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LAND MONOPOLY

MUST BE DESTROYED!

CRUSH THE INFAMOUS THING!

13004

## SWING WIDE THE GATES

British prisons may soon go the way of Tyburn Tree. A special commission that has been studying England's jails (as overcrowded as those in the United States) is expected to recommend that confinement be dropped for all but the most heinous crimes. Instead, the commission will propose new forms of parole.

NEWSWEEK, August 17, 1970, p. 15

THE CRIME OF PUNISHMENT, by Karl Menninger, M. D., p. 70: "The Model Act states in its first article that it 'shall be liberally construed to the end that persons convicted of crime shall be dealt with in accordance with their individual characteristics, circumstances, needs and potentialities as revealed by case studies; that dangerous offenders shall be correctively treated in custody for long terms as needed; and that other offenders shall be dealt with by probation, suspended sentence, or fine whenever such disposition appears practicable and not detrimental to the needs of public safety and the welfare of the offender, or shall be committed for a limited period.'" (italics ours) The foregoing is part of a Model Sentencing Act, brought out in 1963, after many years of hard work, by the Advisory Council of Judges of the National Council on Crime and Delinquency.

In 1870 some American prison administrators founded what is now the American Correctional Association, at the very first meeting of which they set down a "Statement of Twenty-two Principles," among which were: (1) Reformation, not vindictive suffering, should be the purpose of the penal treatment of prisoners. (2) The prisoner should be made to realize that his destiny is in his own hands. (3) Prison discipline should be such as to gain the will of the prisoner and conserve his self-respect. (4) The aim of the prison should be to make industrious free men rather than orderly and obedient prisoners. (p. 219)

## SHOULD PRISONS BE ABOLISHED?

By Ralph S. Banay The New York Times Magazine Jan. 30, 1953

The author is the editor of the Journal of Social Therapy, formerly in charge of the psychiatric clinic at Sing Sing Prison

The author states that prisons are a constant threat to everyone's social security, and are responsible for much of the damage we suffer from offenders; that we should substitute a new kind of institution, which would release men fitted for service instead of for rebellion. Of more than 172,000 persons in state and federal prisons at the end of 1953, over 60 % were repeaters. In the same year, state institutions freed 34,032 on some form of conditional release. More than one-fifth violated their parole. To improve conditions, it is

necessary to get at basic emotional factors underlying delinquent behavior and treat it successfully; and this can be done only outside prison walls. The institution should be so acceptable that persons subject to antisocial impulses would go there voluntarily, as to a hospital, for professional guidance. Psychiatrists, physicians, psychologists, social workers and teachers would there pool their skills to remove roots of behavior and bring forth positive fruits for his own good and that of society.

Another type of institution would keep incurables indefinitely, and provide suitable work or activities, so far as possible, non-punitive. If the system so obviously fails, why do we keep it? In addition to the hope that punishment helps to prevent society as a whole from developing its criminal tendencies, we enjoy punishing people who have done what we think is wrong. We can see, however, that, in addition to being mistaken as to the deterrent effects of prison, it actually has an encouraging effect upon crime, and we cannot afford the luxury of enjoying the misery of others.

The foregoing is one of the rare articles that takes the bull by the horns, so far as the prison system itself is concerned. Dr. Menninger's book covers numerous ramifications of injustice, inequalities, absurdities and brutalities of the law and the prison system, with special emphasis of the failure to use our knowledge of psychology and psychiatry, in spite of excellent recommendations made by qualified groups over the years. One should not have to go far to find the reason for the public's miseducation on the subject. It has been correctly said that if all other reasons for crime were to disappear, poverty would do duty for the remaining ones. In a pamphlet printed by the Joseph Fels Fund of America, entitled "Institutional Causes of Crime," the author, Louis F. Post, then assistant Secretary of Labor, says: "In the monopoly of the planet, therefore, we may find the underlying and all-inclusive institutional cause of crime. Not that there are no other institutional causes. There may be many. But in a generalization of causes, this one either comprehends most of the others, or would do duty for them all if the other social causes were abolished and all the personal causes were cured."

In his chapter on CRIME AND WEALTH, in the book, THE RICH AND THE SUPER-RICH, Ferdinand Lundberg points out the tremendous difference between the attitude toward and treatment of lower-class crime and upper-class crime. He refers to the book, WHITE COLLAR CRIME, by Professor Edwin H. Sutherland, known as "the dean of American criminologists." Lundberg refers to crime as being the "historically established highroad to American fortune-building," as described in THE HISTORY of the GREAT AMERICAN FORTUNES and THE ROBBER BARONS. Balzac is quoted as saying that behind every fortune there is a crime.

Sutherland noted that more than 98 % of the prison population came from the lowest socio-economic classes, while well-to-do people committed many serious crimes without landing in prison. Crimes in which property or the propertied might be injured were found to be subject to much more severe sanctions than those open to the upper classes - variants of fraud or conspiracy. Where committed against the general public, they called for light penalties, seldom prison terms. Crimes available to the lower classes, involving violence or direct theft, were subject to severe physical punishment.

p. 109 "... many members of the upper classes did commit offenses for which the government held them accountable. But in most cases special arrangements had been made to handle them with kid gloves and in many cases to administer by way of punishment a slap on the wrist. ... The class whose members were being proceeded against was the class that had the predominant influence in the government ...

p. 110 White collar crime ... is far more costly than crimes customarily regarded as constituting the 'crime problem,' ... embezzlement; most big fraud; restraint of trade; misrepresentation in advertising and in the sale of securities; infringement of patents, trademarks and copyrights; industrial espionage; illegal labor practices; violations of war regulations; violation of trust; secret rebates and kickbacks; commercial and political bribery; wash sales; misleading balance sheets; false claims; dilution of products; prohibited forms of monopoly; income tax falsification; adulteration of food and drugs; padding of expense accounts; use of substandard materials; rigging markets; price-fixing; mislabeling; false weights and measurements; internal corporate manipulation, ...

p. 111 The 'white collar criminals, however, are by far the most dangerous to society of any type of criminals from the point of view of effects on private property and social institutions.' For their predations gradually tend to undermine public morale and spread social disorganization. ... The volume of total violations, much of it officially unchallenged, leads to a spreading mood of public cynicism and more and more rank-and-file lawbreaking. ... The stage is set for anarchy, sometimes emerging in riots, ... The laws relating to white collar crime ... tend to 'conceal the criminality of the behavior' and thus do not reinforce the public 'mores' as do other laws.

p. 113 He found a total of 980 decisions against (the corporate elite of 70 firms), with a maximum of 50 for one and an average of 14.0. ... Even if the analysis had been limited to explicit criminal jurisdiction, 60 per cent ... with an average of four convictions each, (in many states could have been defined as habituals, and their officials sentenced to life imprisonment.)

p. 116 In the case of white collar crime ... if any individual is punished (usually none is) it is only one or a very few. ... But ... in kidnapping, for example, the F. B. I. (sees that almost all contacts, guilty or innocent) except the obstetricians who brought the various parties into the world are brought before the bar, where the aroused judge 'breaks the book over their heads' ...

p. 117 Fraud is extensive in the professions ... Bribery (involving official purchases) is common. ... 'Buyers (making large scale purchases) accept and sometimes demand gifts of money...' The police constantly break the laws. The laws of arrest are rigidly limited, but the police exercise their authority with little reference to these limitations ... Hopkins refers to illegal arrests as kidnappings, and in this sense, the number of kidnappings by the police is thousands of times as great as the number (by others). The courts, similarly, are not immune from criminal contagion, ...' The United States is a very criminal society, led in its criminality by its upper socio-economic classes. (and police and prison torture)

p. 118 In the Food and Drug Administration ... there were 5208 criminal prosecutions from 1945 through 1961 ... Many ... were for distributing

poisonous or contaminated products. (Business firms are also often physically violent, hiring thugs to batter, flog, break the arms, legs, backs and skulls of trade union organizers, mutilate them, pour boiling tar over them, or kill them outright, with or without the cooperation of the police - or have the job done with the acquiescence of the police, or by the police alone.) p. 120 It is well recognized ... that the enforcement of laws against corporate crimes is at best of a sporadic token character ... p. 130 'business leaders are the most subversive influence in the United States. ... We no longer have competition as the regulator of economic processes;' p. 131 ... entrepreneurs ... give a lusty account of themselves in the matter of law-breaking. Comparatively they make Mafias and Crime Syndicates look like pushcart operations."

#### GOVERNMENT BY CONSENT OF THE GOVERNED

The consequences of substituting financial restitution by the emotionally stable, and therapeutic treatment (with restitution, if advisable) for the unstable - in place of penology - would be enormously beneficial. No one could be detained for trial, or detained after conviction, unless proven emotionally unstable, temporarily or otherwise. The state could levy penalties only in money or property, and the penalties must be reasonably in accordance with the damage actually suffered or intended, to the individual or the state, and not to exceed what could be paid without seriously impairing the welfare of the guilty. The check of publicity could be applied to those in the open society, which is rarely and inadequately applied to those hidden in the ferocious prison system, with its torture, starvation, homosexual assault and heterosexual denial. All official action, high and low, must be supervised by ombudsmen selected by and checked by local civil rights groups. Both official crimes and corporate crimes against the community must be subject to the same penalties as those applying to private citizens.

Polygraph tests, which are often used to test the honesty of job applicants, and by police to check their own members - and occasionally to clear suspects - should be accepted as evidence of innocence by any who wish to take them, and as evidence of official abuse warranting restitution by the state, even though not incriminating any particular individual. The practice should be put into effect immediately, to clear any innocent persons now held for trial, or any convicts wishing to clear themselves. We shall need full employment, with everyone receiving the equivalent of his production, as no one can be judged unstable because he has to steal in order to eat, buy some clothes, or pay the rent. Neither is one unstable because he wishes to exercise his faculties instead of living on handouts - neither materially nor emotionally satisfactory. The possibility of attaining full employment at all times, by eliminating speculation, and bringing the annual charge for land of all types down to its true rental value, through the full assessment of ground rent, must be realized. The schools must be freed from monopoly control, and scientifically solve our problems. The process would be hastened if we no longer had prisons in which to torture the dispossessed. Trying to civilize prisons is like trying to civilize slavery. It's utterly impossible. We must choose between economic justice and torture. We shall also have to forego our predilection for playing God, with sumptuary laws, or arrange an agreeable modus vivendi; and depend on volunteers to protect the genuine interests of the country.