

Thomas Jefferson Research Center

Industry, thrift, and self-control are not sought because
they create wealth, but because they create character.

Calvin Coolidge

THE PRICE OF FREEDOM IS RESPONSIBILITY

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WHAT WE CAN LEARN FROM JAPAN'S PRISONS

by James Webb

Fuchu prison, near Tokyo, is home to 2500 of Japan's most hardened criminals. Ed Arnett is an alumnus who thinks of Fuchu daily. The dank, unheated buildings, the harshness of the guards' reports to their superiors, the high stone walls—these are as near to him as the scars on his legs, from the frostbite he picked up in his Fuchu cell.

"I didn't know I could still cry until I went to prison in Japan," says Arnett, convicted in 1979 for possession of two kilograms of marijuana. "I wouldn't put that experience on anybody."

Arrested on Okinawa, Arnett was kept in pretrial confinement for a month. He endured days of intense interrogation without an attorney and signed a confession — written in Japanese — that he could not read. He met his lawyer for the first time at his trial. The trial took 30 minutes. He was not allowed a jury.

At Fuchu, Arnett lived in a 9-by-5 foot cell furnished with a hard, narrow bed, a sink that also was his desk and a toilet that he could flush only when permitted by the guards. His

mail was censored, and he was not allowed writing materials. The books he read were the few approved by his guards. Gifts from home were kept from him until his release. Despite his diabetes, Arnett's diet was dominated by seaweed, fish and rice. He lost 55 pounds in 18 months. Fourteen of those months were spent in solitary, in a room where a television camera recorded his every move. His scalp was shaved every two weeks. He was forbidden to look out the window or to communicate with other inmates. He worked eight hours a day, even in solitary, making paper bags in his cell. He could not touch his bunk during the day, but when the lights went out at night, if he was not lying down, he was punished. On his release, due to improper treatment of his diabetes, an American doctor called him "a walking dead man."

Arnett's experiences were not unusual for Japanese prison inmates, about 100 of whom at any time are Americans serving sentences for crimes ranging from minor drug offenses to murder. But surprisingly, Arnett, home in Omaha, Neb., says he prefers Japan's legal system to ours. Why? "Because it's fair," he says. "The Japanese never tried to trick me, even in interrogation. They were always trustworthy. I could have got five years, and they gave me two. The Americans who were helping them

wanted me to get 20. The guards at Fuchu were hard, but they never messed with you unless there was a reason. You didn't have to worry about the other prisoners coming after you, either. And the laws of Japan are for everybody. That's the main thing. The laws in this country depend on how much you can pay. I'd rather live under a hard system that's fair."

In 1981, Japan, with about half our population, had only 922 homicides; we had 1832 in New York City alone. An American is 12 times more likely to be murdered than a Japanese, 14 times more likely to be raped and 20 times more likely to be the victim of a property crime. Although recidivism rates are similar — 50 percent in Japan, 64 percent here — our problem with criminal repeaters is actually nine times greater than Japan's because our crime rate is so much higher.

A defendant's lack of counsel during interrogation and the absence of a jury trial, a U.S. Constitutional right, raises no hackles. "There are scholars who criticize this, but they have no social or political support," notes Kotaro Ohno of Japan's Ministry of Justice, who studied law at Harvard. "A Japanese believes the judge is more knowledgeable about his situation than a collection of citizens." Ohno defends Japan's very

James Webb is a lawyer and author of three novels including "A Country Such As This," published in October 1983 by Doubleday. This article is from *Parade*, January 15, 1984. Copyright Parade Publications, Inc., 1984 and reprinted with permission.

narrow use of the exclusionary rule and says the U.S. "goes too far" in excluding illegally obtained evidence.

Japan has a low crime rate without either a police state or excessive litigation. Only 50,000 prisoners, including pretrial detention inmates, are presently confined in Japan, and fewer than 4 percent of the prisoners are sentenced for longer than three years. In the U.S., there are 580,000 adult inmates, and 80 percent of those in state institutions have been sentenced for longer than five years.

Observes Yoshio Suzuki, until recently director general of the Correction Bureau in Japan's Ministry of Justice: "The law in Japan is severe in the attitude toward offenders as a whole. This allows it to be lenient in the punishment of an individual. We involve the victim in the criminal process. If the accused has shown proper penance to the victim through repayment or an expression of grief, and the victim tells this to the court, it will go much easier on the accused."

Japan brings 70 percent of its crimes to conviction. The U.S. brings only 19.8 percent of its crimes to arrest. But the contrast in prisons themselves is most startling. Americans familiar with the horrors of Attica and New Mexico and the routine tales of brutality and homosexual rape would find the orderly corridors of a Japanese prison mind-boggling.

"They don't coddle them, but they don't abuse them, either," says U.S. Navy Capt. Everette Stumbaugh, a lawyer for the commander of U.S. forces in Japan. "Japan plays it aboveboard all the way."

There never has been a hostage crisis in a Japanese prison. There has been only one "prison disturbance" — 30 years ago. There never has been a reported case of homosexual rape, or of prisoner gang wars. No guard ever has been killed by inmates; there has been only one inmate death in the last 10 years at the hands of another. There have been only 35 escapes from Japanese prisons in the last seven years (the U.S. average is more than 8,000 escapes a year). Almost 94 percent of Japan's prisoners perform labor that is geared to their aptitude and rehabilitative potential, rather than based on the crime committed. Guards typically are unarmed. There

are 58 major prisons in Japan. In addition to Fuchu, I toured prisons in Yokosuka and Okinawa. Only Fuchu had armed guards. There, fewer than 10 percent carry weapons — police sticks.

"What about the guard in the tower?" I asked Kaoru Kayaba, Yokosuka's warden, as I stared at the juncture of two walls on the far side of a large athletic field. "Doesn't he carry a rifle?"

Kayaba smiled. "We don't keep a guard in the tower. Except when the prisoners play softball."

"In case a prisoner vaults the wall?"

"In case a ball goes over the wall."

Much of the success of Japan's prisons is due to a classification system that analyzes and separates hardened criminals ("Category B") from those not likely to become repeat offenders ("Category A"). Yokosuka and Okinawa house "A" prisoners. The "A"s often earn certificates in trades such as plastering and auto repair. The "B"s — many of whom are members of the *Yakuza*, Japan's Mafia — might do such mundane tasks as maintenance work or making toys.

Prison officials are highly trained. Last year, though two-thirds of those who passed the national qualifying test for prison guards were university graduates, only one-fourth were hired. Successful applicants must spend two weeks as observers in a prison and then complete eight months of intense training before they may begin work. Guards are transferred every few years to promote standardization within the system.

All Japanese wardens began as guards. Their experiences have given them both "hands on" time with prisoners and philosophical depth. Yokosuka's Warden Kayaba affirms the good of man. "All human beings are 98 percent good and 2 percent bad," he says. "The men who end up in prison are not more evil than others in our society. They are weaker. With the proper education, we can make even the worst offenders as calm as the others." Guards do this not through force, but through intense counseling and physical denial. A difficult prisoner is removed from the collective environment and placed in an even more austere "punishment

cell," where counseling continues. "We make them think," says Kayaba. "We talk to them again and again about why they were sent to prison, until gradually they understand."

"We are their caretakers, not their oppressors," says Fuchu's present warden, Kiyoshi Taru, of Japan's most hardened criminals. An aircraft gunner during World War II, Taru saw the corrections field as a way to continue serving his country after Japan's military was disbanded. "Criminals have violated the well-being of others in order to satisfy their greed," says Taru. "We teach them how to control their desires and still satisfy themselves. You cannot do this unless you are unimpeachable yourself. We use our example as the instrument for their rehabilitation."

Taru says all guards are martial arts experts but adds, "If a guard unfairly strikes a prisoner, he will himself be imprisoned for a mandatory seven-year sentence."

Okinawa's warden, Yoshitaka Myojin, followed his father into the field. He says the key to prison stability lies in the workshop: "The guard who runs the workshop performs three functions — instructor, disciplinarian and counselor — so the prisoner does not direct his anger toward the guard purely as an authority figure. The guard is part of the overall unit, the father figure." Noting with irony that many fundamentals of the Japanese system were adapted from the U.S. system, Myojin wonders, "What has happened in America?"

His question is echoed by many here. If the U.S. incarceration rate is one of the highest in the free world, so is its crime rate. Overcrowding — our prison population has expanded by 30 percent in the last three years — contributes to abuse and acts of violence. So does idleness. Few prisoners work in U.S. jails because of trade-union pressure and "state use" laws that forbid their making competitive products. Only about 10 percent of the inmates in our state systems are allowed to work.

Our guards are often unskilled and untrained. Robert Fosen, director of the Commission on Accreditation for Corrections, indicates that the "recommended levels of training" that his group recently set for U.S.

prisons consist of a mere 40 hours of "orientation training," followed during the guard's first year by 120 hours of further training in supervision and the use of force. He notes that standards had to rise "in well over half the states" to meet these new requirements.

Could we adopt parts of the Japanese system? I asked three Americans of markedly differing political views and responsibilities: Norman Carlson, director of the Federal Bureau of Prisons since 1970, who inspected the Japanese system in 1971; Fosen, who was a New York prison official during the Attica riots; and Edward Koren, an attorney for the American Civil Liberties Union's National Prison Project.

All three support more inmates working, and Carlson and Fosen favor a decrease in the length of sentences for nonviolent, nondangerous offenders but longer sentences for others.

Carlson notes that all federal wardens begin as line officers. Fosen argues that our varied institutions require a wider range of training. Koren agrees.

Their greatest resistance to the Japanese system concerns individual treatment. Says Koren: "No heat in a prisoner's cell is outrageous. That would be a clear violation of the Constitution's prohibition against cruel and unusual punishment. The other living conditions are quite extreme. The denial of reading materials without clearly showing they are a threat to prison order, the withholding of writing materials from inmates and the censorship of correspondence all violate the First Amendment." He suggests many of Japan's methods would end in U.S. lawsuits.

Koren says of Japanese trial procedures: "The exclusionary rule is our way of enforcing Constitutional rights. Involving the victim before a person is convicted should be done only at the defendant's initiative. Eliminating plea bargaining would be impractical."

But is the present U.S. way fair?

"American jails are filled with hate," says Arnett. "If their walls fell down today, do you think the prisoners would run past you without stopping? An American prisoner might kill you, just because you're the first person he

sees. If the walls of the Japanese prisons fell down, the Japanese prisoners would just go on home."

I told this to Toyofumi Yoshinaga, a legal assistant at the Corrections Bureau in Tokyo who had spent several hours providing me with statistics. His eyes lit up. Said Yoshinaga: "During the great Kanto earthquake of 1923, the walls of one of our prisons *did* fall down." He smiled. "No one escaped."

CHARACTER EDUCATION CORNER

The following report is from Charles Goulding, superintendent of schools in Flat Rock, Michigan.

"We are now in the second full year of instruction at the elementary level and hope to expand the program next year to include grades six through eight. In the short time Character Education has been included in our elementary curriculum, the results are noteworthy. Students have improved their attitude towards school, their respect for each other is evident, and many have developed a better self-image. Vandalism has also decreased while pride in their school has increased. In general, we find our students to be more positive, responsible citizens.

"I sincerely feel that schools in our nation should give serious consideration to including Character Education in their curriculum. The end result will be positive, caring, responsible citizens our nation so desperately needs to cope in today's complex society."

Dr. Goulding heard about the Character Education Curriculum from his local Kiwanis Club. Kiwanis International has recommended the program to all of their clubs and many clubs have taken the initiative to recommend the program in their communities.

"How can a child learn if he or she doesn't have the psychic stamina — teachers used to call it 'character' — to concentrate on a task and get it done. The prerequisite for all learning is an inner strength and self-discipline."

Professor Amitai Etzioni

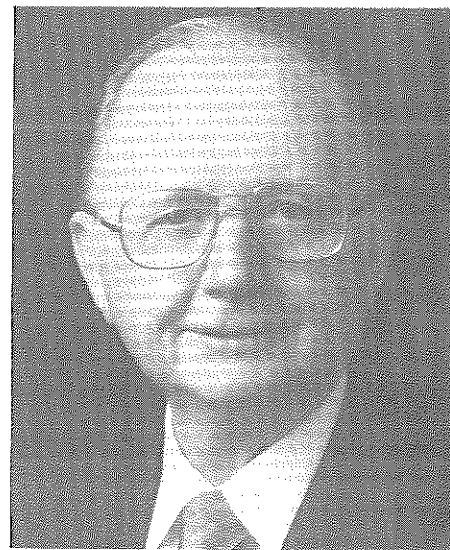
CENTER NEWS NOTES

Directors of the Thomas Jefferson Research Center were very pleased to welcome Raymond D. Edwards to the Center's Board of Directors. Mr. Edwards is Chairman of the Board and Chief Executive Officer of Glendale Federal Savings and Loan Association, headquartered in Glendale, California.

A graduate of the University of California, Berkeley, with a degree in economics, he started at Glendale Federal Savings in 1945 as a teller. In 1965, he was elected President after serving as Secretary, Vice President, and Senior Vice President. He was named Chairman and Chief Executive Officer in 1972.

Mr. Edwards is recognized as a leader in his profession and was founder and first president of the Conference of Federal Savings and Loan Associations. He has held several other important thrift industry assignments and is past president of the California Savings and Loan League and currently serving as State Trustee for the Savings and Loan Foundation.

He served in the U.S. Navy as an officer and has been active in his community as a member of the Glendale Kiwanis Club, Campaign Chairman for United Way, Red Cross director, and served as president or director for several other community organizations.



RAYMOND D. EDWARDS

CHARACTER REHABILITATION

The Research Center has, for several years, been working on a rehabilitation program for juvenile delinquents. Called Achievement Skills, this program is a modified version of the Center's intermediate level Achievement Skills which is now in use in several junior high schools. The program helps young people develop positive personal goals, values and attitudes.

In May, 1981, Jerry Hill, chief probation officer in San Bernardino, California, began using Achievement Skills in a 20-bed residential center for delinquent males 16½ to 18 years of age. These young criminals had all committed multiple or serious offenses and had failed on probation and prior court placement.

Ten juveniles entered the 45-hour

program, meeting one hour three times each week. Seven of this group graduated. The before and after psychological test scores (Tennessee Self-Concept Scale) for the graduates were compared with a similar group of juvenile delinquents who did not receive instruction. Ninety percent of those completing Achievement Skills showed improvements in their test scores, while there was no significant change between pre and post test scores for the control group.

Justice Douglas McDaniel, who was influential in introducing the program in San Bernardino, said that in all of his years of experience as a judge he had never seen such dramatic changes in the attitudes of a group of juvenile delinquents.

In July, 1983, the Research Center received an experimental contract from Los Angeles County to test the rehabilitation program with hardcore delinquents at one of the County Youth Camps. This contract has just

been renewed for a second year.

The purpose of the project is to reduce recidivism rates (failure rates) for the young people receiving instruction. Forty young criminals have completed the course and the Center, with County help, is observing their behavior. It is too early to assess the success of this project, but preliminary data are most encouraging.

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