

U.S. Department of Justice
Federal Bureau of Prisons

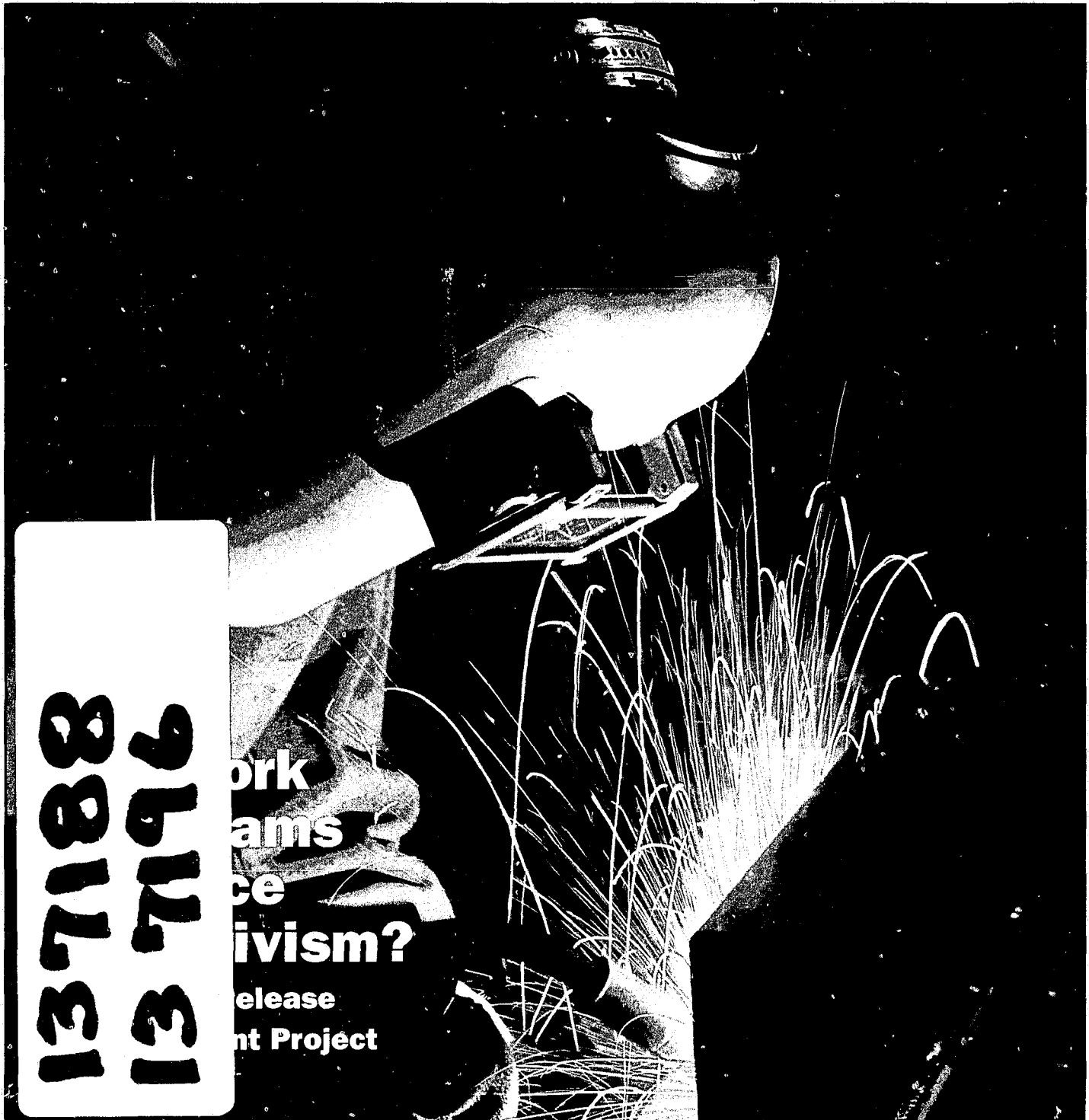


Federal Prisons

JOURNAL

VOL. 2, NO. 4

WINTER 1992



13 7188
13 7196

ork
ams
ce
ivism?
elease
nt Project

**U.S. Department of Justice
National Institute of Justice**

137188-
137196

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

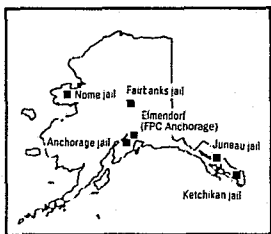
Permission to reproduce this ~~copyrighted~~ material has been
granted by
Public Domain/Federal Bureau of
Prisons/US Dept. of Justice

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~copyright~~ owner.

The BOP's Alaskan Adventure

Paul W. Keve



Since 1973, the Federal Bureau of Prisons has become well accustomed to the idea of regionalization,

with the country divided into five (six as of 1990) regions for administrative purposes. But the Bureau had an earlier experience of that sort on a scale that makes the size of the present regions seem cozy. Imagine yourself as the regional director of a system of small institutions, having your headquarters office in, say, Kansas City. Your most distant institution toward the southeast is in Montgomery, Alabama, and your most distant one in the opposite direction is in Rawlins, Wyoming. That makes a stretch of about 1,400 miles; add to that an impassable terrain with forbidding weather, and you have a rough equivalent of how it was when the Bureau of Prisons became responsible for the Territory of Alaska's jails in

1953.

Imposing distances were only part of the problem the Bureau faced in this wilderness adventure. In many respects Alaska was still a frontier; its jails were downright primitive, managed by untrained marshals' deputies who were subject to little or no effective supervision, operating without unified standards or policies.

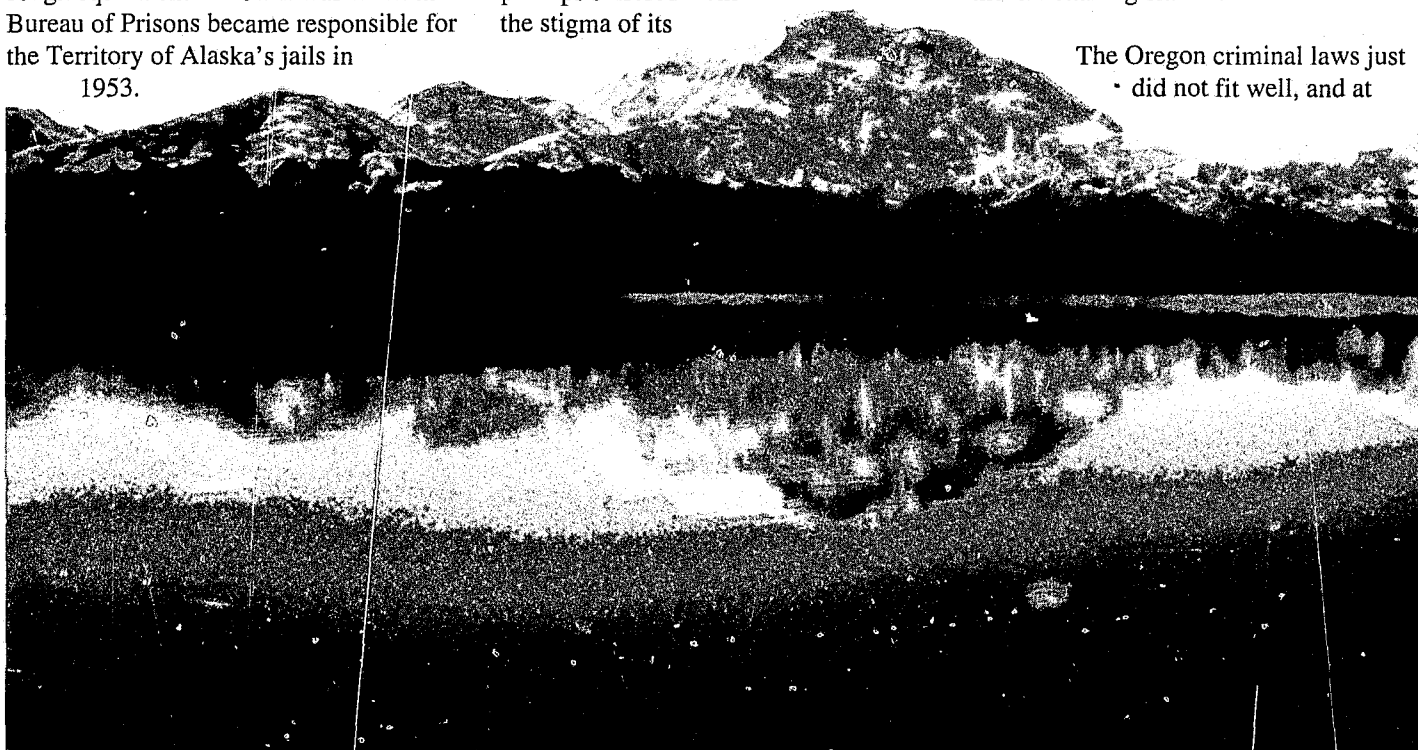
After establishing the Bureau's presence with an office in Anchorage, Director James V. Bennett was faced with the daunting challenge of trying to gain control of that penal frontier through a distance of—as the crow flies—well over 3,000 miles from his Washington headquarters. To appreciate the situation fully it is helpful to know something of what criminal justice was like in Alaska before the Bureau became involved.

It would be hard to find any other part of the United States that was so grossly neglected as this piece of land that perhaps suffered from the stigma of its

nickname, "Seward's folly." After buying it from Russia in 1867, at the urging of Treasury Secretary William T. Seward, Congress hardly bothered to govern it at all. At first it was made a customs district and put under the control of the U.S. Navy. With no other governmental services, it stayed in this unprivileged status for the next 17 years.

Finally, in 1884, Congress made Alaska a civil and judicial district, but still without laws of its own; it was decreed that for the time being the laws of Oregon would apply. Though Alaska still did not have territorial status, it was given a governor, a judge, and a U.S. Marshal with four deputies. A few years later Governor Alfred Swineford commented sadly that "Alaska had neither a legislature of its own, nor any voice in any legislative body anywhere; no laws of its own making and practically none that were adapted to its wants—with no one to advocate its cause or defend its rights in the national legislature."

The Oregon criminal laws just
• did not fit well, and at



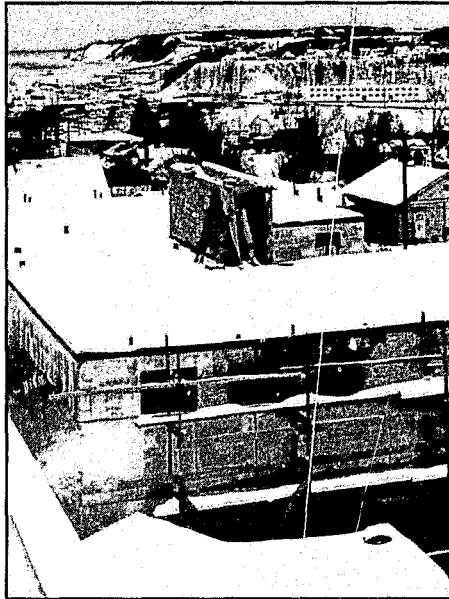
Richard Phillips

first the area had none of the needed criminal justice facilities. In one instance, the first U.S. district judge, Ward McAllister, wanted to detain a defendant pending trial. In the absence of a jail, he requested the naval commander to take the prisoner into the Navy guardhouse. But the commander, who undoubtedly was heartily glad that the days of the Navy's responsibility for Alaska were over, refused to accept the prisoner.

Remote, primitive, and neglected

The U.S. Marshals had bewildering problems, and the Department of Justice found it virtually impossible to assure the quality of marshal service in such a remote, inaccessible area. In 1884, Marshal M.C. Hillyer wrote from Sitka a long letter to the Attorney General about various questions on which he needed instructions. One of his frustrations, in the absence of telephone or even telegraph, was that it took 3 months to get a letter to Washington and a reply back. Without any prisons in Alaska, the marshal had to send sentenced prisoners to the "lower 48," usually to be boarded at San Quentin. Marshal Hillyer needed some reassurance that the Attorney General would understand the high cost of sending a prisoner under guard down the coast to San Quentin.

The marshal also tried to explain how badly he needed a clerk to help with an overload of work, under working conditions that the Attorney General probably could hardly visualize. "The judge leaves this morning to be gone about 6 months; the governor is in Washington and the U.S. District Attorney is drunk. Mr. Lewis, our U.S. Clerk and myself must run the country or give it up. We are also Indian Commissioners, which takes very much of our



The Federal Jail in Anchorage, Alaska.

time, but there is no pay in it. And we have the immediate care of 1,000 Indians who come to us for help to settle their troubles as the Navy did before us."

Entirely in accord with the customary neglect of the territory, the Government failed to respond to the requested position for a clerk. But the marshal had to keep trying. The next year he was explaining again to the Attorney General about Sitka, one of the towns with a jail that he had to visit on his regular rounds. Sitka could be reached only by coastal steamer that put in just once a month and would stay only 24 hours. As Marshal Hillyer explained, on his arrival he would have to work through that whole day and night to get the work caught up so he could catch the steamer out again.

Sitka was a busy place (It had been the capital of the territory under Russian ownership). In 1892 the local doctor found that two or three of the Sitka jail prisoners were sick with smallpox. It was imperative that they all be taken out immediately so they could be segregated

and the jail fumigated. There was no way to do this without some money being spent, but any extra expenditures ordinarily had to have advance approval from the Attorney General. (Three months' communication time, remember.) The marshal took up the problem with the judge and the U.S. district attorney; the three together resolved what to do and went ahead with it on their own initiative, while jointly sending a report to the Attorney General.

Their solution was to lease a tied-up schooner for \$250 per month and put the afflicted prisoners on it. The other 35 prisoners were moved out to a rented house; extra deputies were employed to guard them while the jail was fumigated and all the bedding burned.

Four years later, in 1896, Klondike gold was discovered. Over the next 3 years, additional gold strikes were made at Nome and other places. The gold rush was on—and that finally got the Government's attention. In 1912 Congress made Alaska a territory. By then there were a few courthouses and jails in remote areas, but most were of minimal wooden construction. Jails were in all cases fire hazards, and usually were part of the same building as the courthouse. In 1906, Congress appropriated \$10,000 for repairs of the courthouse and jail at Nome, but the Department of Justice responded that the buildings were not worth repairing. Later Congress appropriated \$10,000 to build a jail at Fairbanks, but after it was built there was no money to put in a heating plant, so more money had to be asked for while the building sat unused.

Social services were just about nonexistent in those early years. The Attorney General pointed out in his annual report

of 1910 that "It is the practice in Alaska, when a person without means is found with frozen limbs or badly wounded, to charge him with vagrancy in order that he may, as a U.S. prisoner, receive the necessary medical and surgical attention at the expense of the Government....The attention of the United States judges, district attorneys and marshals in Alaska has been called to this practice more than once...they frankly ask the department what other course is open to them."

The Bureau into the wilderness

Alaska and its jails limped along in this way for many years, with buildings that were insecure hovels, and staffs that were unconcerned, untrained, and unmotivated. No serious effort was made to improve the service until 1953, when the Attorney General authorized the Bureau of Prisons to take over and organize the jails into an Alaska Jail System. Director Bennett selected a Bureau employee, Roy Casey, to establish an office in Anchorage and begin work on the Bureau's enormous new task. In his function as superintendent of the Alaska Jail System, Casey, who had worked 19 years as a jail inspector for the Bureau, was to report to Assistant Director (later Director) Myrl Alexander.

Though the official date for the Bureau's assumption of authority for the system was July 1, 1953, Casey was sent to Alaska several months ahead of that date to familiarize himself with his new duties. During that startup period he wrote frequent letters to Alexander, describing his activities in a chatty style, giving glimpses of his uniquely exciting and frustrating job. His reports enable present-day administrators to see something of what they are missing



Left to right: George O. Porter, Superintendent of the Alaska jail system; Bureau of Prisons Director James V. Bennett; Col. George La Breche, Commander, Elmendorf Air Force Base; in the 1950's.

(perhaps very gratefully) in these more orderly times. A few days before Christmas 1952, Casey wrote:

"I came to Nome day before yesterday—Sunday—from Fairbanks, having bought a round trip ticket which permits return by way of Kotzebue. Kotzebue is above the Arctic Circle, about 200 miles north of Nome and...as far as I know is the most northern jail in the world....

"I came out Sunday on a Wien Alaska Airline DC-3....The worst situation[s] at the Nome jail are serious hazards due to the type of construction of the building—entirely wooden—and the lack of adequate fire-escape exits and fire-fighting equipment. There is no water in the mains of the city of Nome in winter. No way has ever been found to prevent underground pipes from freezing up....

"Wien Alaska Airline has several feeder routes converging on Nome—the so-called bush planes which go out hundreds of miles into the Arctic wilderness and up and down the coasts of the Bering Sea

and the Arctic Ocean. One of these non-scheduled bush lines goes up to Kotzebue by way of Deering and Candle which are on the north side of the Seward Peninsula and on Kotzebue Sound. Since my return ticket was good on it and a plane was going to make the trip today, I decided to make the trip then catch the DC-3 tomorrow for Fairbanks. The pilot who flies this route is said to be the best known and most capable bush flyer in all of Arctic Alaska. His name is John Cross....Well, I booked passage on John's bush plane this morning along with one more passenger [Frank Glaser of the Fish and Wildlife Service]. The plane...is a single motor, eight place job which is equipped with skis this time of year [December]. Today he had it well loaded with mail and small freight shipments with barely enough room for Frank Glaser and me. Since Frank had made the trip many times and knew the country he took an improvised seat just back of the pilot's and gave the seat by the pilot's side to me so I could see more.

"Weather was overcast and down to zero when we left Nome but John thought he could make it thru and over the 5,000 foot mountains of the Seward Peninsula to the level country of Kotzebue Sound. The plane had been sitting for sometime on the iced-over runway of Nome's almost barren and inhospitable looking airport and it took a lot of gunning of the motor to break it loose from its frozen mooring....It was a little rough going over the frozen runway until the plane took to the air, and by then this old boy from the deep South kinda had a feeling deep in his insides that he wished he were back home in sunny Keene, Texas.

"John Cross circled the frozen-in little city of Nome and gained a little altitude out over the Bering Sea, then headed

south for the valleys and passes of the Saw-tooth mountains. I noticed that he was in radio communication with the airport but I couldn't hear what he was talking about. He swooped through and out of those valleys and passes but I noticed that the further we went the more closed-in the weather became. After we were out for nearly an hour and the weather became no better, but we could see the mountain sides and occasionally a mountain top, John made a sharp turn to the left and after about fifteen minutes and some loss of altitude, the shore of Bering Sea loomed up in the distance. It was then that the first word was spoken by any of us. John simply said that we are going around by Teller and back into Nome—the weather is too bad and uncertain ahead."

Ten months later, Roy Casey, still flying and still fascinated with his job, sent to Alexander a summary of the problems and accomplishments. At the Fairbanks jail he had assigned a jailer, Harold Prosser, whom the Bureau had transferred from McNeil Island Penitentiary in Washington State, and Prosser had inherited a staff "of old, incompetent, untrustworthy and lazy jail guards whose loyalty to our new organization could not be depended upon and who showed very little interest in their work other than to draw their pay checks."

In the Anchorage jail the Bureau men were being frustrated by a deputy marshal who, Casey said, "has constantly put obstacles in our way and who definitely would like to see the Alaskan Jail System prove to be a fiasco."

Persistence gradually brings results

As it took over the jails, the Bureau had to rely on the deputy marshals who had



Comedian Bob Hope and his bandleader Jerry Colonna visit the Federal Prison Camp, Anchorage, located on Elmendorf Air Force Base.

been working there and who would stay until the Bureau could gradually replace them with better trained people. As Bennett reported in 1954, there were seven small permanent jails and many "so-called 'bush' jails which were used only as required by the marshals, employing per diem guards." Casey considered these bush jail operations to be a sort of petty graft. He complained that the marshals "obligate our funds, hire guards on any and all occasions they wish, and pay maintenance expenses far beyond any reason or justification, and so far we have been helpless to stop them."

Insecure and deteriorating buildings were enough of a problem without the frustration of chronically low budgets. At least it was helpful that venison was sometimes contributed to the jail kitchens. Moose or caribou meat was sent by the Wildlife Service from animals killed on the roads or railroad tracks.

The long history of neglect or poor maintenance of buildings was a constant drain on funds. In Nome, the jail had been built without insulation between its floors and the ground beneath, so it was sagging badly on the softened permafrost. In Anchorage, Casey reported,

"about two weeks ago a large hole broke through the floor of the jail and it was found that flooring, sills and foundation in that part of the jail had completely rotted out and it took several days to repair it, and during this period special guards had to be hired."

Gradually the system was brought under control; an appropriation was acquired to build a new jail at Anchorage in 1954, and even a new prison camp was established in 1955 at Elmendorf Air Force Base, where it operated for several years. In that year Roy Casey transferred to a headquarters job in Washington and was replaced by Harold Cox, who until then had been the Bureau's chief jail inspector. In 1957, Cox was succeeded by Lt. George Parker from McNeil Island. Funds for replacement of the old Nome jail had been appropriated in 1955, and by 1957 money was being requested for new jails in Juneau and Fairbanks.

To suggest the logistics involved in running the system, the Nome jail, with its capacity of 35 prisoners, served an area with about 12,000 people scattered over a region of 125,000 square miles—roughly equivalent to the area covered by New York, Pennsylvania, and all the New England States. Naturally, except for the few prisoners who came from Nome itself, all prisoners had to be brought in by airplane. In 1954, Alaska Natives were hired as officers for the first time.

Even after the Anchorage jail was replaced, the Bureau had a counselor there who complained of less than efficient office conditions. He reported, "My desk is located in a room which also accommodates 3 inmate clerks. Such an atmosphere is not conducive to conducting meaningful counseling....The water

Continued on page 55

Alaska *from page 46*

fountain and urinal are located approximately 200 feet from the administration building. In other words it is necessary to dress properly before venturing forth."

The end of the Bureau's operation of the Alaska Jail System came gradually, after Alaska became the 49th State in January 1959. The new State organized a Department of Health and Welfare, which had responsibility for corrections, and its director, Paul Winsor, cooperated with the Bureau toward eventual State control of the jails. Unsurprisingly, there was much confusion and delay in a transition that was far from simple. Some of the jails, for instance, were in the same buildings as Federal agencies or courts, making jurisdictional separation difficult. The jail at Juneau had been condemned and the bush jails were still very poor.

The target date for State takeover of the system was February 20, 1960. Paul Winsor later wrote to Attorney General Robert Kennedy to say gratefully that the changeover "from the Federal administration of the Alaska Jail System to a State-operated system could well have been impossible had it not been for the outstanding effort and understanding of our problems by Mr. Bennett, Director of the Bureau of Prisons, and his staff." ■

Paul W. Keve teaches in the School of Community and Public Affairs at Virginia Commonwealth University, Richmond, Virginia. He is a former correctional administrator and a long-time student of Bureau of Prisons history. His book on the Bureau, Prisons and the American Conscience, has just been published by the University of Southern Illinois Press.