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Prisoners' Unions, Inmate Militancy, and Correctional Policymaking

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SCHOLARLY attention has been increasingly drawn in recent years to the conditions of prison life. The wave of prison disturbances initiated by the Attica State Prison uprising stimulated concern with political mobilization among confined criminals. The concurrent willingness of judges to modify the traditional "hands-off" doctrine regarding prisons has resulted in a spate of court rulings expanding and clarifying the legal rights of prisoners.

Prisoners' unions represent a third focal point of interest, one which manifests the perplexities of both inmate politicization and inmate legal activism. The two basic questions which arise in connection with prisoners' unions are: (1) What do they tell us about the realities of inmate existence? Do they signify a new degree of political awareness and cohesiveness among prisoners, or are they merely glorified outlets for inmate anger with an overlay of political rhetoric? And (2) what are the policy implications of the union phenomenon? Are unions obstacles to the effective operation of penal institutions or do they offer an opportunity to improve correctional decisionmaking?

This article addresses each of these questions.

Inmate unionization is first placed in the context of the relationship between adaptations to incarceration and political militancy. Survey data from California state prisoners suggest that support for unionization is likely to be strongest among those prisoners whose prison style is the most defiant and who are also the most genuinely militant inmate group. Active support for unions by other types of prisoners is likely to be limited.

In discussing the policy impact of the union movement, I take issue with James Q. Wilson's argument that it represents "a major barrier to effective change in criminal justice" (1975, p. viii). Even without universal inmate participation, prisoners' unions can provide a needed mechanism for communicating collective inmate interests, thereby permitting more balanced input into the decisionmaking process and reducing the potential for violent outbursts by prisoners.

Prison Styles and Political Styles

Unionization activities within prison walls occur in a social and political context which has little in common with most other union movements. The coercive nature of the institution and the "outcast" political status of its population

require that close attention be given to the social climate within which prisoners' unions arise.

Panel data on the political attitudes of California prisoners (Woolpert, 1977) reveal evidence of the degree of political mobilization among contemporary convicts. While it is not the case that the distinction between criminal deviance and political marginality has become obsolete, there is a noticeable convergence between the two. California prisoners are more likely than the general population to have participated in prior protest-type activities, to approve of unconventional forms of political participation, and to prefer violent over nonviolent tactics. Moreover, those inmates with the lengthiest criminal records and most violent personal histories tend to be more militant than their more criminally naive cohorts.

To conclude, however, that the politicization of the inmate community is uniform or that the concurrent transformation of inmate grievances reflects a clear political consensus among inmates would be erroneous. In order to estimate the nature and extent of inmate support for the kind of politics which prisoners' unions reflect, it is important to distinguish among alternative adaptations to the degradation, deprivation and subordination of confinement.

The inmate culture is far from a unitary one; it is comprised of diverse, interacting roles. These roles reflect not only the physical and psychological pains of confinement, but also the cross-pressures stemming from competing prison reference groups: Correctional authorities on the one hand and fellow inmates on the other.

The best-known typology of inmate roles is Clarence Schrag's (1961) fourfold classification of "right guys," "con politicians," "outlaws," and "Square Johns." In the restricted environment of the prison, the dominant themes of inmate life revolve around the inevitable question, "How shall I do my time?" Schrag's typology recognizes that men's responses to the opposing normative and behavioral expectations of the correctional staff and other inmates are the major determinants of their answer to that question. Schrag states:

Briefly, inmates who fall within the "square John" configuration consistently define role requirements in terms of the prison's official social system. By contrast, "right guys" just as regularly perceive requirements according to the norms of prisoner society. "Con politicians" shift their frame of reference from staff norms to inmate norms with great alacrity. "Outlaws," de-

ficient in aptitude for identification, are in perpetual anarchistic rebellion against both normative systems and against affective involvements in general (1961, p. 347).

Following Schrag's depiction, the inmate roles of subjects in the California prison survey were determined by combining their degree of hostility towards correctional authority and their degree of solidarity with fellow inmates. Disaggregation of inmate political attitudes by prison role unveils a correspondence between prison styles and political styles.

Square Johns are the most acquiescent, allegiant prisoners, both in their adherence to staff expectations and in their commitment to conventional political beliefs. Their involvement in political activities, conventional or militant, is well below the norm for prisoners. Less than one in three has ever taken part in any of the political activities studied, and few voice approval of protest politics.

Con politicians appear to see militancy not only as futile in prison, but also as counterproductive to their strategy of optimizing personal benefits and avoiding acts which might antagonize important others. They are close to the norm among prisoners in terms of prior political activity. They have a strong sense of confidence in their capabilities, political and otherwise. But they are largely self-interested and manipulative; hence they are relatively reluctant to endorse political militancy.

Outlaws are favorably disposed towards the use of violence, including political violence. However, they tend towards defeatism, anticipating failure and blaming external conditions beyond their control for their problems. Their low estimate of the political system is coupled not with the personal skills or confidence necessary to partake in effective political action, but with relatively high intolerance of outgroups. Their willingness to voice approval of political militancy is best viewed, therefore, as a byproduct of the aggressive and violent way in which they cope with all manner of problems. Indeed, their actual involvement in prior political protests is below the prison norm.

Right guys, by contrast, back up their strong verbal support for militant politics with the most extensive record of involvement in dissident political activities. Approval of militancy among these men reflects a firm belief, held by a majority of right guys, that militancy is defensible

as right and just. They generally see themselves as fighting back against a system which has failed to perform adequately and which has abused and thwarted them.

In general, then, the most authentically militant inmates are apt to be those whose prison style combines strongly negative feelings towards prison authorities with strongly positive feelings towards other convicts. In addition, they are likely to be among the most influential and respected prisoners. Sykes and Messinger describe the right guy as

. . . the hero of the inmate social system. The right guy is the base line, however idealized or infrequent in reality, from which the inmate society takes its bearings (1960, p. 10).

Finally, the right guy role appears over time to be the most adaptive of the four responses to prison cross-pressures. Within the California inmate sample, right guys were the least likely to abandon their prison style during confinement. Furthermore, among inmates whose role orientation did change, more gravitated towards the right guy style than to any of the other three.

Prisoners' Unions and The Inmate Political Culture

Given the overtly political character of the prisoners' union movement, the above discussion suggests several propositions concerning the extent of prisoner support for unionization. Union grievances plainly reflect open hostility toward prison policies. But beyond the substance of the demands, notice too the manner in which they are presented. Rather than the periodic food riot or sudden explosion of unfocused destruction, unionization is a self-consciously collective effort. It denotes a willingness among inmates to work continuously, deliberately and in concert to bring about desired reforms.

Support for unionization is therefore apt to be greatest among right guys, men who combine overt resentment of prison authorities with a belief in inmate solidarity. Although the California inmate survey did not deal specifically with the unionization issue, the degree of political activism displayed by right guys in that sample is consistent with this proposition.

Several corollaries follow. The right guy style, while far from universal, is neither uncommon nor unattractive to many inmates. Furthermore the respect accorded to right guys enables them to act as important opinion leaders in the inmate

community, giving them influence beyond their numbers. If such men are indeed at the forefront of the union movement, it would be a mistake to dismiss prisoners' unions as a transitory phenomenon or as the work of a small handful of malcontents manipulated by dissidents on the outside. The right guy role is an enduring one which is in the mainstream of inmate society.

Nor is it likely that unionization is an epiphenomenon, involving displacement of expressive, apolitical frustrations onto political targets. The politicization of right guys, at least in California, is neither superficial nor rhetorical. Their defiant prison style is presaged by active political involvement prior to their arrest. Given the congruence between the union movement, their prison role and their political beliefs, it is likely that the concerns of this key segment of the inmate society are symbolized accurately by the unionization phenomenon.

On the other hand, it is also likely to be the case that unionization does not receive active support among many prisoners who display the other three prison roles. The reasons for this non-support vary with the individual's prison style. Square Johns have the least in common with other prisoners and in fact often identify strongly with agents of conventional society, i.e., prison authorities. There is an underlying conservative theme in their prison style, and they tend to establish close ties with a few other inmates as a buffer against peer group pressures towards prisonization. Many Square Johns are serving short sentences, which further undermines their incentive to support unionization.

Con politicians, while not as naive criminally as most Square Johns, are primarily concerned with promoting their individual interests, as opposed to the interests of inmates in the collective sense. Consequently, politicians are generally not trusted by other inmates. One expects them to be reluctant to run the risk of openly supporting unions, since the chances of adverse repercussions from the authorities are high.

Unlike politicians, outlaws do not worry much about staying out of trouble; quite the contrary, they form small gangs which exploit and brutalize other inmates, and generally present the severest disciplinary problem in prison. But they lack the interpersonal skills and social confidence necessary for ongoing, cooperative behavior with their peers. They can usually be counted on to join in when trouble breaks out, but collective bargaining

with authorities and organizing activities among inmates do not appear compatible with the outlaw style.

Militant political activism of the kind needed for a concerted union drive inside prison walls probably does not, therefore, attain normative proportions among contemporary inmates. While militant attitudes and prior protest activities are more prevalent among prisoners than nonprisoners, there are also large numbers of inmates who are either too apathetic, too self-centered, or too incompetent to support unionization in a sustained, overt fashion. The truth regarding prisoners' unions appears to fall somewhere between the radical view that inmates are united in their opposition to conventional political authority and the conservative view that inmates are incapable of meaningful political involvement.

Prisoners' Unions and Correctional Policymaking

Unionization has been described above as symptomatic of political militancy among the most united and hostile segment of the inmate society. Unionization is equally symptomatic of a perennial defect in correctional institutions: while the state is punishing inmates for their crimes, the state also depends upon inmate cooperation to both maintain order and defray prison operating costs.

Prisoners have considerable leverage, therefore, over administrators. Few prisons can operate on a day-to-day basis without at least the tacit cooperation of their captives. Moreover, the substandard working arrangements for inmates serve to subsidize correctional budgets. Prisoners' unions are, in other words, another symbol of the corruption of administrative authority which has often been observed in the prison setting.

In *Thinking About Crime*, Wilson laments the tendency for criminal justice decisionmaking to be "unduly influenced" by groups whose interests are directly affected by those decisions:

The *reductio ad absurdum* of this process has been the emergence of prisoner unions which insist on participating in decisions as to whether any changes are to be made in the purposes and methods of prisons (1975, p. viii).

An alternative assessment of prisoners' unions can be made which emphasizes the potential improvements which could take place in the correctional policy-making process. Let us begin with the notion, implicit in Wilson's position, that in-

stitutional policy-making should reflect only the perspective of the "experts," and not that of the "consumers." This is not a particularly persuasive argument for criminal justice organizations, which desire that consumers come away with some understanding of the higher principles on which such institutions operate.

The vast majority of prison inmates will one day be released, bringing with them whatever lessons they learn while confined. Whether the educational impact of imprisonment is in the direction of greater self-reliance and political trust or greater hostility and political alienation depends in part on how correctional policies are made, independent of the substance of those policies. The principle that convicts be enabled to voice their concerns about correctional policies is consistent with the pedagogic objectives of criminal justice and with the larger principle that, whatever curtailments of citizenship may accompany imprisonment, inmates are not, *ipso facto*, totally without standing to promote their interests.

But the pressing issue is less the legitimacy of prisoners' unions than their potential impact on correctional policymaking. Let us assume that an ideal policy would be one in which: (1) public safety is protected, (2) prisoners are subjected to a minimum of brutalization and, where appropriate, offered needed support, and (3) taxpayers do not bear needless or wasted costs. The problem facing policymakers then becomes how to strike a proper balance among these competing goals.

In such situations, decisionmaking is enhanced by what Alexander George (1972) calls "multiple advocacy." This approach insures that all objectives are fully advocated by parties having comparable resources and equal access to decisionmakers, thus providing more complete information and promoting more balanced policy outputs.

The goals of protecting public safety and minimizing public costs receive vigorous support from influential interests in society, while the goal of curtailing the adverse effects of incarceration receives comparatively little advocacy. Since inmates are in the best position to provide input on this matter, their representation via unions can contribute to a better policy mix in the context of incongruent objectives.

Prisoners' unions are therefore potentially valuable sources of information. They can function in much the same way as political parties, aggre-

gating and articulating the collective interests and grievances of inmates to policymakers on a continuing basis.

That union supporters may not totally share the political orientation of the entire inmate community has already been suggested. Rather than opposing unions on this ground, however, one might reasonably encourage more widespread inmate participation in union activities, to allow the full scope of inmate interests to be advocated. In lieu of more representative channels of inmate communication with policymakers, unions could in fact be of considerable utility even without universal inmate involvement.

Objections to the inclusion of unions in the policy process rest on several related arguments. (1) The involuntary servitude of prisoners is permitted under the 13th amendment to the Constitution. (2) Convicted felons are among the least deserving members of society; their claims have low priority relative to those of other social groups. (3) Inmates neither know nor care about responsible advocacy. They cannot be trusted to honor commitments with the administration. (4) The empowerment of prisoners to bargain collectively would put administrators in an intolerable position and would result in an enormous increase in the cost of imprisonment.

Such assertions derive merit from the dearth of correctional resources and the incongruence of correctional objectives. But on balance the arguments are counterproductive. They stem from an underlying attitude which is itself the source of many inmate grievances. Official denials of inmates' standing to advocate their claims helps to feed a sense of injustice among many prisoners and to fuel defiant political beliefs.

More importantly, administrative opposition to unions ignores the very real areas of mutual interest among inmates, authorities, and society at large. The most obvious example is the avoidance of violence. No one benefits from events such as the tragic Attica uprising. To the extent that a representative agency for prisoners can promote less bloody resolution of conflicts, administrators would be unwise to thwart its establishment.

The indeterminate sentence is an example of a more specific issue on which there appears to be consensus. The California Prisoners' Union set as one of its three primary objectives the abolition of indeterminate sentencing. As of January 1977, California has done just that, in part because of

the anxiety and sense of unfairness which such sentences engendered among prisoners.

But perhaps the most fundamental area of inter-agreement is the desirability of instilling in prisoners a greater degree of personal responsibility for their conduct. Criminologists have frequently observed that criminal misconduct is associated with the failure of self-control. Cloward and Ohlin, for example, claim that

The most significant step in the withdrawal of sentiments supporting the legitimacy of conventional norms is the attribution of the cause of failure to the social order rather than to oneself (1960, p. 111).

Total institutions by nature offer few opportunities for criminals to develop the belief that what they do or refrain from doing makes any difference in what happens to them. Indeed McCorkle and Korn argue that the deprivations of prison life often justify in a prisoner's mind the feeling of

... absolution of any sense of guilt or responsibility for his offense by emphasizing and concentrating on society's real or fancied offenses against him (1954, p. 96).

Attempts by inmates to organize, bargain collectively, and participate in decisions which affect them represent a way out of this self-reinforcing cycle of oppressive regulation and abdication of responsibility. Unions by no means insure that prisoners will cease to manipulate and exploit the vulnerability of correctional authorities. But no one is likely to develop personal control over his life unless he is given opportunities to exercise responsibility over matters which are significant to him.

Conclusion

The unionization of prisoners is best understood in the dual context of the prison's diverse political culture and the conflicting objectives of penal policies. The inmate political culture illuminates the sources and extent of support for unions. Given the opposition of staff and inmate norms, and given the nexus between inmate prison styles and political styles, open, prolonged support is likely to be greatest among the most defiant and unified elements of the prison population. Official endorsement could quickly broaden such support, however, particularly among politicians and Square Johns.

The policy impact of unionization also appears to be mixed. The right of inmates to bargain collectively, while preferable to violence, could con-

flict with the state's interest in maintaining a secure, frugal penal system. This tension is largely, however, a manifestation of the long-term conflicts among competing policy goals, conflicts which would persist in the absence of union activities. The opportunities which unions offer for more balanced advocacy concerning penal practices, reduced risk of bloodshed, and increased responsibility on the part of inmates, suggest a relatively benign prognosis of unionization's impact on the performance of correctional institutions.

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