rehabilitation is inconsistent with this analysis, making one wonder if he even knew about Hunter, especially since Hunter received no mention in Conte's book about his experiences as Director of the Department of Institutions.⁶⁸

At any rate, the case of Donald Snook, the suicides, and the behavior of the "good" patients combine to indicate that the effect of the Hunter method was to turn violent people into violent psychotic people. The mental health care at WSP was therefore not merely inadequate, but

counterproductive. Given this situation, the possibility of implementing a serious psychotherapy program there would have been remote. The extreme nature of the situation was particular to WSP, but it must be noted that part of what gave rise to it was the WSP administration's use of the Mental Health Unit as a place to send prisoners who were "acting up." In other words, it was used as a place of punishment, mirroring the overall problem of reconciling punishment with rehabilitation.

In a way, this result was quite logical. According to state law, mentally ill criminals were not supposed to be in prison at all. In 1907, the legislature ordered that a ward for the criminally insane be added to WSP,⁶⁹ but in 1957,⁷⁰ 1959,⁷¹ and again in 1965,⁷² the legislature required institutions administrators to send the criminally insane to state hospitals. Therefore, anyone who was in prison rather than in a hospital would have to be considered to have a disciplinary problem, not a psychological one.

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BUILDING UP #250986'S SELF-ESTEEM

The reality of mental illness in prisons differed considerably from what the law would have predicted, however. According to the DSHS report on program needs, between nine and twenty-two percent of the state's prison population had

serious mental health problems.⁷³ This left prison administrators in the difficult position of dealing with mentally ill prisoners who were mentally healthy in the eyes of the law. This problem was compounded by the failure to recognize that even prisoners who were not suffering from a diagnosable illness could still benefit from therapy and that this therapy could assist them in avoiding criminal activity in the future.

Simply providing a trusted therapist for prisoners to discuss their problems and anxieties with would have been the ideal place to start on the road toward such therapy.⁷⁴ Although counseling was available, only 21% of WSP prisoners reported discussing their problems with counselors, as opposed to 47% who confided in other prisoners, and 44% who talked with no one at all.⁷⁵ This implies that while counselors were often available, not only were they not therapists, they were not trusted.

In many cases, the reason that a *trusted* therapist was so important was because the prisoner's downhill slide into the criminal justice system began when they were betrayed by those on whom they had depended, usually their parents. As psychologist Isadore Hyatt put it, ". . . the bulk of prison inmates consists of immature, love-starved, lonely people."⁷⁶ A recent study showed that children who are abused or neglected are 53% more likely than other children to be arrested as juveniles and 38% more likely to be arrested as adults.⁷⁷ Although this study was done after the period in

question, one juvenile specialist stipulated that the study merely confirmed what corrections professionals had known all along.⁷⁸

In light of this, theoretical therapy programs discussed in professional journals often dealt with building the prisoner's self-esteem. For example, Hyatt suggested that rehabilitative efforts focus both on the building of individuality and the acceptance of responsibility.⁷⁹ (The latter of these ideas will be discussed later.) Also, one of the things that had most impressed Rhay on his European visit was that he found within the institutions there "a genuine concern for human dignity."⁸⁰

The building of individuality and human dignity was a tall order in the American prison setting, though, especially in a situation of overcrowding as existed at WSP. Not only was the prisoner's identity reduced to a number, but he was often abused and treated as though he were less than human. Two examples of this abuse follow, the first dealing with the use of prisoners as guinea pigs in radiation experiments, and the other dealing with guard brutality. While reading about these incidents, it is important to keep in mind that neglect and abuse had led to the incarceration of many of these people in the first place.

* * *

CASTRATION ANYONE?

During the Cold War the U.S. government conducted secret radiation experiments on sometimes unsuspecting, usually ill-informed human subjects. From 1963 to 1970 one such experiment was performed on sixty-four prisoners at WSP and about the same number at an Oregon prison, under the direction of the University of Washington's C. Alver Paulsen. Experimenters irradiated the prisoners' testicles in order to discover the effects of radiation on human reproduction, which was thought to be particularly susceptible to damage because of the rate of regeneration of sperm cells.

A discrepancy exists between Paulsen's testimony and that of a prisoner regarding what happened to subjects when experimenters were finished. According to Paulsen, the subjects were given vasectomies,⁸¹ but the prisoner said they were castrated. In fact, it was when he learned of their intention to castrate him that he refused to go through with the experiment.⁸² Although Paulsen would be in a better position to remember how his test was run, the prisoner's story is more plausible, because the doctors knew that radiation caused cancer, and one would hope that they would have taken measures to prevent the subjects from developing tumors.

Although doctors knew of the risk of cancer, most prisoners did not. An article in Newsweek noted that the consent form presented to Oregon prisoners warned of some side effects but made no mention of cancer.⁸³ Furthermore, some WSP prisoners who participated in the study claim that they were not informed of all the possible side effects.⁸⁴ This claim was recently supported by a Government Accounting Office report that stated: "In some of the tests and experiments, healthy adults, psychiatric patients, and prison inmates were used without their knowledge or consent or their full knowledge of the risks involved."⁸⁵

It is hard to imagine why anyone would have agreed to have his testicles irradiated, especially knowing that he would be sterilized afterward, but it is easier to understand when the subject was a prisoner with low self-esteem. Prisoners were also vulnerable due to literacy and language barriers and because of their complete dependence on prison officials to provide for and protect them. Paulsen himself admitted that at the time it was common to use prisoners as guinea pigs,⁸⁶ the implication being that they were easier to recruit. At that time prisoners made up only a small percentage of the overall population, though, and it would have been much more convenient to recruit from free society.

The other implication of Paulsen's statement was that it was ethical to experiment on prisoners but not on free people. In essence, the state had dehumanized them when it put them in prison. This is yet another example of how the

punishment philosophy conflicted with that of rehabilitation: To dehumanize someone was perfectly consistent with punishing them, and it followed naturally from the permanent stripping of the rights of citizenship (such as the right to vote) that accompanied imprisonment, but it ran contrary to the goals of the therapeutic process.

* * *

CRIMINAL GUARDS

Another symptom of the dehumanizing process was guard brutality. At WSP, overcrowding made it increasingly difficult for guards to maintain order, and eventually they lost interest in interfering in prisoner to prisoner violence. Then the guards began to fear for their own safety, and lacking guidance from the administration, they started to abuse the prisoners.

Among the most biting comments made by Judge Tanner in Hoptowit v. Ray were those pertaining to this phenomenon: "Guard brutality was the norm. It was encouraged by peer pressure among the guards and facilitated by indifference on the part of the administration." Part of the reason for this was the way in which staff was selected and trained. Obviously, if Dr. Hunter was any indication, the staff at WSP was not selected with a great deal of care. The court went on to say: "The recruiting program drew a predominantly

white, rural prison staff, in contrast to the largely minority, urban inmate population. The screening program was inadequate to find persons suited to perform corrections work. The recruiting program was inadequate to obtain the proper number of prison staff. The prison guards were inadequately supervised."⁸⁷

The Subcommittee on Adult Corrections and the ACA investigation team both agreed with this point. Writing in 1980, Subcommittee members stated that the prison system was "in a state of major crisis" and that this crisis had been "a long time coming." They went on to refer to the riots at WSP and two other prisons as symptoms of, among other things, poorly trained guards.⁸⁸ The ACA recommendations mentioned earlier implied similar conclusions. Investigators recommended a complete restructuring of the way guards were recruited and of the way in which staff interacted with the administration.⁸⁹

The incident of brutality on which most of the above conclusions were made was the one that occurred in July 1979. In order to put this incident in perspective, however, we must first describe the events leading up to it. It all began on June 15 when a guard was stabbed and killed while trying to break up a fight between prisoners. The administration reacted by locking down the entire prison, which meant that prisoners were denied showers, exercise, and visits. Then guards performed a shakedown on each unit, removing and destroying prisoners' personal items, including

legal papers and family photos.⁹⁰ On June 15 after 8-wing was shaken down, prisoners there tore up their cells in protest, and were taken to the yard where they spent the next forty-four days outdoors without protection from the elements.⁹¹ On July 8 some of the prisoners in segregation tore up their cells in solidarity with 8-wing.⁹² Segregation guards then called in the riot team which handcuffed six prisoners to their cells, maced and beat them, then took them to strip cells.⁹³

An investigator from the Office of the Attorney General was sent in to determine if the allegations of guard brutality were true. His findings were meticulously detailed, though sometimes poorly expressed, but his conclusions were somewhat bizarre. For example, he began one paragraph by concluding, "We do not find any resistance during this period of time on the part of the residents that would explain or justify the violence on the part of the officers." In that same paragraph, however, he wrote, "There has been some criticism of the correctional officers requiring the residents to crawl to their cells. Given the uncuffing of three residents for each cell, this would appear to be acceptable procedure."⁹⁴ He was not very clear about why the guards made the prisoners crawl, and the reason he gave did not explain why he thought the act was justified. In this way, he seemed to be contradicting his original conclusion, because he had stated that the prisoners were not resisting.

At any rate, his ultimate conclusion was that brutality occurred, that prisoners exaggerated its seriousness while guards downplayed it, and that it was impossible to know for sure which members of the riot team were the perpetrators.⁹⁵ He blamed the brutality on inadequate training, screening and supervision of the members of the riot team.⁹⁶

Dr. Conte had noticed such insufficiencies many years earlier, and the main emphasis of his early reforms was on changing the attitude of the guards. In describing his motivation for attempting these changes, he wrote, ". . . [W]hen I heard the uncomplimentary adjectives used by staff in describing residents of the prisons, I again wondered if an attitude even of tolerance could be created, let alone one of acceptance and compassion."⁹⁷ Judging by the brutality that existed in 1979, it appears that Dr. Conte's fears were justified.

* * *

IT LOOKED LIKE DEMOCRACY

Another of Dr. Conte's aims was similar to Hyatt's second rehabilitative concern, to teach responsibility. His approach was to create the Resident Governmental Council at WSP, which was meant to be a tool to teach responsible citizenship to the prisoners by giving them a voice in how the prison would be run. As previously mentioned, a similar

approach was used in the successful Cornerstone Program in Oregon. Unfortunately for the RGC, the WSP experiment was met with great hostility by staff, and the prisoners misinterpreted it as a program of power sharing with the administration.⁹⁸

The result was fear and resentment on the part of staff and resentment and frustration on the part of prisoners. One RGC member complained, "It's not really possible to influence the administration of this prison--this is just for show. The RGC is supposed to share the power fifty-fifty. The administration would never let it be that way."⁹⁹ Once it became clear that the RGC had no real power, prisoners stopped taking it seriously, and its members became outsiders in the effort to organize for better conditions. Remnants of the council lived on after Conte's resignation in 1971, but it never became the rehabilitative tool it was meant to be.

Perhaps the RGC was doomed from the start, in view of the extensive problems still being encountered in the attitude of the guards. On the other hand, the idea itself may have been inherently flawed, given the reality of the prison system. Considering that even after release prisoners did not enjoy the same rights of citizenship as everyone else, it would have been difficult to teach them responsibility, no matter how well thought-out the program might have been. Rights and responsibility go hand in hand; without one, you can't have the other.

* * *

CONCLUSION

That the problems discussed in reference to WSP existed nationally indicates that these conditions were inherent to the American prison setting in the 1970's. Most of these problems still exist today, however, making it seem likely that it is the ideas behind prisons that create these phenomena. A common feature among American prisons over the last few decades has been that one of their main functions, and the one that gets the highest priority, is to keep prisoners away from the public. Another such function is to punish, which is at once thought to be vengeful and rehabilitative. It is in fact the functions of punishment and isolation, however, that form the conditions that make true rehabilitation difficult.

As mandated by state law, efforts to initiate rehabilitative programs for WSP prisoners were made in the late 1960's and early 1970's. By the end of the decade, however, the State of Washington had little to show for it. Although the literature of the period suggested several courses of action, ranging from vocational training to self-esteem building, few programs were ever actually implemented and those that were proved to be inadequate.

At this moment the state legislature is on the rampage against what it perceives to be undeserved prisoner

privileges. It proposes to eliminate teachers, charge prisoners for medical treatment, virtually eliminate private visitation with family, and it wants prisoners to work full time. When faced with the likelihood that creating additional employment for prisoners would be too expensive, Representative Padden came up with the brilliant solution of having prisoners break rocks.

People like Representative Padden say that rehabilitation has been proven ineffective and that it is time to return to the punishment philosophy. In reality, however, rehabilitation was never given a realistic chance, and the reason for this was our unwillingness to give up punishment. Until that happens, we can look forward to continued recidivism, even more overcrowded prisons, and a corrections budget that we cannot afford.

NOTES

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- ²⁴ Field, p.51.
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⁶⁸ See note #34.

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