PRISON REFORM IN MASSACHUSETTS: A STUDY OF THE POLITICS
OF INSTITUTIONAL CHANGE

by

PAULETTE COLEMAN

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Signature of Author..............................................................
Department of Urban Studies and Planning

Certified by................................................................. Thesis Supervisor

Accepted by ................................................................. Chairman, Department Committee

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ABSTRACT

This case study is an examination of recent political and institutional changes in the Massachusetts correctional system. It is the analysis of a movement which emphasized community based corrections as an alternative to incarceration. In this study we discuss the characteristics of the prison reform movement, reformers and their organizations, the opposition to corrections reform, development of the omnibus corrections reform bill, and the political and social context in which these activities took place.

Name and Title of Thesis Supervisor: Dr. Robert M. Fogelson
To my father and mother
who made it all possible.
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INTRODUCTION

In the aftermath of the attack by the New York State Police and prison officials which ended the four day prisoner uprising at the Attica Correctional Facility on September 13, 1971, there was a wave of general disruptions in corrections institutions throughout the country. The significant result of these disturbances was that prisoners, prisons, and prison conditions became national issues. National attention focused on the methods for correcting criminals; the administration and operation of penal institutions; and the possibility that prisons were operated in such a manner as to be ineffective in combatting crime and of questionable value in rehabilitating offenders.

Protests within prisons aroused a good deal of public interest and sparked a great political debate on the causes and prevention of future prison disturbances. These intellectual and emotional concerns generally elicited one of two major political responses: either a great deal of trepidation accompanied by a tightening of the prisons' security with more steel, concrete and sophisticated equipment for the surveillance and control of the inmates, or much less popularly,
indignation and a call to alter the operation and administration of the corrections system through a variety of reforms. This latter position was the one embraced by the Governor, some progressive legislators and many private citizens of Massachusetts when prisons in the Commonwealth were struck by a series of inmate protests and work stoppages during the Fall of 1971. Just as Massachusetts was the home of one of the most influential organizations in the country devoted to criminal justice reform during the 1830's, the Boston Prison Discipline Society, during the 1970's a similar reformist fervor marked the beginning of a major movement for corrections reform in Massachusetts.

This essay is a study of the efforts to bring about positive changes in the Massachusetts prison system. It is the story of some alternative methods of delivering correctional services in Massachusetts. Also, it is the story of the appointment of a Black man, John O. Boone, with a reputation as a reformer and an innovative corrections administrator, as the new Commissioner of Corrections in Massachusetts and his efforts in reforming the Commonwealth's penal system. Probably, even more than any of the other themes, corrections reform in Massachusetts during this decade is the story of the development of a piece of comprehensive corrections reform legislation emphasizing community corrections; the ensuing struggle for that
bill's successful passage through the legislature and its enactment into law; the difficulty of implementing Chapter 777, the new corrections reform act; and the rather significant opposition, not only to the corrections reform bill, but to any actions directed at improving prisons in Massachusetts.

Corrections reform was an extremely controversial and volatile issue in the Fall of 1972. Resistance to corrections reform grew and became widespread among legislators, prison administrators and employees, especially the corrections officers. Public anger and furor surrounding the political consequences of Governor Sargent's continued support of reform in the prison system became so costly that he modified his support of Boone as Commissioner of Corrections. On June 21, 1973, almost eighteen months after his appointment as Commissioner, Boone was forced to resign. The story of that shortlived attempt to reform the Massachusetts prison system raises some very interesting questions about corrections reform in Massachusetts. An analysis of the Massachusetts case enables us to make some general observations about influences on public policy, factors influencing the delivery of public services, the process of institutional change, as well as some rather specific statements about the nature and consequences of corrections reform in Massachusetts as a social and political movement.
The first set of questions suggested by this scenario describe and analyze the corrections reform effort in Massachusetts. What were the origins of the corrections reform movement in Massachusetts during the early seventies? What specific factors, personalities, and/or events provided the impetus for corrections reform through progressive legislation? Who were the prison reformers? What ideologies or world view shaped their ideas about corrections reform? What were their tactics and strategies for correctional change? Why did they advocate corrections reform? How did Chapter 777 come into being and what kind of penal philosophy did it reflect? How and why did it proceed through the legislature rather successfully? Why was John Boone selected as Commissioner of Corrections? What were his views on corrections and corrections reform? Did Boone and Governor Sargent share the same philosophy about correctional change? How did Boone respond to the continuing unrest in the state's correctional institutions? What did Boone accomplish as Commissioner? Who were the opponents of prison reform in Massachusetts? What ideologies or world view shaped their opposition? How did they impede the corrections reform effort? Why did they oppose prison reform? What was the significance of the corrections reform movement in Massachusetts? What did Chapter 777 accomplish? How was the bill implemented? What were the long term consequences of corrections reform in Massachusetts?
The second set of questions attempt to derive broader statements and implications from the case study of corrections reform in Massachusetts to general issues of social and institutional change that may be applicable to other social service systems and the delivery of these services; the politics of reform movements and their role(s) in social change; the efficacy of legislation as a vehicle for reform; and finally, the characteristics and problems of social reform movements. What are the findings and conclusions of this analysis of the Massachusetts corrections reform movement during the seventies? Are these results generalizeable to reform movements in other areas? What are the formal and informal constraints on the success of a reform movement? What are the effects of often conflicting and ambiguous goals, purposes, and functions of service systems which popular movements seek to reform? How, why and when do institutions change or respond favorably to reform movements? Is legislation the most effective vehicle for social change?

The historical development of incarceration as the major response to crime in American society since the turn of the century has significance for present day penal practices. Chapter I describes and analyzes the evolution of community corrections as an innovation in correctional practice and as the hallmark of the corrections reform movement in Massachusetts. Particular attention is
given to conditions prevailing within the Department of Corrections and the Commonwealth's correctional institutions in 1970 and 1971 from which the reform movement emerged.

Chapter II chronicles the work of the Joint Correctional Planning Commission from its creation by Governor Sargent in the Fall of 1970 for the purpose of planning for improved correctional services and coordinating activities among the different corrections agencies in the Commonwealth. This organization is of singular importance because it is from the JCPC deliberations that the philosophy and policies embodied in the corrections reform legislation introduced by Governor Sargent in February, 1972, came into being.

The legislative history and passage of Chapter 777 are discussed in Chapter III. This third chapter explores the motivations and strategies employed by the organizations and individuals involved in the formal campaign for corrections reforms as well as the "behind the scenes" lobbying efforts.

In Chapter IV, attention focuses on the new Commissioner of Corrections, John O. Boone, his correctional philosophy, his efforts to administer effectively the Massachusetts corrections system and his role as a reformer/administrator. Boone's very major success in getting Chapter 777 passed is discussed in this chapter as are the
extreme conditions inherent in the nature of prison life which made implementation of the reforms very difficult.

Opposition to the reforms proposed in Chapter 777 intensified once the bill passed and Boone began to implement the new law. The well calculated and successful tactics employed by corrections officers to obstruct the successful administration of the new reform policies within the Massachusetts Department of Corrections are analyzed in Chapter V. Resistance to reforms in the corrections system and the controversy surrounding their implementation were quite intense. As a result, prison reform became a political liability and support for the movement waned among politicians and even the reformers. This loss of support and other factors explored in the chapter are key in Boone's subsequent ouster.

The final chapter summarizes the significance of Chapter 777 and the consequences of the Massachusetts experience with corrections reform to other movements for social and institutional change.

The data for this case study were gathered from a variety of sources. Literature in the fields of corrections, prison reform, social change, social movements and state government was reviewed as the starting point for the research. The daily newspapers in Boston, The Herald American and The Boston Globe were the sources from which a chronology detailing on a daily basis, from September 1971 to
July 1973, the events in Massachusetts relevant to prisons and the reform movement was developed. This chronology, contained in Appendix A, was based primarily on newspaper accounts, legislative records and the personal files of many persons involved in the events of that period.

From this chronology and initial research, thirty-five individuals and organizations that were active participants in the corrections reform movement were identified (see Appendix B). These actors were subsequently contacted for interviews by letter containing the interview schedule. In addition, follow-up phone calls were also made. Most of the reformers were extremely responsive and enthusiastic; they wanted to share their views on the successes and failures of the movement and to assess its consequences. The questions were open-ended and most of the interviews lasted one and one-half hours or longer. In some cases the interviews extended over a period of forty hours. Interestingly enough, corrections officers, their union leaders and individuals within the Department of Corrections who represented the traditional and nonreformist vain were not available for interviews, nor would they answer the interview questions in writing. The most frequent explanation for their non-cooperation was the lack of time. Several former corrections officers who had served during the period under investigation spoke with me
very briefly and on an informal basis. It was beneficial that almost three years had passed since the passage of Chapter 777 and Boone's departure because people talk more freely of past struggles than those in which they are presently involved. The disadvantage of this historical perspective was that specific dates, events, and general information become vague. Quite fortunately, other data sources were available, but the richness of the interviews, despite their loosely structured character and possible over-representation of supporters of reform, was most valuable to the analysis.

Additional data were derived from all the existing documents of the Joint Correctional Planning Commission and the Legislative Task Force of that group which prepared the original draft of the bill on corrections reform; the personal files of Van Lanckton, one of the men who wrote the original bill; the official and personal papers of former Commissioner of Corrections, John O. Boone; the records of the Joint Social Welfare Committee pertaining to the corrections reform act; and all of the files of the Ad Hoc Committee on Prison Reform, one of the major actors in the reform effort. Phyllis Ryan, Evelyn Bender, Arnie Coles and most especially, John Boone, were particularly generous in making available their personal files and correspondence on the prison reform movement.
This research is relevant to contemporary public policy issues, because there presently exists no documentation of the attempt to reform the adult corrections system in Massachusetts. Corrections reform in this instance is particularly significant given that an earlier and similar reform movement occurred in the deinstitutionalization of juvenile corrections facilities in the Commonwealth. Substantial resources have been devoted to studies of the reforms in the juvenile corrections, but the same is not true for adult correctional reforms. A study of recent reforms in the Massachusetts prison system would provide an initial base for future comparative studies of the two systems.

In almost all social services, but particularly mental health, welfare, health care and corrections, the new trends are toward community based facilities and programs and reintegration of individuals with special needs back into their home communities. Community care which has been growing in popularity in this country suggests to many that there is an anti-institutional mentality which prevails in today's society. This study is potentially significant because it will offer some insight into the limits and extent of this anti-institutionalism as it relates to the corrections systems. It also analyzes one example of the cyclical or pendulum-like nature of reformers and reform activities. A further consequence of this study
to contemporary issues in public policy is its analysis and critique of reform legislation as one vehicle for institutionalizing correc-
tional reforms.

The purpose of this study, therefore, is to document and analyze the attempt to reform the adult corrections system in Massa-
chusetts. From this case study, general issues of social and insti-
tutional change applicable to reform in other social service systems are explored. The study will also be useful in gaining a greater understanding of the politics of reform movements and the character-
istics and problems of reforms affecting social policies in modern day institutions.
CHAPTER I

THE IMPETUS FOR REFORM

To understand the emergence of community based corrections as a major thrust of correctional policies in the late sixties and early seventies, knowledge of the history of corrections in America and the penitentiary is important. Particularly important is an understanding of a series of issues related to the origins of the (present day) penitentiary; the place of crime, criminals and the penitentiary in colonial America; and the relationship of correctional policies to the attitudes, morals, and values of society at any given point in time. Events in society determined much about the corrections system. Increased organization and the growing complexity of society resulted in new ways of dealing with criminal offenders.

It was not until the beginning of the nineteenth century that confinement in penal institutions as we know them today, became popularly accepted as the principle method for handling lawbreakers. Prior to that time, justice was a highly individualized enterprise. An individual dealt with wrongs done to him or his family in whatever way he chose. Usually the individual was motivated by a desire for
revenge, retaliation or compensation for loss. As life became more socially interdependent and "governments" formed, these "governments," usually represented by the chief or king, assumed responsibility for the protection of persons and property as well as for the punishment of offenders in the name of public peace. This shift in responsibility for the handling of offenders from the individual citizen to the state broadened the tradition of justice based on retribution. Even at this time, however, imprisonment was not viewed as a means of punishment.

In colonial times, the death penalty was the most common response to serious crimes. Criminal codes of the era prescribed a wide range of punishments for (lesser) offenses, which usually included fines, public flogging and other mechanisms for shame and public degradation such as the stocks, pillory, public cage and banishment. Rarely did the statutes rely upon institutionalization for any purpose. A sentence of imprisonment was uncommon and was never used alone. Though local jails existed throughout the colonies, they held persons about to be tried or those awaiting sentence or those unable to discharge their contracted debts. It was most uncommon to detain convicted offenders as a means of correction during the colonial era. To the colonists, given their views of deviant behavior and institutional organization which relied upon the family
model, jails could not rehabilitate, nor intimidate nor detain offenders effectively. Harsh penal codes and non-institutional penalties for unlawful behavior characterized criminal justice in colonial America.

The Quakers provided the impetus for the development of America's modern penitentiary system. Shortly after independence, Americans began to reappraise and revise the prevailing methods of social control. The population of the new republic increased greatly from 1970 to 1830. There was also rapid urbanization during that period, with the growth in the number and density of cities. It was a time of intellectual activism, and the ideas of the Enlightenment challenged Calvinist doctrine. Industrialization also occurred with the development of factories throughout New England and the Middle Atlantic regions. Each of these demographic, social, intellectual, and economic changes encouraged the Americans in the process of rejecting many of the premises upon which the colonial system was based, but did little to clarify how to order the emerging society.

As David Rothman notes in The Discovery of the Asylum:

In the immediate aftermath of independence and nationhood, Americans believed that they had uncovered both the prime cause of criminality in their country and an altogether effective antidote. Armed with patriotic fervor, sharing a repugnance for things British and a new familiarity with the faith in Enlightenment doctrines, they posited that the origins and persistence of deviant behavior would be found in the nature of the colonial
criminal codes. Established in the days of oppression and ignorance, the laws reflected British insistence on severe and cruel punishments. . . . The mother country had stifled the colonists' benevolent instinct, compelling them to emulate the crude customs of the old world. The result was the predominance of archaic and punitive laws that only served to perpetuate crime.  

Similarly in Europe, Cesare Beccarias' treatise, Essays on Crime and Punishment argued that criminal laws were often inhumane and self-defeating. He argued that severe punishment emboldened men to commit the very wrongs it was intended to prevent. Beccarias' antidote to this dilemma was to promulgate laws that were clear, simple, and enforceable by the total governmental apparatus. This advice was well-received because of its compatibility with America's history and revolutionary idealism.

The advent of modern democracy in Europe and America coupled with the post-revolutionary skepticism of many citizens towards the colonial system lead to the repeal of the criminal codes of most states by the second decade of the nineteenth century. Quakers were instrumental in this drive for repeal of state criminal statutes. The results of the Quakers' efforts to bring about more humane treatment of offenders were laws that either abolished capital punishment for all offenses except murder or greatly restricted its use to all but a limited number of the most serious offenses. Instead of corporal and capital punishment, the new statutes substituted
incarceration. These new laws reflected a view of deviancy rooted in the legal system and not in the individual criminal. Passing the proper laws, it seemed, would end the problem of deviant behavior. New statutes gave rise to the construction of prisons in Pennsylvania, New York, New Jersey, Virginia, Kentucky, Massachusetts, Vermont, New Hampshire and Maryland during the 1790's. This focus on the legal system and imprisonment as the appropriate means for dealing with criminal behavior was the initial step in altering the older forms of punishment. 

A repulsion from the gallows rather than any faith in the penitentiary spurred the late-eighteenth century construction. To reformers, the advantages of the institution were external, and they hardly imagined that life inside the prison might rehabilitate the criminal. Incarceration seemed more humane than hanging and less brutal than whipping. Prisons matched punishment to crime precisely; the more heinous the offense, the longer the sentence.

When the new more rational legal codes with certain punishment failed to reduce crime, public attention shifted away from the legal system to the deviant and the penitentiary. This new wave of ideas acknowledged that the roots of deviancy were so complex that a solution such as certain punishment was inadequate and so simplistic as to be rather ineffective. Now more Americans critically examined the life history of the criminal and reached the conclusion that in the individual's formulative years, particularly if the upbringing
and family life were disorganized, lay the origins of deviant behavior. 14

The doctrine was clear: parents who sent their children into the society without a rigorous training in discipline and obedience would find them someday in the prison.15

This new perspective viewed deviance as environmentally determined. Criminal behavior was therefore the predictable result of observable situations and circumstances such as a disorganized home life. As crime was not inherent in the nature of man, it was therefore not inevitable. The belief that crime was not inevitable gave some early Americans an optimistic outlook for the future control of crime. They believed crime could be reduced and more order brought to society if the conditions breeding criminal behavior could be controlled.

There were several reform proposals for eradicating these environmental conditions which produced criminal and other types of deviant behavior. Warning and advising families to fulfill their tasks of providing care and strict discipline for their children was one tactic. Another was to organize societies which would shut down taverns, brothels and other establishments which were thought to have a corrupting influence on the moral order of society. Because these tactics were time-consuming and did not produce immediate results, reformers of that day thought they were insufficient. There was an almost desperate need for a tangible and immediate solution that
would reduce crime and produce an alternative environment for the deviant. Construction of a special environment for deviants became not only a feasible but an essential solution:

Remove him from the family and community and place him in an artificially created and therefore corruption-free environment. Here he could learn all the vital lessons that others had ignored while protected from the temptations of vice. A model and small-scale society could solve the immediate problem and point the way to broader reforms. 16

The Jacksonians' theories on crime and deviancy placed their origins within society. They particularly felt that inadequacies of upbringing and family life and the rampant spread of vice and immoral behavior throughout the community were the causes of deviant behavior. 17 These notions on the origins of crime were very important because they gave rise to the invention of the penitentiary as the solution for protecting society and eradicating deviancy. 18

The invention and design of the penitentiary attempted to eliminate the specific influences that bred crime in the community and to demonstrate the fundamentals of proper social organization. As an institution, the penitentiary was designed to join practicality to humanitarianism, to reform the criminal, to stabilize American society and to demonstrate how to improve the conditions of mankind. 19 New York and Pennsylvania were leaders in the movement which began in the 1820's to construct large, fortress-like institutions for confining
criminal offenders. The new structures differed from the earlier prisons of the 1790's in that they separated prisoners not only from the larger society, but from each other, and they organized, routinized and supervised every aspect of the inmates' being. The thinking was that, "Just as the criminal's environment had led him into crime, the institutional environment would lead him out of it." Advocates of both systems based the promise of institutionalization upon isolation of prisoners and the establishment of a disciplined routine. 20

Advocates of the penitentiary were also concerned with prison architecture. Because these supporters of the prison system viewed architecture as a moral science such things as the layout of cells, the methods of labor, and the manner in which inmates ate and slept assumed great importance to them. Implicit in their views on the architecture of morals was that construction of particular types of buildings, penitentiaries specifically, had a direct effect on the improvement in morals, not only for prisoners, but also in remedying many of the problems in society.

Never, no never shall we see the triumph of peace, of right, of Christianity, until the daily habits of mankind shall undergo a thorough revolution. . . . Could we all be put on prison fare, for the space of two or three generations the world would ultimately be the better for it. Indeed, should society change places with the prisoners, so far as habits are concerned, taking to itself the regularity, and temperance and sobriety of a good prison, "then the goals of peace, right, and Christianity
would be furthered." As it is, . . . taking this world and the next together . . . the prisoner has the advantage. 21

By the 1830's the American penitentiaries were world famous. Several European countries sent official representatives to investigate and observe the institutions at New York and Pennsylvania which represented the principle models for organizing prisons throughout the country. The most famous of these European visitors were de Tocqueville and Beaumont who wrote a famous treatise about the two rival prison systems in America entitled, On the Penitentiary System. The Auburn or congregate system was an admixture of isolation and communal work spaces. Under this system prisoners worked together in a workshop during the day, but while working, eating or in their cells they could not talk to each other. At night, prisoners under the Auburn system slept alone in their individual cells. Some people attacked the congregate model because they claimed it did not isolate as totally as the Pennsylvania system. Supporters of the congregate system responded to these charges by pointing out that their system combined incarceration and flexibility and was therefore more practical. They also contended that the Pennsylvania system did not perfectly carry out its espoused program of total inmate isolation. Advocates of the Auburn system in their countercharges claimed that the walls of the Philadelphia prison were not thick enough nor its
sewer pipes arranged compactly enough for its supporters to claim that inmates imprisoned under the Pennsylvania system totally abstained from any form of communication. Proponents of the Auburn model criticized the Pennsylvania system, not only for its structural deficiencies, but they argued that the unrelieved isolation and solitary confinement which characterized the system were unnatural conditions and ultimately lead to insanity. In the debate over the most perfect of the two systems, the most compelling argument put forth by supporters of the congregate system was that the separate system was no more perfect than theirs, but that the congregate prison was cheaper.

Auburn-type institutions, their defenders flatly and accurately declared, cost less to construct and brought in greater returns from convict labor. Since the two systems were more or less equal, with faults and advantages fairly evenly distributed, states ought not to incur the greater costs of the separate plan. By having prisoners work together in shops, Auburn's cells did not have to be as large as those at Philadelphia; also, a greater variety of goods could be efficiently manufactured in congregate prisons. The New York program provided the best of both worlds, economy and reform.

Total isolation characterized the Pennsylvania system. The prisoners ate, worked, slept and exercised in isolation not only from the world but from each other throughout their period of confinement. Under the Pennsylvania system convicts avoided all "contamination" and through separation from external influences began the process of
reform. Relatives and friends could not visit prisoners. Only carefully selected visitors whose moral uprightness was unquestionable were allowed contact with inmates. Isolation in that system was essentially absolute. The prison officials prohibited all correspondence, denied access to newspapers and any other sources of information about external affairs. Prisoners were only allowed to read "morally uplifting" literature such as the Bible. No precaution was too elaborate to guarantee that the prisoners avoided all contamination.

"Each individual," explained Pennsylvania's supporters, "will necessarily be made the instrument of his own punishment; his conscience will be the avenger of society." Left in total solitude, separated from "evil society . . . the progress of corruption is arrested; no additional contamination can be received or communicated." At the same time the convict "will be compelled to reflect on the error of his ways, to listen to the reproaches of conscience, to the expostulations of religion." Thrown upon his own innate sentiments, with no evil example to lead him astray, and with kindness and proper instruction at hand to bolster his resolutions, the criminal would start his rehabilitation.25

Thus, the Pennsylvania prison system offered a well-ordered, quiet, secure, remote and artificial institutional environment intended to reform criminals. Its advocates applauded the Pennsylvania system because it was straightforward and uncomplicated. Good training for the guards was unnecessary because they had only superficial contact with the inmates. Security and order prevailed in
institutions modelled after the Pennsylvania system because men in isolation did not have the opportunity to violate prison regulations nor to develop escape plans. Both models for prison organization emphasized separation or isolation, strict obedience to authority and hard labor. As such, the two systems were quite similar. The point of major dispute was the degree of separation—whether the convicts should work silently in large groups or individually within solitary cells.

Penitentiaries were an outgrowth of the intellectual, scientific and social changes which occurred during the nineteenth century. Though there was a great deal of debate on the advantages and disadvantages of the Auburn model as against the Pennsylvania model little else mattered. Few Jacksonians, if any, gave thought to other forms of punishment.

No one thought to venture beyond the bounds of defining the best possible prison arrangements, and this narrowness of focus was clear testimony to the widespread faith in institutionalization. People argued whether solitary should be continuous and how ducts ought to be arranged, but no one questioned the shared premise of both systems, that incarceration was the only proper social response to criminal behavior. To ponder alternatives was unnecessary when the promise of the penitentiary seemed unlimited.26

For more than a century, there was a basic acceptance of institutionalization as the most appropriate way of reducing crime and treating offenders. Imprisonment was the major sanction and chief penalty of
the criminal law and remains so today. With the exception of parole and probation services during the last half of the nineteenth century, there were no major changes in this view. One criminologist stated that "... the genius of American penology lies in the fact that we have demonstrated that eighteenth and nineteenth century methods can be forced to work in the middle of the twentieth century."27

The nineteenth century was an era of rapid change and social concern. This social or humanitarian concern influenced the direction of many aspects of life at that time. Various reform organizations began crusades to abolish slavery, to prevent cruelty to animals and, later to children, and to improve treatment of the insane. This period was one of agitation for women's suffrage, temperance reform, labor organization, territorial expansion, and technological change. The establishment of the first state board of charities in Massachusetts occurred during during this period in 1863 and in that same state some six years later, the first state board of health reflected the new focus. Corrections was also influenced by the times in that prison reformers demanded more humane treatment of prisoners and work experiences that would help them become good citizens.

[They] ... deplored institutions that did no more than incarcerate and punish. They saw no social utility in retribution for retribution's sake. They did not believe that severe sentences, of themselves, were deterrents to crime. They believed the
The greatest deterrent lay in helping offenders find their way back to self-respect and acceptance in the community.28

The theory was that prisons should reeducate minds and redirect emotions, thus producing prisoners who returned to society as reformed or corrected individuals.

Probation and parole services grew out of the social ferment of the nineteenth century. Probation began informally as an alternative to imprisonment in 1841. The probation service started as a treatment program in which final action in an adjudicated offender's case was suspended, so that he remained at liberty, subject to conditions imposed by or for a court, under the supervision and guidance of a probation worker.29 The first probation worker was John Augustus, a Boston shoemaker, who believed that many offenders only required the sincere interest of another human being in order to improve their lives. He convinced the court of his idea and worked for eighteen years in housing, feeding and clothing his charges, most of whom were poor. Augustus operated his probation services without any legal authority. He chose those individuals whom he regarded as promising candidates for probation based on "the previous character of the person, his age and the influences by which he would in future be likely to be surrounded." Augustus' program was so successful that of the first 1,100 individuals on whom he kept records only one forfeited bond.30
After his death, the work of John Augustus continued and became more formalized. Probation services in America were first regulated by statute in 1878 when Massachusetts passed a law which authorized the mayor of Boston to appoint a paid probation officer as a member of the police force with jurisdiction in Boston's criminal courts. The statute, however, placed no restrictions on probation eligibility. With the statute, the probation officers became official agents of the courts, but under the "general control" of the police chief. The first probation officer's duties included attending court, investigating prisoners charged or convicted of a crime and recommending to the judges the advisability of placing defendants on probation.31 By 1900, Massachusetts provided for statewide probation, and several other states including Missouri (1897), Vermont (1898), Illinois, Minnesota, and Rhode Island (all in 1899), and New Jersey (1900) enacted laws that authorized the courts to grant probation. The growth of probation services throughout the country was slow and it was not until 1967 that all fifty states, Puerto Rico, the District of Columbia, and the federal criminal courts system authorized probation by statute.32

In a manner similar to probation, parole services in America began as an alternative to continue imprisonment. Parole started as a treatment program in which an offender, after serving a portion of
a sentence in a correctional institution was conditionally released under supervision and treatment by a parole worker. The antecedents of the parole system date back to sixteenth century England. In the middle of the nineteenth century, New York became the first state to appoint an agent to supervise the children in such arrangements and to protect them from exploitation.

Reduction of sentence for "good time" and commutation laws also preceded the parole system in the United States. Using the ticket of leave, some convicts were released from confinement after a part of the sentence was served. Such offenders lived independently within a circumscribed district conditional upon their continued good behavior and without governmental supervision and supportive services of any kind. In 1817, the New York legislature adopted a commutation statute which began to reflect the need for greater individuality in treating offenders by allowing time off the definite sentence for good conduct and work willingly performed. Though the law was not implemented in any of New York's correctional institutions, four years later in 1821 Connecticut passed an effective commutation law applicable to its workhouse inmates.

With the enactment of the indeterminate sentence by New York State in 1824 and the construction of the reformatory at Elmira, the first parole system in the United States came into existence. The
Elmira Reformatory was built with reformation as its goal and with some provision for aftercare upon release. Many penal reformers viewed prisons as a failure and developed reformatories as a solution. The commitment to institutionalization remained, but the premise was new. Elmira Reformatory deemphasized punishment for the sake of punishment and substituted reformation and reeducation of the offender. When the Elmira Reformatory began operation in July 1876 it utilized the mark system, whereby the inmate earned marks or wages through hard work and good behavior which could be used to purchase earlier release. Other new practices begun at the Reformatory were grades of incarceration, the indeterminate sentence, and conditional release or parole.35

Parole and the indeterminate sentence spread from Elmira to other institutions in the state, and from New York into other regions of the country. By 1891, eight states had authorized the indeterminate sentence, but only for first offenders. New York State was the only exception. Today, however, every state and the federal judicial system have statutes which provide for both juvenile and adult parole services.

Though probation and parole systems did not replace prisons, their development was significant because it emphasized a less punitive approach to corrections and the beginnings of non-institutional
correctional settings. Parole and probation systems pursue goals of rehabilitation, reintegration, surveillance, and economy; both assist law enforcement agencies, the courts, and correctional institutions; statutory conditions are attached to the grant or revocation of either; in both cases the offender is under the supervision of someone with access to coercive authority; and particularly significant, the community is the correctional setting. Probation and parole were precursors to present day community based correctional practices.

As an extension of the philosophy that prisons should reeducate minds, redirect emotions and provide work experiences that helped inmates become good citizens, some prisoners were sent out into the community to work on farms, on road construction and the like. By the end of the nineteenth century however, this practice diminished, largely because of complaints by labor unions that prisoners were unfair competition. In 1913, the Wisconsin state legislature passed the Huber Law which permitted certain misdemeanants to be released from prison during the day in order to work and maintain their regular jobs. With the exception of the Huber Law, early forms of inmate labor outside the institution did little other than provide income for the institutions, because inmates were not paid, they were not learning marketable skills and they remained isolated from community residents. Though the Huber Law did not germinate into full-fledged
furlough and work release programs, it represented a beginning step toward community based corrections as we have come to understand the term today.

The notion of the community as a correctional setting was a broad departure from the ideas and values of the Jacksonians who launched the then radical view of a penitentiary system last century. Even today only limited progress has been made toward expanding our approaches to correction to include a system of community correctional programs and facilities. According to one source, the community treatment idea as we know it today is a relatively recent phenomenon; which gained prominence in correctional theory and practice in the forties and fifties and it may well become the most memorable development in corrections during the latter half of the twentieth century.\textsuperscript{37}

In the period preceding World War II, sociologists from the Chicago School influenced much of the thinking and practice about corrections, particularly for juveniles. The twenties and thirties was a period in which slum neighborhoods of large cities developed experiments to increase citizen participation in the prevention of delinquency. The Chicago Area Project, an experiment with community organization, emphasized involvement of community residents in delinquency prevention. In the forties, interest shifted somewhat from the community to the individual. Psychoanalytic treatment and individual
counselling were believed to be the most appropriate forms of help for juvenile offenders. The individual treatment model lost support and group models for handling juvenile delinquents developed into a few experimental pilot community based programs, including the Provo Experiment, Highfields, and Essexfields. Though many of these early changes occurred in the juvenile area, the adult field had counterparts on a more limited basis in work release furloughs, pre-release centers and halfway houses which developed from the fifties onward.

Innovations in correctional theory and practice which focused on the community were a post World War II phenomena. In the mid-fifties there were prison riots, parole scandals and evidences of correctional maladministration which caused many people to become concerned about prisons. Citizens and politicians believed that prisons were not effective and they demanded abandonment of the conventional prison for all except those few offenders who were extremely dangerous or irredeemable. These citizen activists gave their attention to new alternatives to incarceration largely as a result of their dissatisfaction with the organization, the methods and the results of the correctional system in all its dimensions.\(^{38}\) It seemed apparent to them that imprisonment alone did little to insure public protection over the long run because less than 5 percent of those sent to prison for the most serious offenses died there and an even smaller percentage
of those committed for shorter periods to jails and juvenile institutions were not eventually released. The situation was such that the public was paying huge sums of money to maintain large residential establishments for offenders and all that taxpayers were getting for this expenditure was short periods of incapacitation. The conclusion was that there should be alternatives to incarceration whenever public welfare and safety were equally well served.  

Over a century ago when individuals were concerned about crime and methods for controlling offenders, the conclusion was that there was a need to construct a special environment, the penitentiary, in order to eliminate the specific crime inducing influences in the community. In this century the premise that crime and delinquency are symptoms of failures and disorganization of the community as well as the individual offenders was extended. The societal failures were seen as depriving offenders of contact with the institutions of society that were basically responsible for assuming the development of lawabiding conduct. Therefore the task of corrections was to build or rebuild solid ties between the offender and the community, reinstating the offender into the community and re-establishing family ties, obtaining employment and education, and securing in the larger sense a place for the offender in the routine functioning of society. Implicit in this concept was the notion of not only changing the
offender, the nearly exclusive focus of rehabilitation, but also the mobilization and change of the community and its institutions. The new thrust was on community care and moving the offender into a state of maximum functioning in the society. Not only in corrections was there a trend toward community care, but policies and practices in such areas as health care, social welfare, and mental health reflected a decreasing reliance on institutional care.

Public assistance, medical care, and programs for the mentally ill have all gone the route of drastic reduction in institutional confinement with major emphasis on community care. Poor houses and orphanages have all but disappeared from the social scene; hospital time for virtually all medical conditions has been drastically reduced; hospitalization of the mentally ill is becoming obsolete for all but a few. Each of these changes has been achieved with wide recognition that physical and social functioning of persons in the community is not only more humane, but more efficient, more restorative, less damaging and less expensive than maintenance in large total institutions.

Community care was a major tenet of the rehabilitation philosophy which formed the basis for much of present day correctional practice. This new focus on community care in corrections came from several sources. Perhaps most important was public concern over spiraling crime rates and dissatisfaction with the traditional methods of dealing with offenders. American citizens were increasingly disillusioned with the ineffectiveness of incarcerating offenders in traditional correctional institutions. In addition, crime and crime control were major political issues in large urban areas and on the
national level. Humanitarian and utilitarian interests combined such that those citizens concerned about prisons agreed there was a desperate need for change in prisons throughout the country.

The conviction grows that unless society is prepared to acknowledge and support a rising cyclical pattern of criminality, followed by arrest, trial, imprisonment and parole, some effective and positive action must be taken to help reintegrate the object of that cycle back into the community.\textsuperscript{42}

In addition to the public's interest in crime and prisons, during the mid-sixties the judiciary, particularly at the federal level, became more involved with legal aspects of the operation of prisons.\textsuperscript{43} This new judicial concern had a major role in altering the almost absolute discretion which prison officials exercised over the people in their custody. Until the mid-sixties, prison officials operated with immunity from judicial scrutiny because of the courts' traditional "hands-off" policy. The typical judicial attitude toward the rights of prisoners, prior to the sixties, sanctioned the excessiveness of some prison officials:

For the time being, during his term of service in the penitentiary, he (the convicted felon) is in a state of penal servitude to the State. He has, as a consequence of his crime, not only forfeited his liberty, but all his personal rights except those which the law in its humanity accords to him. He is for the time being the slave of the State.\textsuperscript{44}

The "hands-off" doctrine was abrogated largely because prisoners agitated for their rights and acquired access to the courts.
The demands of Black Muslim inmates for legal protection of their constitutional rights to freedom of religious expression helped to erode the foundations of the hands off doctrine as did the Courts' revival of a nineteenth century statute which, when passed, had enabled blacks to enforce their newly protected constitutional rights against state officials.45 In Cooper v. Pate,46 the Court explicitly confirmed that state prisoners were entitled to the protection of the Civil Rights Act. Some courts continued to defer prisoners' complaints to the supposed needs of prison discipline, but the renewed use of the Civil Rights Act permitted the federal courts to examine the claims of state prisoners to determine whether constitutional rights had been violated.47

Even though the Warren Court heard very few prison cases, its decisions in Mempa v. Ray48 and Johnson V. Avery49 were monumental. In Mempa v. Ray, a case concerned with the revocation of probation, the Supreme Court applied the due process requirement of the Fourteenth Amendment to the operations of the corrections system. The court held that counsel was required in deferred sentencing proceedings. In the second case of Johnson v. Avery, the Court attempted to ensure prisoners' access to court by forbidding officials from denying them the aid of "jailhouse lawyers," so long as no other counsel was available. The Court stated that "where paramount federal
constitutional or statutory rights supervene ... state regulations applicable to inmates of prison facilities may be invalidated. These decisions provided for judicial review of prison regulations and administrative actions that affected constitutional rights.

Basically, the rights that prisoners sought to establish in the courts included rights to physical security and the minimal conditions necessary to sustain life; the protection and guarantee of their civil rights (e.g., freedom of religion, freedom of expression, freedom from racial discrimination, the rights to privacy, the rights to defend oneself against criminal charges) and protection of their right of access to court. The new practice of judicial intervention in correctional administration meant that inmates and prison reformers would have an additional arena in which to pressure for change and that prison administrators would have to contend with an expanded body of law dealing with prisoners' rights in their operation of penal institutions.

At the same time as the courts became more involved in corrections so did the federal government. In 1965, President Johnson created the President's Commission on Law Enforcement and the Administration of Justice. After two years of work, the Commission presented its report, which called for an increased role by the federal government in the problem of law enforcement. The Commission
recommended increased federal support of efforts to reduce crime and delinquency. The support envisioned by the Commission was largely financial and the type in which several hundred million dollars annually could be spent profitably over the next decade to bring crime under control. Under the Commission's provisions, funds were made available to state and local governments to develop comprehensive law enforcement plans.51

The precedent for federal aid to local criminal justice operations, particularly police operations, was set by the Law Enforcement Assistance Act of 1965. This act gave the federal government authority to make grants to, or contracts with, public or private non-profit agencies to improve training of personnel, advance the capabilities of law enforcement bodies, and assist in the prevention and control of crime. Administration of the program was by the Office of Law Enforcement Assistance, established by the Attorney General and responsible to him. Congress appropriated $7.5 million for each of three fiscal years beginning in 1966 to carry out the new projects. The projects funded under the Law Enforcement Assistance Act of 1965 were concluded in June 1968, and that act was superseded by the Omnibus Crime Control and Safe Streets of 1968.

The background to the Safe Streets Act was interesting because it originated in part from the Law Enforcement Assistance Act of 1965
and the comprehensive plan designed by the President's Crime Commission for federal involvement in the national crime problem. There was also a national mood which was ready and anxious to do something about crime. In addition there was also a political mood which prompted many Congressmen to get as much mileage out of the crime issue as possible. Both political parties wanted credit for decreasing crime and were not willing to share just part of the credit. As a result the legislative history of the Omnibus Crime Control and Safe Streets Act of 1968 was a partisan battle of rewriting and amending the legislation. Finally on June 19, 1968, some sixteen months after the bill had been introduced, it was signed into law.

The Crime Control Act of 1968 was particularly important because it created the Law Enforcement Assistance Administration which formally began its operations on October 21, 1968. From its inception LEAA was the center of controversy. The agency was thrown into the political arena more than many other agencies because of the "politicization" of crime as a partisan issue. LEAA was also a controversial agency because crime and law enforcement were traditionally local functions with little federal involvement. The agency was criticized because during its first year, 79 percent of the federal funds were spent for law enforcement, 14 percent on corrections and 6 percent on courts. Since that time the corrections share
of the total budget increased to as much as 33 percent for fiscal 1973 in some states. Through its block grants to states for improvement of police, courts, and corrections, LEAA provided the first federal funding for community-based corrections programs. LEAA distributed approximately $63 million in 1969, $268 million in 1970, $529 million in 1971, $699 million in 1972, and $855 million during 1973 to the various states (see Appendix C). One of the objectives of correctional planning funded by LEAA was to develop a continuum of services related to an offender's correctional needs from the time of arrest to eventual reintegration in society. The mental health field greatly influenced new trends in corrections.

In 1960, the Joint Commission on Mental Illness and Health published a report which articulated the importance of assisting the patient to maintain himself in the community in a normal manner, to minimize the regressive effects of institutionalization and to provide a wide range of supportive aftercare services--day hospitals, night hospitals, aftercare clinics, rehabilitation centers, work services, former patient groups, and others. The Commission's proposals on a range of community services for mental patients had obvious implications for the correctional system. A few years later, the Correctional Task Force of the President's Commission on Law Enforcement and Criminal Justice Administration emphasized the need
for new directions in corrections and with this report laid the conceptual framework for community based corrections programs.

The general underlying premise for new directions in corrections is that crime and delinquency are symptoms of failures and disorganization of the community as well as of individual offenders. . . .

The task of corrections therefore includes building or rebuilding solid ties between the offender and the community, integrating or reintegrating the offender into community life—restoring family education, securing in the larger sense a place for the offender in the routine functioning of society. . . . This requires not only efforts toward changing the individual offender, which has been the almost exclusive focus of rehabilitation, but also the mobilization and change of the community and its institutions.53

The growing national trend toward community care for persons with special needs, new legislation, the recommendations of various national crime commissions endorsing alternatives to incarceration, and the availability of federal funds for such programs had a tremendous impact on popularizing the concept of community based corrections. Another factor which helped to make community corrections a major policy direction in the debate about correction reform was a basic disillusionment by many, but particularly veterans of social reform movements, with traditional corrections programs which they deemed unsuccessful in achieving rehabilitation or even stability in the prisons. Advocates of corrections reform were guided by notions of decency, good will and economy. For example, they supported community
correctional programs because they were believed to be more humane and consequently more effective than institutionalization. At least they were tauted as being no less effective in reducing the probability of recidivism than more severe forms of punishment. Second, there was the belief that the further an individual was allowed to penetrate the formal criminal justice system, the more difficult it was for the person to be successfully retrieved and returned to the community. In this regard it was important to divert offenders from the criminal justice system as early as possible. A third assumption about community corrections was that such a system cost less than an institutionally based corrections program and therefore saved the taxpayers money. Fourth, supporters of community based corrections assumed that because staff and offenders were closer to the community resources, such a program was more likely to be effective in improving the probability of successful client reintegration. The validity of these assumptions was not tested, but inmate strikes and riots in the prisons of America led many to embrace community care as the new policy thrust in corrections during the decade of the seventies. Because reform efforts were frequently a response to emotionally disturbing situations the tendency was to produce an instant cure to the problematic situation.
The four day prisoner uprising at the Attica Correctional Facility in New York was the most fatefully extreme of the numerous prison disturbances. The attack by New York State Police on September 13, 1971, left thirty-two inmates and eleven corrections officers dead and more than eighty other persons wounded. The events at Attica were important because they dramatized the problems of corrections, in New York State and in the entire country, and made prisons and prison conditions national issues. For the first time since the Reports of the Presidential Commission on Law Enforcement and the Administration of Justice and passage of the Omnibus Crime Control and Safe Streets Act of 1968, national attention focused on our methods for correcting criminals and public policies related to the administration of penitentiaries. We also began to realize that perhaps our prisons were operated rather poorly as a result, they were ineffective in combatting crime and in rehabilitating offenders.

One of the findings of the Attica Commission was that dramatic reforms of the New York prison system were inescapable, if the state were seriously committed to reform. Restructuring of the prison system in New York, according to the Special Commission on Attica, meant that prisoners generally retained the rights of other citizens except that of liberty of person. Further, when released from prison, they should not be saddled with the legal disabilities which impeded their
ability to exercise the rights of free men. The Commission advocated removal of restrictions on the circulation of literature, newspapers, periodicals, and broadcasts; establishment of regular procedures to assure access of the press to prisons; and creation of programs which let inmates out of the institution on a controlled basis, such as work release and furloughs. Other proposals by the Commission called for prison policies and programs which elevated and enhanced the dignity, worth and self-confidence of inmates, including having inmates conduct their own affairs. Community groups, volunteers and professionals were encouraged to become involved in the life of each correctional facility and particularly to participate in the shaping of overall policy. Because the interaction between corrections officers and inmates is so central, the Commission proposed that all correctional facilities should be staffed by persons motivated to help inmates including ex-offenders. Educational programs and vocational training within the institution were encouraged. The Commission felt that inmates should be paid for their work and that inmates ought also pay "the reasonable value of the services provided them by the state."

The final area in which the Commission proposed some changes was parole. Clear and comprehensive standards for the grant or denial of parole were to be developed and disseminated to inmates in advance and once the parole was granted, and upon the inmates release he
should also be assisted in finding a job. The Commission voted that the problems of Attica were not Attica's alone: "We cannot expect even the most dramatic changes inside the prison walls to cure the evils of the criminal justice system, nor a society at large."

Changes needed to occur such that justice was dispensed fairly, equally and swiftly at every stage of the criminal justice system.

The public wanted to know how Attica happened and more importantly why it happened. Politicians particularly wanted to know how to prevent future Atticas from occurring within the prisons of their own states. Some others began to think about how to constructively change and improve prison conditions. The findings of the Attica Commission and the political, intellectual, and emotional concerns about the causes and prevention of prison disturbances catalyzed a movement aimed at reforming prisons. Some responded to the challenge of corrections reform with a great deal of trepidation and moved to tighten prison security with more steel, concrete and sophisticated equipment for the surveillance and control of the inmates. Others responded to the challenge by trying to rethink the assumptions underlying existing correctional concepts and altering the operation and administration of the corrections system so as to make it more rational and effective.
For those who wanted changes in the correctional system, the Attica rebellion epitomized the bankruptcy of the custodial approach to corrections. These reformers were troubled by their belief in rehabilitation and reintegration of offenders into productive members of society and the inadequacy of many existing programs and attitudes inside the prisons to accomplish the two ideals. Whatever their concerns and solutions to the problems of prisons, reformers generally agreed that there was a desperate need for change in prison systems throughout the country. It was therefore a rather natural occurrence that reformers embraced community based corrections as their solution to the problems in the prison.

Just as Massachusetts was the place of origin of many early correctional reforms during the 1830's which provided the basis for many present day correctional practices, during the 1970's Massachusetts was the center of a full-scale corrections reform effort. Though national policy changes in corrections and the new legal attitude of the courts regarding prisons affected the entire country, these general events and others unique to Massachusetts profoundly altered correctional practices in the Commonwealth.

Even prior to Attica and the other occurrences in the late sixties, prisons emerged as a priority item for the new governor,
Francis Sargent. Shortly after he became the Commonwealth's chief executive in 1969, Governor Sargent proposed major changes in organization of state government. The legislature passed Chapter 704 of the Acts of 1969, which created the Governor's Cabinet. The Act became effective April 30, 1971, and basically restructured state government. Under the new law, the cabinet structure eliminated all 305 existing state departments and agencies and consolidated them into nine executive offices, resembling the federal cabinet. The new arrangement decreased the number of central agencies with the desired result being greater economy and efficiency. Reorganization divided the Commonwealth into eight regional groupings and established citizen advisory councils within each of the regions. One of the purposes of regionalization was to encourage citizen involvement in state programs and to decentralize those administrations which provided direct services to citizens, for example Family and Social Services, Rehabilitation, and Community and Mental Health. The new law was to streamline the state governmental apparatus so as to improve the quality and effectiveness of services in the Commonwealth.

Each Executive Office had a full-time Secretary appointed by the Governor to serve at his pleasure. The Secretary's duties included planning, co-ordinating, conducting studies of operation, promoting efficiency, reviewing and acting upon budgets, and
recommending to the Governor desirable changes in the laws and practices of the departments and agencies within his Executive Office. Even though the Secretary acted as "the Executive Officer of the Governor" and had major responsibility for the operations of the departments and agencies within his Office, he had no administrative control over the governmental units within his Executive Office.

Reorganization was important because it placed the Department of Correction and the Parole Board under the Executive Office of Human Services. Prior to reorganization, the Department of Correction was a separate agency reporting to the governor. With the Commonwealth's correctional programs as a part of the human service system, there was now a direct and natural link with other agencies concerned with providing services to people in need of special services such as delinquents, welfare recipients, veterans, and the like. This meant that the Commonwealth's five major institutions--MCI-Bridgewater, MCI-Norfolk, MCI-Walpole, MCI-Concord and MCI-Framingham, and the three forestry camps--Plymouth, Monroe and Warwick--could now be reevaluated for the consistency of their goals and operation with those of other agencies within the Executive Office of Human Services.

The purposes of the new Human Service Secretariat were to meet the needs of the individual citizen where he was unable to meet the
needs himself or with privately furnished assistance; to provide services for those individuals such as health care, income supplementation, personal counselling, and rehabilitative training; and to counter those forces which were primarily identified as contributing to individual problems requiring such services.\textsuperscript{58} In addition to the basic goal of protecting society by separating and holding offenders in secure custody, prisons could now legitimately be expected to rehabilitate offenders through their programs and to place them in the community as useful and law-abiding citizens. Implicit in this new view of corrections as a human service was the notion of prisons as humane institutions intended primarily to correct and not necessarily to punish.

Now that the Department of Corrections was within the Executive Office of Human Services, it became a part of a broader social change movement within the Commonwealth and the nation as a whole. That movement's purposes were to more efficiently coordinate the programs of major public agencies providing services for individuals; to centralize responsibility and authority for meeting the basic needs of the Commonwealth's citizens; and to temper the operation of centralized authority by delivering decentralized services at the local level with active community participation in the formulation of policies governing the new programs and facilities.
We find additional evidence of this larger movement for social change in the Massachusetts Department of Youth Services. Under the direction of Dr. Jerome Miller, the new Commissioner of Youth Services, the Department began to reform its system for delivering services. In 1969, the Massachusetts General Court enacted legislation to reorganize the Department of Youth Services. Reorganization meant a process of deinstitutionalizing and regionalizing all the activities of the Department of Youth Services. The Reorganization Act elevated the old division to the status of department and moved it from the Department of Education to the new superagency, Human Services consisting of Welfare, Health, Mental Health and Corrections. The Act set a new professional tone for Youth Services that focused on therapy, prevention, community services, purchase of services and research. Finally the Act empowered DYS to "establish necessary facilities for detention, diagnosis, treatment and training of its charges including post-release care." The language of the Act enabled Commissioner Miller and his staff to implement a noninstitutional system. State run institutions for juvenile delinquents were closed between 1969 and 1973 in a series of dramatic and unexpected moves by then Commissioner Miller. Regional offices were developed throughout the Commonwealth as field administration centers and with responsibility for contracting with private agencies for services to
juvenile offenders. There was also a shift in policy to purchasing services to juvenile offenders. There was also a shift in policy to purchasing services from the private sector and to placing youths in the community.

Similar policy changes occurred in health, public welfare and mental health services. The Commonwealth began to purchase these services from privately operated health and welfare services by contracting Medicaid payments to Blue Cross and Blue Shield or other private health insurers. In the fields of public welfare and mental health the new trends were in purchased or contracted services and the development of community service centers. As these examples illustrate, reorganization was intended to strengthen and centralize administrative control; to decentralize the delivery of services; to disengage the major departments within Human Services from the running of institutions and to improve the overall quality of services available. Though these policy and structural changes were occurring in the organization of many services provided by the Commonwealth, prisons in Massachusetts basically remained the same.

The Massachusetts prison system in the late sixties was not directly nor immediately affected by all of the changes occurring in social services nationally nor within the Commonwealth. At that time, the Department of Corrections was the state agency with responsibility
for all the Commonwealth's adult correctional institutions not under the authority of county officials. The Department had direct authority over approximately 3,000 adult offenders whom the courts felt it necessary to separate from society for varying periods of time by imprisonment. Basically, the Department of Corrections was concerned with protecting society and rehabilitating offenders, so that they might return to the community as useful citizens.60

The Massachusetts corrections system consisted of eight institutions: MCI-Bridgewater, MCI-Norfolk, MCI-Malpole, MCI-Concord, MCI-Framingham, the only correctional institution for women, and the Commonwealth's three forestry camps at Plymouth, Warwick and Monroe (see Appendix D). In the late sixties, Massachusetts had approximately 1,800 prison employees, excluding hundreds of contractors and consultants, to guard about 3,500 inmates. Most of the inmates had done time in either juvenile training schools, county houses of correction and state or federal prisons previously. One writer described them as victims of society and the prison system:

Lastly, prisoners are victims of the prison system itself, a system which guarantees that more than half of all prisoners will be imprisoned again after release, usually for a more serious offense. In fact, many prisoners are men and women who keep going back and forth through prison doors all of their lives. . . . More often than not, prisoners are men and women doing "life on the installment plan"--never able to break the cycle of poverty and imprisonment.61
Massachusetts taxpayers were spending approximately $32,000,000 a year in 1972 supporting the prison system. The bulk of the budget or about 80 percent of the total operating expenses, went directly for prison employees' salaries. If salaries for employees serving a custodial function comprised the greatest expenditure, we can ask how was it possible for prisons to accomplish rehabilitative goals?

MCI-Bridgewater, the largest of the state correctional institutions, had a population of 955 in June 1973. Located in the town of South Bridgewater, approximately 35 miles south of Boston on 1400 acres of land, this institution opened in 1855 as an almshouse for paupers. In 1872, it became the State Workhouse and after 1887 it became the State Farm. Though the institution's uses had changed, there were no changes in the physical plant. There was however, a change in the institution's name in 1955, when it became designated a Massachusetts Correctional Institution along with all the other adult correctional institutions in the Commonwealth. In 1967, the General Court allocated an initial grant of $340,000 to build a new 450 bed State Hospital on the grounds of MCI-Bridgewater.

The major divisions of MCI Bridgewater are the Addiction Center which provides care and treatment for alcoholics, drug addicts and other drug dependent persons and the State Hospital for the criminally insane. The Bridgewater State Hospital is a maximum security
facility. This institution is unique in its administration because the patients are directly under the care of a Medical Director appointed by the Commissioner of Correction, but requiring the approval of the Commissioner of Mental Health who has supervisory and investigatory responsibility for this hospital. In spite of the role as a hospital for the mentally ill criminal, it is under the direct control of the Superintendent of Bridgewater and under the legal jurisdiction of the Department of Correction. Bridgewater State Hospital is therefore responsible to the Department of Mental Health and the Department of Correction, jointly. Bridgewater is interesting, because it contains a very mixed population. It has mental patients, alcoholics, drug addicts, sex offenders, prisoners on "protective custody," men being held for pre-trial psychiatric observation and male and female inmates from the other state facilities who are sent to Bridgewater for punishment or segregation. Some are committed to the hospital before trial because they were deemed mentally ill and not competent to stand trial. Others were committed because they were found not guilty after trial by reason of insanity at the time of the criminal act. Still other Bridgewater patients were transferred from correctional institutions because they developed, after commitment, some mental illness that those institutions could not handle. A very small percentage were transferred to Bridgewater
from Department of Mental Health Hospitals because they were escape risks needing greater security or they were dangerous to other patients and personnel. 63

In 1967 there was an inevitable confrontation between the Hospital commitments and the due process law. The procedure in practice for years was that a man would be committed to Bridgewater by the court before trial for a period of observation. The Medical Director, after observation and testing by the staff, reported to the court that the man was either not competent or he was mentally competent to stand trial. He was then committed to the Hospital without representation by counsel. The commitment as a patient was for an indefinite period. Often the offender remained there after the expiration of the period of time he would have served as a prisoner had he been found guilty and sentenced for the crime with which he was charged. This procedure was a denial of due process protections because the man had no notice or hearing on the question of commitment. In addition, he was deprived of his liberty without further appearance in court. The Attorney General, the General Court and many officials concerned with this problem in light of Supreme Court rulings in the area of prisoner rights recommended the enactment of a special emergency law to establish special procedures for persons allegedly committed or confined unlawfully to any mental hospital. 64
The emergency law allowed any person who believed that his commitment or confinement was unlawful to petition the Superior Court of Massachusetts for a hearing. Under the law the Court appointed counsel if the individual were not so represented and ordered an immediate hearing at the Bridgewater Institution. The hearing was presided over by a single Justice of the Superior Court without a jury, in the presence of the petitioner, with notice to all concerned. If the Court determined that the petitioner was not unlawfully confined or committed, the petition was dismissed. If the Court determined that the petitioner was illegally confined then he was discharged. If the individual were in further need of care at a mental hospital he was either committed by a civil procedure to a Department of Mental Health hospital or to the Bridgewater State Hospital if he were found dangerous enough to himself or others to require strict security. Whenever such commitments were made the Medical Director reviewed the case at the end of 60 days and every six months thereafter in order to determine if the man were still dangerous and not a proper subject for transfer to another state mental hospital. 65

In response to the Courts' emphasis on due process in relation to all commitments at Bridgewater and criticism from lawyers, psychiatrists and reformers, Chapter 123 of the General Laws regulating the treatment and commitment of the mentally ill and the
retarded was repealed. The new law, Chapter 888 of the Acts of 1970 required periodic reviews of each patient on admission, once during the first three months after admission, and again during the second three months and annually thereafter. The review required consideration of possible alternatives to continue hospitalization. It assured that at hearings relative to commitment, patients would have the right to counsel, appointed by the state if they were indigent, and other detailed statutory protections of their constitutional rights. 66

When MCI-Norfolk opened in 1931, it represented a forward step in Massachusetts penal policies. Planned "for the more hopeful and adaptable men," it was built on the assumption that farm work and fresh air would rehabilitate criminals from the city slums. Located in the town of Norfolk, this spacious medium security institution with its dormitory units instead of cell blocks is considered the first "community prison" in the country for male offenders. 67 Even today, Norfolk might appear to be a model for correctional reform, because it is the site of the prison hospital and the new Diagnostic Center for "scientific" classification of prisoners. The institution's average daily population for a few selected years was 690 inmates in 1973, as compared with 703 in 1972, 765 in 1971, 716 in 1967, 788 in 1966, and 791 in 1962.
The courts do not commit men directly to MCI-Norfolk. Unlike most other prisons in the Commonwealth, selected inmates sentenced to MCI-Walpole or MCI-Concord are transferred to MCI-Norfolk. Most of those so transferred complete their sentences at Norfolk while some of these same men are found not suitable for a medium security institution and are returned to their original institution. A notable feature of MCI-Norfolk is the range of activities available to the inmates. These activities include Norfolk's debating team; the Norfolk Quiz Club which competes against area colleges; the Inmate Council, an advisory group which facilitates communication between staff and inmates; the Norfolk Fellowship, a non-sectarian group with a spiritual base which brings "outmates" from churches around Massachusetts into the prisons for discussions with the inmates at Norfolk; and the musical and literary groups.68

Inmates at MCI-Norfolk, presumably work in the prison shops where they make clothing, fabricated metal items, concrete novelties, mattresses and shoes. Though furniture upholstering, woodworking, welding, drafting, and automotive repair vocational training programs are supposed to exist at MCI-Norfolk, most of them were not in full operation during 1973 and 1974. Even if all the vocational programs operated at capacity, they would only involve a minority of the prison population. Some of the ex-offenders who were interviewed
saw such prison programs as a sham. According to them, prisoners fake participation in programs to earn parole, and program administrators fake success to keep their jobs.

MCI-Walpole, the Commonwealth's maximum security state prison, officially opened in February 1956. It is located on 40 acres in South Walpole, about 25 miles from Boston. When the new facility opened, all the inmates who were confined in the old institution at Charlestown, which was then the oldest state prison still in use in the United States, were transferred to Walpole.

In recent years the crime for which more men are committed to Walpole in robbery, both armed and unarmed. The age group 21 to 24 inclusive, represents the largest age group at time of commitment. Over half of all those committed in 1970 were under the age of 30. Of all those committed in 1970, 72 percent had previously served time in some penal or correctional institution or juvenile training school. 69

Walpole contains both a "segregation unit" and an "isolation unit." The segregation unit opened in 1959 and is a separate building within the walls. There are accommodations for 60 men in the unit. This unit contains furnished cells and limited recreational facilities, but with no access to the rest of the inmate population. Inmates in the general institutional population of any of the
correctional institutions for males whose presence there is "detrimental to the program of the institution" may be transferred to this unit for an indefinite period by the Commissioner upon request of the respective superintendent. An inmate may be returned only when officials believe the troublesome inmate is ready to abide by the rules. The isolation unit, by contrast is available "for the enforcement of discipline" and is provided with light, ventilation, adequate sanitary facilities and some furniture. Inmates may be confined there by the Superintendent for no longer than 15 days and during confinement, they must be provided with at least one full meal daily. There is not even a pretense of rehabilitation in either of these units.

Walpole's average daily population in 1962 was 595 as compared to 572 in 1971 and 531 in 1967. The count on June 2, 1973, was 576, as compared to 612 the previous year. MCI-Walpole is the State Prison to which any man serving a life sentence for a felony is committed and its population is usually close to capacity. There is very little variation in the inmate population from year to year at Walpole. When it reaches capacity, men can be transferred to other correctional facilities. (Quite a number of lifers are transferred to MCI-Norfolk. In 1973 there were approximately 130 lifers at Norfolk.) MCI-Walpole is considered a very brutal institution and
over the past few years it has been the scene of inmate riots and other violence. Perhaps more than the other prisons, it had a very critical role in the correction reform movement in Massachusetts during the seventies.

MCI-Concord opened in 1878 as the State Prison to replace the old one at Charlestown which was temporarily closed. As a result, Concord was and still is a maximum security institution. After its construction, prison authorities, long concerned by the mixing of young offenders with recidivists and older men, decided to re-open Charlestown for the latter group and to reserve Concord for the younger men. Therefore from 1884 to 1955 Concord was known as the Massachusetts Reformatory and it was one of the early correctional institutions for youthful offenders. At that time, no one over the age of 30 was committed to Concord, though there is no age limit for inmates incarcerated there today. It is the Department's policy, however, as of December 1972, that Concord be designated a correctional facility for youthful offenders between the ages of 17 and 24 years inclusive. The average age of those committed there by the courts is about 19 or 20 years. Some critics of the Massachusetts prison system have labelled Concord as nothing more than a younger prisoners' Walpole. The records show that at the time of commitment in 1970 about 64 percent of the youthful offenders had previously
served time in some institution, usually a jail, a house of correction or a juvenile facility.

Concord's inmates include both misdemeanants and felons. There are about 18 men serving life sentences at the institution. The great majority of Concord men serve relatively short sentences usually a two to five year sentence. More men are committed to Concord for the crime of robbery, armed and unarmed, than for any other offense.

Concord is plagued with a serious drug problem. About 75 percent of the population at any given time has a history of "hard drug" abuse, yet there are few programs at the institution to deal with the drug related problems of inmates. Outside the walled institution there is a minimum security housing facility known as "Overflow," where about 25 percent of the Concord population is assigned. The men housed in this facility are primarily engaged in work and educational release and enjoy many more privileges than their counterparts behind the walls.

Concord's average daily population in 1972 was 627 in 1971, 374 in 1967, and 546 in 1962. Its count on June 2, 1973, was 404 as compared to 675 on the same date in 1972. Concord's population fluctuated considerably over the past few years during a period of readjustment to new policies.
MCI-Framingham is famous, because when it opened in 1877 as the Reformatory Prison for Women, it was only the second institution in the country built exclusively for women. In 1911 the word prison was removed from its title because the minimum security institution had essentially become a reformatory in spirit and operation.

Women in Massachusetts convicted of any crime for which the sentence was one of imprisonment were committed to Framingham unless the Commissioner designated some other correctional facility, a jail or house of correction, as more appropriate. For quite some time, most of the women were committed to Framingham by the District Courts for misdemeanors, although recently there has been an increase in felony commitments. Though commitments for drunkenness have ceased, the DOC must maintain at Framingham "a facility for the treatment and rehabilitation of alcoholics, subject to the approval of the Department of Public Health." Aside from drunkenness, more than half of the commitments are for felonies, such as larceny of over $100, narcotic drug violations and drug-related crimes, and some manslaughter and prostitution cases.

Although no exact figures are obtainable it is believed that from 60 to 65 percent of the crimes were drug related. In 1970 about 21 percent of the women were under the age of 21 at the time of commitment. About 44 percent of the 134 committed that year were serving their first commitment in any jail, prison, or correctional facility.
The major change at Framingham during its nearly 100 years of existence is that men may now be transferred from Walpole, Norfolk and Concord to Framingham. Most of the men so transferred are near their parole or discharge date and are transferred there only upon their own initiative after meeting some departmental requirements. To qualify for transfer to Framingham, a man must be in minimum-custody status with no disciplinary reports on their records for six months preceding the transfer. They must be recommended by the officials of the institutions from which they are transferred, they must be within 18 months of parole eligibility, and they may participate in the educational and vocational programs which are available at the institution. In the new, more natural co-educational setting, men and women residents are permitted to mingle during meal hours and recreation periods.

In 1952, following national trends toward more minimum security institutions, the Department of Corrections opened a forestry camp in the Myles Standish State Forest reservation (near Plymouth) on a 14,000 acre tract under the control of the Department on Natural Resources. The second camp was opened in 1955 in the Monroe State Forest reservation about 140 miles from Boston near the Mohawk Trail in the town of Monroe. The third camp opened in 1964 in the town of Warwick at the Warwick State Forest Reservation, about 70 miles from
Boston near the New Hampshire line. State law required that all camps were built on land under the control of the Department of Natural Resources with an exception for one camp on a Metropolitan District Commission site. Prisoners assigned to these camps are employed in "reforestation, maintenance and development of state forests."

Only male prisoners are eligible for the forestry camps. The courts do not commit men directly to the camps, but the institutional classification committees select prisoners from MCI-Walpole, MCI-Concord, or MCI-Norfolk who wish to go. The men are required to be in good physical condition with good work and prison records, and with only relatively short time left to serve on their sentence. For several reasons, including location of the camps and the severity of the work, few prisoners want to go to the forestry camps. In 1973, only about 7 percent of all male prisoners, excluding those at Bridgewater, were in the forestry camps.

Because the camps are minimum security with no walls or other security barriers, there is a potentially serious problem with escapes. There are strict sanctions against escape from one of the camps. An escape from a forestry camp may result in an additional sentence of up to ten years, a return to the offender's original institution, and forfeiture of all deductions for good behavior, from the sentence he
was then serving. Until 1972, men serving life sentences or those convicted of certain sex crimes were not eligible for transfer to the camps. In 1972, the legislature approved an amendment to permit the transfer of lifers who had served at least 12 years and who, in the Commissioner's judgement, could be properly removed to the forestry camps. This amendment still forbade the transfer of any prisoner serving a life sentence for first degree murder or a sentence for rape, assault to commit rape, or an attempt to do so. 71

In the Massachusetts correctional system of the late 1960's and early 1970's much like other correctional systems in the United States, prisoners were confined in large and overcrowded institutions. They provided the inmates in theory with little opportunity for acquiring educational or vocational training, and only limited contacts with the outside community. Much of American penal practice rested on the assumption that lawbreakers were deficient and that these deficiencies resulted in their criminal behavior. Since most criminals were from the lower classes and were poorly educated, there was a belief that offenders should receive vocational training, if they were to avoid future infractions of the law. Incarceration was therefore a way to prepare prisoners for future employment, to instill in them the protestant work ethic, to have them become law abiding citizens. The American prison was an unhappy place of apathy,
isolation, idleness, and paradoxically, of psychological tension and physical assaults. As discussed at the outset, the prison was not totally isolated from the larger society, nor was it completely autonomous. It reacted to and was reacted upon by differing interest groups within the society. One of the fundamental areas in prison studies where this is true is correctional goals and objectives. A prison's objectives and its means for achieving them are often determined by authorities outside the institution. This is particularly true of society's expectations that prisons be maintained for the protection of society. As prisons have grown in size and as society's concept of their functions have changed, new services and roles have been added. An understanding of the espoused goals and objectives of penitentiaries is important because these same goals are often imposed upon community based corrections developed as a reaction against prisons and incarceration.

There is some disagreement as to the purposes of prison, but usually the justifications for placing an offender in prison are related to the purposes of incapacitation, retribution, deterrence and rehabilitation. As a purpose of prisons, incapacitation is an uncomplicated process of confining an offender such that he is made innocuous to the larger society. Imprisonment keeps law violators out of sight and out of the public mind. The basic idea of
retribution or punishment is that a person who has committed a wrong or hurt must suffer. In modern penal practice this idea is extended beyond merely depriving an individual of his liberty, but also by imposing painful conditions under which the prisoner must live within the walls. Very often this particular function is not articulated, yet it is implied in the operation and administration of most prisons.

Penologists, prison psychiatrists, prison administrators, judges—all are far more apt to claim that we do not place the criminal in prison to secure retribution but to accomplish better things. Yet there is some reason to doubt that this denial of punishment as a legitimate aim of imprisonment accurately reflects the opinions of the general public. However harsh an insistence on retribution may appear to be, it cannot be ignored as a social force shaping the nature of the penal institution, whether in the form of community reactions to accusations of "coddling" prisoners or the construction of budgets by the state legislators.75

Deterrence as a goal of corrections is a bit more complex. Deterrence as a purpose of prison is based on the view that the nature of imprisonment is so negative that it has the effect of deterring an offender from future criminal infractions. Deterrence occurs not so much because the offender's values and attitudes about crime change, but rather it presumably occurs because the criminal's awareness of the penalties attendant to unlawful behavior is heightened. Interestingly, deterrence as one of the purposes of imprisonment suggests that criminal behavior is the outcome of a logical and rational thought process in which all the possible outcomes are considered
Before the criminal act is committed. There is no evidence that criminals analyze and assess the consequences of their illegal activity, nor do we have evidence that all or even most crimes are premeditated. Given the difficulty in evaluating penal measures, the effectiveness of the deterrence function of incarceration in unknown. What is significant about the deterrence objective is that it offers a compromise for the humanitarians who disagree with vengeance as a goal of corrections as well as the cynics who doubt the corrections system's capacity to reform offenders. The remaining objective of the corrections system is rehabilitation. In seeking to imprison for the purpose of rehabilitation, the aim is to transform an individual and to eradicate those causes of crime which lie within the individual offender. Some of those who view rehabilitation as a valid goal of corrections advocate a medical or therapeutic model based on psychological and psychiatric methods for changing a prisoner's personality and attitudes such that he is rehabilitated. Others advocating the same goal propose a sociological or educational model whereby prisoners are offered meaningful employment, given vocational training and provided the opportunity for educational advances.

More generally, the goals of correctional institutions are characterized on the basis of the relative importance of custodial or treatment purposes. Custodial goals are operative when an
organization devotes energies and resources to the control and containment of inmates. Treatment goals, by contrast, are operative when organizational resources and energies are devoted to rehabilitation and positive social change of inmates. Custody implies containment and treatment implies intervention. This typology of correctional goals is very simplistic, yet it captures a central dichotomy or inconsistency in the corrections field. Most prisons operate on more than one specific correctional goal. Having mixed goals or multiple tasks for prisons is quite acceptable provided we are capable of translating these general tasks into specific organizational procedures and we have the techniques and strategies for achieving the goals. Problems arise because of the inherent inconsistency of correctional policies which attempt to exert vengeance, terrify the actual or potential offender, isolate those adjudged criminal from the larger society, constructively educate and train, and at the same time maintain the institutions in an orderly and secure fashion.

All of these difficulties existed in the Massachusetts correctional system during the seventies. The challenge to reformers, corrections administrators and policymakers, therefore, was to develop alternative approaches to incarceration that would clarify and disentangle the espoused objectives from the practice. In the 1970s,
the Massachusetts corrections system espoused a commitment to rehabilitation based on the sociological or educational model. While training, rehabilitation and treatment were a part of the official policy rhetoric, in practice an orientation toward custody prevailed. There were few training programs at the prisons and those which existed accommodated a very small proportion of the inmate population. Further evidence of the actual commitment to custody was found among the corrections officers, who had daily responsibility for implementing policy. In discussions with guards the major themes which kept recurring were the need for rules and regulations, greater security, and control over the inmates. This disparity between the correctional theory espoused by the administrators and the correctional theory practiced by the guards made reform of the correctional system a difficult undertaking.

Post-Attica reverberations were also evident in Massachusetts. Shortly after the Attica rebellion, inmates at MCI-Walpole and MCI-Norfolk staged four days of non-violent demonstrations and partial work stoppages. Prisoners at these institutions demonstrated their solidarity with the Attica inmates and dramatized their own demands for reform of prison and parole conditions. Their demands included restructuring the parole system, particularly the controversial two-thirds law and revising the membership of the parole board. They
also demanded improvements in regulations governing visiting, such as, night visiting, conjugal privileges, and no splitting of families during visiting period. There was a demand for increased funds for education and better educational facilities throughout the state's correctional system including county jails and prison camps; and finally the protesting inmates wanted several staff members removed for alleged discrimination, incompetency, or improper procedures. Protesting prisoners aired these grievances to top corrections officials and legislators, among them Mr. John Fitzpatrick, Commissioner of Corrections, and Senator Jack Backman (D-Brookline), Chairman of the Joint Social Welfare Committee.

Many legislators and the top public officials also met with aggrieved inmates. They listened to the inmates' grievances and pledged their support for the "human and decent" changes which the inmates sought. Some supporters thought the inmates' grievances were reasonable and just demands. Other supporters were less convinced of the justness of the demands but supported them out of fear of another Attica occurring in Massachusetts and as the only rational way of averting violence in the state's prison system. With these pledges of support and a desire to work for change in a peaceful manner, the inmates ended their work strike. Shortly after the end of the work strike, an atmosphere of good faith and confidence
prevailed. Concrete steps were taken to correct some of the problems in the state's prisons.

One year earlier, in September of 1970, the Massachusetts Governor's Committee on Law Enforcement and the Administration of Criminal Justice, the state body which administered LEAA monies in the Commonwealth, appropriated federal funds to create the Joint Correctional Planning Commission, JCPC. The Joint Correctional Planning Commission's mandate was to develop a unified and consistent policy direction for the Massachusetts correctional system and to provide a comprehensive approach to fragmented criminal justice planning by establishing an overall planning capability for the Department of Correction, the Parole Board, and the Probation Department. Much of the groundwork for the major legislative and administrative change which occurred in the state's correctional system was undertaken by this group.

In addition, Governor Sargent responded to Attica and the disturbances in Massachusetts prisons by giving a high priority to corrections reform in the Commonwealth. Because of the reorganization of the Executive Office of Human Services into a single cabinet level agency including corrections and the Parole Board, the new Secretary for Human Services, Peter C. Goldmark, had major responsibility for much of the early stages of the correction reform effort.
It was Secretary Goldmark who chaired JCPC, the Joint Correctional Planning Commission, the organization responsible for establishing an overall planning capability within corrections, parole and probation.

On September 28, 1971, Governor Sargent appointed a special panel, the Massachusetts Citizens' Committee on Corrections to study and identify the specific grievances of both prisoners and prison staff; to assess channels of communications and if necessary to recommend change; and finally to identify new priorities for improving the correctional system. The Committee represented a cross section of the general public as it included minorities, women, an inmate, an ex-inmate, a corrections officer and a DYS staff member. The chairman of the Committee was Judge Harry Elam of the Boston Municipal Court.

Independently of the designation of the Citizens' Committee, the Department of Corrections and prison officials began to take steps toward prison reform. They changed the mail censorship policy such that inmate mail was no longer read by prison officials, but all incoming mail was checked for contraband. Corrections officials placed more stringent educational requirements on prison guards and in 1971, a high school diploma or an equivalency certificate became mandatory for all new corrections officers. At this time all guards over fifty years of age were also required to take re-orientation training.

Another change initiated by the Department of Corrections was that
inmates enrolled in work programs at State mental hospitals and schools for the retarded received two and one half days good conduct time per month for these activities. The effects of these changes is difficult to assess because they were not always enforced.

In the wake of the Attica rebellion and unrest in Massachusetts prisons, prison reform was a big issue. The legislature moved on prison issues at this time because of the publicity and attention given to disturbances in prisons throughout the country, and pressure from constituents to prevent the occurrence of another Attica in Massachusetts. Another factor prompting a legislative response to the problems in the prison system was Massachusetts' impressive history of passing progressive legislation in the area of human welfare. The legislative response to the apparent crisis in the prisons was reactive. There was no well coordinated nor well planned comprehensive legislative plan for addressing prison reforms, but the legislature responded to the unrest in the prisons. During the 1971 legislative session, more than fifty prison reform proposals were filed. Governor Sargent filed a bill to repeal the two-thirds parole law even though it had failed in the House earlier in the year. Some of the reform proposals were refiled after defeat the previous year. These included measures to create greater community and inmate interaction by establishing community correctional centers, expanding work release, and allowing
selected inmates to attend classes at colleges and vocational schools near their prisons. There were also bills which called for major changes in prison industries such as upgrading the standards of operation of prison industries so that they conformed to the same standards of private business, and raising the prison industries pay rate from the maximum of 50¢ per day. Other bills planned to abolish the Commonwealth's three remaining county training schools; to centralize all state, county and youth correctional institutions; and finally to guarantee and expand upon new social and legal rights for prisoners and parolees. With the notable exception of the closing of the county training schools, the legislature failed to act decisively in any other area of prison reform during that session. Particularly disappointing was the failure of the General Court to pass the bill filed by Governor Sargent to repeal the controversial two-thirds parole law. This bill would have made all prisoners eligible for parole review after serving one-third of their sentences.

The legislative defeat of all reform measures in the area of adult corrections and continuing tensions between inmates and guards shattered the shortlived hopes for immediate redress of grievances and reforms through the legislature. Three events occurred within the first ten days of November 1971 that further exacerbated the situation with regards to prisons. The public became aware of the fact that
Walpole inmates were locked in their cells for several days during a shakedown of the prison in which contraband, weapons and goods were discovered. 78

There were night raids at Norfolk Prison by State Police and prison guards on November 9, 1971. During the raid sixteen inmates were forcibly transferred out of the prison without warning. According to a former corrections officer at MCI-Norfolk, prisoners were dragged from their cells and taken in the raid at the indiscriminate whim of prison guards. 79 Interestingly enough, most of those transferred were inmate leaders or members of the inmate grievance committee. The raid and transfers were justified as a preventive measure because of alleged threats by inmates to burn the prison and to take correction officers and civilian employees of the prison as hostages. On November 13, 1971 however, most inmates who had been transferred were returned to Norfolk.

Whatever the justification, the raid was brutal and the inmates felt betrayed, particularly by Commissioner Fitzpatrick who presumably knew in advance about the transfers and had approved them. A former Norfolk corrections officer revealed that the Norfolk guards met on Saturday before the transfer with the Commissioner and demanded that over thirty inmates be transferred. The Commissioner insisted
that he would only approve the transfer of ten inmates, but in either case, all the transfers seemed unnecessary.

The day after the Norfolk raid the third event of that week took place, Commissioner Fitzpatrick announced his resignation due to illness. Ill health, the pressures of the job and the controversy surrounding the Norfolk transfers all contributed to Fitzpatrick's decision to resign. The announcement of the resignation was quite sudden and owing to this, it would not become effective until the Governor named a new Commissioner of Corrections.

Events in Massachusetts during the Fall of 1971 were occurring at an almost confusing rate. The legislature acted rather schizophrenically with regard to social welfare issues. All the crucial measures related to prison reform were defeated, yet bills to eliminate the crime of public drunkenness and to establish detoxification centers for alcoholics received a favorable passage. A second major bill reduced penalties for those arrested with small amounts of marijuana and allowed probation and the eventual sealing of records for the first possession of marijuana. Both these laws reflected an insipid reformist attitude in the General Court, though it was not to be immediately extended to inmates. Unrest among inmates, growing executive concern about prison conditions and the problems in the institutions, the tense aftermath following publication in newspapers
of the revelations by a former guard of the events leading up to the raid, and the administrative upheaval brought about by the imminent resignation of the Commonwealth's Corrections Commissioner made corrections in Massachusetts ripe for some kind of change. The convergence of all these events and a general feeling of frustration about prisons aroused public concern and anger which in turn mobilized certain segments of the public to act.

An interracial and interfaith group of concerned citizens, which later became the Ad Hoc Committee on Prison Reform, began meeting in order to address their post-Attica concerns for the situation at Walpole, Norfolk, and Bridgewater. These were mostly middle and upper middle class professionals from such organizations as Packard Manse, a spiritually based social concern group, the Massachusetts Council of Churches, as well as some ex-offenders. On November 30, 1971, this informal grouping of people concerned with prison reform sent a telegram to Governor Sargent which was signed by 100 religious, legal, academic and civic leaders. The telegram urged the Governor to visit the correctional institutions to see the poor conditions firsthand. They also wanted him to close by executive order the solitary confinement units at Bridgewater. Primarily, they wanted him to restore order in the corrections system by emphasizing to the public, the corrections officers, and the inmates that everyone's best interest
and the good of the Commonwealth and the corrections system were all served through constructive prison reform. The telegram backed by a massive post card campaign of more than 1,000 responses lead to a meeting with the Governor and selected representatives of the Packard Manse based group.

On the very day that the broad-based community group sent their telegram, Judge Elam, Chairman of the Massachusetts Citizens' Committee on Corrections released that Committee's report. This permitted citizens to have a voice in shaping new policy in corrections. The Committee's report recommended new legislation to remedy the problems found within the Massachusetts corrections system. The report indicted the Department of Corrections for its emphasis on punishment and control rather than corrections and rehabilitation.

That punishment remains as the state's primary response to a convicted criminal is a critical flaw in the correctional system. Vocational training tends to be obsolete—the prison industries are generally low skill industries for which there are no jobs in the open market; educational programs are completely inadequate—there are no post high school programs in Massachusetts Correctional Institutions; and attitudes of many staff do not respect the offender as a person with certain basic rights. Whatever the reasons—lack of money, timid leadership, an unresponsive legislature, low public priority—control not corrections seems to be the dominant theme in many institutions.81

The Elam Committee's Report was important because after the members of the Committee visited all the major correctional institutions in the Commonwealth, held hearings, and met with inmates,
teachers and social workers their findings echoed in many respects the report of the Wessell Committee of 1955 that "public interest and public concern have been the short-lived aftermath of prison disorders, escapes, or attempted escapes." The Wessell Committee was similar to the Elam Committee in that both were citizens' committees appointed by two different Governor's some twenty years apart to study the Massachusetts correctional system. The earlier committee, the Governor's Committee to Study the Massachusetts Correctional System was chaired by Nils Y. Wessell, President of Tufts University. The Wessell Committee recommended that the corrections system be overhauled and that an administrative head of the Department of Corrections, a Commissioner, be named with wide discretionary powers to implement changes in the corrections system. Some of the changes proposed by the Committee were to establish a new prisoner classification system; to reorganize the probation system such that the procedures were workable and instrumental in the handling of cases; to liberalize the parole provision of the law. One of the most controversial recommendations in the report was the one allowing Corrections Department's experts to decide what institution was best suited to the individual offender rather than the courts. Many judges, particularly, opposed this recommendation. Other recommendations were changing the names of all penal institutions so that they would become known as
"Massachusetts Correctional Institution" at . . . the town in which they were located. The irony of the two reports was that, in almost twenty years, things had changed very little in the philosophy and operation of prisons in Massachusetts.

Corrections '71, the report of the Elam Committee provided guidelines for action in four general categories: inmate and staff problems, internal administration, legislation and communications. The reforms suggested by the Committee ranged from such basics as requiring all kitchen staff to possess a food handlers certificate to administrative changes in disciplinary procedures. Of particular significance were the various legislative changes which the Committee recommended that the Governor submit in a legislative package for the forthcoming session of the General Court. Measures to be included in the package were repeal of the two-thirds law; parole eligibility for lifers after they had served fifteen years of their sentence; increased opportunities for selected inmates to participate in the community through expanded work release, education release, and furloughs; an amendment to Chapter 127, Section F1 of the General Laws to allow receipts from the labor of prisoners to return to the Department of Corrections for the purpose of increasing compensation to inmates; and finally allowing those ex-offenders, with unique ability to improve the correctional system, to be hired by the
Department of Correction. The major significance of this report was that it gave even greater impetus to the growing movement for corrections reform in Massachusetts.

Shortly after the release of the Elam Committee's report and as citizen pressure for some type of definitive action became more intense, Governor Sargent met with representatives of the concerned citizen's groups. Governor Sargent often actively sought citizen involvement and input into the decisionmaking process in many areas of state government. Surprisingly, the Governor's views and those of the citizens who advocated changes in the correctional system were not too divergent. The Governor informed the group that he would appoint a citizen advisory panel to help implement the recommendations recently presented by the Massachusetts Citizen's Committee on corrections and that he would allow private prison reform groups to interview prospective candidates for the position of Commissioner of Corrections. The reformers were not satisfied because there were four other issues on which they desired the Governor to act. They wanted him to visit the various state prisons and forestry camps believing that if he could see the deplorable conditions he would affect immediate changes in their administration and operation. Visiting of the facilities was especially important to them in terms of the desegregation units at MCI-Bridgewater. The reformers complained of
brutality, unsanitary living conditions and poor professional treatment of the inmates at Bridgewater who were criminally insane or inmates who had been disruptive of prison life at other institutions. Feeling that the atrocities occurring at Bridgewater far outweighed any possible therapeutic or rehabilitative value derived from such treatment, the reformers wanted its desegregation units closed. For the reformers, it was not only important that the Governor visit the corrections facilities, but it was necessary for him to make a public policy statement emphasizing his commitment to reform of the state prison system. They felt this public gesture would indicate the seriousness of his commitment to prison reform in spite of the possible political consequences. The final issue which the concerned citizen group wanted the Governor to address was to order the return to Norfolk of all the inmates who were illegally transferred to other prisons following the work stoppage in November. The reformers were quite successful at this meeting because Governor Sargent made commitments to visit the facilities in the state's correctional system; to close the D.S.U at Bridgewater; to make a state-wide television appearance in which he would outline his reform program; and to endorse peaceful negotiations between inmates and prison administrators at the troubled institutions.
In spite of these seemingly conciliatory moves, tensions mounted over how best to deal with the prison situation. On December 4, 1971, exhausted, exasperated and in the middle of cross fire between corrections officers and staff who wanted more security and more law and order within the institutions and an assortment of reform-minded citizens who stressed positive and constructive training programs and better treatment of the inmates, Commissioner of Corrections John Fitzpatrick resigned his $23,500 post, before a new Commissioner was chosen. Deputy Commissioner Joseph Higgins, a veteran of the Department of Corrections was appointed acting Commissioner. Immediately thereafter, efforts to find Fitzpatrick's successor were intensified. The Governor wanted a reform minded and innovative man with a national reputation who could change the Massachusetts system for the better as the new Commissioner. Eventhough a national search was initiated to find a new Commissioner, the major drawback in attracting the type of individual they wanted for the post was the low salary of approximately $25,000.

Just before Christmas, Governor Sargent announced his reform agenda. He began acting upon the demands of the citizens' groups by making unannounced visits to state corrections facilities, and most importantly, he announced his choice to fill the post as new Commissioner of Corrections for Massachusetts. Under his reform plan for the
Commonwealth, there would be a state-wide system of halfway houses and community corrections centers. This community-based system would supplement the corrections institutions. The proposed reform reflected the deinstitutionalization ethic, that was gaining prominence in corrections circles at the time. Despite its previous failures in the legislature, another major component of the Governor's reform plan was repeal of the current two-thirds parole law, which was expected to relieve some of the tensions and pressures created by the inequalities of prison life. Because the community-based corrections system would not supplant the present system of corrections institutions, Governor Sargent also proposed measures to humanize life inside the institutions. The Governor wanted to make major changes in prison industries by creating a non-profit prison industry corporation and paying the inmates $1.75 per hour. Additional reforms which the Governor proposed centered around staff improvements. He proposed a plan to recruit Black and Spanish-speaking correctional officers. The thinking was that since approximately forty percent of the population in state prisons was comprised of minorities there should be more black and brown prison guards. The final component of the Governor's prison reform package was to establish inmate-staff councils in all state prisons in order to provide a mechanism for addressing institutional grievances.
At this same time, Governor Sargent announced his selection of John O. Boone, a forty-nine year old black man, formerly Superintendent of the Lorton Correctional Complex, a federal penitentiary in Virginia, as the new Commissioner of Corrections for the Commonwealth. Almost one month after his appointment and official introduction as the new Commissioner of Corrections in Massachusetts, Mr. Boone was sworn in by Governor Sargent on January 17, 1972 and assumed the duties of his new post. Mr. Boone's initial statements and actions indicated he believed in a very progressive approach to corrections administration. He stated his belief that "prisons have failed miserably in the past" and that in prison, inmates "only learn how to be better criminals." Mr. Boone favored a process of gradual reintegration of inmates into society and in this regard he was impressed with the Governor's policy statement on prison reform, especially his plans for community corrections.

After his appointment, the new Commissioner, Mr. Boone, along with members of the Governor's staff, aides and lawyers from Human Services and groups of concerned citizens joined forces and worked to formalize Governor Sargent's prison reform policy statement into a substantial piece of legislation that would have far reaching consequences on meaningful and positive changes within the Commonwealth's prison system if approved. In the end it was this attempt to
redirect the Massachusetts corrections system through reform legislation that marked John Boone's major success as the Commissioner of Corrections, as well as the source of his greatest vulnerability.
NOTES FOR CHAPTER I


3 Ibid., p. 3.


5 Ibid., pp. 52-53.

6 Ibid., pp. 57-59.


8 Rothman, p. 60.

9 Ibid., p. 61.

10 As early as 1682 William Penn attempted to introduce mild and humane laws relevant to the treatment of criminal offenders in his province, but his efforts were not well received. Almost a century later, however, Pennsylvania adopted a new criminal code which reduced the list of capital crimes to first degree murder and prescribed imprisonment for others.

11 Rothman, p. 61.
12 Ibid., p. 62.
13 Ibid., p. 62.
14 Ibid., pp. 64-68.
15 Ibid., p. 70.
16 Ibid., p. 71.
17 Ibid., pp. 76-78.
18 Ibid., p. 78.
19 Ibid., p. 79.
20 Ibid., pp. 82-83.
21 Quoted in David Rothman's, The Discovery of the Asylum from the memoirs of Rev. James B. Finley.
22 Rothman, pp. 78-85.
23 Ibid., pp. 85-87.
24 Ibid., p. 88.
26 Ibid., p. 88.

31 Dressler, p. 27.

32 Ibid., pp. 29-30.

33 Ibid., p. 56.

34 Ibid., pp. 72-73.

35 Ibid., pp. 73-75.


38 McGee, pp. 3-4.

39 Ibid., p. 5.


42 Ibid., p. 10.

43 This was not the first major inroad into the "hands off" doctrine. The Supreme Court decision in Ex parte Hull, 312 U.S. 546 (1941), held that prison officials could not screen prisoners' writs of habeas corpus to ascertain whether they met the prison standards. It was this case which set the precedent for the erosion of the "hands off" doctrine and established the legal principle that prisoners had a due process right of access to the courts that could not be unreasonably impeded by prison officials. In addition, the right
of access to the courts was vindicated through expansion of the habeas corpus remedy to include relief from unconstitutional conditions of confinement.


45 The U.S. Court of Appeals for the Fourth Circuit in a decision hailed as reversing the tradition of non-interference with prison administrators, ruled in 1961 that prisons could not deny Muslim convicts a reasonable chance to practice their religion. After access to courts, the next area of prisoners' rights recognized by the courts was that of freedom of religion. Indeed until quite recently religious freedom had been the only first amendment freedom explicitly recognized by the courts. Other judicial rulings granting inmates greater freedom of speech, assembly or mailing privileges were based primarily on some other constitutional protection: access to court, religious freedom, equal protection or freedom from discrimination. For a fuller discussion of issues related to prisoners' rights and prisoners' grievances see Barry M. Fox, "The First Amendment Rights of Prisoners," Journal of Criminal Law, Criminology and Police Science, 63, No. 2 (1972), pp. 162-184; Ronald L. Goldfarb and Linda R. Singer, After Conviction (New York: Simon and Schuster, 1973), particularly pp. 359-526; and William Bennett Turner, "Establishing the Rule of Law in Prisons: A Manual for Prisoners' Rights Litigation," Stanford Law Review, 23 (February 1971), pp. 473-518.


47 The Federal Civil Rights Act provides that any person who under color of law or custom deprives another under the jurisdiction of the United States of his constitutional or legal rights "shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. Statute not applicable to federal law enforcement officials. Rev. State S 1979 (1875), 42 U.S.C. S 1983 (1958).


50 Goldfarb and Singer, p. 370.


53. U.S. President's Commission, pp. 7-9.


55. Chapter 704 of the General Laws of Massachusetts, "An Act Establishing a Governor's Cabinet," April 30, 1971. The Act established the following executive offices: administration, communities and development, consumer affairs, educational affairs, environmental affairs, human services, manpower affairs, public safety, transportation and construction, and other offices of the executive department as the governor may from time to time designate.


57. Ibid., Sec. 4.


62. These figures were extrapolated from recent reports published by the Massachusetts Department of Correction and were verified as reasonably accurate by officials in the Department of Corrections.

63. Powers, p. 207.

Powers, pp. 208-209.

Ibid., p. 209.

Howard B. Gill, "What is a Community Prison?" Federal Probation, 29 (September 1965).

Powers, pp. 210-211.

Ibid., p. 213.

Ibid., p. 217.


Sykes, p. 10.


Since 1965, prisoners convicted of violent crimes have had to wait at least twice as long for a parole hearing as those convicted of non-violent crimes. The two-thirds law therefore leads to
the incongruous situation of some inmates being eligible for outright release before they could be discharged under parole supervision. Repeal of the law would eliminate the incongruity and give all prisoners the opportunity to see the parole board after serving one-third of their sentences.

78 Dominic Presti, a former Walpole corrections officers and former chairman of the Penal Committee representing corrections officers at Walpole, Norfolk and Concord stated that a planned rebellion in which inmates at Walpole had planned to seize at least twenty corrections officers and civilian employees as hostages was blocked by a general lock up of the inmates until a thorough search for weapons and other contraband was completed. "Statement of Corrections Officers' Concern," November 21, 1971 (mimeo).

79 The charges were made by Mr. George M. Moore, a former Norfolk corrections officer at a press conference arranged by the Massachusetts Council on Crime and Correction, a private, non-project, citizens-based correctional reform organization.

80 In an unpublished Bachelor's Thesis entitled, "Reform: The Impossible Dream," June 1975, Carol Lazarus points out that publication of the events at Walpole and Norfolk made it easier for legislators to support reform bills without strong opposition from their constituents.

81 Citizens Committee on Corrections, Corrections 71, A Citizens Report, November 30, 1971, p. 5.

82 Conspicuously absent from all these proceedings were corrections officers whose leaders advised them not to talk with Committee members, nor to participate in any of the Committee proceedings. The author's requests for interviews with a few union leaders were likewise denied.

83 This contention of poor care and treatment was substantiated by the case of Mason v. Superintendent of Bridgewater State Hospital, 353 Mass. 604 (1968), in which the Massachusetts Supreme Court has ordered a state mental hospital to institute a more adequate treatment program where a patient was receiving nothing more than custodial care.
On February 9, 1972, Francis W. Sargent, Governor of the Commonwealth of Massachusetts filed legislation which called for "a comprehensive and complete overhaul of the structure of the Department of Correction." The proposed measure also gave the Department "the tools necessary to rehabilitate the offenders committed to it so as to allow them to enter society with a lesser likelihood of committing another crime." This bill held the possibility of changing Massachusetts corrections law in several major ways.

Essentially the proposed corrections reform legislation was a plan to give the Department of Corrections greater continuity and improved tools for protecting society while rehabilitating those incarcerated in the state prison system. This legislation was also significant because it represented an attempt by a number of politically disparate groups and individuals to develop a system of unified and coordinated correctional services in Massachusetts. Even though the bill was submitted to the legislature by Governor Sargent, it was
produced in a non-partisan, deliberate forum under the sponsorship of the Massachusetts Joint Correctional Planning Commission (JCPC).

In 1970, the Governor's Committee on Law Enforcement became concerned that the Commonwealth's corrections agencies were not using the federal funds which had been available to them over the past two years. Corrections agencies did not avail themselves of LEAA funding prospects because they often felt that they could not meet the matching requirements. There was also a reluctance to accept federal money, because of the fear of excessive federal control and intervention in the administration of local correctional programs. Federal funds were unpopular sources for additional revenue, because planning was often not a priority activity in many correctional agencies. In other cases there was a recognition of the importance of the planning function, but often the agency lacked the staff and the technical ability to prepare the necessary proposals, or to implement and supervise the programs, or to develop systems for monitoring and evaluating the programs once implemented. These problems of staff and skill limitations were compounded because the Governor's Committee did little to aggressively campaign or assist corrections agencies in a more extended use of federal funds to improve their existing programs or to develop new ones. Primarily, the Governor's Committee lacked a focus in the allocation of its resources and to some extent this
penalized local criminal justice agencies. The Governor's Committee spread funds thinly rather than moving the system along in a carefully determined and well-integrated manner. Based on these realizations and deliberations with individuals and agencies concerned with planning for the whole spectrum of human services, the Governor's Committee deemed it appropriate to have an independent and autonomous body address the problems of planning in Massachusetts correctional agencies.

On September 30, 1970 Governor Sargent created the Massachusetts Joint Correctional Planning Commission by Executive Order No. 77 partially in response to the Governor's Committee concerns about the need for planning in selected areas of the Massachusetts criminal justice system:

There shall be established a Joint Correctional Planning Commission which shall consist of not more than thirty members who shall serve at the pleasure of the Governor. The chairman of the Commission shall be designated by the Governor from among members of the Commission. The Commission shall serve as an adjunct of and work closely with the Governor's Committee on Law Enforcement and Administration of Criminal Justice (the Governor's Public Safety Committee). 3

This group's major function was to direct cooperative activities among corrections agencies in order to establish a continuum of integrated services to the offender throughout his involvement with the correctional process. 4 Primarily, JCPC was organized to help utilize
law enforcement funds by the Department of Corrections, Probation and the Parole Board in areas of greatest need and the best chances for successful implementation. As an integral part of this process, the Governor's Committee on Law Enforcement wanted to develop an ongoing planning capability within each agency. In addition, the Commission (JCPC) was established to identify priorities where improvements in agency performance was essential and develop administrative and legislative recommendations to fulfill the required improvements; develop joint planning, communication and coordination among correctional agencies; analyze and evaluate existing correctional activities and develop a specified integrated process; establish a research capability to evaluate programs with an emphasis placed on interagency programming; contribute to the comprehensive planning efforts of the Governor's Committee on Law Enforcement and Criminal Justice; and develop public understanding and support for correctional reform in Massachusetts.5

Shortly after establishing the Commission, Governor Sargent appointed Dr. Harold Demone as its Chairman, and Dr. Walter Stern was hired as the Executive Director. Dr. Demone and Dr. Stern brought more than thirty-five years of experience in comprehensive planning, design and delivery of human service systems to JCPC. They worked
together at the United Community Services (now known as the United Planning Corporation) as Executive Director and Senior Planner, respectively.

Because JCPC was created to assist the Governor's Committee on Law Enforcement in its comprehensive criminal justice planning efforts, the Commission undertook selected research projects such as developing a proposal in conjunction with the Boston College Center for Corrections and the Law for studying the pre-trial detention needs in the Greater Boston area; examining the information needs of the Massachusetts correctional system in relation to improving the system's decisionmaking capacity; and conducting staff training programs for corrections, probation, and parole. Another role that JCPC played in its overall assistance to the Governor's Committee was that of educating the public to the necessity of its support for efforts to integrate, coordinate and improve correctional activities within the Commonwealth.

In effect, however, all of JCPC's activities revolved around five tasks. The background or preparatory task was to do a comprehensive literature search and review of existing documents about the State corrections system. This research would then be the basis of a description, analysis and evaluation of such correctional programs in Massachusetts. Another task was to strengthen interagency
coordination, communication and joint programming so as to reduce duplication and to produce a more efficient corrections system. In the early 70's a good deal of attention was given to alternatives to incarceration as the appropriate means for dealing with most offenders. One of JCPC's initial tasks was to identify priority areas for developing administrative, programmatic, and legislative recommendations which focused on community based correctional programming in those cities of the Commonwealth where the incidence of crime was highest. The legislative recommendations were to be presented to the Governor beginning on January 15, 1971 and on the same date for each succeeding year of the Commission's existence. Five years since its creation, most people remember little else about JCPC other than its recommendations for major changes in the state's correctional system which subsequently became Chapter 777, the Omnibus Corrections Reform Act.

This is most ironic given the fact that preparation of correctional reform legislation was not the central charge to the Joint Correctional Planning Commission. As decisions about priorities were clarified, it became apparent that implementation of these new programs required legislative changes. The new programs were greatly influenced by a broader movement in the field of human services to place care and treatment of individuals and families with special
needs in the community. An outgrowth of this trend was that JCPC had responsibility to recommend and present a comprehensive plan to the Secretary of Human Services and the Governor for organizing corrections agencies within and in relation to the new Executive Office of Human Services by July 1, 1971. JCPC's final task was to establish an evaluative research capability so that the new programs could be assessed in terms of their effectiveness. Each of the tasks represented an expanded capability through JCPC for innovative planning and program development for corrections in Massachusetts by greater use of federal funds.

In early October, Governor Sargent selected the first twenty-four members of the Commission. His appointees primarily represented State and local correctional service agencies. Members of the Commission were also appointed based on their experiences with the operation of the corrections system in Massachusetts. The Commissioners of Correction, Probation and Youth Services, and the Chairman of the Parole Board were appointed as members of JCPC. Other members of the Commission were from the Boston area and affiliated with such state agencies as the Rehabilitation Commission, the Department of Public Health, the Department of Education, the Department of Mental Health, and the Division of Employment Security. There were no representatives from the academic community on the Commission and
During the first few months of its existence, Attorney General Robert Quinn informed Dr. Demone, chairman of JCPC, that he was personally interested in representing his office at JCPC meetings. Shortly thereafter, the Attorney General began attending the meetings.

The members of the Commission voted to officially expand their membership to forty-five in February 1971 because they felt that as constituted the Commission was limited and weighted too heavily with people from state agencies. Even though the members thought the Commission needed broad public and private input during its deliberations, they also recognized that there was a very practical need for members who represented organizations which could be influential in the implementation of the Commission's recommendations. Suggestions were made to include ex-offenders, minorities and women on the Commission as well as a broader geographic distribution among new Commission members. Representatives of grass roots organizations, corrections officers' unions, law enforcement agencies, the judiciary, the legislature and private citizens were among those who could become members of the JCPC if the membership were increased.

In anticipation of the Governor's approval of the request, a membership subcommittee met and recommended the inclusion of
twenty-two new members on the Commission. The nominees were contacted and sixteen agreed to serve when they were approved and appointed by the Governor. Some of the sixteen began to attend meetings and took an active part in JCPC prior to their official appointment.

One of those nominated was James Reed, an ex-offender and a board member of the Self-Development Group, Inc., an ex-inmate self-help group. The Commission members unanimously recommended Mr. Reed to the Governor in November 1970 as a new member. The issue of the involvement of ex-offenders with JCPC became quite controversial when Reed's nomination was reported to the Manchester Union-Leader with extensive coverage of his criminal record. The controversy worsened when radio stations also carried stories of Reed's prison record. In responding to the press and the Governor's Office, JCPC reaffirmed its previous recommendation that Reed be appointed as a member of the Commission. The members also commented that former offenders would make an important contribution to the deliberations of the Commission because of their special insights into the correctional process. There was also a strong feeling in JCPC that the public had to realize that an offender should not be punished continuously for past crimes. Because of the controversy surrounding Reed's nomination, the Governor's Office did not approve any nominations and the Governor changed the procedure for nominating persons to fill vacancies.
Arnold Rosenfeld, Executive Director of the Governor's Committee on Law Enforcement and the Administration of Criminal Justice conveyed to members of JCPC the Governor's wish not to expand the Commission beyond thirty members at that time and the new procedure. The new procedure required that before an individual was notified that he was under consideration for membership on the Commission, his name had to be cleared through the Governor's Office and that at least three names should be submitted for each vacancy. Rosenfeld indicated that Governor Sargent wanted the Commission to submit two additional names in the case of the nomination of Reed. In spite of the Commission member's continued unanimous endorsement of Reed and the considerable effort by other individuals and groups throughout Boston to have Reed confirmed in the position, Rosenfeld relayed the Governor's view that he should have latitude in appointing someone to this position and therefore he wanted two other individuals to be nominated.

At the JCPC meeting of October 4, 1971, the nominating committee gave its report and recommended that the names of Abdur Rahman Raus and Richard Woods be added to that of Reed as nominees to represent ex-inmates on the Commission. The nominating committee also nominated Justices Reuben Lurie, Joseph Ford, James Roy, and Thomas Dwyer as possible representatives from the Superior Court. From the District Court came the following nominations: Chief Justice Franklin
Flashner and Justices Lee and Mayo. After this date, there is no mention of Reed, nor either of the other two ex-offenders nor any of the judges nominated to represent broader interests in any of the written records of JCPC. Based on a January 1972 membership roster and discussions with former JCPC staff members, no ex-offender or judge was ever appointed to the Commission as a member. The nominees' names were submitted to the Governor, but as of October 1972, he had not approved any of them.

The series of events concerning the appointment of an ex-offender to JCPC were significant, because they illustrated the ability of the media to influence events and to promote controversy; the Governor's sensitivity to adverse publicity; and the public's ambivalent attitude about ex-offenders and the degree to which it permitted those released from prison to enjoy their full rights as citizens. JCPC's membership throughout its existence was white, liberal, professional and middle to upper income. This bias was often reflected in the Commission's work.

In the Fall of 1971, discussions began between Demone and Secretary Goldmark about the possibility of the Secretary investing a significant portion of his time and that of his office to corrections. Discussion concerning the development of substantial and defined links between the Secretary's office and JCPC were undertaken
because each of the Commonwealth's Secretaries had a mandate to plan for the reorganization of the agencies under their authority. Such links were also necessary, because of the overlapping responsibility of JCPC and those of the Office of Human Services to provide effective planning and implementation of correctional programs. This was especially true in view of the fact that the Secretary of Human Services had jurisdiction over the State Department of Correction and the State Parole Board, but none over probation services which were administered by the Office of the Commissioner of Probation and operated through the various District and Superior Courts. Attorney General Quinn indicated that it would be important to establish a close working relationship with the Secretary for Human Services so that the Commission's desire to place greater emphasis on rehabilitation than punishment in correctional programs and planning could be realized.

With the likelihood of Secretary Goldmark's increased involvement with JCPC, a Commission member, Arnold Rosenfeld, raised the possibility of Secretary Goldmark becoming the chairman of JCPC with Dr. Demone as co-chairman. There was apprehension among some Commission members that such a move would identify JCPC too closely with Governor Sargent's office, thereby making it more difficult to get bi-partisan support for its legislative programs. Dr. Demone, the
chairman of JCPC at the time, spoke in favor of the idea. He felt that the close relationships with the Secretary's office would be helpful in implementing JCPC programs that involved cooperation from other state agencies, such as the Department of Mental Health, Public Health, the Employment Security Commission, because they provided specialized services to offenders in the community and in the prisons. In November 1971, Governor Sargent named Peter Goldmark, Secretary of Human Services, as Chairman of the Massachusetts Joint Correctional Planning Commission and Dr. Harold Demone as co-chairman. All other appointments to the Commission remained the same. Reaction to this appointment was mixed and in retrospect, most members felt that once Goldmark became chairman, the members of the Commission lost significant control over the affairs of JCPC. Goldmark exercised tremendous influence over JCPC and it was during his term that JCPC's major accomplishment, development of the Omnibus Corrections Reform bill was achieved.15

Structurally, JCPC was a very loose organization. The entire group met at least once per month, but the various sub-committees met weekly. The sub-committees included one each on: Legislation, Public Information, County Detention Needs, and Correctional Priorities. Members of the Commission volunteered to serve on these ad hoc sub-committees and this was the place where the maximum use was made of
the Commission members' expertise and specialized knowledge. Additionally, most of the real work took place in the sub-committee meetings even though the major recommendations and policy decisions were made by the entire Commission. Under the Commission's rules and procedures for operation, the sub-committees' and/or the Commission's staff would bring recommendations based on their research to the Commission as a whole so that all the members could vote on a course of action. The membership agreed with this procedure, but felt it was necessary to set up an executive committee of at least five appointed members to act on behalf of the JCPC between the monthly meetings, if and when necessary.

JCPC's responsibilities and the nature of its work required a flexible staff structure. Most of the work of JCPC was carried out by the Commission's core staff comprised of individuals with competencies in planning, law, social science research, and specialized knowledge about corrections. As previously indicated, policy decisions were made by the total Commission, but the staff along with the various subcommittees did all the background work necessary for shaping policy decisions.

To carry out its work JCPC also utilized liaison planners from the Department of Corrections, the Parole Board and the Office of the Commissioner of Probation. The liaison planners were appointed by
and primarily responsible to the heads of their respective correctional agencies. They also represented JCPC's initial attempt to institutionalize a research and planning capability in the correctional related state agencies. They were helpful in providing information about their agencies and in facilitating necessary contact between JCPC and their agencies. Basically, the liaison planners were responsible for developing long range plans within their individual agencies; formulating a comprehensive design for the entire correctional system; and recommending the best means of initiating administrative changes and new programs. The liaison planners devoted at least 40 percent of their time in each working week to meetings and planning responsibilities with the Joint Correctional Planning Commission. The salaries of the liaison planners were determined by the respective commissioners in consultation with the Governor's Committee. Full-time Commission staff members, those directly available and responsible to the Commission and its Chairman coordinated with the liaison planners and engaged in full-time interagency planning.

Planning was new within these departments and a good deal of time was spent in specifying and clarifying this new function in order to prevent the planner from undertaking administrative responsibilities which were not directly related to planning and which could actually
distract from long and short term planning goals. The Department of Corrections made the most progress in incorporating the planning function, by reorganizing its planning committee and developing a written statement on the role of planning in the Department of Corrections. Planning input also came from meetings with the Commissioner of Corrections, his division heads and the planners, as well as from the regular meetings of the superintendents of the prisons. The role of the planner in the probation system of Massachusetts was complicated because probation was a highly decentralized, court-based activity. The Parole Board was so preoccupied with staffing problems that they were never able to designate one of the agents as a liaison planner. JCPC did, however, maintain close contact with the Chairman of the Parole Board so that they could determine ways in which the Parole Board might become more actively involved in overall correctional planning.

The work of the liaison planners was supplemented by the full-time JCPC staff. At its height, in terms of size, the JCPC staff included the liaison planners from each corrections agency, four staff associates, one research assistant, one associate director, one executive director and secretarial and clerical help. Outside consultants and sub-contractors were used extensively by JCPC. One major consultant was the Technical Development Corporation (TDC) which
provided technical assistance and administrative advice to the Commission. TDC also prepared various reports and papers on selected subjects, chaired some of the Commission's subcommittees and generally provided a flexible staffing capability to JCPC, including persons with a wide range of skills who could assist with long or short term projects. Most consultants were hired by the Commission to fill gaps in substantive knowledge and to provide expertise in developing various program models. Some people, including students, were hired as research assistants on a temporary basis, and along with volunteers, they rounded out the JCPC staff.

JCPC administrators were heavily involved in staff recruitment for the first few months of the Commission's existence. By the Summer of 1971, however, all the key staff positions were filled (Appendix E). One of the concerns of the recruitment effort was that ex-offenders should be considered for employment because they could communicate with prisoners and they had knowledge of the Massachusetts corrections system because of their personal involvement with it. No ex-offenders were ever hired as full-time, permanent, and salaried employees. The reason given for the absence of ex-offenders on the staff was that the Commission's work required a staff with technical training and prior research experience. Dewitt Stewart, an aide to Representative Chet Atkins, did some volunteer
work for the Commission for a short time, and that is the only ex-offender, according to existing data sources, that was involved with JCPC.

Much of JCPC's work was a constant process of modification and refinement of the initial priorities suggested by the Governor's Committee or it involved the development of tasks that were necessary adjuncts to the initial priorities. In a report that focused on the activities of JCPC from January 1971, through October 15, 1971, the end of its first year of operations, Dr. Walter Stern outlined eight priority areas and made the following comment:

We do not primarily view our function as planning, but to contribute to action and change in the field of corrections with planning as a major tool. At this time it seems as if we can best achieve this by being of service to the Commissioners and their respective correctional agencies, by helping to coordinate correctional activities being carried out by different agencies and by supporting innovative programs, research, new administrative arrangements and an effective service delivery system throughout Massachusetts.

In keeping with the interests of the heads of the state correctional agencies, and the Governor's Committee, much of JCPC's initial work and forthcoming plans focused on the development of community based correctional services as noninstitutional alternatives to incarceration. This community corrections emphasis was a part of JCPC's coordinating function, because various components of community based correctional services were being explored or undertaken in an
unrelated fashion by numerous state and local criminal justice agencies. There was no mechanism for stimulating joint programming and research, interagency communication, nor for delivering comprehensive community based correctional services and JCPC worked to fill these gaps, as well as to increase local correctional resources. By providing staff, assisting with research and information gathering requirements, and helping to organize and develop appropriate interagency working agreements, JCPC supported and increased the planning capacity of the Commonwealth's correctional agencies.

Because of mutual concerns and overlapping responsibilities, JCPC assisted the Secretary of Human Services in the area of corrections. The assistance took the form of recommending priorities for action; recommending appropriate structural changes within correctional agencies and in their relationships with one another; developing a service delivery structure for comprehensive community based correctional services including appropriate fiscal and administrative arrangements; helping to develop necessary interdepartmental agreements to improve correctional services; and providing an overview of current and projected developments in corrections including policy, manpower, programs and research.

The most significant of JCPC's priority areas was the development of a legislative program. In the Summer of 1971, the Commission
staff began gathering and organizing a variety of proposed pieces of corrections legislation into one overall corrections bill. JCPC also supported and lobbied for bills filed by others which had direct bearing on its own program and administrative recommendations. 20

In developing a range of community based programs, JCPC did not intend to duplicate the activities of existing correctional personnel in the community, that is, probation and parole officers, house of corrections personnel, and others, but to provide residential and non-residential community services to offenders in a pre-release status, or post release status with or without parole supervision. Primarily the community programs were designed to help probationers and parolees to stay out of prison and to help persons coming out of prison to readjust to community life. 21 JCPC worked regularly with the Department of Corrections during the life of the project. This was due to the fact that the Corrections liaison planner was a young, particularly competent and well-trained social scientist. The other explanation for this close working was that the Commissioner of Corrections, Fitzpatrick was trained as a social worker and was interested in moving the Massachusetts corrections system toward a philosophy of rehabilitation. Additionally, Fitzpatrick enjoyed a long standing personal and professional friendship with Dr. Demone. Whatever the reasons, JCPC worked closely with the
Commissioner of Correction to formulate plans for a reception-diagnostic center, a pre-release center and to identify private agencies with which contracts would be negotiated to provide residential services. The Commission staff, along with departmental personnel, met with community groups in the Boston State Hospital area to discuss the possibility of establishing correctional facilities on the hospital grounds. These early efforts by JCPC lead to further discussions and agreements on the development of the Boston State Hospital Pre-Release Center which was finally opened by the Department of Corrections in 1972.22

It is rather difficult to assess the real impact of JCPC on the Massachusetts corrections system. The Commission did play a role in moving the corrections system toward community based correctional options and contributed toward the integration of planning activities into the standard operations of the state agencies principally involved with corrections.

Few people would say that the Commission actually developed a well coordinated and unified corrections system. What JCPC did accomplish was to bring corrections, probation, and parole personnel into contact with one another for a period of time and to make each agency and its administrators aware of the interdependence of their functions with the other two agencies. JCPC also provided an
opportunity for discussion and possible solutions to correctional problems of concern to all three agencies in a cooperative manner. Another JCPC contribution was that planning became a legitimate and ongoing activity in each of the corrections agencies.

An area in which JCPC did make some strides was that of correctional staff development. The heads of the Massachusetts correctional agencies asked JCPC to write a proposal for comprehensive correctional manpower development. Plans in the proposal were to set up inservice training, recruitment and education programs for staff of the corrections system in order to improve their utilization of community based correctional services; expanding recruitment efforts with special emphasis on recruiting minority group members;\(^{23}\) to strengthen the rehabilitation orientation and relevant skill of correctional personnel at all levels; and to undertake joint training programs among probation, corrections and parole whenever feasible.\(^{24}\)

In the formulation of the proposal for staff development, the JCPC identified additional areas that needed study. The final proposal included plans for a review of the Commonwealth's civil service statutes and regulations, because of their effect on proposed training and recruitment; salary structures and career ladders within particular jobs; utilization of volunteers, para-professionals and ex-offenders in positions related to the correctional system;
The staff training and recruitment proposals were funded and the three correctional agencies were able to establish a training program for their line and supervisory staff. Parole and probation set up a joint training program and JCPC handled the minority recruitment program for the Department of Corrections. They recruited minority people from Worcester, Springfield, Boston and New Bedford for employment in corrections. To enhance the viability of this recruitment program, the staff and paid consultants participated in the revision of the Department's Training Academy Curriculum and submitted funding requests to amend the Civil Service Examination. The Commission staff worked closely with the Civil Service Commission in revising the proposal. The initial class of twenty-two minority group trainees began their training in March of 1972 and were graduated from the Training Academy during May of 1972 and were assigned as provisional corrections officers to prisons in the towns of Concord, Walpole and Norfolk.

JCPC's charge was to make legislative recommendations to Governor Sargent by January 15, 1971. After only three months of existence, JCPC recommended that the Governor include corrections in his annual message and then, to submit his legislation at a later
time. The JCPC long term strategy was to submit recommendations on the basis of an overall theme of rehabilitation of the offender and of coordination of public and private correctional agencies. In that first year, JCPC endorsed legislation, publicly and privately, and the Governor's legislative secretary was kept informed of all of the Commission's legislative activities.

Even though JCPC did not sponsor any corrections legislation for 1971, it did vote to support several bills filed by other organizations during the Spring legislative session. Specifically, the Commission endorsed bills to provide for the sealing of criminal records after ten years; to repeal the two-thirds parole law; to decriminalize alcoholism; and to increase the number, salaries and qualifications of Parole Board members. Bills to which the Commission gave less active support established that probation was not a sentence, required special adjudication of youthful offenders and preparation of pre-sentence reports, extended work release, and permitted certain inmates to attend public meetings. Of the bills which received major JCPC endorsement, H. 588, the sealing of criminal records after ten years was redrafted as H. 5362 and enacted by the House and Senate on April 28, 1971, and May 20, 1971 and finally defeated on June 2, 1971. The legislation concerned with changes in parole eligibility, H. 335, was reported in the House April 13, 1971
and amended and rejected April 26, 1971 despite the Governor's endorsement. S. 1002, pertaining to qualifications and salary of the Parole Board received a favorable committee report and was referred to Senate Ways and Means. In particular, JCPC supported amendments to S. 1002 that continued the requirement that at least one member of the Board be a woman and that Parole Board members devote full time to their duties on the Board with other employment, such as teaching being undertaken only with the approval of the Chairman of the Parole Board. The measure accompanied H. 2510 and was approved later during the legislative session. The comprehensive alcoholism bill was redrafted ad H. 5515. It received favorable committee reports and was also referred to Senate Ways and Means. Finally, it too was enacted later in the session.26

Decisions about the bills were made by the Legislative Subcommittee of JCPC and approved by the Commission as a whole. This subcommittee devoted a great deal of time to selecting and modifying bills for Commission endorsement and then in participating in efforts to win support for them in the Legislature. JCPC's major support of legislation meant that the Commission developed testimony for legislative committees and the Commission members testified at public hearings. Support also meant that members of JCPC contacted individual legislators to secure their votes for the measures; and
they wrote letters of endorsement. Basically, JCPC felt it was appropriate to support a wide range of correctional legislation which corresponded with its overall policy of finding alternatives to incarceration. For future legislative action, it was necessary to focus on those bills with direct bearing on the program of the Commission.

As an outgrowth of this new strategy, the JCPC staff developed a proposal for comprehensive correctional legislation. This comprehensive approach was a response to past failure in getting disparate and fragmented pieces of good correctional legislation passed. The piecemeal method proved very ineffective, because each individual petition was difficult to defend rationally and politically. The uncoordinated presentation of several different corrections bills was inefficient because it diluted the efforts of proponents with similar goals. A non-systematic approach decreased the public's interest and support for reform measures. Legislators were frustrated and confused by the various bills. The JCPC staff believed that a comprehensive long range legislative approach would increase the chances for a favorable reception and passage of corrections reform measures in the Commonwealth. The evidence from previous sessions of the General Court indicated that health, welfare, and mental health legislation
that were presented in a comprehensive manner had better possibilities for passage than did scattered bills.\textsuperscript{27}

With this approach, the legislature was asked to establish a clear public policy giving priority to rehabilitation and to give all the necessary departments and agencies the ability to implement community-based correctional programs. In view of the plans to develop a comprehensive correctional legislative package, the Commission decided that its legislative efforts would be more effective if there were greater involvement of state legislators in the project. These plans were also shaped by discussions with Speaker Bartley and Senate President Harrington, who made it clear that the JCPC's chances for getting support of its legislative program in the General Court were much greater if there were legislators actively participating in the Commission's work.

During the Summer of 1971, the JCPC staff developed a proposal for comprehensive correctional legislation. Many meetings took place with representatives, senators, the Office of the Secretary of Human Services, the Governor's Committee, inmates, ex-offenders, and correctional agencies to further define the substance of legislative programs and to plan strategy. Frank Laski, a new lawyer on the JCPC staff assumed primary responsibility to develop the comprehensive correctional legislative package. Laski, with his previous experience
in mental health and social planning, was knowledgeable and effective in preparing the legislation and in developing agreements with state agencies in the provision of supportive services to adult offenders.

The philosophy and assumptions which shaped the development of the JCPC legislative activities were contained in three documents written by Laski over the Summer of 1971.28 The first, "Rehabilitation Model for Corrections," focused on the individual offender as a disqualified or disadvantaged person without access to many social opportunities:

... Those factors which influence an individual to engage in antisocial or asocial conduct resulting in conflict with the criminal law are similar to those factors which act to deny many individuals in our society the opportunity to develop the abilities and skills necessary to fully participate in community life and to achieve personal dignity. To put it simply the offender is a disqualified person. This concept focuses not on the cause of the offender's conduct but on the present fact of his activity limitation.29

Based on this premise, rehabilitation was then defined as the process of providing services to move the individual from a status of disqualification to qualification and into a maximum state of functioning in the society.30 Services included in the rehabilitation process were prevention, referral, classification, treatment, prevocational services, vocational training, placement and follow up.31 This rehabilitation model contained an implicit requirement that correctional
agencies were responsible for seeing that all needed services were provided.

The second document, "Notes on the Organization of Correctional Services and the Jurisdiction of the Secretary of Human Services," was an assessment of available correctional services in Massachusetts and working definitions of the correctional system. First, it defined corrections as a process concerned with the post conviction phase of criminal justice, that is, what happens after the establishment of guilt in a court. According to the second definition, the correctional process began with the first contact with the police and did not end until the ultimate discharge from custody. This latter definition was necessary for total understanding of the correctional process and was of great potential value for planning. Problems arose, however, when efforts were made to impact upon corrections in its totality. These problems were largely attributable to the operational and jurisdictional realities. Because the police, courts and prisons operate so autonomously, the JCPC focus had to be on the post-conviction aspects of corrections, and even that was complicated.

No state governmental function is more fragmented than the post conviction phase of criminal justice. Responsibility for control and rehabilitation of convicted offenders is divided among six state agencies, the fourteen counties and the city of Boston. Thirty-four state and county institutions house more than 7,500 convicted adult offenders and juvenile delinquents. An additional
Basically, the fragmentation of correctional services in Massachusetts was due to three organizational and functional divisions: the institutions vs. community corrections split; county corrections vs. state corrections; and the dichotomy between juvenile corrections and adult corrections. Laski's paper concluded that even though the Secretary for Human Services had responsibility for planning, coordinating, and supervising a limited piece (only 9,000 of the 61,000 convicted offenders under formal custody of corrections agencies in the Commonwealth and only $31 million or two thirds of the $46 million totally expended on corrections) of a highly fragmented correctional system, the Secretary's long range impact on corrections would depend directly on his willingness and ability to bring together diverse and presently unrelated parts of the system. To be successful, any plan for reorganization or integration of correctional services in Massachusetts would have to take into account the elimination of the various divisions, if possible.

The first two documents represented a desirable model for solving problems in the Massachusetts correctional system as well as a definition and assessment of the problems inherent in that system as it was in August, 1971. A paradox existed, because in spite of
a clear problem and a possible solution, there was no mechanism for moving corrections agencies toward coordinated, integrated and rehabilitative programming.

While there may be some debate as to exactly how far new correctional programs can be developed under present law, it is clear that in many areas the law is a substantial barrier to a modern correctional system. Even if we assume optimal staff, resources, administrative and political leadership, research and planning capacity, for all of our correctional agencies, in the last analysis it is the law which defines the boundaries of their activities which either enables them to test and develop new approaches or limits them to the practices of the present.

In 1971, the legal framework for the operation of state and county correctional institutions, probation and parole services was a combination of 1955 reform legislation which was based on the recommendations of the Wessell Committee and laws carried forward from the last century. While the Wessell Committee's recommendations were far reaching and comprehensive, the ultimate impact of their implementation was on the Department and its institutions. The reforms required professional qualifications for Department of Corrections officials and training for state corrections officers. No such professional requirements nor training were mandated for top level correctional administrators nor for parole, probation or county officers. Similarly, the sentencing structure, a basic determinant of the limits of correctional policy, remained unchanged and so did the prison industries.
In the prison industries the concept of employment for the benefit of the Commonwealth was carried forward and industrial production retained primacy over vocational training. Even some sections of the law, those providing for a reception center to house a comprehensive classification program were little more than paper reforms. The point was that almost twenty years after the Wessell Committee, its fundamental goal of establishing a "basic correctional philosophy common to the entire system," had not been achieved.

The statutes governing probation, parole and correction did not convey a clear and consistent policy for each of the other branches of the correctional system. In essence, the law seemed to deny the common interest among correction, parole and probation; the need for administrative coordination and joint planning; the need for continuity and cooperation at the operational level; and the efficacy of concepts such as prevention, rehabilitation, community reintegration and differential treatment. Because the existing correctional code did not provide policy direction and administrative authority enabling the agencies governed by it to work together toward achieving statewide goals of post conviction custody of offenders, the third document effectively and compellingly demonstrated the need for comprehensive legislative revision. For example, a rigid legal framework precluded any degree of flexibility in program planning on the
part of state and county institutions. Correctional administrators were also locked into institutionally based programs. Corrections programs also had to be planned around restrictions imposed by sentencing and parole laws which basically ignored the rehabilitation component of disposition and mandated custody arrangements based upon the nature of the crime rather than the characteristics of the offender.  

Perhaps more restrictive than the correctional laws was the general attitude of those involved in the management and operation of correctional institutions that the law was an inflexible obstacle to change. That particular attitude derived from a literal construction of the corrections statutes and a traditional legislative propensity to become involved in even the smallest changes in custody arrangements and institutional management. For example, Chapter 126, s. 27 which authorized sheriffs to remove prisoners and to take measures to protect them in case of fire was amended by Chapter 399 of the Acts of 1971 to allow similar action in case of bomb threats. In corrections, rather than developing administrative practices and informal procedures to mitigate the effect of restrictive legislation, such legislation was strictly construed and non-specific mandates became dead letters. A case in point would be the supervisory relationship of the Department of Corrections to the county
institutions which has not taken on any meaning through the years. The statute (G.L. 34, 3.14, G.L. 126, s 36) gave the Commissioner of Corrections authority to approve all jail and prison construction in the Commonwealth, but the role of the Department of Corrections in county facilities planning and construction was not clear. The effect of disapproval, the liability of the Commissioner in approving standard plans, and the criteria for approval should have been precisely defined and they were not. The conclusion, based on the current state of correctional law, existing problems in the corrections system, and an acceptance of the rehabilitation model was that there was a definite need to revise the Commonwealth's correctional law in a comprehensive manner that balanced the need for definite and clear legislative policy with the need for administrative accountability for day to day care and control and dispositional decisions.  

An omnibus approach, that of "developing a legislative package covering many aspects of corrections, probation, and parole grounded in common correctional philosophy and goals, and presented in a systematic and coordinated manner" was viewed as the most effective approach. Quite importantly, an omnibus approach avoided many of the strategic and substantive dangers of piecemeal reform. This approach gave visibility to corrections as a system, allowed
each legislative proposal to be considered on its own merits and yet evaluated in relationship to its impact on the entire correctional system.

In addition to the objective recognition of the need for progressive changes in Massachusetts corrections law, there were several factors which combined to give added impetus to actions aimed at a revision of these laws. These factors were enumerated in chapter one and will only be mentioned briefly here. Governor Sargent's advocacy of the creation of community correctional centers was an example of how the availability of federal funds under the 1970 amendments to the Safe Streets Act influenced changes in corrections legislation and programming. According to Laski, another indication of the positive climate for correctional change was the growing interest in corrections within the legislature as evidenced in a pending order for the Joint Committee on Social Welfare to conduct an in-depth study of the state penal system. Public interest and awareness of corrections issues also increased. This interest was largely due to recent policy changes on media access in prisons which gave corrections visibility in the public arena. Suits against prison administrators throughout the country and an abrogation of the courts' "hands off" policy brought about a re-examination of institutional policies, post conviction rights and civil rights of
inmates. Increased judicial awareness contributed to concern about the urgent need to develop guidelines for prison officials and to institute fair and equitable procedures within the institutions. Inclusion of the Department of Correction, the Parole Board and Youth Services within the newly created Office for Human Services furthered the process of corrections reform through legislative changes. The mandate to plan and reorganize these agencies under the authority of the Secretary of Human Services increased the possibility that legislation relating to administrative organization, procedures and practices in all human services would be implemented. The imminent completion and filing of proposed criminal law revisions helped foster an atmosphere conducive to correctional change, because the criminal law greatly influenced the extent which correctional agencies could utilize new techniques and provide alternative methods of control and treatment. The Commissioner of Corrections, the Commissioner of Probation, and the Chairman of the Parole Board were all concerned about the ineffectiveness of their individual efforts to secure legislative reform. Each of the three correctional agency heads endorsed the omnibus approach and they also agreed to actively participate by supporting the work of JCPC in this effort. The existence of JCPC, the availability of additional staff resources and the emergence of a planning capability within the correctional agencies
made it possible to follow through on a joint legislative program by developing strong legislative liaisons.

To achieve the objective of the JCPC Legislative Subcommittee to develop and prepare a comprehensive legislative package for presentation to the General Court and to secure enactment of omnibus corrections legislation required some changes in JCPC's operation. The changes involved expanding the JCPC legislative subcommittee membership; expanding the JCPC staff commitment to support subcommittee work; and involving all interested parties in the JCPC legislative program both before and after filing legislation. 43

A working group, known as the JCPC Task Force on Correctional Legislation was formed and essentially it replaced the old JCPC Legislative Subcommittee. The JCPC Task Force on Correctional Legislation was officially established in October 1971 to examine legislative issues and to formulate draft legislation necessary to implement new community correctional projects and other correctional reforms. The Task Force membership included a large number of legislators, unlike most other JCPC sub-committees. Following preliminary discussions with JCPC members concerned with legislative activity, Chairman Goldmark consulted the leadership of the House and Senate about the possibility of their participation in the legislative
work of the task force. The first contribution of Speaker Bartley and President Harrington was that the following members of the General Court were named to the JCPC Task Force on Correctional legislation: Senators William Bulger and Roland MacKenzie; and Representatives Johathan L. Healy, Paul Murphy and Michael Flaherty. Most of the other members of the Task Force represented a number of government, human service and criminal justice agencies. The Chairman of the Task Force was Peter C. Goldmark, the Commonwealth's Secretary of Human Services who was also the Chairman of JCPC. There were representatives from parole, probation and corrections on the task force. Representatives from these agencies were Martin P. Davis, Chairman of the Parole Board; the Rev. Michael Haynes, a member of the Parole Board; C. Eliot Sands, the Commissioner of Probation; and John Chmielinski and Walter Waitkevich of the Department of Corrections. Three lawyers also served on this task force to draft new corrections legislation. They were Michael Feldman, Senior Attorney of the Boston Legal Assistance Project; Dennis Sullivan, Assistant Attorney General; and the lone representative from the academic community, Prof. George Brown of the Boston College Law School. The remaining task force members were Harold Demone, Jr. of United Community Services and co-chairman of JCPC; Walter F. Stern, Executive Director of JCPC; Arnold Rosenfeld, Executive Director of the Governor's Committee on
Frank Laski, the JCPC staff member who had been so successful in moving the Commission to an omnibus approach to corrections legislative change coordinated the Task Force and devoted full-time to the legislative program. In November 1971, Mr. Arthur Van C. Lanckton, an attorney from the Office of Human Services was assigned to JCPC as a legal consultant and he primarily prepared draft legislation at the direction of the Task Force. The Task Force's role in drafting the legislation was largely a reactive one. It was Laski and Lanckton who wrote the omnibus correctional reforem legislation that was filed by Governor Sargent in February 1972.

At the Task Force's weekly meeting in November and December, Laski and Lanckton prepared the group's background and research papers, developed and refined the ideas generated at the meeting, and wrote the eighteen working papers which provided the background to the substantive areas included in the omnibus corrections legislative package. The working papers were reviewed by the Task Force and they reacted to them. The working papers covered the following issues; powers and duties of the Commission of Corrections; classification; education; training and employment; transfers; standards of care and
and custody; discipline and grievance procedures; legal assistance; rules and regulations; parole structure; county-state relations; and administration of prison industries.  

A major concern of the Task Force was to include as many outside groups as possible to participate in the development of the legislative program and to enlist their support in the enactment of omnibus corrections legislation. It was important to have legislators, agency personnel, inmate groups, ex-offenders, private agencies, citizens groups and university based research and study groups to contribute their ideas and to react to the Task Force's proposals, in order to develop the broad-based support and coordinated effort that was previously lacking in corrections reform through legislative change. This concern was never fully realized until after the bill was presented to the General Court. During its development, however all activities were centralized and handled through JCPC.

In keeping with the commitments to maximum participation of outside groups in the development of the legislation and broad based support for the proposed corrections legislation, the Task Force reviewed the work of the Massachusetts Criminal Law Revision Commission which had been working for more than two years on a new criminal code for the Commonwealth. Of utmost importance to the Task Force were those proposals in the revised code dealing with sentencing,
probation and parole which were most likely to increase the responsibilities and discretionary authority of post conviction corrections agencies in formulating custody arrangements for offenders. It was also important to have the Task Force be familiar with the work of the Criminal Law Commission in order to eliminate duplication of the two groups' related efforts. The feeling was that the legislative activities of JCPC should examine those sections of the proposed code which would impinge on present correctional structures and should develop legislation which would enable corrections, parole and probation to be responsive to the requirements of a new criminal code.

Also the Task Force accepted and reviewed recommendations for legislation based on studies by JCPC and other groups; it prepared initial drafts of revisions of Chapters 124 through 127 dealing with increased interaction with legislators and outside groups; and constantly reviewed, revised and redrafted materials to be included in the omnibus bill.

By the middle of January, 1972, the Task Force hoped to complete its omnibus legislative package for correctional reform as well as to develop a strategy for filing and insuring passage of the bill. Ancillary to this were plans to set up a system for public information and education about the necessity for comprehensive changes in the corrections system. Based on the preliminary interest and
response to the work of the Task Force by the leadership of the House and Senate, the legislators, the Governor, the Secretary for Human Services and others who were politically significant, the political climate seemed quite favorable for the support of corrections legislation on a bi-partisan basis.

During the birth of the JCPC Task Force on Correctional legislation, the tempo of activity in adult corrections picked up considerably. The Governor publicly restated his commitment to community corrections and other correctional changes during the coming year. Secretary Goldmark of Human Services became the Chairman of JCPC in November and also chaired the JCPC Task Force on Corrections Legislation. He worked personally with the JCPC legislative effort and assigned several of his staff to work exclusively on correction, especially on the proposed legislation. Attica had occurred in New York State and in its aftermath there were disruptions in several of the Massachusetts correctional institutions. In November, the Commissioner of Corrections, John J. Fitzpatrick, also resigned and a national search began for his replacement. Robert Montilla, the former Deputy Director, Department of Correction, Washington, D.C. was employed as a consultant to Secretary Goldmark in corrections and was instrumental in developing priorities for community based adult correctional programs. The Governor's Citizens Committee on
Corrections, also known as the Elam Committee issued its report in late November. The report indicted the Massachusetts corrections system for its poor state of affairs and made major recommendations for improvements. JCPC was very much in the midst of all these happenings in corrections. The Commission staff worked closely with the Governor's Committee in an unsuccessful attempt to repeal the two-thirds parole law. JCPC also submitted its proposal for the Correctional Staff Development Project to the Governor's Committee at the end of November 1971 with the approval of Secretary Goldmark and the heads of the correctional agencies; it participated with the Governor's Committee and Mr. Montilla in developing the 1972 adult correctional plan for Massachusetts as well as continuing its ongoing planning projects and research in parole, probation and corrections. Some of the JCPC staff began to participate regularly and voluntarily with more inmate and ex-inmate organizations.

In developing drafts of the corrections reform legislation, the legislative task force of JCPC began its work by focusing on six broad areas and their relationships to the Commission's goal of developing a corrections system in Massachusetts that provided unified services to offenders. These six areas were the structure of the system, community-based correctional services, institutional management, operation of probation, operation of parole, and sentencing,
particularly in terms of sentencing provisions and procedures. Over time these broad areas were refined and reformulated into a number of specific issues. The staff spent a considerable amount of time in analyzing the Massachusetts correctional system and its legal basis. The task of casting the areas of general concern into issues appropriate for legislative action was based on the shared belief of many task force members that prisons as presently operated were not rehabilitating nor correcting offenders. They felt that the prisoners' poor performance, as measured by the recidivism rate, was due to the strict law and order mentality and custodial orientation of many law enforcement officers and employees of the corrections system. In order to rehabilitate offenders, the task force members felt it was necessary to "humanize" the corrections process. To them, it was important to equip prisoners with educational and vocational skills that would allow the offenders to become constructive and productive members of society upon release. Implicit in the views of the drafting group was an acceptance of a continuing need for prisons and a belief that rehabilitation could occur within the prison walls, but that rehabilitation could best occur when inmates had access to the community and when community resources were utilized as part of the corrections process. Another influence on the drafting committee was its recognition that over 90 percent of those presently incarcerated
would some day be released. A strong belief in community based corrections, the rehabilitation model and a respect for inmates as human beings were the primary bases for much of the Task Force's work. In addition to the personal and collective views of task force members about corrections, the specific issues for legislative action were fashioned by corrections law reforms and model penal codes from around the country as well as the recommendations of the President's Commission on Law Enforcement and the Administration of Justice.

Once the Massachusetts corrections system was studied, Laski and Lanckton then defined and justified the changes in the laws governing the system which the task force desired. One of the first changes necessary to achieve unified correctional services was to solidify the relationships between state and county corrections as well as to integrate operationally, the work of the Department of Corrections, the Parole Board, the Probations Office and other court based services. Another structural change was that of the reorganized Office of Human Services assuming ongoing responsibility for maintaining linkages among the various parts of the correctional system; coordinating service delivery between corrections and other state agencies important to rehabilitation such as health, welfare and employment security; and achieving some degree of uniformity in policy and effectiveness in resource allocation.
In the area of community based correctional services, graduated release programs were to be initiated. The objective of such programs was to allow as many inmates as possible to take advantage of education, training and job opportunities in communities away from the institutions. Other changes proposed in community based corrections were to establish new correctinal settings which would meet the changing needs of the inmate population and the requirement for public safety, and to purchase correctional services from the private sector, and finally the authority to legitimize and support diversion programs.

Specific changes in the area of institutional management which the Task Force considered important were utilization of alternative custody arrangements such as furloughs and various types of graduated release programs in order to ease institutional tensions and to help inmates maintain positive family and community ties; the authority to remove and transfer inmates in such a way as to facilitate implementation of classification decisions and to allow for the development of specialized programs and facilities. The Task Force wanted to implement standards for the institutional management of all correctional facilities having to do with nutrition, clothing, bedding, safety, health care, discipline, counseling, religious practice, recreation, correspondence, visitation and solitary confinement so
that a healthy, humane and rehabilitative environment would exist. Development of classification procedure and programs was another priority item that the Task Force members wanted to include in the draft legislation. With a classification procedure, it would be possible to provide for comprehensive medical, psychological, social and vocational diagnosis and evaluation for all convicted offenders as early as possible before permanent assignment to an institution and a program of rehabilitation.

Prison industries were important to the Task Force members. The general attitude was that prison industries should engage inmates in vocational training at useful trades and occupations or at least equip inmates with some marketable skills rather than at production of goods and services which could be purchased elsewhere more efficiently. Basically, the Task Force wanted prison industries to continue provided their operational standards required modern equipment and production techniques; prevailing outside wage scales, and competitive efficiency standards; provisions for compensation of prisoners for accidents, indemnification for employees and departmental personnel; a modification of state use and development of relationships with private industry. The Task Force members wanted prison industries to approximate an ordinary work environment and to guarantee protections to inmates similar to those accorded most workers in the
general labor force. Discipline and grievance procedures were of importance to the Task Force, especially in view of judicial intervention into some correctional matters where the rights of inmates were allegedly violated. The members of the drafting committee wanted to provide standardized guarantees and administrative procedures for the fair and speedy resolution of individual inmate conflicts with respect to enforcement of institutional discipline as well as to provide a mechanism for the discussion and resolution of general inmate grievances and inmate participation in institutional decision-making. There were a number of points of discussion about the operation of parole and probation among the task force members. Eligibility criteria, conditions, revocation and modification, qualifications and training of parole officers were among some of the critical issues discussed by the Task Force in regard to parole and probation. In terms of possible standards for parole, the group wanted to initiate the use of pre-sentence reports and to encourage more investigation, supervision, and maintenance of records including expungement or sealing. Likewise with parole procedures, the Task Force wanted to incorporate due process requirements in all parole activities. 50

At the Massachusetts JCPC meeting of January 31, 1972, Laski described the bill which was developed by an Ad Hoc Legislative Task Force. According to Laski, the bill was designed to accomplish six
objectives. The draft required continuing diagnosis and evaluation of offenders. It provided for use of a diagnostic center for initial classification and for monitoring the offender's progress. The first objective would also require county institutions to establish classification procedures for long term inmates. The second objective authorized more extensive use of community programs by giving the commissioner greater flexibility to use community based pre-release centers and work release and educational release programs. Preparing inmates for jobs through vocational and educational training was the third objective. As such, the bill stated that inmate rehabilitation was the primary purpose of prison employment. This new emphasis therefore permitted the Department of Correction to utilize private industry in the operation of new correctional industries; it increased inmate wages up to the State minimum wage for non-training jobs; and expended the markets for prison industry goods and services. The fourth objective was to clearly define minimal institutional standards and inmate rights. To accomplish this objective, the Commissioner of Corrections had to establish standards for state and county institutions and also had to establish written grievance and discipline procedures for inmates. The fifth objective was an outgrowth of the earlier Task Force discussions regarding the structure of the corrections system and institutional
management in that it strengthened departmental organization and management. The bill established a deputy commissioner of community services in the Department of Correction. The measure also placed parole officers under the supervision of the new deputy commissioner of community services, though the Parole Board remained as an independent quasi-judicial body. Expanded staff training and authorization of the department of contract for purchase of offender services were additional provisions of the bill. The final objective of the bill was to clarify state and county responsibilities. Under the bill the counties maintained responsibility for the operation of their houses of corrections, but it also defined the Department's responsibility to set standards and clarify the department's enforcement powers.51

Commissioners of the Commonwealth's correctional agencies and social service agencies made their comments on the bill along with other members of JCPC. Though the members of the Commission were urged to give their comments on the bill, they were not asked to give a formal vote of endorsement at that time, because there was still flexibility in the bill. The process had already begun of discussing the bill with employees representatives, sheriffs and other concerned groups.

Dr. Robinson of the Department of Public Health felt that the bill as presented did not go far enough in addressing the problems of
inmate medical care. The Department of Public Health wanted the bill to set standards for medical examinations and the Department of Public Health also wanted additional legislation to improve inmate care. Finally, the Department of Public Health wanted legislative authority to supervise the quality of care in all institutions. Commissioner Sands was very concerned that the grievance and disciplinary procedures in the bill were not detailed and explicit enough. He also felt very strongly that parole officers should be under the supervision of the parole board and not the Department of Corrections, as proposed, because they served as agents of the board. He offered an alternative arrangement, that of combining probation and parole, as in the federal system. A Commission member, Margaret Lynch, who was also affiliated with the State League of Women Voters asked about the absence of any section of the proposed bill to seek repeal of the two-thirds parole law.

In response to the various concerns, Goldmark and Dr. Demone offered explanations. To Dr. Robinson's, Goldmark explained that while the legislation might not look strong enough in some areas, "the Task Force decided that looking at the bill as a whole, it seemed about right." Chairman Goldmark also reassured Dr. Robinson by pointing out that the bill did require the Department of Public Health to check inmate medical services regularly. Dr. Demone addressed
Commissioner Sands' problem with the proposed legislation by explaining that all detailed standards had been pulled out of the bill itself, but they could be used by the new Commissioner, John Boone, as first drafts of official departmental regulations which the bill required. Montilla responded to the Commissioner's suggestion of combining probation and parole, by citing a report of the President's Crime Commission which criticized the present combined federal system under the courts. It was his opinion that the best parole and probation departments were those within the executive branch. He also believed that a move into the Department of Corrections would open up broader career opportunities for parole officers. Provisions for repeal of the two-thirds law were not included in the bill because the feeling was that most organizations represented on JCPC would support a separate two-thirds repeal bill. Most probably, the two-thirds law was omitted because it failed to pass in the House the previous year and because it was an extremely controversial measure. The other possible reason for its omission was some legislators, particularly those on the Social Welfare Committee, were calling Governor Sargent to repeal the law administratively. Had repeal of the two-thirds parole law been included in the corrections bill, it would have been a focal point of opposition by many legislators, without any consideration of the desirable changes which the bill hoped to accomplish.
Some JCPC members thought that the bill would encounter opposition from parole officers who might object to being under the supervision of the Department of Correction. Other possible opponents were the county commissioners and sheriffs who would possibly oppose the sections requiring stricter standards for county houses of corrections and jails as usurpation of their local authority and as a waste of money since the operating costs of the facilities were likely to increase with the proposed standards. Laski and Montilla planned to hold meetings with the parole officers associations and the county commissioners to explain the bill and to allay their fears about the bill. Sheriff Hedges, a JCPC member, had arranged a similar meeting with the sheriffs' association and the chiefs of police were also being contacted.

To this point, all the activity surrounding the development of the corrections bill centered around the Massachusetts JCPC. Preparation of the bill was a highly centralized project. After preparation of the draft bill, and with the discussion and reactions to the bill and the lobbying strategy, activities became diffuse and difficult to recapture.

Dr. Demone discussed the lobbying plans, which originally he was to coordinate at the same meeting where Laski presented the bill. According to Dr. Demone, the bill was to be submitted as a
special message of the Governor in early February with a scheduled hearing before the Joint Social Welfare Committee on February 16th. State officials and private organizations were asked to testify in support of the bill. In this regard, Lynch felt that the League of Women Voters would give full support to the bill. Mascarello also indicated that his organization, the Massachusetts Correctional Association, planned to prepare a summary and analysis of the corrections bill for distribution to legislators and others. Some JCPC members were requested to testify at the hearings and to contact individual legislators. In addition, Frank Laski and Van Lanckton gave personal briefings to Senators McCann, McGhee, Charles Flaherty, DiCarlo, Backman and Ward. Members of the Massachusetts Council on Crime and Corrections contacted other legislators, among them Representatives Conte, Atkins, Bertonazzi and Linsky. The Committee for the Advancement of Criminal Justice (CACJ), the legislative lobbying arm of the Massachusetts Council on Crime and Corrections also played a crucial role in lobbying for passage of the corrections bill.

Laski and Lanckton continued to improve the bill and circulated their final draft to the Governor's Office for technical review in early February. The highlights of the JCPC bill were that it made changes in the Commonwealth's corrections system in four key areas: administration, employment programs, community services, and state
and county responsibilities. Some of the administrative changes included the Commissioner's authority to establish, designate and discontinue the use of correctional facilities as well as to contract for purchase of services. Training programs were expanded with special emphasis on pre-service minority recruiting. Employment programs within the institutions were to be reorganized with first priority on their training value to inmates followed by their relevance to job opportunities and finally their profitability. Inmate wages were increased under the changes in the employment programs and there were also provisions for deductions from wages for such things as room and board, court ordered payments such as fines, restitution to the victim or the victim's family and voluntary family support or debt payments. Changes in community services included the appointment of a deputy commissioner for community services who would plan and develop programs outside the correctional facility in education, training and employment for inmates and who would also supervise and direct parole officers as a new part of the Department of Corrections. The new state and county responsibilities required the state to set standards for state and county facilities, with the counties operating their own facilities and the state inspecting these facilities and enforcing the standards.
NOTES FOR CHAPTER II

1. "Message From His Excellency, the Governor, Francis W. Sargent, Recommending Legislation to Accomplish Necessary Reforms in the Correctional Process," Senate 1161, February 9, 1972, p. 3.

2. The Governor's Committee on Law Enforcement and the Administration of Criminal Justice, also known as the Governor's Public Safety Commission, was the criminal justice planning agency for Massachusetts. This Committee had total responsibility for the allocation of all federal funds, under provisions of the Safe Streets Act of 1968, to state and local criminal justice agencies in the Commonwealth of Mass. JCPC had a two year administrative budget of $455,000 or approximately $225,000 per year. JCPC also received in excess of $1,500,000 in grants for various projects.

3. Executive Order No. 77, Commonwealth of Massachusetts by his Excellency, Francis W. Sargent, September 13, 1970. The project was initially developed by the United Community Services (UCS) and the Governor's Committee. Funding was carried out through UCS which also monitored the contract.


6. This major city emphasis was most evident in the fact that the bulk of LEAA monies in Massachusetts went to the six cities designated as having the highest crime rates in the Commonwealth. The major cities emphasis favored Boston, Worcester, Springfield, New Bedford, Cambridge, and Lynn.

7. Chapter 777, the Omnibus Corrections Reform Act of July 1972 will be discussed more completely in later chapters.

8. JCPC's involvement with juvenile corrections planning was limited although Dr. Jerome Miller, Commissioner, Department of Youth
Services was a member of the Commission. From its inception, JCPC and its staff were selected with an emphasis on adult rather than juvenile corrections and for this reason only one of JCPC's projects directly involved juvenile corrections. There was also a belief that it was important for both the image and functions of the Department of Youth Services that it be affiliated more closely with other agencies having a youth clientele than with the adult corrections system. The exception to JCPC's adult emphasis was the inclusion of juvenile probation within the scope of its planning. Because juveniles on probation were not under the authority of DYS and were generally supervised by the same probation officers as were adults, a decision was made to consider the needs of juvenile's probationers in planning for the improved delivery of community resources and the training of probation staff.

9 During the first quarter, Mr. Malcolm Smith of Honeywell, the only representative from the business sector, resigned from the Commission due to other commitments.


11 Ibid., p. 1.

12 Mass. JCPC, Minutes, May 11, 1971, p. 3.

13 The irony of the entire episode is that Mr. Reed had been actively functioning as a member of JCPC since November 1970 even though there was no final vote on his and other appointments from the Governor's Office. According to the January 16, 1971, minutes, Mr. Rosenfeld reported that the Governor's staff said there were no problems about the additional appointments, but that red tape was causing the delay. It is significant that only after some bad publicity did the Governor find it necessary to equivocate on the issue of including inmates as members of JCPC.


17 Ibid., p. 5.

18 The President of TDC, Mr. David Dayton was one of the original Commission members, but because of the question of possible conflict of interest on the part of JCPC members working under contract to the Commission, he resigned. Subsequently, in October 1971, the Commission unanimously accepted a recommendation from the nominating committee that Commission members under contract should resign, but that they could attend JCPC meetings as observers with no official role, receive all the mailings, and be formally designated as consultants to the Commission.


20 Ibid., pp. 16-17.

21 The greatest deterrent to such a prospect was the absence of any state correctional agency analogous to the Department of Mental Health and the Massachusetts Rehabilitation Commission to undertake the responsibility to perform the function of administering decentralized correctional services with respect to setting priorities among regions, purchase of service agreements, citizen participation, collaborative efforts among the correctional agencies and appropriate funding through the state.

22 Further discussion of the Boston State Hospital Pre-Release Center, the first Department of Corrections community based program will be found in a later chapter.

23 The issue of the recruitment of minority personnel was particularly urgent in view of the fact that minority group members comprised slightly more than one-third of the correctional population. There were no minority group members serving as probation or parole officers and there were only twenty minority group members employed by the Department of Corrections.

24 At the time of the proposal's preparation, the Department of Correction had a well developed staff training program and its major focus was security. In Probation, in-service training was under the control of the various courts and varied from one probation field office to another. Parole personnel, on the other hand, received no in-service training.
25. Major obstacles were expected from the corrections officers unions, particularly with regard to such questions as promotion based on merit rather than seniority. Similar problems involve retention of seniority rights for an individual transferring from one corrections agency to another. This is particularly a problem within the Department of Corrections where each of the state's correctional institutions has a different employee union.


30. Ibid., p. 1.


33. Ibid., p. 1.

34. Ibid., pp. 1-3.

35. Laski, "JCPC Legislative Program . . .," p. 5.

36. Senate Document 750 (1055), Message from His Excellency the Governor Submitting Recommendations Relative to Reorganizing the Correctional System.

37. Ibid., p. 2.
38 General Laws Chapter 27, x. 3 is an exception, providing for ex officio membership on the Advisory Committee on Corrections for the Commissioner of Probation, Chairman of the Parole Board, and the Commissioner of Corrections.

39 Laski, "JCPC Legislative Program . . .," pp. 2-3.

40 Ibid., p. 4.

41 Ibid., p. 6.

42 The proposed revisions in the criminal law were never formally adopted.


46 The priorities which Mr. Montilla, the staff of the Governor's Committee and JCPC jointly worked were a 25 bed pre-release guidance center (requiring permissive legislation) on the grounds of Boston State Hospital, two 25 bed parole halfway houses which could also be used in the DOC proposed pre-release program; purchase of 25 halfway house beds throughout Massachusetts for men and women; and a plan for a diagnostic center to be utilized by the courts, county correctional personnel and state correctional personnel to be located on the grounds of Boston State Hospital.

47 See Chapter One, the section on the Elam Committee for a fuller account of the changes against the correctional system and the specific recommendations for change.

48 Planning in the Department of Corrections was seriously hampered by the tension in the institution which required a focus on crisis oriented ad hoc issues and by the resignation of the Commissioner of Corrections.

49 JCPC, Progress Report, October-December 1971 (no date).
Because many of the task force documents describing in detail the group's early meetings are missing, this summary of some of the early issues which were of concern to the group is rather sketchy.

This discussion of the corrections bill developed by the legislative task force is based on the detailed minutes of the Mass. JCPC meeting of January 31, 1972.


CHAPTER III

A BILL BECOMES LAW: LEGISLATIVE HISTORY OF CHAPTER 777

In a press conference at Brooke House, one of the first half-way houses in Massachusetts, Governor Sargent outlined the provisions of S. 1161, "A Special Message Recommending Legislation to Accomplish Necessary Reforms in the Correctional Process."

Concern about the ability of our Department to perform its duties exists in all branches of government and with interested citizens as well. . . . All of us believe this legislation points in the direction toward which the Commonwealth must now move and all of us believe this bill provides an important and reasonable framework around which to focus our efforts. In these efforts, every attempt has been made to look at the way the Department is set up, its relationship to other agencies, and its ability to develop and operate rehabilitative programs. For instance, the legislation outlines in detail the duties of the Commissioner of Corrections. It also clarified the relationship between the state and county institutions and proposes an updating of our laws dealing with the prison industries. Finally, and perhaps most importantly, it proposes a system with continuity in it, so that an inmate will be supervised by the same person or group of people from the day he enters the system until he is finally off parole.

The proposed bill was presented by Governor Sargent because of his commitment to penal reform in Massachusetts and the possibility that his support of the legislation would increase the likelihood of its
passage. Practically, it was necessary for Governor Sargent to present the bill in a special message because it was after the first Wednesday in December. Legislative rules required that all petitions were filed with the Clerk of the Senate or House before 5 o'clock p.m. on the first Wednesday of the General Court. After that time, the Committee on Rules had to issue a report signed by at least a majority of the members of each committee and approved by four fifths of the members of each branch voting before a bill could be introduced. Governor Sargent's initiative simplified introduction of the bill, but also created problems in later stages of the development of corrections reform legislation.

From the day of its introduction in the General Court to its final action, S. 1161 was steeped in controversy. Many considered it much too ambitious, particularly those sections of the bill pertaining to inmates' rights, payment of minimum wages to inmates and the transfer of parole officers from the jurisdiction of the Parole Board to the Department of Correction. In addition, S. 1161 was criticized on the grounds that it contained areas which did not require new legislative authority in order to be implemented. Given the diverse reactions to S. 1161 the key issues were how many of the proposed reforms could be accomplished without legislation and secondly, how to accommodate critics and potential opponents of corrections reform while
lobbying for the bill's enactment. The task was massive and wrought with difficulty, but the campaign for successful passage of a new corrections bill was the basis for a reform movement which focused on the state prison system in Massachusetts. Individuals and organizations began to align themselves around issues and evolving ideologies. The corrections reform movement embraced a plethora of individuals and organizations with varying interests and backgrounds. A commitment to the very general notion of corrections reform was the unifier. This commitment meant that prisoners should be treated decently and that conditions in prisons should conform to acceptable standards for safety, good health and general well being.

Basically, S. 1161 gave the Department of Correction authority it lacked in several areas and it carried forward the present law with unimportant changes. (See Appendix F) The proposed bill created the new position of deputy commissioner for community corrections with responsibility for supervising parole officers. Several sections of the bill empowered the Commissioner to designate and establish (community) correctional facilities and also to purchase services for offenders. The bill facilitated minority recruitment by extending the Department's training programs. County correctional facilities were affected by the new legislative proposal in that it authorized the Department of Corrections to establish and enforce standards for the
county facilities. Provisions regarding isolation and segregation were modified under the new law to eliminate their use capriciously. Training was the priority of inmate employment programs within the institution under S. 1161. Community programs providing educational and vocational opportunities for inmates were established under the new law, as was the furlough program. Other major changes proposed by S. 1161 guaranteed inmates the right to adequate medical care, free exercise of religious beliefs, and access to adequate information about the rules and regulations governing their conduct while incarcerated. The proposed legislation offered no changes that were patently radical or revolutionary. In essence, most of the proposals reflected ideas gaining currency in correctional practice throughout the country. Such notions as community corrections, work release, education release, furloughs, prisoners' rights, and unification of correctional services had been advocated in one form or another by groups as diverse as the American Correctional Association, the American Bar Association and even governmental agencies such as the President's Commission on Law Enforcement and Administration of Justice. What was different about the proposed reforms was they represented a systematic and comprehensive effort to codify various reform aspects of correctional practice in the Commonwealth. Senate Bill Number S. 1161 was unique because it implied a new policy
direction with rehabilitation and reintegration of offenders as the foremost goals. Despite its basically moderate recommendations, S. 1161 was perceived as very radical and many were fearful of the proposed bill's long term policy implications.

One week after Governor Sargent presented S. 1161, the Joint Social Welfare Committee held a one day public hearing on the measure. There were a large number of witnesses and they overwhelmingly supported the bill. John Boone, the new Commissioner of Corrections, addressed his testimony to critics who charged that the bill was too vague about matters affecting inmates. Detailed new rules of such things as disciplinary and grievance procedures, censorship rules, transfers and medical care were being formulated by the Department of Corrections, he testified. He also invited legislators, representatives of inmates, corrections officers and concerned citizens to participate in the formulation of the new rules. In addition to public participation in the Department's efforts, Boone also encouraged the public to be involved in the Joint Social Welfare Committee's work to insert greater detail into the bill. 7

Boone's views were echoed in the testimony of Peter Goldmark, Secretary for Human Services and Co-Chairman of JCPC. Goldmark indicated that the changes proposed for the Massachusetts corrections system were consistent with every major study and national commission
concerned with corrections and penology. He urged support of the bill because it would help the Commonwealth to accomplish its goals of protection of society and rehabilitation of offenders. Like Boone, he too addressed those critics who asked, "why doesn't the Department of Correction exercise the powers it has right now, instead of coming in here asking for new powers?" His response was that legislative and administrative changes were both necessary as the Department did not have all the powers it needed.

The fact is that the Department is moving in the direction of community-based corrections, it does have a minority recruitment process started. But the Department has been frustrated by laws which this bill would change. Its authority to establish community corrections centers is extremely limited; this bill would extend that authority. The pre-release center the Department is now proposing would be open only to those who have already been given a parole date, and the law is ambiguous as to the programs which may be carried out there; this bill would resolve these ambiguities and provide a more realistic term of supervision in the center. The law on appointing and training correction officers inhibits minority recruitment. The Department now has no authority to enforce minimum standards in the county jails and houses of correction. These are some of the reasons this legislation is needed.

Attorney General Quinn, Dr. Demone, representatives from JCPC and private agencies such as the League of Women Voters, the Massachusetts Council on Crime and Correction, and the Massachusetts Correctional Association all testified in support of S. 1161. Interestingly enough, there was no vociferous opposition to S. 1161.
articulated during the hearings. Critics or those persons with reservations about the bill exercised caution and restraint. They neither attacked nor supported the bill, but maintained a neutrality evidenced by their silence.

Two witnesses did testify, however, as supporters of the principle of corrections reform, but they did not view S. 1161 as an acceptable reform measure. They were Dr. James Nash, Director of Social Relations for the Massachusetts Council of Churches and Rev. Edward Rodman, an Episcopalian priest, and Chairman of the Ad Hoc Committee on Prison Reform. 10

Dr. Nash explained that his position was not based on indecisiveness, but on the ambiguities of the proposed legislation which he described as a mixture of reform and repressive elements. He enumerated a few of the positive and negative features of the bill and called for a stronger, more ambitious bill that could be legitimately called a prison reform bill. Dr. Nash noted in his testimony that the bill commendably permitted the transfer of inmates into community correctional facilities, but that it simultaneously allowed the transfer of inmates to out of state prisons, without due process safeguards. Such safeguards were necessary, he felt, to prevent the procedure from becoming a form of punishment. The guarantees of the free exercise of religion were praised by Dr. Nash, but he was critical of
the provisions which restricted such freedoms arbitrarily or at the
discretion of the Commissioner. According to Dr. Nash, S. 1161
rightly established an employment and training program accompanied by
a minimum wage, but at the same time permitted such a range of salary
deductions that an inmate's resources under the new program might
not exceed his present wages. He wanted the deductions limited to a
numerical maximum of an inmate's gross income, for example 30 percent.
Dr. Nash and others were particularly concerned about the omission of
a section on the rights of inmates in the bill. To him, the bill as
written was such that prisoners' rights depended too greatly upon the
good will of the Commissioner.

Personally, I have great trust in the Commissioner, but no man
should be entrusted with defining without benefit of statutory
protections, the rights of those whom he controls. The only
exception might be children, yet despite the assumptions of this
legislation, prisoners are not children!]

Rev. Rodman in his statement on behalf of the Ad Hoc Com-
mittee for Prison Reform supported several features of S. 1161,
namely, community based correctional programs, minimum wages for pri-
son labor, and giving the new Commissioner clear authority and respon-
sibility. The Committee was convinced that the new Commissioner was
prepared to make substantial and positive changes in the prison
system and they endorsed the mandate giving Boone authority to make
these changes. There were features of the bill however, which the Ad Hoc Committee viewed as objectionable. Even more importantly, there were omissions without which, members of the organization felt there could be no prison reform. Specifically, Rev. Rodman noted that the bill spent many paragraphs authorizing a variety of punishments for prisoners such as isolation, segregation, transfers, and the like as prison reform with no protections of prisoners' rights. The Ad Hoc Committee shared Dr. Nash's concern about the absence of any guarantees of due process in the execution of these punishments. The Ad Hoc Committee was troubled by the lack of safeguards against arbitrary, malicious, or illegal use of these punishments. He further criticized the bill for its cursory and ambiguous treatment of prisoner's grievances and provisions for the redress of such grievances. Similar criticism was levelled at the bill, because it scarcely touched on the issue of prisoners' basic human rights. "Even on the one issue of this nature that is mentioned--the right of free practice of religion--the legislation spends more words in spelling out restrictions of this right than in guaranteeing it." More specifically, the Ad Hoc Committee was troubled because the bill did not specify a role for citizens in the corrections process nor did it mention a procedure to implement the Governor's alleged promise of prison councils. Rev. Rodman's concluding statement was similar to Dr. Nash's:
In summation, this bill is not, in our view, a substantial enough contribution to prison reform as it now stands. This judgment comes from a group that has made prison reform its business and that includes many ex-prisoners, lawyers, volunteers, and others who know the prison issues from the inside out. We feel qualified to provide our definition of prison reform and this bill, without substantial alterations, additions, and deletions would not be so defined and would not merit support.13

It is very important to understand and take special notice of these two positions, particularly that of the Ad Hoc Committee on Prison Reform. Because of their strong inmate and ex-offender orientation, members of the Ad Hoc Committee were viewed as radicals by the more traditional supporters of prison reform. In addition they were considered radicals because of the principles on which they based their notions of prison reform. According to the Ad Hoc Committee, meaningful prison reform required that prisoners have the right to negotiate with the administration through elected spokesmen; due process safeguards for inmates accused of offenses inside the institutions; and the establishment of a valid role for citizens independent of the corrections bureaucracy and including ex-prisoners. The latter principle was important because it was connected to the problem of accountability and effective redress of prisoners' grievances.

Members of the Ad Hoc Committee envisioned their role to include free communication and visiting of prisoners, arbitration of
grievances, and evaluation of the rehabilitative results of prison programs. The proposed legislation did not directly address any of these issues.\textsuperscript{14} The effect was that the Ad Hoc Committee was caught in a very precarious ideological position. They were asked to support a bill which they viewed as inadequate, yet not to support the bill would be interpreted as being against penal reforms. It was also unclear that their views to reform would prevail in future discussions on S. 1161. This kind of dilemma characterized many of the Ad Hoc Committee's positions throughout the legislative struggle for prison reform. Members of the Committee were advocates for prisoners' rights and they sought more fundamental changes in the corrections system of Massachusetts than most other proponents of corrections reform. As efforts mounted to get a corrections reform bill through the legislature, the difficulty of the Ad Hoc Committee's position intensified. In later stages of the movement, the Ad Hoc Committee began advocating abolition of prisons as the key to meaningful corrections reform. This position effectively alienated many of the original supporters of corrections reform. The Ad Hoc Committee was then in a very isolated position with few allies. Divisiveness within a very loose coalition of reform groups over ideology and strategies, once the implementation process began, seriously fractured and diminished the impact of the reform movement.
After the hearing, it was apparent that considerable support existed for the legislation, but that some modifications in the bill were necessary. As S. 1161 sat before the Joint Committee on Social Welfare, the Committee for the Advancement of Criminal Justice (CACJ) initiated discussions around the bill in March 1972. CACJ was created by members of JCPC and MCCO as a neutral forum for discussions, and information exchange of issues of concern in corrections reform. Lobbying efforts for S. 1161 were also coordinated by CACJ.

Sam Tyler of MCCO asked Margot Lindsay to chair the Committee for the Advancement of Criminal Justice and to a large extent she spearheaded the lobbying effort.

The organizations and actors involved in lobbying for S. 1161 viewed the CACJ headquarters at 3 Joy Street as the central information base for prison reform activities. To that extent these groups and people maintained continuous communications with the CACJ offices. Aside from the central communications links between prison reform activists, most other things about the lobbying effort were rather diffuse.

After the hearing, Annalee Buckland a CACJ staff member discussed with Van Lanckton plans for a strategy meeting with regard to further lobbying for S. 1161. The CACJ did set up a series of meetings which included citizen representatives, representatives from
the Attorney General's and Speaker's Offices, representatives from the Social Welfare Committee, as well as Laski and Lanckton, major draftsmen of S. 1161. These meetings focused on changes in S. 1161 and on effective lobbying for the passage of a corrections reform bill.

Laski made arrangements with Senator Backman for a meeting with the Social Welfare Committee in executive session to discuss the bill further. Lanckton discussed with Commissioner Boone the process for issuing the new regulations in greater detail. A summary was prepared of the testimony given at the hearing on S. 1161. Lanckton arranged a meeting with the Ad Hoc Committee to review their objections to S. 1161 and to attempt to formulate a compromise position, if possible. Lanckton also suggested to Commissioner Boone and Secretary Goldmark that the Governor's Office should have a very minor role in the development of the revised bill.

For the next several weeks all the reform organizations were meeting with each other, usually under the auspices of CACJ, and often meeting independently to determine the most effective future course of action. Meetings around S. 1161 were held by CACJ every two weeks. Among those attending the meetings were Evelyn Bender, Corrections Specialist of the Massachusetts League of Women Voters;
James Magnan, assistant head of the guards' union, Henry Mascarelo of the Massachusetts Correctional Association; John Gavin, a former Commissioner of Correction; James Nash of the Massachusetts Council of Churches; Joseph Reilly of the Massachusetts Catholic Conference; Michael Feldman of the Boston Legal Assistance Project and former chairman of the sub-committee on legislation of JCPC; Van Lanckton and Frank Laski of JCPC; and Margot Lindsay and Sam Tyler. From time to time members of the Ad Hoc Committee would attend these meetings. Because of tactical and ideological differences, with the more mainstream reformers, the Ad Hoc Committee tended to operate independently.

A critically important participant in those CACJ deliberations was James Magnan, president of the 220-man Norfolk Correction Employees' Union. This union along with the others wielded considerable power within the correctional establishment and the legislature. Guards' unions existed at MCI-Walpole, MCI-Norfolk, and MCI-Concord. Primarily these co-called unions were independent organizations which represented the guards' perspective to the public, corrections administrators at the state and institutional levels, and legislators. Though none of the unions was officially recognized and none of them had collective bargaining rights, the organization for corrections employees at MCI-Walpole was affiliated with the Massachusetts American Federation of State, County and Municipal Employees (AFSCME).
The corrections officers from Walpole, Norfolk and Concord came together to form the Penal Committee, an umbrella organization for guards at all the Commonwealth's correctional facilities. Dominic Presti, president of the Officers' Union at Walpole also chaired the Penal Committee. As a representative of the Penal Committee and of the Norfolk Corrections Officers' Union, Magnan's presence at these early discussions on corrections was of singular importance. If the guards were unhappy about the bill or if they felt their jobs threatened by it, they had the power and the organization to force its defeat in the legislature. Magnan's involvement in this redrafting stage was intended to reduce the likelihood of such an occurrence.16

CACJ's operation at one level, required a good deal of compromise. Once a consensus was reached on any point, Lindsay checked it with a staff member of the Joint Social Welfare Committee, usually Frank Blake. If there were problems with the revision from the perspective of the Social Welfare Committee, the staff member reported back to Lindsay or made further suggestions. Problems usually arose over the political feasibility of a given measure. In addition to this "official" link to the legislature, members of the CACJ with good contacts at the State House solicited information, rumors and sentiment about the bill from the legislators and shared them with the group.17
Linkages were also important to CACJ's functions. Each person attending the CACJ meeting represented a larger constituency. During the deliberations, members of CACJ worked to delete and incorporate certain changes in S. 1161. Once a compromise was reached on an idea or a specific part of the bill, these same individuals had to convey these changes to their various organizations. Reaching a compromise within CACJ was difficult enough but conveying the changes to their constituent groups was often an extremely arduous task for CACJ members.

Of all the prison reform groups that were functioning in the Spring of 1972, the Ad Hoc Committee was considered most obstreperous. When the Ad Hoc Committee participated in the CACJ deliberations, its revisions continued to reflect the group's particular definition of reform which emphasized prisoners' rights, citizens' access, advocacy and accountability. More specifically, the Ad Hoc Committee recommended alternatives to the combination of parole and corrections that ranged from providing more resources for the Parole Board to the actual elimination of parole. Human experimentation and the principle of informed consent were serious concerns of the Ad Hoc Committee. As a result, this group wanted S. 1161 to prohibit human experimentation in state correctional facilities. Given the ambiguities of S. 1161, as regarded the inmates freedom of religious expression, the
Ad Hoc Committee sought insertion of a definitive statement in the legislation. They wanted a statement which would allow an offender to have the right of free exercise of his religious beliefs, the right to change or adopt such beliefs, the right to receive visitations from a clergyman or other representatives of his faith, in addition to freedom from compulsory religious participation.

The Ad Hoc Committee was gravely concerned about access to the prisons by attorneys and the protection of inmates' rights to legal counsel. To remedy these problems, the Committee suggested an addition to the bill that would allow an inmate's request for an attorney to be honored within one working day of the request. Consistent with the themes of access and accountability, the Ad Hoc Committee wanted the bill expanded to specify that records of prison grievance proceedings were available to the public with the consent of the involved inmate. The Ad Hoc Committee wanted the draft version of S. 1161 amended to require publication of departmental rules and regulations, because such a requirement was not covered by the section on administrative procedure of the proposed bill. Disciplinary procedures, isolation and segregation were concerns of the Ad Hoc Committee and the group's opinion was that S. 1161, as drafted, allowed for the continuation of previous disciplinary abuses. They suggested several changes which specified that discipline could be
enforced only for specific infractions of rules and only following a disciplinary procedure; 3 meals a day equivalent to those served the remainder of the prison population were to be provided to inmates in the segregation unit; and setting of a maximum time limit of 15 days for confinement in the segregation unit. Such a limitation would have the effect of eliminating segregation as a disciplinary tool. The Ad Hoc Committee wanted an evaluation component built into all programs created by the proposed legislation and they wanted to broaden the basis for participation in the new programs by eliminating the requirement of parole board authorization of inmates for participation in community programs.

The Ad Hoc Committee viewed the section on transfers of S. 1161 as regressive. The feeling was that involuntary interstate transfers should be allowed only with the inmate's consent or after procedures which would guarantee due process. The Ad Hoc Committee also suggested that inmate rights be enumerated in the law and that the Commissioner be given a mandate to enforce and protect inmate rights be enumerated in the law and that the Commissioner be given a mandate to enforce and protect inmate rights relative to censorship, religious freedom, visitation, medical rights, right to counsel and inmate-guard relationships. The final point of discussion at the meeting was the Ad Hoc Committee's suggestion that the
background qualifications for the Commissioner include experience in other allied professions as well as correctional administration. Though some of the traditional reformers attempted to ignore the existence of the Ad Hoc Committee for Prison Reform, such an attitude was naive. The Ad Hoc Committee could not be ignored. First, the Ad Hoc Committee had a legitimacy which none of the other prison reform groups had. It's membership included many of those directly affected by the injustices and inhumanity of the Massachusetts prison system, particularly inmates, ex-offenders and their families. The Ad Hoc Committee contained a large number of indigenous reformers or persons who would be directly affected by the reforms. In addition, the group had a total membership which represented more than 21 different organizations concerned about prison issues. It had also generated the support of nearly 1,000 people from the fields of labor, law, education, human rights, as well as active, voting citizens in its earlier drive for a meeting with the Governor. Its press and information person, Phyllis Ryan, was competent and effectively used good press releases and contacts with people in the media to give the organization a significant amount of media coverage. The group's telegrams, post card campaign and subsequent meetings with the Governor and Commissioner Boone were further indications that these reformers could not be ignored completely.
As indicated previously, the Ad Hoc Committee on Prison Reform represented indigenous reformers, that is, prisoners, ex-prisoners, their families, friends and other supporters. This organization more than other prison reform groups also included minorities and the dispossessed. The Ad Hoc Committee was non-traditional not only in terms of its racial composition, but also its operation. Unlike the more traditional professional prison reform groups, the Ad Hoc Committee did not have an annual budget, permanent office space, a paid staff nor a board of directors consisting of prominent and wealthy citizens. There were no formal requirements for membership, but the Ad Hoc Committee's supporters generally shared the belief that most people in prisons were victim's of the racist and capitalistic system in America. The philosophy of the group was that incarceration should be used only as a last resort in dealing with offenders; that there should be available a range of alternatives to incarceration; and that if incarceration were used, then inmates should not be denied their basic human rights. A minority faction in the Ad Hoc Committee opposed incarceration and wanted to abolish all prisons in the Commonwealth.

The group was formed after a very successful telegram and post card campaign and a December 6th meeting with Governor Sargent at which the Governor made commitments to visit the various state
prisons; to close the desegregation units at Bridgewater; and to make a state-wide television speech emphasizing his commitment to reform.  

One of the original conveners of the Ad Hoc Committee described the organization:

It was a mixed group of lawyers, ministers, writers, poor people, and most importantly ex-cons. There were blacks and whites in the organization; there were also Protestants, Jews, Catholics, etc.; and finally it included working class people as well as middle and upper class people. Initially, the Ad Hoc Committee was the most unaggravating group I have ever worked with. It worked with incredible external discipline. There was genuine respect among the members and there was also concern. The organization held the possibility of not only doing prison reform, but also of being a model of a genuine coalition, across class and color lines, for social change.  

When S. 1161 was introduced, the Ad Hoc Committee mobilized to do legislative lobbying and other political action. Its emphasis was on the inmates' and ex-convicts' perspective. Two of the groups initial activities were to hold a meeting with incoming Commissioner Boone and to begin to monitor the Governor's original Omnibus Corrections Reform package.  

At the initial meeting between Commissioner Boone and the Ad Hoc Committee, representatives of the reform group stressed their agenda of prisoners' rights and advocacy in the context of citizens' access and accountability. Based on this first meeting with the Commissioner, the Ad Hoc Committee began a close working relationship
with the new Commissioner of Corrections. The Ad Hoc Committee and Boone both advocated deinstitutionalizing the state's prisons, but deinstitutionalization was not a major plank in the dominant corrections reform platform. The Ad Hoc Committee was favorably impressed and convinced that Boone was committed to depopulating the corrections institutions and to making substantial and positive changes in the prison system, therefore, in testimony before the Joint Social Welfare Committee, they supported giving Boone the mandate and authority to make changes. At that same hearing the Ad Hoc Committee Chairman, Rev. Edward Rodman, articulated the group's objections to those features of the bill which did not alter the inhuman conditions that destroyed men and women who were incarcerated. The position was that, "You cannot rehabilitate a man at the same time you are dehumanizing and humiliating him."23

CACJ arranged a special meeting on March 2, 1971 with representatives of the Ad Hoc Committee because the Ad Hoc Committee had made its presence felt in the prison reform movement. The outcome of the meeting, however, was such that the suggestions and recommendations of the Ad Hoc Committee were not incorporated into the final version of S. 1161. CACJ was cautioned by other individuals that the legislation encompassed in S. 1161 was important, but that its total impact appeared to be intimidating to the legislature. John Gavin, a
former Commissioner of Corrections in Massachusetts, shared this view. He urged CACJ to be prepared for legitimate compromise and to give the reforms with the greatest importance a high priority and to incorporate other reform measures into a long range plan for corrections reform that could be implemented in the future. The reason for his position was that much of what was proposed in S. 1161 had been sought over the past ten years by previous Commissioners. Gavin had particular reference to such things as a first offender unit, a diagnostic and reception center, community corrections centers, improved industrial programs, more staff training, broadened work release programs, educational furloughs and the like. Based on his previous experience as Commissioner, his knowledge of legislative politics and his understanding of the general public's resistance to correctional reform, he specified in a letter to CACJ where the priorities should be.

Gavin's priorities were on job training and employment programs. He endorsed the proposals which strengthened the Commissioner's authority to make administrative changes effectively. He recommended that all programs, but particularly employment programs which helped men become re-integrated in the community, provide meaningful jobs with fair and honest wages commensurate with the individual's ability. His final recommendation was that all institutional preparation during the final two years of an inmate's confinement
be aimed at preparing him for adequate employment opportunities upon release. 24

Gavin felt strongly that the proposal to place parole under the new Deputy Commissioner for Community Services should be eliminated from the present reform package and action on it postponed. Prior to legislative approval of such a measure, he recommended that the inevitable personnel problems of such a change be studied. He had even stronger reservations about the sections of S. 1161 which proposed a strengthening of state county relations in the corrections field. Gavin thought the proposal would accomplish little other than opposition from the county sheriffs to the total corrections reform package. The real problems of the county corrections system were the dire need for additional staff and more financial resources with which to implement corrections programs. 25

In essence, Gavin's position was that the time was ripe for acquiring some of the changes needed to make corrections in Massachusetts more effective, but that not all changes were possible at once. The new cabinet structure according to Gavin offered the possibility of providing more and varied services to incarcerated offenders. Resources available in such Departments as Education, Vocational Rehabilitation, the Division of Employment Security, Mental Health, Public Health, Welfare, and others offered new opportunities
for treating inmates more completely. Gavin reasoned that all these factors, combined with citizen support and better public relations for a few key changes would result in the successful enactment of some version of the reform bill during the current legislative session.26

During those hectic days, CACJ members also met with Boone to discuss S. 1161. In these meetings he stressed the need for community treatment centers, furloughs, and work release. The Commissioner felt that the provisions for community treatment centers were futile unless the Department of Corrections could release prisoners to such facilities. For this reason, the Commissioner wanted the bill expanded to give the Commissioner the authority to transfer inmates from one state facility to another including privately owned or operated halfway houses or similar community treatment centers. Boone also expressed his desire to see the sections in the bill referring to training expanded to all correctional workers, because civilian workers were badly needed in the Department of Corrections. He wanted the law to provide for civilian workers in the Department because he thought they would be more sensitive to the changing roles for correctional employees. The Commissioner acknowledged the difficulty in fashioning a new statutory definition of the relationship between the Department of Corrections and the Department
of Parole, as called for in S. 1161 and that the proper responsibility for coordinating the two agencies should rest with the Secretary of Human Services. Expanding the Commissioner's power to place inmates in correctional institutions within the state system and employing civilian workers in line jobs in the institutions reflected the Commissioner's commitment to community corrections.

After the CACJ meetings, the meetings with the Ad Hoc Committee, Gavin's letter, discussions with Commissioner Boone, Secretary Goldmark, the Governor's Office, and various legislators, Laski and Lanckton, prepared a revised version of S. 1161. The summary of the substantially revised S. 1161 was circulated to Senator Backman and Representative Michael F. Flaherty along with a few other key people on March 23, 1972. The new version was somewhat shorter and simpler than the original; and its major revision was the elimination of all provisions which were unnecessary because of existing administrative authority.

The revised and simplified version of the bill contained no section dealing with prisoners' rights. There was no mention of grievance procedures, transfers, right to counsel, nor disciplinary proceedings. In effect, most of the suggestions made by members of the Ad Hoc Committee at the March 2nd meetings with Dr. Demone, Laski and others were not considered relevant to the present bill and were
ignored in revising S. 1161. The impact of Gavin's suggestion for revisions were also difficult to measure because both his low priority items of supervision of the parole officers by the new deputy commissioner of community services and strengthening of state county relationships remained in the new version of S. 1161.

As revised, S. 1161 created a new position of Deputy Commissioner for Community Services who had responsibility for supervising parole officers among other things, which in turn modified the powers and duties of the Parole Board. Now the Department of Corrections was subject to the administrative procedure act for purposes of issuing regulations and in its power to make contracts, and the selection of the site of any new state correctional facility was subject to the approval of the Governor. The new power given to the Commissioner of Corrections under the revised S. 1161, was the authority to "designate, establish, maintain and administer such state correctional facilities as he deems necessary." Under the new version of S. 1161, the law relating to the training of correction officers was revised to stimulate minority recruitment, to permit preservice training and to expand and modify the Department's curriculum. Unlike other corrections measures, the revised version of S. 1161 gave the Department the same flexibility in housing female offenders as the rest of the bill allowed for male offenders. The
sections in the original version which allowed the Commissioner to set standards for county correctional facilities which also made substantial changes in prison employment programs and which extended the limits of the place of confinement of the committed offender remained the same in the new draft of S. 1161. The new version of the bill also amended the timetable which placed the parole officers under the Deputy Commissioner of Community Services. 28

Supporters of the correctional reform act pushed for passage of the new S. 1161 on the basis of its importance to the success of community corrections. The essential elements of a community corrections program as defined by the supporters of the bill were residence in small (25 to 50 bed) facilities prior to release; participation in meaningful work experiences in the community prior to release; and continuity of programs and supervision before and after release. The authority mandated by S. 1161 was necessary to develop a comprehensive new prison system, with community corrections as a major feature.

On April 20, 1972, after several weeks of intensive review and subsequent revisions to the corrections reform legislation, S. 1161, the Joint Social Welfare Committee reported it out favorably by a vote of 15 in favor, 5 not voting and 1 absent. The final form of the bill according to Senator Backman and Representative Flaherty was the result of a lengthy Committee executive working session.
during which S. 1161 was redrafted with several deletions and amendments agreed upon by the Committee.

From an original bill of over 40 pages that was extremely cumbersome, the Committee developed a concise reform package of only 18 sections aimed at improving custody conditions and the rehabilitation process within the prisons through employment and educational programs. The reform measure was also intended to prepare prisoners more effectively for their re-entry into society by creating vocational and job opportunities and providing community services. The prison reform bill reported out by the Social Welfare Committee included reforms in prison employment programs, in community services for committed offenders, in county state relationships, and in administrative procedures. Major changes in the corrections system that would be brought about by the prison reform bill were: expansion of educational, training and employment programs for prisoners both within and outside of the institutions; new authority for the Commissioner of Corrections to establish community correctional centers; creation of a Correctional Employment Fund to upgrade and modernize prison industries; granting of regulatory power over county jails to the Commissioner of Corrections; increasing the powers and duties of the Commissioner to include responsibility for planning emergency and riot procedures in coordination with the Commissioner of Public
Safety; development of pre-service and in-service Training programs for correctional officers; and the institution of a classification system for all prisoners entering the state prison system. The omnibus prison reform bill incorporated measures introduced by Representatives Jonathan Healy, John Cusack, Max Volterra, John King and Carter Kimbrel.

In order to arrive at a reform package that had a real possibility of passage, the Social Welfare Committee in conjunction with the Governor's Office, primarily, deleted sections of the original bill that represented an unnecessary duplication of present administrative procedures. For example, the sections giving inmates the right to the minimum wage for their labor, and others dealing with prisoners' rights were deleted because they were possible administratively under existing laws. Even though these changes were possible administratively, if the Commissioner were not supportive of them, the changes would never be instituted. This decision relied upon the Corrections Commissioner's commitment to change as crucial to implementing some of the reform measures. The bill as reported out contained no sections dealing with prisoner's rights nor did the Social Welfare Committee release a separate bill concerning those rights.
In addition, the Social Welfare Committee received a strong commitment from the Executive branch that the portions of the original bill pertaining to a fundamental prisoners' bill of rights, including medical services for inmates, freedom to practice their religion, current rules and regulations upon commitment, rights to conferences with attorneys, grievance procedures, elimination of poor conditions in segregation units and elimination of isolation units would be implemented administratively. Commissioner Boone and Secretary Goldmark committed themselves verbally to take whatever steps were necessary to guarantee the rights of inmates.

The sections related to transferring parole officers from the jurisdiction of the Parole Board to the Department of Corrections were not included because the measure was viewed as politically impossible to accomplish, but even more importantly this provision was considered expendable given the push towards community corrections and expanded training for corrections workers.

Tradeoffs were made in the language of the bill in order to give the Commissioner increased discretionary and administrative flexibility. Restrictive sounding language placated critics, yet still allowed statutory power for correctional change. These modifications in the bill concerned the Commissioner's authority to establish and designate community corrections centers. The changes were predicated
on the assumption that Boone would use his discretionary powers creatively to implement programs consistent with his reform ideology.

The amended version of S. 1161 was reported out of the Social Welfare Committee after undergoing considerable political and administrative streamlining. It was printed and renumbered with the following important changes prior to its review by the Ways and Means Committee. Under the new version, the Commissioner was required to develop "emergency riot procedures" in cooperation with the Department of Public Safety, but the new Commissioner had no responsibility for evaluating new programs as had been requested by the Ad Hoc Committee. The Parole Department, under the revised version of the bill, would not be under the control of the Department of Correction. In fact, the revised bill made no changes in the duties and responsibilities of the Parole Board. The provisions for community-based options, under the new bill, used an expanded definition of the term "correctional facility" to mean any structure used for custody of offenders, thus providing for community based facilities very similar to those in the original S. 1161. And like the earlier version of the reform bill, lifers and other categories of inmates were still largely ineligible for programs outside the traditional prisons. There was no category "in custody" in the amended version of the bill as there had been in the old version. Also in the Social Welfare
Committee draft of the bill, it was the Commissioner and not the parole board who authorized participation in community programs for the otherwise ineligible inmates. The Commissioner of Corrections, however, maintained the authority to give offenders 14 day furloughs for a variety of reasons. Though the revised bill required the Commissioner to establish training and employment programs both inside and outside of the institutions, it no longer required establishing a minimum wage for inmates. This change in the bill put all income from products and services of inmates into a Correctional Employment Fund which could be used, at the Commissioner's discretion, to defray the cost of programs or to pay inmates. The new bill retained a provision that any woman serving a sentence must be sent to MCI Framingham or another state corrections facility and not to a county jail. All of the provisions for training of guards that appeared in the original S. 1161 were also retained including the category of correctional officer trainee. Training for the guards was retained in the bill in order to satisfy them. Such training could have been done administratively, but it was important strategically to keep the guards happy. The simplified corrections reform act, now numbered S. 1330, was reported favorably by the Joint Welfare Committee and then referred to the Senate Ways and Means Committee.
On June 27, 1972, the Senate Ways and Means Committee recommended that the bill ought to pass and it appeared in the Orders of the Day for the next session. The next day, June 28, 1972, S. 1330 was read a second time and at that time several amendments were adopted. The amendments that were offered modified the bill in a number of ways. The amendments limited the eligibility of every inmate in community correctional programs to the period beginning 18 months before parole eligibility; and also limited furloughs to within the Commonwealth and for a total of 14 days in a given year with no one furlough exceeding 7 days at one time. Another major change brought about by the amendments was the establishment of institutional evaluation committees in each of the state's prisons. The institutional evaluation committees was made up of five people, including at least two corrections officers and three other corrections employees to interview inmates and to make recommendations regarding the inmates' participation in all programs outside the correctional facilities other than parole. Final amendments stated that appointments of provisional corrections officers should be made only in the absence of a suitable civil service eligibility list; and they also authorized use of municipal police training facilities and programs for corrections personnel. The bill was read a third time after it was amended and engrossed on July 5, 1972. After
Senate engrossing, the bill was referred to the House Ways and Means Committee on July 5, 1972 where it went through substantially the same process as in the Senate. The Ways and Means Committee recommended that the bill ought to pass. The rules were suspended and the bill was read a second time. The rules were again suspended and the bill was read a third time, followed by a House amendment and it was then passed for House engrossing. The motion to reconsider the bill was denied. On July 5, 1972, the rules of the Senate were suspended and the Senate concurred in the House amendment with a further amendment. The next day the Senate amendment was referred to the House Ways and Means Committee. The amendment was reported favorably by the Committee; the rules were suspended and the House concurred in the Senate amendment (see Appendix G).

The bill provided for community correctional centers, work release programs, furloughs of up to one week for selected inmates, modernization of prison industries, minimum standards for all correctional facilities, correction officer training, employment of former prisoners in non-security positions within prisons, an extended scope for the parole board and an institutional classification board. On July 7, 1972, S. 1330, the Omnibus Prison Reform Bill, was enacted by the House and Senate. Governor Sargent signed the bill into law on July 18, 1972 at a news conference held at MCI-Norfolk. On that
date the bill became Chapter 777 of the General Laws of the Commonwealth of Massachusetts. Ninety days later on October 15, 1972, the act became effective (see Appendix H).

For many supporters of corrections reform, it was a concept whose time had come. Action was necessary to quell the disturbances in the state prisons. Fear motivated many of the actors in the prison reform drama to support corrections reform. Humanitarian concerns and a desire to right the wrongs imposed upon an underprivileged and dispossessed group, that is inmates, spurred some citizens to push for changes in the Commonwealth's correctional system. Another factor which gave rise to support for Chapter 777 was self-interest. It was in the self-interest of inmates, their families, and friends to support corrections reform. Improvements of any kind within the correctional system would have a direct impact on this category of supporters, whom we have also called indigenous reformers. By contrast, the self-interest of the traditional reformers was served, because they needed a cause, civil rights, anti-war, and anti-poverty concerns were less prominent and were perceived as less critical issues in the seventies. Responses to these issues no longer required protests and massive agitation for change and as a result reformers needed a new "battleground." Corrections reform in Massachusetts became a powerful and compelling concept during the seventies, largely
because of a citizens movement which translated outrage and horror into action for social and political change. The vital legacy of Attica; the support of a politically secure Governor, and of powerful leaders in the State legislature; a new and innovative Commissioner of Corrections; the precedent set for correctional reforms by the Massachusetts Department of Youth Services with deinstitutionalization as the new policy thrust; and extensive coverage of the prison system by the major newspapers in Boston, combined with the previously mentioned factors to create a sense of urgency about prison reforms and to intensify the existing momentum for corrections reform. In the wake of Attica, prison unrest across the country, disturbances in Massachusetts' prisons, and public agitation for reform, the General Court was flooded with bills concerning corrections. Only a very few of these bills were enacted, however. The most significant of these proposed measures was the Omnibus Prison Reform Act, Chapter 777 of the Acts of 1972.

Repeal of the two-thirds parole law, a perennial bill, was reported out favorably by the Social Welfare Committee, but was hobbled with amendments on the floor of the Senate and later in the House. When no compromises could be reached, the measure was killed. Other legislation receiving favorable action was Chapter 154 which affected a technical reform in crediting parolees whose permits were
revoked with time on parole up to revocation as time served; Chapter 172 required lifers, other than those convicted of first degree murder, to serve twelve years before they were eligible for transfers to prison camps; Chapter 293 corrected a serious inequity which had arisen from the statutes allowing indeterminate sentences to the maximum of the statutory term for the offense committed; Chapter 297 set up a requirement of a high school diploma or equivalent for correctional officers; Chapter 382 excused civil service applicants from furnishing information as to arrests which did not result in conviction or as to arraets or disposition for drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace, ten years or more before filing applications; Chapter 404 allowed persons with a record in a delinquency court more than three years old with no further intervening record to apply to the Commissioner of probation to seal such records. Such sealed records were not to disqualify individuals from public service nor be admissible in evidence except for determining a sentence in subsequent proceedings for crime or delinquency. Positive action on these indicated that there was a mood in the legislature to take some kind of action to reform prisons. Interestingly enough, these reforms did little to change the administration and operation of the Massachusetts corrections system. Primarily, the new laws were technical reforms.
The first seven months of 1972, the time of greatest activity to get a corrections reform bill passed, there was considerable turmoil and confusion in the prisons of Massachusetts. There was the St. Patrick's Day riot at Walpole which caused damages in excess of $1.6 million. Corrections officers at Walpole, Framingham and Bridgewater staged work stoppages and "sick-outs" during this period. The Superintendent at Framingham, Mrs. Gloria Cuzzi, was fired and rehired within the space of one hour and several weeks later was permanently discharged of her duties at MCI-Framingham. During this time there were numerous inmate-initiated disturbances and acts of violence as well as peaceful demonstrations within the institutions. On at least one occasion, riot equipped state troopers were called in to restore order. Despite the seeming chaos in the corrections system during the critical period of the bill's movement through the legislature, the corrections reform bill was enacted.

Turmoil in the prisons lead many in the legislature and a majority of the public to believe in and accept the need for positive action in the correction area in order to quiet things down. On the other hand, violence in the prisons also created an anti-corrections reform backlash among a small group of people. Supporters of reform considered prisons a failure and they believed that strict regimentation in the prisons had not worked well; they wanted a fresh
approach! Some people viewed the reform bill as a panacea; the new bill was to solve all problems associated with prisons. When the turmoil in the prisons continued even after the bill passed, some reformers were confused and troubled. There was a solution, but the solution was not working! The lack of understanding about the politics of prison reform accounted for the simplicity of some of the attitudes held by those who supported reform. Much of the real significance of the seven months in 1972 associated with efforts to pass a corrections bill, was that a melange of people with varying backgrounds and different corrections reform ideologies came together to work for the passage of Chapter 777. Unfortunately, the reform bill and efforts related to its passage did not provide the perfect solution which many of them sought. 32

Unlike the so-called "new radicals" of the sixties, corrections reformers, particularly the traditional reformers, in Massachusetts were not in revolt against "the establishment" nor the highly developed, capitalistic and bureaucratized American society of the seventies. These prison reformers did not reject the affluence and values associated with their middle class and upper middle class stations in life. Basically, prison reformers in Massachusetts were middle-aged whites who believed in individual liberties, basic human rights and a pluralistic society; who supported free enterprise
and an economic order based on capitalism; and who abhorred injustices, yet felt that society's ills could be remedied through orderly and evolutionary change which did not disrupt the existing social order. Their acceptance of legal and legislative changes as the appropriate response in the Massachusetts correctional system displayed a rather typical American faith in the power of law to remedy all evils. Massachusetts correctional reformers viewed social and institutional changes as the result of effective citizen input into electoral politics. They lobbied, they petitioned, and they agitated through the media. Civil disobedience and direct confrontations were not among the tactics employed by supporters of prison reform in Massachusetts. Corrections reformers in Massachusetts were not radical nor revolutionary, even though the indigenous reformers perceived themselves as radicals. Once the corrections reform bill was passed, however, the reform rhetoric became more aggressive, particularly among the indigenous reformers. The reformers should be commended for their untiring efforts and their critical role in the passage of Chapter 777. They favored corrections reform without an in-depth knowledge of the criminal justice system; without the benefit of any kind of analysis regarding the causes of crime and criminal behavior; and without a thorough understanding of the forces within the corrections status quo that would resist changes. Because of their lack of
a reform ideology, clarity about the corrections status quo, and their limited political knowledge regarding issues beyond the bill's successful passage, corrections reformers in Massachusetts minimized the long term benefits of their movement.

How and why S. 1330, the corrections reform bill, passed with so few changes was nothing short of miraculous. One interviewee cited the absence of any active opposition to the reform legislation as one of the reasons that it was enacted. Another interviewee stressed the importance of good support and proper timing as key to the success of Chapter 777. An interesting observation was that in 1972, there was not a lot happening legislatively; it was also an election year; the omnibus corrections reform bill was the major bill of the session and a number of members of the General court campaigned on the bill.

That Governor Sargent introduced and supported the corrections reform legislation was problematic, as mentioned earlier. When the bill came to the Joint Social Welfare Committee, it was Governor Sargent's bill, though many others, particularly members of the legislature who served on the JCPC task force which drafted the bill, had worked on it. Some people resented the bill being tagged as the Governor's bill, because it represented a bi-partisan effort and political neutrality that was essential to its passage. There was also a feeling that Governor Sargent had not been that instrumental
in developing the bill. If there were any credit or political benefits to be derived from the bill, then they all should not go to Governor Sargent. Early on, supporters of the bill had to overcome the problem that the Governor made the bill political, by calling it his bill. The general feeling was that it was a real mistake for the Governor to call the bill his bill. In spite of this problem, the support of the leadership in the House and Senate greatly facilitated the bill's approval in both branches of the legislature.

House Speaker Bartley indicated his early interest in prison reform and other liberal pieces of legislation by appointing Representative Michael Flaherty as co-chairman of the Joint Social Welfare Committee. Representative Flaherty, considered a moderate with some liberal inclinations, replaced Representative Desmond, a much more conservative legislator. Representative Flaherty teamed with Senator Backman and the Backman-Flaherty co-chairmanship provided the committee with liberal leadership which was vital in making corrections reform legislation happen more easily. Senate President Michael Harrington also became an early supporter of corrections reform and this helped to garner a great deal of support among the Senators. Another key supporter of the corrections reform act was Attorney General Robert H. Quinn. He sent a personal letter of endorsement to every member of the Massachusetts General Court in late May, 1972.
In this letter he reiterated part of his testimony before the Social Welfare Committee on February 16th.

I called upon the Governor to throw away his legislative mask, and act administratively in those areas proper for administrative action, while leaving for consideration by the General Court those areas proper for legislative reform. I'm happy to report to you that Senate 1330 encompasses this philosophy. . . . As a politician, I realize that the correctional reform issue is not about to produce many votes in this, an election year. The recent disturbances in our state and county correctional institutions only solidify that conclusion. Yet, I am confident that you, in your dedication to act in the best interest of today's and future generations, will ignore any lack of political "glamor" in this legislation. I trust you will agree with me that what we are seeking to accomplish is, indeed the only right and justifiable goal.37

The support of top political leaders in the Commonwealth was an important factor in the development of S. 1161 into S. 1330 and finally into Chapter 777 of the Acts of 1972. The personal contact between many reformers and legislators aided the bill's passage.

The campaign for passage of the reform legislation was well orchestrated. Reformers took individual legislators and contacted them for support. After the bill was reported out favorably by the Social Welfare Committee, every influential legislator was visited and had the bill explained to him by someone from the Executive Office of Human Services, the Department of Corrections, the Committee for the Advancement of Criminal Justice or one of the various citizen groups which supported the corrections reform bill. Commissioner Boone and
Walter Williams of the Department of Corrections held a series of meetings with key floor people, the Ways and Means Committee, the Senate President, the Speaker, the Governor and the Attorney General, in their efforts to insure the bill's passage. Williams divided the legislature into three groups: the supporters, the marginals or those whose position was unclear and finally, the hard-liners to whom he said, "Okay, you oppose the bill, but at least don't keep it off the floor." Williams did a lot of explaining and talking to legislators about the reform bill, but he concentrated on the legislators that were considered pivotal in the legislative struggle for passage. In the House, Speaker Bartley was considered pivotal. If he supported the bill, then it was likely to be approved in the House. Quite fortunately, he became an early supporter of corrections reform. Meetings with floor leaders in the House, particularly Michael Flaherty, were very important. After these meetings, the strategy was to get the bill through on a voice vote rather than a roll call, because there would be less opportunity for challenges and opposition.

In the Senate, the pivotal Senators were less clear; there was greater diffusion and uncertainty as to who had to support the bill in order to insure passage. Senator Backman was an early supporter, but it was important to have more neutral Senators supporting the legislation. Backman's support was potentially detrimental due
to his reputation as a radical. Senator DiCarlo became the neutral supporter. Walt Williams spent a good deal of time talking with DiCarlo about the necessity of corrections reform. DiCarlo was convinced and largely took the initiative away from Backman as a key supporter. Strategically, this was important. DiCarlo's support of the bill balanced and moderated the impact of Backman's support. Sen. Quinlan, whose constituency included most of the guards from MCI-Norfold and MCI-Walpole, was very important. The amendment to place guards on the furlough review committee in each correctional institution was a concession to Quinlan and his constituents who were beginning to raise questions about a limitation of their power under the proposed legislation. Quinlan was also interesting, because in spite of his public opposition to the bill, he privately expressed his support for corrections reform.

Approximately two weeks away from a roll call vote on the bill in the General Court, in various meetings with representatives of the Department of Corrections and legislators, the status of the legislation was discussed. It was agreed that it was essential that there not be a voice vote on the bill and that the bill not be debated on the floor, because these two things would mean disaster. Reformers thought that individual legislators would be
reluctant to vote at all on a roll call vote. If the roll were called, many of the ambivalent legislators would vote against the corrections reform legislation. As the Attorney General expressed in his testimony, corrections reform lacked political glamor. Inmates were also politically powerless, that is, they could not vote, and as a result, it was not necessary for legislators to curry their favor. For these reasons, the relative anonymity of a voice vote was considered the most strategic means for minimizing opposition to the reform legislation.

Shortly after this meeting, Quinlan and his aide, Tom Saltonstall, drafted a new section of the law which became known as the Quinlan amendment. Under this section, a committee comprised of five persons from within the institutions was established to review all prospective cases for furloughs and to give a written recommendation to the Superintendent to either grant or deny an inmate a furlough. Of the five on the committee, the proposal required that at least two members of the committee would be corrections officers. The Quinlan amendment was written with Commissioner Boone's knowledge because he met with Senator Quinlan to arrange something for the guards. It was a good move, strategically, because the corrections officers felt they got something that would be very useful and that would allow them to maintain a good deal of control. In effect, they
felt that the reformers had conceded to their demands. In reality, however, the institutional furlough review panel was something that Mr. Boone could support because he viewed the Advisory Committee as perfunctory.

On the day of the projected roll call, Senator Parker, the Republican minority leader, asked for a twenty minute recess. He caucused with all the Republicans, Boone, Deputy Commissioner Higgins, Carney of the DOC research division, and a lawyer from Secretary Goldmark's office. At that caucus, Quinlan gave a speech, the essence of which was that if his amendment were passed initially, then all Republicans should support the corrections reform package. Higgins spoke on behalf of the DOC at that caucus. His presence was significant because of his credibility with the guards and the legislators. Higgins had been a guard at one time and had risen through the ranks to become deputy commissioner, a key administrative position within the Department of Corrections. The legislators listened to him because of his previous experience as a guard and his more than twenty five years experience in the Massachusetts corrections system. In his statement he argued that the Department could not be expected to do its job with outmoded legislative tools and for this reason among others, the reform law was necessary. Agreement was reached that the Republicans would vote for the Quinlan amendment and if it were
successful, they would then support the reform bill on a voice vote. Senator Parker relayed this consensus to Senate President Harrington who allegedly had been under extreme pressure from the Globe and his cousin, Michael Harrington to get the corrections reform legislation passed. When the Senate resumed, Senator McCann and Senator Quinlan rose simultaneously to offer amendments. Senator Quinlan was recognized, he made his amendment and it was passed. Senator McCann was then recognized and he decried the proposed reform legislation as "the worst piece of garbage." He then made his amendment that no one who had ever been a felon or who had been confined in a jail or a house of correction could serve as a corrections officer. This was Senator McCann's first amendment and it was passed, but he was never subsequently recognized to have any more of his amendments heard.

After the caucus, it was certain that if the Quinlan amendment passed and if there were no roll call, even though Senator McCann desperately tried to get a roll call, the reform bill would get through the Senate. The legislative leadership did not succumb to the pressure of conservative members for a roll call vote, because they knew that if the votes of individual legislators had been recorded, it would have been much more difficult to get Chapter 777 passed.
After the bill was favorably reported out of the Social Welfare Committee, the discussion focused on the community corrections aspect of the bill. The major fights were over furloughs. To the extent that community based facilities were controversial, the controversy was over local control, and the location of the facilities. Commissioner Boone and other supporters reassured people that he had no plans to close all the state's adult correctional facilities nor was he going to release all inmates into the community. In addition to these reassurances, one of the selling points of the bill was that it was a money saver. It was more economical for the Commonwealth to operate community based programs than it was to house people in the Commonwealth's prisons.

In the lobbying effort, Williams and others sold the reform program as a way of reducing crime and as a way of reducing the costs for corrections. The supporters of the measure pointed out that within 18 to 24 months after release from prison, approximately 70 percent of the offenders recidivate, that is they return to prison. Upon going to prison, many offenders often learn nothing more constructive than how to be better criminals and how to avoid apprehension. They argued that the reform bill could do something about these dismal realities. Presently, it cost the state approximately $8-10,000 per year to keep a man confined in one of the
state's correctional institutions and it is estimated that it costs between $14-20,000 per year to keep a woman confined in MCI-Framingham, the state prison for women. Community based corrections programs for both sexes would cost $4-5,000 the first year of operation and would level off the second year to about $2-4,000 per year according to the Department of Corrections. The idea, he argued, was to convert custodial money into programs, especially community based programs. In community corrections only about 15 percent of the money would go into overhead and custody related activities.

The supporters emphasized to the legislators that S. 1330 would have nominal costs to the Commonwealth and that the Commonwealth would not be committed to any significant expenditure of funds in the immediate future. Costs of implementation of the reform programs would largely be borne by federal LEAA funds. As early as 1971, funds had been committed to support development of the community correctional program pending passage of necessary legislation. It was also argued that correctional programs proposed in the legislation would reduce some correctional costs. One important area of possible cost savings was in capital outlay. The Commonwealth's male institutions were overcrowded. Population projections by the Department of Corrections indicated that at least one new correctional institution would be needed within the next five to ten years at a
cost of at least $7.5 million in capital outlay. The cost of constructing a new facility could be avoided with the development of community based facilities and programs provided for in the bill. Costs associated with capital outlay could also be avoided if the community corrections programs were established on a contractual basis; or at the very least, the capital costs would be much less than for traditional correctional facilities. Costs savings were also expected to be derived from the work release program, because participants would be contributing towards their room and board, support to families, taxes, and reimbursements to the Department of Public Welfare. Savings were also anticipated in financial and human costs associated with a reduction in recidivism which was expected as a result of implementation of programs under S. 1330.

Interestingly enough, many legislators did not realize the potential consequences of their support for the corrections reform bill. In the House, where the most opposition and the greatest difficulty in terms of passage were anticipated many representatives did not read the bill. In the Senate, more attention was given to the bill. The legislators relied on their information about the bill from the reformers. Had they been better informed, they probably would have restricted the Commissioner's ability to contract with private agencies to run the Department of Corrections and its
various facilities and programs; they probably would have also sharply restricted the Commissioner's ability to designate correctional facilities. Unknowingly in many instances, the legislators gave the Commission more administrative flexibility then they realized.

The bill originated in the Senate, because there was a feeling that it had a greater chance of passage in the Senate. Basically, the reformers felt that if the bill went into debate in the House the likelihood of passage was bleak. The House was a larger body than the Senate and based on size, there was a greater probability of opposition in the Senate. The real irony of the legislative battle was that its passage in the House was inevitable. Speaker Bartley supported the bill and merely prorogued it. He delayed putting the bill forth for a vote until he was sure of its passage. Once the reform package was accepted in the Senate, its passage through the House occurred very easily. The Speaker of the House called for a vote and the bill was approved. Representative Flaherty then moved for reconsideration of the bill which in effect guaranteed that the bill would not be reconsidered. The Speaker called for a vote, rapped the gavel and the bill became law.

One rather cynical supporter said that "Legislators could be supportive of prison reform because a vote for S. 1330 was like being for motherhood." It was politically fashionable to support
prison reform. One could support corrections reform without supporting substantial changes in the corrections system. There was and always is the question of implementation and the extent to which Walpole inmates would participate in the various reform programs. Another observer pointed out that in Massachusetts there is a history of passing a major law in corrections every fifteen to twenty years, usually in response to some crisis or disruptions in the prison system.

After Attica and in spite of the "law and order" atmosphere emanating from Washington and gaining some popularity in the society at large, it was quite hard for public officials or even private citizens to take a stand in public against corrections reform. In spite of the anti-prison reform sentiment, there was dissatisfaction with the corrections system. The public wanted to know how prisons could correct or "rehabilitate" offenders effectively. In addition, there was concern among many citizens about the high costs of operating the prison system and methods for reducing these costs. After Attica, corrections reforms became more acceptable, because it was hoped that they would have the effect of preventing future Atticas in other states. Therefore, activity in the legislature was marked by the absence of any major opposition. The bill was cumbersome and many legislators relied on the explanations and
material produced by the reformers, which was obviously biased, as their information base. Many legislators did not grasp the possible ramifications of the reforms proposed in S. 1330, because the reformers usually did not discuss any portions of the bill that were possibly controversial and they downplayed those aspects of the bill which were likely to make legislators question it critically. The prison disorders that occurred throughout the country helped shape Chapter 777 and contributed to its successful passage. Fear that an Attica in Massachusetts was imminent lead some to believe that such a thing could be prevented with new corrections legislation. Rarely was this perspective verbalized, but it was tacit in the minds of some persons who supported corrections reform.

July 18, 1972 was a particularly momentous day in the history of the Massachusetts corrections system. That was the day on which Governor Sargent signed Chapter 777, the Omnibus Prison Reform Bill, into law in a ceremony at MCI-Norfolk. The bill provided new tools for corrections administration and the statutory legitimacy for the Commissioner of Corrections to introduce community correctional services into the system and to make changes in employment programs, security provisions and state-county relations.

The Commissioner of Corrections had the authority, under the new law, to establish and designate correctional facilities as well
as to contract with competent public and private agencies for purchase of services. This new authority gave the Commissioner tremendous flexibility in establishing community correctional programs. Further administrative changes which the new law made possible were that the Parole Board was strengthened in its decision making role because it could now hire an attorney and an executive secretary to assist the board members thereby freeing them to better serve greater numbers of inmates; introduced administrative procedures for rule-making in the DOC; and expanded training provisions, including a pre-service training program similar to the police cadet system, for correctional officers and other employees of the department.

Chapter 777 mandated the sound development of a system of community based correctional programs designed to meet the pre-release and post-release rehabilitative needs of offenders more effectively. Under the law, prisoner eligibility for community rehabilitation programs was restricted to those inmates within eighteen months of parole eligibility. Inmates convicted of violent crimes could not participate in such programs unless approved by their Superintendent and the Commissioner. Because the bill called for a new administrative post of Deputy Commissioner for Community Services, one top correctional administrator now had full-time responsibility for planning and developing community correctional programs on an
operational level. The deputy commissioner's responsibility for planning and developing community corrections coupled with the Commissioner's authority to establish education, training and employment programs outside of correctional facilities and his authority to establish and designate correctional facilities, meant that the Department of Corrections had enormous legal power to change corrections. In the years subsequent to the bill's enactment, the real world has shown that legislative authority to produce change in corrections, no matter how far-reaching the mandate, is meaningless without the political capability for effective implementation.

Prison industries or prison employment programs as they were known in the omnibus reform legislation and modifications in state-county relationships were provisions of the corrections reform act that remained rather intact from the time they were filed as provisions of S. 1161 until they were enacted as sections of Chapter 777 of the Acts of 1972. Under the law, the new criteria established for operating correctional employment programs were their training value, relevance to the free employment market and their profitability. Even though the specific provision to pay inmates a minimum wage for their labor was not included in the law, with outside training and employment proceeds, it was expected that inmates would receive competitive wages. The new law opened the private markets, under certain
conditions to the goods and services produced in correctional indus-
tries. Perhaps the most controversial provision of the employment
programs section of Chapter 777 was that it permitted appropriate
deductions from inmate wages for room and board, court ordered family
support, and reimbursements for local welfare departments. There is
some irony in inmates defraying costs of their incarceration or more
crudely, paying for their own punishment.

In the portions of the bill relevant to state and county
relations, the powers of county commissioners, city councilmen and
other local officials were not modified, but the Commissioner of
Corrections was provided with regulatory powers and the duty to
enforce minimum standards for all correctional facilities in the
Commonwealth, including local jails and county houses of correction.
The new law gave clear guidance regarding the scope and content of
regulations, outlined the process for promulgation of regulations and
provided for collaboration among state and county officials in setting
these standards and in insuring their compliance.

Security provisions were incorporated into the new law,
partially as a response to the major violence which occurred in the
prisons during the period of the bill's progress toward becoming a
law. The security provisions required the Commissioner to make con-
tingency plans for riots and other emergencies with the Commissioner
of Public Safety. The other security provision was to double the maximum penalty for inmates who escaped from work release programs. Interestingly enough, there were no stipulations in the bill for punishing or sentencing escapees from community-based corrections centers nor for furlough escapees. In the aftermath of several well publicized furlough escapes, the absence of these penalties later became the focal points of intense opposition to implementation of corrections reform programs in Massachusetts.

Even though the omnibus corrections reform act became law, the real battle for corrections reform had only just begun. The reformer's attention had been almost exclusively on getting the bill passed. Once Chapter 777 came to be, the opponents to reform actively opposed the bill's implementation. Positions on the question of corrections reform solidified and the opposition overtly impeded the implementation process. There were problems even though the corrections reform act passed. From the preceding two chapters on the development and legislative history of Chapter 777, one may conclude that there was widespread popular and political support for the corrections reform legislation which masked the many different views on corrections reform competing for preeminence at that time. This superficial view must not be interpreted to mean that there was total support for the aggressive implementation of corrections reform policies.
Consensus among supporters of the reform bill was not as broadly based as it appeared nor was there a commonly held view of what the end result of prison reform should be. Five to ten years after the bill, few if any of the proponents of corrections reform had a vision of how the reformed Massachusetts corrections system would operate nor of what it would be. There was no definite number of groups, nor individuals who comprised the supporters of the corrections reform bill; nor was there one easily discernible ideology or philosophy which characterized the reformers. They supported everything from closing down the institutions to establishing a legislative committee to study the problems in the corrections system. There was, however, a particular reform view which informed a particular strategy and both prevailed and dominated the legislative effort for correctional change in Massachusetts during the early seventies.

That prevailing reform philosophy was cautious, traditional and ambivalently anti-institutional. This reform posture rested on beliefs which saw the continuing need for correctional systems and processes, including some form of institutional confinement, for those who were habitual lawbreakers and for those who were criminally insane. Basically, the dominant reform ideology was concerned with getting those people out of traditional prisons and into community correctional programs who were likely to succeed. Another concern of the
reformers was to improve prisons and conditions in them for those who could not be released into the community. The majority of reformers were not committed to abolishing prisons in the long term, and they definitely did not advocate the immediate abolition of prisons.

Often the rhetoric of corrections reformers was anti-institutional, for example—"One hundred years or more of experience have led to the conclusion that institutionalization does not work"; "isolating and warehousing people who do not follow the established rules of society into remote environments, separate and distinct from society has served neither the public nor the person confined"; "more and more professionals in youth services, mental health and the correctional field in general have come to believe that society can be better served by alternatives that include a setting within the society to which the person in trouble must ultimately return." The somewhat anti-institutional rhetoric continued, but many reformers were caught in a real paradox, namely that the rhetoric changed but the basic precepts were unchanged. Many reformers were still committed to notions of vengeance and retribution as the purpose of corrections. Reformers believed in punishment for criminal offenses tempered with humanity. They were desirous of achieving these ends in settings that were not offensive. Penitentiaries became reformatories; industrial schools became training
centers; punishment was changed to corrections and later rehabilitation; and now community corrections and reintegration—the process of preparing the prisoner to return to society with some confidence so that he can become one with society. The new terms have a decidedly more humanitarian connotation, but it is doubtful whether the changes in the jargon are indicative of changes in the prisons. Inmates, particularly, rarely see any resulting differences in the manner in which they are treated.

Former Commissioner of Youth Services, Jerome Miller, in explaining the basic latent functions of our correctional system revealed that society had an abiding and persistent need to punish in a spirit of hostile retribution those who broke the norms and thus challenged our roles. Most corrections reformers in Massachusetts, during the era under discussion, had not confronted the ancient dilemma of why we punish. There were, therefore, inconsistencies in their rhetoric and their approaches toward the sentenced offender. The overriding reform ideology did not negate the idea that violaters of the law should be punished, but this reform view insisted on humane punishment. The majority of reformers were actually supporting something nearer to "benign punishment" than corrections reform. Most reformers had a latent commitment to confinement. Therefore, the form and location of the institution changed, but only towards the end of
the offender's sentence. The institutions were now smaller, dormitorystyled residences, located nearer the urban communities which were the homes of many of the offenders. None of these changes, however, altered fundamentally the traditional premises for the existence of prisons.

This cautious reform perspective dictated certain tactics and strategies. The dominant strategy was to work through the political system in order to achieve a corrections reform bill which allowed the development of a community based corrections system. The major tactics were lobbying and public education. With the exception, perhaps, of the Ad Hoc Committee, most of the other reform groups avoided confrontation as an inappropriate tactic for change. Organizations like the Committee for the Advancement of Criminal Justice, and groups such as the Massachusetts Correctional Association, the Massachusetts Council on Crime and Correction and the League of Women Voters, embraced the public education and lobbying approach to corrections reform.

Chapter 777 was a major accomplishment given the enormous frustrations of attempting to influence a state legislature. In spite of the difficulties, fundamental changes in state prison systems demand legislative reversal of previous enactments. Citizen activism, effective lobbying, executive support, a reform-minded Commissioner,
a reasonably sympathetic legislature, the politicization of inmates, and the emergence of corrections reforms as an issue in response to publicity were all factors which helped to accomplish the Omnibus Corrections Reform Bill. Had not prison reform groups, even though they were mainstream reformers, been involved in the politics of the legislative body, the changes would probably have been more consistent with the interests of persons representing prison guards and the powerful law enforcement lobby. Pressure from prison reformers with some degree of political sophistication is necessary for the enactment of major revisions of the prison system.42 Chapter 777 focused on concrete prison conditions, structural changes and new programs. While many of the reforms would lead to some specific improvements in the corrections system, Chapter 777 was largely ameliorative, permissive and directive. Its passage was necessary and important, but it raised the expectations of many reformers and inmates. To say that a thing must be done is not to say that it can be done or that it will be done well.43
NOTES FOR CHAPTER III

1 Senate Bill Number 1161, "A Special Message from His Excellency, the Governor, Francis W. Sargent, Recommending Legislation to Accomplish Necessary Reforms in the Correctional Process."


3 Legislative Procedure in the General Court of Massachusetts, 1973.

4 The joint rule governing the filing of late petitions does not apply to petitions of a local nature, filed under constitutional provisions, messages from the Governor, reports required or authorized to be made to the Legislature.


6 Another indication of the non-radical thrust of the proposed reforms was that as early as 1879 under the Indenture Law, Massachusetts had a system of work release and community-centered programs which permitted the release of women prisoners for domestic service. Also the Huber Law enacted by Wisconsin in 1913 allowed jail prisoners to be employed in jobs outside the prison during the day and returned to the jails at the end of the work day. In addition, there were the more widely used community correctional programs of probation and parole.


9 Both organizations are private, non-profit, citizen based correctional reform organizations that began in the latter part of the nineteenth century. They maintain a commitment to correctional

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change through programs of public information and education. In 1974 the organizations merged.

10. This group was formed after a meeting with Governor Sargent on December 6th and included representatives of approximately 21 different organizations concerned with prison reform issues. The Ad Hoc Committee was a forum for discussion on administrative and legislative issues as well as a vehicle for citizens' political action in support of prison reform. The group was composed of ex-prisoners, clergymen, lawyers and representatives of other legal and correctional reform organizations. In the Ad Hoc Committee, unlike most of the corrections reform organizations, the role of ex-offenders was very important. This sensitivity to offenders and ex-offenders was evidenced by the group's major focus on prisoner's rights and advocacy within the contest of the citizens access to the accountability from the prison system and administration.


13. Ibid., pp. 2-3.

14. Personal Correspondence from the Ad Hoc Committee to Commissioner John O. Boone, January 20, 1972.


17. Ibid., p. 28.


19. The term, indigenous reformer was used by Lazarus to refer to a type of reformer whose presence produced tension and conflict within movements which were traditionally led by persons of high social and economic status and possessing strong social
consciences. In addition, the indigenous reformer is a member of the class which the reforms will affect.

20 "Brief, Chronology for the Ad Hoc Committee on Prison Reform," n.d.

21 Interview with Mrs. Phyllis Ryan, Newton, Massachusetts, Winter 1975.

22 "Chronology," p. 2. It is interesting to note that throughout the "Chronology," the corrections reform bill was referred to as the Governor's bill.


26 Ibid., pp. 2-3.

27 Memo to Mrs. Margot Lindsay from Hugh R. Jones summarizing meeting with Commissioner Boone, March 20, 1972.

28 "Summary of the Revised Version of S. 1161."

29 The Governor's Correctional Legislation, As Amended by the Social Welfare Committee: Summary Prepared for the Ad Hoc Committee, n.d.

30 Engrossing refers to bills or resolves which are before the House or Senate for final action and have been placed on special parchment in accordance with the General Law and Rules by the Legislative Engrossing Division.

31 Governor's Correctional Legislation.

32 Interview with Frank Blake, Cape Cod, Massachusetts, Fall 1974.

33 Interview with Walter Williams, Boston, Massachusetts, Fall 1973.
34 Interview with Evelyn Bender, Belmont, Massachusetts, Winter 1975.

35 Blake interview.

36 Ibid.

37 Letter from Attorney General Quinn to all members of the Massachusetts General Court, May 22, 1972.

38 Interview with Lou Brin, Boston, Massachusetts, Spring 1975.


41 Interview with Mrs. Margot Lindsay, Boston, Massachusetts, Winter 1975.


When John O. Boone was sworn in on January 17, 1972, as the Commissioner of Corrections, the corrections system was in a turmoil. He assumed responsibility for a corrections system whose legislative mandate had not kept pace with changes in penology nor with the changing characteristics of the inmate population. The fact that a new comprehensive corrections reform law was in the final drafting stages when he arrived was significant. Getting the law passed was the major priority during his first months in office. From the time he was sworn in, Commissioner Boone had to respond to one crises after another. The early days of his administration coincided with a time of unprecedented violence in the prisons. There were riots, inmate work stoppages, guards' strikes, murders, and stabbings. Though Chapter 777 became law, its implementation was difficult. Reformers became more aggressive in their demands for correctional change and implementation of Chapter 777. Corrections officers began to oppose the reform programs and to sabotage implementation.
efforts. Prisoners expected an immediate overall improvement in their plight. Almost simultaneously, legislative support of reform measures in the corrections system began to subside. This summary of events beginning from the time of Boone's arrival raises several questions: What was Boone's correctional philosophy, and how did it relate to Chapter 777? What was Boone's strategy for implementing Chapter 777? Was Boone's correctional philosophy realistic in view of the nature of prison life? Finally, was his implementation strategy feasible in the Massachusetts correctional system?

Until the Omnibus Correctional Reform Act of 1972, the only other recent corrections legislation was Chapter 770 of the Acts of 1955. In 1955, the General Court acted promptly upon the recommendations of the Governor's Committee to Study the Massachusetts Correctional System, also known as the Wessell Committee after its chairman, to make important changes in the Commonwealth's correctional laws and procedures. Following an escape attempt at the old state prison in Charleston in which hostages were taken, the General Court passed Chapter 770 which was designed to create a modern and well integrated correctional system.

A major conclusion of the Wessell Committee was that the Bay State's penal system was in a deplorable condition and as a result the new measure repealed many of the antiquated correctional laws.
The position of Commissioner, with wide discretionary powers, was designated under Chapter 770. The bill created three deputy commissioners with specific responsibilities for Institutional Services (for planning and directing the efficient administration of the institutions); for Classification and Treatment (for planning and directing the rehabilitation services); and one for Personnel and Training (for planning and direction procedures for appointment, assignment, transfer, training, supervision, discipline and compensation of officers and employees). In addition to these administrative changes, the new law emphasized the need for good public relations and directed the Commissioner to develop more public interest in the work of the Department, to make use of specialized community agencies and to conduct research studies.

The new law directed the inauguration of a training program for correctional officers; it reorganized and modernized prison industries, authorized a new pay scale for inmates, abolished solitary confinement of inmates in bare and unlighted cells on bread and water diets, liberalized good behavior time such that inmates could receive up to a maximum of 12.5 days per month off their sentences, instituted a new classification system in order to assign new prisoners to the institution and duties best suited to their needs, and also authorized a Reception Center to which all male prisoners
sentenced by the courts to MCI-Walpole or MCI-Concord were sent for interviews and classification. Female prisoners were not sent to the proposed Reception Center, but were placed at the women's prison at MCI-Framingham where classification procedures had been provided for many years.  

Another change directed by the twenty-year-old legislation was to establish an unpaid Advisory Committee on Corrections to give advice and to make recommendations to the Commissioner and the Governor. This group was composed of prominent citizens and it had no other powers or duties. The Committee members and chairman were appointed by the Governor. They met at least twice a year and visited each of the state's correctional institutions at least once during the year. In an effort to unify the Department of Corrections' eight institutions, the Corrections Act of 1955 gave each a common title, Massachusetts Correctional Institution, differentiated only by its geographical location, for example, MCI-Framingham, MCI-Walpole, and so on. Changes mandated by Chapter 770 were largely administrative. Those changes affecting inmates reflected a focus on individualized treatment and classification.

After former Commissioner Fitzpatrick's hasty resignation in 1971, under the weight of disruptions in the prisons, public pressure, the insolence of the guards, and his poor health which
worsened as a result of the tensions in the corrections system, a national search began for a new Commissioner of Corrections. Governor Sargent and Secretary Goldmark were specifically looking for a man with extensive professional experience in the corrections field and an individual with a national reputation as a reformer and an innovative corrections administrator. Robert Montilla, consultant to the Executive Office of Human Services on corrections, told Secretary Goldmark and his aide on correctional matters, James Isenberg, about John Boone and his innovative administration at the federal prison in Lorton, Virginia. Montilla's recommendation, together with favorable reports of Boone's performance as head of Lorton and his professional credentials, made him the top contender for the job.

Boone's credentials and experience were impressive. He served from 1951 to 1952 as a corrections officer at the federal penitentiary in Atlanta, Georgia. From 1952 to 1954 he worked as a parole officer in Atlanta. That job entailed program planning and casework counseling. Boone then moved on to a federal job as casework supervisor in the Atlanta federal prison. He remained in this position until 1964 when he was transferred to the federal penitentiary at Terre Haute, Indiana. At the Terre Haute institution, Boone was head of the classification and parole department. In July
of 1966, Boone left Terre Haute and the federal service to direct a special research project on crime and corrections that was funded by the Ford Foundation. Three years later, Boone left that project to work for the United States Department of Justice as a community relations specialist. On January 7, 1970, Boone was named commissioner of correction at Lorton, Virginia, one of five institutions in the Washington, D.C. prison system and one of the potentially most explosive prison complexes in the nation.

There were about 2,500 inmates incarcerated at the Lorton Correctional Complex. Of the Lorton inmates more than 90 percent were black. Though there was a major riot only two months after he became superintendent, Boone restored order quickly, gained the trust and respect of the inmates as well as the guards, and established new programs for prisoners. These programs included varieties of education release programs whereby men participated in higher education programs outside the institution at Federal City College and D.C. Teachers College. While at Lorton he granted citizens more access to the prison with more liberal visiting regulations. Perhaps the most significant of the programs which Boone introduced at Lorton was the evaluative furlough.

The basis of many of the programs which Mr. Boone initiated at Lorton was his creative interpretation of the Federal Prisoner
Rehabilitation Act of 1965. The Act included provisions for work release, short term furloughs and the transfer of adult offenders to community treatment centers. He interpreted the Act in such a way that a compelling community interest existed to help men in prison become productive and law abiding citizens upon release. According to Boone's philosophy, the way to accomplish such results was to get inmates outside the prison walls and involved in the community. These previous work experiences, Boone's training as a social worker and his personal and family background as a Southern Black from a strong Baptist tradition contributed much to his evolving views on corrections reform.

Boone's correctional philosophy embraced concepts such as love, mercy, grace, redemption and salvation. Though his rhetoric never included these specific words, the thrust and orientation of his correctional philosophy reflected religious principles. Christians preach that a personal encounter with Jesus Christ can transform lives and make old things new. Boone preached that when correctional systems are operated in a humane manner, when inmates are accorded dignity and respect, and when community involvement is a vital part of programming then transformation and rehabilitation occur. Parallels between the Christian conversion experience and Boone's ideas about the corrections-transformation experience
are important in understanding the missionary like zeal in his approach to corrections reform. Such an analogy is not to imply that Boone was a religious fanatic, but rather that much of his correctional philosophy was based upon his faith or belief in the renewal or transformation opportunity provided by community-based correctional programming. The interconnectedness of Boone's religious background and his correctional philosophy are one explanation for the absence of a systematic and analytical framework with which to buttress his corrections philosophy. As his tenure became more difficult and the controversy about corrections reform became a prominent public issue, his ideals and beliefs were inadequate to sustain a reform effort with broad political implications.

To Boone, the worst aspects of state prisons throughout the country were the excessive use of individual discretion, arbitrary decision making by correctional employees, inadequate grievance procedures for inmates, and a lack of access to the community by prisoners. Boone's penal philosophy was based on a genuine commitment to provide help and justice for all inmates rather than a few. If inmates were subjectively categorized into those who were worthy/eligible and those who were unworthy/ineligible for help and special programs, he felt the reforms were nothing more than means of controlling offenders. Another basic tenet in his corrections
philosophy was that justice should prevail in the prisons and that
inmates should be treated decently, with dignity and respect.

According to Boone:

We need JUSTICE in prisons NOW. At this point in the sorry
history of our prisons, if we had justice, if we had our
citizenry demanding accountability for their money, correc-
tional administrators would be forced to develop alternatives,
and to depopulate.9

Philosophically, Boone felt that incarceration was punish-
ment of itself, because it confined, deprived and isolated indivi-
duals. To further punish an individual who was incarcerated was
both unnecessary and excessive, if not sadistic. He was a strong
advocate for getting men and women outside the prison walls and into
the community. Quite simply, he believed that favorable change in
the behavior of offenders could not occur in the compulsory, coer-
cive setting of correctional institutions. Reintegration was
extremely important in Boone's correctional philosophy. But he also
believed in improvements in correctional institutions, because all
inmates would not be participating in community correctional pro-
grams. He opposed notions of rehabilitation that focused only on
improvements within the institutions. His was a more ecumenical
approach to crime and corrections. The mainstay of Boone's reform
views was to get people out of the prisons and reintegrated into
the community. Building a sufficient number of programs within the community to reduce the reliance on institutionalization of offenders was important to Boone's correctional philosophy. Boone described his philosophy thusly:

I sought to raise the aspirations of your so-called "hard-core" by saying, "Man, there is something out there in your community for you. And we're going to gradually move you back into your community!"

I was committed to doing everything that I could possibly do legally to get a man back into his community when we felt that he was ready.

To do that, I had to jump all over, move around and co-opt custodial people—prison guards and supervisors and others because they have used tools not to better people, but to contain them. "Rehabilitation," you know, in prisons has just gone to reinforce the custodial culture.

But now I'm a man who doesn't believe in prisons at all for anyone.

Now I believe in "community corrections."

"Community corrections" means that we're going to stop putting so many people into prisons and making "hard-core" persons out of them.

Part of that is making communities aware that most of the people in prison—up to 95 percent of them—are there because of the lack of an opportunity to learn a skill that they can sell in the community.

"Community corrections" means that we use community agencies . . . for people who come into contact with the criminal justice system.

We can't build a little Harvard in Walpole, but we can send people to Harvard and Boston University and Boston College.
We can help a person get a general educational diploma and send him to a technical school in the community, rather than attempt to build him a little technical school outside the prison.

If a person comes into court and we know that he is not dangerous but needs either mental or medical help, we can refer him to the community mental health programs that he's ENTITLED to! Why should we seek to develop them all over again in prison?

By sending people to prisons, we aren't doing anything but providing jobs for people who don't know what they are doing.\textsuperscript{10}

The particularly revealing sentence in Boone's statement of his correctional philosophy was "But not I'm a man who doesn't believe in prisons at all for anyone." Though this statement was made after his departure from the Commissioner's job, it had earlier been confirmed in the minds of many opponents, particularly the guards, that Boone's version of corrections reform translated into the abolition of prisons. Such a statement was one of many examples in which the rhetoric went beyond the reality. To verbalize such an idea was senseless. Whether the Commissioner believed in prisons or not was only meaningful to the extent that this belief shaped his administrative behavior, but beyond that, the statement was irrelevant because existing statutes relating to sentencing made the abolition of prisons impossible.

The real irony of Bonne's correctional philosophy was that it embraced notions of crime and deviancy that were quite similar to
the Jacksonians which placed the origins of crime within the social environment. Though they begin at a similar point, Boone, other reformers in Massachusetts and the Jacksonians reached extremely divergent conclusions on the most appropriate setting for care and treatment of offenders. The Jacksonians invented the penitentiary as a controlled environment which isolated the offender from specific "crime breeding" influences in the community. Boone and many of the reformers in Massachusetts felt that isolating offenders from the community ignored the reality that the overwhelming majority of inmates ultimately return to the community. Boone and those who shared his view of reform also believed that some criminal behavior was the result of an individual's inability to cope with his or her conditions in society. Yet their reform views rarely included restructuring society or remedying those forces in the society which give rise to criminal behavior.

Poverty, unemployment, limited educational opportunities and a disorganized family life were factors that both Boone and the Jacksonians acknowledged as contributing to crime though more than a century separated their views on crime and corrections. Given more than a century of experience with incarceration, advocates of prison reform and even opponents of prison reform talked about the failure of prisons. Boone believed that prisons failed to correct
and definitely contributed little towards enabling prisoners to participate in society such that their minimum human requirements were met. Boone predicated much of his actions as Commissioner of Corrections on the belief that only thorough greater use and reliance on the community and its resources would offenders be able to function in society within the legally accepted norms. In other words, Boone knew that a radical restructuring of the political, economic, judicial, and cultural bases of American society was not imminent. He also believed that those persons victimized by such a system, in this case prisoners, would have a better chance of participating in society if they were equipped with marketable skills and allowed to function with whatever material, psychological, and physical supports were necessary. Boone saw no contradictions or tensions in his advocacy of community based corrections as an addition, and in later rhetoric as a replacement to the existing range of corrections options.

Discussions with the Governor, the Secretary of Human Services, both Democratic and Republican legislators and members of JCPC, during interviews for the Commissioner's post lead Boone to believe that there was bi-partisan support for correctional change in the Commonwealth. At that time, Boone was convinced that Governor Sargent was willing to reform the correctional system. Boone
was promised two years of support by the Governor in order to get the reform legislation passed and implemented. After which time, the Governor indicated he would have to begin campaigning for re-election and Boone would be on his own. Boone also thought that Massachusetts was a liberal state with a majority of its citizens supportive of correctional reform. These favorable impressions about the reform climate in Massachusetts and the potential for correctional change were reinforced because comprehensive legislation was already being drafted to provide officials of the Massachusetts Department of Corrections with the statutory authority to implement new programs and approaches to corrections in the Commonwealth. Boone had the impression that Massachusetts would soon initiate a system of community corrections and other alternatives to incarceration which he fully endorsed. The possibilities excited Boone and he was challenged by the prospects.

If he took the job, he would have the necessary administrative power and political support to implement a large-scale reform program in the Massachusetts correctional system. He saw his role as a reformer and an administrator who would improve the quality of services extended to the adults committed to the Department of Correction. These favorable assessments, coupled with political pressures and changes occurring in Washington, D.C., that had the effect
of slowing down the reform process there, led Boone to accept the job in Massachusetts. In retrospect, the former Commissioner's original assessment of Massachusetts politics and the level of support for corrections reform were naive. Primarily, this was a result of his belief that he was given carte blanche to reform the adult corrections system in Massachusetts; that there was a unanimous agreement on the concept of corrections reform; and that a commitment to reforms in the prison system superseded all other concerns among policymakers who supported change.

The political leaders in Massachusetts had no idea of the consequences of their support for reform, nor did they fully understand Boone's corrections philosophy and its long term implications. Only after he began to implement Chapter 777 did an identifiable and powerful opposition surface. It was at this time that the limited concept of corrections reform which the politicians desired conflict with Boone's views on corrections. Basically, the politicians wanted decent treatment for inmates; better programs, which included a limited amount of community correctional programming; and no disruptions in the institutions. Of particular interest to the politicians were measures, reform or otherwise, that would keep the institutions quiet and prison issues out of the headlines. No one could have predicted the turmoil and confusion which were a fact during most of Boone's tenure
as chief of the Corrections Department and the very crippling effect violence in the prisons had on the implementation of the reforms. In addition, bureaucracies are generally self-perpetuating and resistant to change; as a result when issues arise which pit principles of reform and social change against political survival and expediency, the former notions generally are subverted.

Initially there appeared to be very few constraints on Boone's authority as Commissioner of Corrections. He was reasonably free to do what he wanted as far as administering and improving the corrections system. He primarily wanted to establish community facilities, depopulate institutions, and hire additional staff. He had the backing of his superiors, Governor Sargent and Secretary Goldmark in these initial efforts. To implement new programs and to introduce a new administrative style required skilled people to plan, develop, operate and manage programs. It also required an efficient staff to monitor and evaluate the changes on an ongoing basis. One person and particularly one top administrator could never do all these things alone.

When Boone came to Massachusetts, the state's prisons were in turmoil and lawyers for the sixteen Norfolk inmates who were earlier transferred to federal prisons were preparing civil suits against the Department of Corrections. As a new administrator, Boone
had many managerial and administrative changes to make within the corrections system and he also had to assess his staff rather quickly. This was important because even within the central headquarters of the DOC and particularly at the institutions, there were employees who did not like Boone and who were also opposed to reform. These people made every aspect of his job difficult. As a result, Boone had to rely upon a few people whom he could trust such as Jim Isenberg, Walter Williams, Bill Farmar and others to get the legislation passed.

Commissioner Boone's major tasks were to educate and inform the public about the proposed reforms in the corrections system and to lobby in the legislature for successful passage of the reform bill. He was a most eloquent spokesman for corrections reform. He worked untiringly with CACJ and other reform groups to get the reform act passed. 11

Because of Boone's firm personal and professional conviction that under most circumstances, prisons should not be used, he worked closely with Paul Chernoff and members of the Parole Board to get people out of prisons. Parole was one tool which he used rather extensively and effectively to depopulate the Massachusetts' prisons even before the reform bill became law. As Boone pointed out, parole was one method for getting people out of the prisons and into the community.
The parade of parole when I was Commissioner was 85 percent. After I was fired, it dropped down toward 50 percent. That means the parole board can arbitrarily decide how many offenders we're going to parole! The parole board can run its rate of paroles up from 40 percent to 80 percent and back down again, just as it arbitrarily chooses.12

These statistics illustrated that the Commissioner was right in his view that the parole process applied across the board justly, could get people out of prisons.

Once he became Commissioner, Boone began to initiate new programs. Even before the bill passed, Commissioner Boone exercised his administrative prerogative to remedy some of the problems within the Massachusetts correctional system. One of the first things was to close the Bridgewater segregation unit. Boone also spent a considerable amount of time appearing at community meetings and talking to the public about corrections reform and community involvement in the corrections process. These speeches were well received and were particularly important in helping to allay some of the fears that many people had about community corrections. The biggest fear was that prisoners would be indiscriminately released from the prisons. Through his speaking engagements and efforts at public education, Boone was trying to win support for the proposed reforms by assuring citizens, that the Department of Corrections would never lose sight of its public safety responsibility.
When Boone came into the Department of Corrections with the new program he also assessed the existing staff. He made his assessment based on his administrative style and his corrections philosophy. Because a top administrator's program is often unique to that individual, he must be able to shift and replace existing staff if necessary and to incorporate his own ideas and people into the organization.

Within the first two months as Commissioner, Boone made some staff and policy changes. Though he attempted to get control of the central administrative bureaucracy, he really couldn't shift or replace many people at DOC without getting into the civil service system. Before Boone made any real personnel changes, several months passed. In this instance, two months was too long before instituting these very important changes.

Boone appointed a number of new people in various capacities within the Department of Corrections. The Commissioner's flexibility in appointing staff was restricted to posts which were not governed by civil service regulations. This basic problem of removing undesirable staff at 100 Cambridge Street, the Department of Corrections central office, and at the institutions existed through much of his administration. He overcame that problem to some degree by using discretionary funds made available to him by the Governor to hire a cadre of departmental and personal assistants with various
responsibilities. Among these assistants were Don Speicher, Mel Bernstein, Dave Farrington, Walter Williams and Jane Shepherd.

Mel Bernstein was hired by Secretary Goldmark to develop a mechanism for getting public support for the corrections reform bill throughout the Commonwealth and assisted Boone by handling public information for the Department of Corrections. He set up a Speaker's Bureau within the DOC which included himself, Boone, Carney and other DOC personnel, to garner support for corrections reform throughout the state. They spoke before civic clubs, church organizations, fraternal groups and various other public and private groups about the proposed legislation. Boone was out literally every night and sometimes during the day to educate and inform the public about the bill. In addition, Boone had to lobby in the legislature for the bill. He had to interact with all types of people on issues related to corrections reform. Bernstein remained with the Department after the bill was passed and handled media relations and public information.

Walter Williams was another key person in Boone's efforts to strengthen the DOC's management capability. He had administrative authority for the DOC's budget and other financial matters. Williams also had official responsibility for developing the system's community corrections program. Unofficially, he was also watching Joe Burns, the Department's veteran comptroller, who did not support the reform
program. Bill Farmer, an ex-offender, with outstanding organizational skills was hired as Boone's top administrative aide. John Wynne was a part of the Core Management Contingent and he worked on the project to depopulate MCI-Concord. After reviewing the sentences of every inmate of Concord, Wynne and other staff people discovered that through early parole consideration and parole, the use of pre-release centers and outright release, that about one-third of the MCI-Concord population could be released from the institutions. After all the eligibles were released, the institution's 100 year old East Wing was closed. The doors and locks were cut off the cells to insure that the East Wing would never be used again. Another person hired as a part of the Core Management Contingent was Jane Shepherd. She served as an aide to Commissioner Boone and worked with Wynne on the Concord Impact Program. She was an important advocate for the inmates within the DOC.

Other new staff were the superintendents at MCI-Walpole and MCI-Norfolk, both of whom were from out of state. Boone replaced the superintendents, who favored an orientation toward punishment. The new appointees to the superintendents' posts were Robert Donnelly at MCI-Walpole and George Bollinger at MCI-Norfolk. Neither man was a civil service appointee and this created some animosity among the guards who felt one of their own should have been promoted. Montilla
recommended Bollinger and Donnelly to Boone as outstanding corrections administrators. On the basis of Montilla's recommendation and their records, they were hired. As one interviewee pointed out,

They were corrections superstars. But remember when you start looking for superintendents, the pool of progressive types is really small to begin with. At best you therefore end up settling with the best of what you can get. 13

At MCI-Norfolk, Bollinger did a good job initially. He calmed the institution and initiated good programs. He was quite effective until the Walter Elliot incident. Elliot was an inmate who killed two prison employees, his wife and himself in an escape attempt. This occurred on July 31, 1972, only two weeks after the reform bill had been signed into law by the Governor. Much adverse publicity surrounded the event. During the public furor Boone publicly blamed Bollinger for the tragedy. This proved to be a mistake, because Bollinger subsequently lost respect and confidence in Boone. Boone's actions were also interpreted as a lack of support and a vote of no confidence for one of his administrators. As a result of this, Bollinger resigned as the Superintendent of MCI-Norfolk shortly thereafter.

Donnelly, on the other hand, was overwhelmed by the constant crisis at MCI-Walpole and reacted excessively on several occasions. An example of Donnelly's extreme responses occurred when Boone and
Bernstein were negotiating with about twenty inmates in a conference room at MCI-Walpole and there was a disturbance in one of the cell blocks. Donnelly left the conference and charged into the troubled cellblock and began gassing the inmates. In the conference room, when the inmates learned of Donnelly's actions, things were quite tense for Bernstein and Boone. Some of the inmates were ready to take Boone and Bernstein as hostages as a reaction against Donnelly's excessive behavior. This was averted because other inmates in the negotiating group said that Donnelly was to blame and not Boone. They argued that Boone was trying to help them and if they took him as a hostage, they would have no allies in the DOC.14

After the March 17th riot at MCI-Walpole, which resulted in almost $2 million worth of damages, Donnelly lost control. Boone was out at the State Prison almost daily. It appeared that Donnelly just could not restore order at MCI-Walpole. Rather quickly, Commissioner Boone lost respect for Donnelly and his ability to manage the institution and perhaps even more importantly, the guards also lost respect for Donnelly. Consequently, Donnelly resigned, but not soon enough to prevent the loss of whatever control the institutional administration had over the institution.15 Almost immediately after Boone came on the scene, the guards consolidated their controlling power over MCI-Walpole. Walpole was therefore a perennial problem for
Commissioner Boone throughout his term. Getting a superintendent who could and would control that institution was extremely difficult.

One of the problems Mr. Boone had as Commissioner was in finding superintendents who would effectively manage and operate the institutions and yet shared a philosophy of corrections that was similar to his own. It seemed as though nobody who was really competent and effective wanted to be a superintendent. Because of the continuing crisis in the institutions and the inability or the lack of desire by the superintendents to bring the situation under control, Boone, in effect, became the Commissioner of Institutions, rather than the Commissioner of Corrections. This was despite his unwillingness to run the institutions from headquarters. He preferred leaving the administration of the prisons to the superintendents. Boone consciously tried to maintain a hands off policy and to allow the superintendents to run the institutions, but circumstances often forced him into a larger role in the running of institutions and in the resolution of institutional crisis.

The incident with Gloria Cuzzi, the superintendent at MCI-Framingham, in March was a good example of one superintendent's inability to handle a tense situation. There were tensions between the guards, inmates and administration at MCI-Framingham and the guards threatened to strike. Cuzzi called Commissioner Boone for
help. When Boone arrived at Framingham, he found there were serious problems between the staff and Cuzzi which made her ineffective and he fired her. After Boone fired Cuzzi as superintendent of Framingham, the guards decided they would not strike, that they would discuss their grievances with Cuzzi and that they would support her. She was then rehired. All of this, her firing and rehiring occurred in less than one hour. Boone admitted his error in initially firing Cuzzi, but the press portrayed Boone as vacillating, indecisive and bungling. His admission of an error was represented as a sign of weakness. 16 About three months later in June of 1972, Cuzzi was again fired as superintendent of Framingham because Boone considered her ineffective as a corrections administrator. This time she was replaced by Mrs. Dorothy L. C. Chase, a black woman with an extensive background in social work and psychology. Chase was a capable administrator who ran the institution well and stayed on as Superintendent even after Boone's departure.

In addition to problems of finding superintendents who shared Boone's reform views and who could effectively run the prisons, the Massachusetts corrections system was weak because of the absence of middle management administrative or functional positions. Lacking middle management personnel, Boone set the tone and rhetoric for later reform and he used his administrative power to change and to
rotate top administrators within the Department. The Commissioner tried to overcome this particular departmental weakness by using a substantial amount of the $300,000 from federal funds which Governor Sargent made available to him to set up a Core Management Contingent within the Department of Corrections. Some of this money was also used to develop community correctional programs such as the Boston State Pre-Release Center. This LEAA money gave Commissioner Boone some flexibility to hire his own staff. There was always, however, a problem of finding money for the individuals Boone wanted to hire. The state pay scale for people with careers in corrections other than the corrections officers was rather low. Because civil service was restrictive he really couldn't hire the people he wanted, nor could he terminate easily those he did not want. The Core Management Contingent was used to bring in new people and to shift some of the old employees into other jobs.

Administratively, Boone's style was very loose, open, and responsive to whatever situations arose. He did not build levels of bureaucracy. He had time for everybody and was not bound by administrative and organizational orthodoxies. He wanted and needed to get control when he came to Massachusetts, but he also wanted to do a job that yielded results. To get results, Boone felt it required ignoring chains of command and other traditional administrative structures.
Because of his informal administrative style, Boone was often attacked as a poor administrator. In a newspaper interview after his ouster, Boone explained his organizational style:

I didn't have a bureaucracy. If a good one had been available, I could have made good use of it. I probably could have survived the political thing.

My door was open, and I didn't have receptionists who would make you wait and all of that. It was possible to move—to get things done—to do this, that and the other. I was forced to 'manage' without a carefully outlined administrative process.

I managed to get the legislation passed. I managed to establish three halfway houses with private agencies. Brooks House and two others. I established the Boston Pre-Release Center and the Shirley Drug Rehabilitation and Pre-Release Center and other things.

That's done by management. You don't get things like these done by going through a bureaucracy. If you tried to, you'd never get anything done. You have to jump all over it, or walk around it.

You can't be a paper pusher, or you will never get anything done. 17

Flexibility characterized Boone's administrative style. The process of change involved many ad hoc decisions. Sometimes the decisions were based on intuition, or responses to a crisis situation, or the ability to maximize new and often unanticipated developments.

While it was quite admirable that Boone was flexible and accessible, these very factors made the question of his administrative competence an easy target for his detractors. There is a real difference in the skills required to manage reform programs and those required to administer a state bureaucracy. The administrative system which Boone
inherited was extremely decentralized and focused on institutional autonomy and control by the guards. One of his early tasks was to centralize and systematize communications between the state's prisons as well as the administration of new correctional policies and programs.

This task of centralizing and gaining control was difficult, because Boone was continuously challenged by the guards. The guards defied many of Boone's directives and often deliberately sabotaged some of the reform programs. Not only were the prison guards resistant to change because of animosity toward Boone, but they also believed some of the proposed reforms did not represent sound correctional practice. To some of the guards the provisions of Chapter 777 which allowed selected inmates access to programs and facilities within the community, presented a real threat to public safety and security. The larger threat which the implementation of Chapter 777 posed to the guards was around job security. If Boone's philosophy and the mandates of Chapter 777 were successfully implemented, the guards believed that many of them would lose their jobs because fewer guards would be needed to staff the Commonwealth's prisons and community corrections programs.

Throughout his term as Commissioner of Corrections for the Commonwealth, there were acts of violence and opposition to the reforms which Boone tried to implement. Very often the violence in the
prison was contrived and manipulated by the guards to embarrass Boone and ultimately force his ouster as Commissioner of Corrections. In spite of the opposition to the corrections reform movement, the continuing crisis within the corrections system, and the unanticipated political consequences of getting the reform bill passed, Boone did accomplish some things as Commissioner. Perhaps his most significant accomplishment was that he catalyzed the corrections reform movement in Massachusetts. Because he was a powerful speaker, he aroused public support for reform. As a new Commissioner he was enjoying a honeymoon of sorts with the media, the politicians and the public, particularly those who supported prison reform. His charisma and infectious commitment to corrections reform inspired many of the reformers.

Even before the law passed, Boone made some administrative changes in the operation of the corrections system. Administrators who are also reformers must do as much as possible administratively to change the system; they must be politically astute and they must use their administrative authority as creatively as possible. Once the administrative changes are made it is important that they are enacted into law. Otherwise administrative changes last only as long as the administrator making them, or as long as he is there to implement them. Under Boone's administration MCI-Framingham was not only
depopulated but it became a coeducational institution. In March 1973, 14 very carefully selected inmates from MCI-Walpole, MCI-Norfolk, and MCI-Concord who were within 18 months of parole eligibility and who met other strict requirements were transferred to MCI-Framingham. Shortly after he took over as Commissioner of Corrections, Boone began planning to expand the Department of Corrections' operation to include halfway houses and a diagnostic center at Boston State Hospital in Mattapan.

Within the central office of the Department of Corrections, Boone added new staff people and in other instances, he shuffled the existing staff into other positions. In the institutions, Boone replaced the superintendents at MCI-Walpole and MCI-Norfolk with younger, less security minded men from out of state. He also fired Gloria Cuzzi as superintendent at MCI-Framingham. Removal of the superintendents merely highlighted the divisions and heightened opposition to reforms within the Department. He tried to counter a possible backlash from some of these displaced individuals by establishing a security unit within the Department. This unit had responsibility for developing emergency contingency plans for the Department in the event of riots and other serious disturbances within the institution. As an administrative device to remove some of the opponents of reform from the institutions into central headquarters,
it was probably a better idea in theory than in reality. The effect of the device was that it concentrated people who were opposed to reforms in one place and very near Boone. Because the members of the security unit basically opposed reforms, they were able to combine forces with others at DOC and throughout the corrections system to undermine many of Commissioner Boone's orders and programs.

Once the reform machinery was successful in getting the corrections reform bill enacted, Boone's strategy for change was not to wait, but to move aggressively. By his actions he rejected an incremental and cautious approach to implementation of Chapter 777. The process for implementing reforms was not planned. It was determined largely by chance, circumstances, imagination and Boone's personal style. To some extent, Boone saw change as an end in itself. Very often the strategies used to implement the reforms depended largely upon options and solutions that arose spontaneously. He tried to implement the reforms, particularly efforts to depopulate the adult correctional institutions, and to initiate the furlough program. As pointed out by Edwin Powers, the author of The Basic Structure of the Administration of Criminal Justice in Massachusetts:

The total population of the eight institutions on June 3, 1972 was 3,309 as compared to 2,935 on a comparable date in 1973, the latter figure including the 2 pre-release centers in addition to the 8 institutions. Thus there has been in one year a population drop of 11.3%. 'The sizeable decrease in the Department's population occurred entirely during the last half of the year (1972).
Boone's administration was responsible for a decline in the prison population, but parole was being used more effectively to get prisoners out early. The attitudes and correctional philosophy of the Commissioner of Corrections greatly influenced the behavior of Parole Board members.

Progress made in establishing community correctional centers was another of Boone's attempts to implement Chapter 777. During the Boone administration three halfway houses were established with private agencies. In addition, the Department of Corrections established the Boston Pre-Release Center for men who would be returning to the Boston area, after discharge from a state correctional institution. Its counterpart for women was the Charlotte House Pre-Release Center also located in Boston. Both facilities focused on work release and educational release. The other community correctional facility established by the Department was the Shirley Drug Rehabilitation and Pre-Release Center, for male offenders under 23 years of age from MCI-Concord. Only those young men with a history of drug dependency, with no warrants or detainees awaiting them, who were not sexually dangerous and who had no record of severe disciplinary offenses were admitted to the Shirley Drug Rehabilitation and Pre-Release Center.

Chapter 777 authorized furloughs for emergencies and for any other reasons which officials viewed as consistent with the
reintegration of a committed offender into the community. Inmates were eligible for furloughs to attend the funeral of a relative; to visit a critically ill relative; to obtain medical, psychiatric, psychological or other social services when adequate services were not at the facility and cannot be obtained by temporary placement in a hospital; to contact prospective employers; and to secure a suitable residence for use upon release or parole or discharge. 20

The aspect of Chapter 777 which most clearly focused on Boone's belief in the dignity of inmates and the importance of inmate and community interaction was his administration of the furlough program. Boone believed that furloughs were an important correctional tool to which inmates were entitled, provided they did not pose a danger to the community and provided such inmates were not escape risks. Quite often Boone made statements to the effect that only five percent of the inmate population was really dangerous and as a result furloughs should be available to all inmates. He further believed that furloughs should not be implemented as a privilege nor used as a method of controlling inmates. He pushed subtly and constantly for evaluative furloughs for which all but the most dangerous offenders would be eligible. In the end there was a compromise reached whereby two types of furloughs were developed: the quarterly furlough to which everybody was technically entitled every quarter and the earned furlough which was used
to give inmates an added incentive to become involved in programs. The consequences of the furlough program will be discussed in a later section of this chapter.

The first furloughs were granted in Massachusetts on November 6, 1972. From that date until March 27, 1973, 2,966 furloughs were granted to 968 individuals for an average of 3.1 furloughs per individual. During the first four months of the furlough program, 38 residents failed to return and were listed as escapees. By taking the total number of furloughs granted and the number of individuals who did not return from furloughs, the Department of Corrections arrived at a success rate of 98.7 percent for the furlough program. This figure was impressive for publicity purposes, but a more accurate depiction would have taken into account the number of individuals granted furloughs and the number of individuals listed as escapees for a slightly lower success rate of approximately 96 percent. In spite of the furlough program's rate of success, after Boone's departure, the Attorney General and the General Court attempted to place severe restrictions on the furlough program.

Boone was seriously committed to implementing new policies based on community corrections and reintegration. He felt very strongly that most inmates were ready to go out into the community provided there were programs and facilities for them. Boone's
corrections philosophy was visionary although it was based on old fashioned principles of justice, dignity, respect for inmates as well as a disenchantment with institutions. As an administrator he held fast to his beliefs and was not afraid to take the risks involved in implementing his corrections philosophy. His commitment, however, was not enough to make corrections reform a reality. Successful implementation of Chapter 777 required a very strong and extremely competent administrator to run the Massachusetts corrections bureaucracy. Additionally, such a person needed to have excellent abilities as a manager, a leader, an executive and a politician. Unfortunately, Boone and his staff did not possess these qualities. Boone's flexible administrative style caused inefficiency, duplication and waste in the Department of Corrections. Annual reports were not submitted, requests from legislators for DOC representatives to appear at hearings were not responded to promptly, and the Department of Administration and Finance criticized the DOC for errors in its accounting, bookkeeping, and budgetary procedures. The Department's fiscal and management operations generally lagged behind the rhetoric and the reform programs. Even Boone's most ardent supporters conceded that he was not a good administrator, yet they also maintained that under the pressures and demands of intense and frequent upheavals in the prison system, it was not possible to implement the reform policies,
maintain order in the institutions, and run the corrections bureaucracy efficiently. The task of implementing reforms was further complicated by the nature of the system. For example, the corrections system had endured and perpetuated itself despite failure in its manifest task of rehabilitating offenders. These and other shortcomings notwithstanding, the corrections bureaucracy demonstrated an overwhelming ability to close ranks and weather storms of criticism.

Other impediments to substantive change and reform in the correctional system were the arrangements upon which the correctional system rested particularly the civil service protections, political patronage, and institutional bureaucracy which insured no quick nor meaningful reaction to inequities of the corrections system. Civil service, by promoting inbreeding and constraining administrators made it impossible for the Commissioner or the superintendent to move any corrections officers at the grade of Supervising Correction Officer or above from one institution to another. According to Boone, "The civil service system is so heavy. They have this job until they retire—which is for life. And you can't fit anybody else in. And even if you do, they're programmed." Though these problems persisted, they did not make the dream of corrections reform impossible. More critical to the successful implementation of the bill than Boone, the reformers, the legislators or the corrections bureaucracy itself were
the guards. Though these various groups lobbied effectively for passage of Chapter 777, its implementation was not dependent on the responses of this external lobby. The guards, a group that impacted only nominally on the process that lead to the development and enactment of Chapter 777, could not determine its success or failure. The resistance of the guards to the reforms authorized by the new legislation created a volatile atmosphere which thrust the Department of Corrections and particularly the institutions into one crisis after another. The guards as a force opposed to corrections reform is discussed in the next chapter.

Staff alienation became a serious problem throughout the corrections system. The staff at 100 Cambridge Street, the central office of the Department of Corrections, and the institutional staff was polarized and this increased opposition to the reform policies. The guards felt ignored and powerless. They felt that their legitimate grievances and concerns were not acted upon and that Boone was too inmate oriented. There was the "in group", those persons who supported the reform policies, who approved the changes occurring in the corrections system and who actively supported a human services approach to the administration of the prisons. The members of the "in group" were by and large the Boone appointees. They were young, college-educated and had been involved in some form of social and
political activism. The other group was the "old guard" which consisted primarily of the guards, other institutional personnel and long time employees of the Department of Corrections who worked at central headquarters. The "old guard" resented the increasing prominence and influence of certain members of the "in-group", particularly Bill Farmer, James Isenberg, Robert Montilla and Steve Teichner, to name a few. Policy changes caused many among the "old guard" to become demoralized, restive and fearful of the changes. For many of the corrections officers reforms meant an end to their job security.

One of the key persons among the old guard was Joe Higgins, a deputy commissioner. Higgins wielded enormous power in the corrections system. During a period covering more than twenty years, he rose through the ranks from a guard to Deputy Commissioner for Institutional Services. To the guards, Higgins was their Commissioner. He had run all of the institutions on a temporary basis at some time during his career. Before Boone was hired, after he was fired and during his absences, Higgins acted as Commissioner. Many in the "in-group" were suspicious and distrustful of Higgins, but he was relied upon because of his knowledge of the system. Aside from his statement of support to legislators during the final deliberations on Chapter 777, he maintained a low profile regarding the implementation of the new corrections law.
While a calculated and deliberate attempt to undermine Boone's authority and reform programs was not documented by the research, there was evidence that inaction was a posture adopted by many people at the central office as well as those within the institutions who disapproved of changes in the correctional system. Inaction may have stemmed from some insidious motive to undercut or undermine the new Commissioner's policies or possibly the inaction was the result of ineptness. Whatever the cause, the results were dissension and strife throughout the Massachusetts correctional system with the overall effect of maladministration. Distrust, intrigue and fear were pervasive during Boone's term as Commissioner of Corrections.

Another equally important component in the formula for successful implementation of Chapter 777 were the 2,800 inmates in the Massachusetts correctional system. These inmates represented a new type of offender. They were different than prisoners in the past, because many were the products of the political explosions of the sixties. This new breed of inmates was generally young, politically and socially aware, a member of a minority group, from the inner city, and possessed of a sense of ethnic pride and race consciousness. In many instances they were the products of single parent homes and neighborhoods where crime, poverty and unemployment were quite high. According to Dan Nolan a twelve and a half year veteran of prisons in
Florida and Massachusetts, approximately 70 percent of the inmates in Massachusetts prisons were convicted and did "time" for their criminal behavior in the past; somewhere along the line they "graduated" from either a Training School, a Reformatory, House of Correction, or one of the State Prisons. Almost the same proportion, about 70 percent, of men and women confined in prison had less than an eighth grade education; and 75 percent were considered unskilled workers. Unlike prisoners of earlier decades, these inmates not only expected but demanded decent and humane treatment as well as protection of their rights. These prisoners politicized most of these demands. While some of the characteristics of the inmates changed, the prison community remained much as it was at its birth. Inmates are still forced to make license plates, bird baths, mops, brooms and buckets. Every aspect of their being is controlled. They are not allowed the opportunity to be responsible persons, nor to make decisions about their own lives. Donald Clemmer, a noted criminologist made the following observation:

The prisoner's world is an atomized world, its people are atoms interacting in confusion. It is dominated and it submits. Its own community is without a well established social structure. Recognized values produce a myriad of conflicting attitudes. There is no consensus for a common goal. The inmates' conflict with officialdom and opposition toward society is only slightly greater in degree than conflict and opposition among themselves. Trickery and dishonesty overshadow sympathy and cooperation. Such cooperation as exists is largely symbolic in nature.
Social controls are only partially effective. It is a world of individuals whose daily relationships are impersonalized. It is a world of "I," "me" and "mine" rather than "ours," "theirs" and "his." Its people are thwarted, unhappy, yearning, resigned, bitter, hating, revengeful. The prison world is a graceless world. There is filth, stink, and drabness; there is monotony and stupor. There is disinterest in work. There is desire for love and hunger for sex. There is pain in punishment. Except for the few, there is bewilderment. No one knows, the dogmas and codes notwithstanding, exactly what is important. This picturization is not an epitome. The situation is too complex to epitomize.

In a sense the prison culture reflects the American culture, for it is a culture within it.22

The prisoners world can hardly be anything other than atomized.

Prison inmates "do their time" by making license plates, flags and sewer covers, street and highway signs, uniforms, cardboard boxes, and other items used by the state for which they receive 3 to 6 cents an hour or about 50 cents a day. This pittance is not enough for tobacco, postage, toiletries or other necessities, so the inmates plot and scheme to come up with a lucrative "hustle."

Inmates know how to do time and the one predictable feature of their existence is the pervasive goal of making do--by manipulating the environment. Compensating by illicit means becomes a game in which prisoners try to "beat" or "con" the staff who are ostensibly in control. From the inmate perspective making-do by chicanery is rewarding because it reinforces the belief that correctional officers are fallible, it shifts some of the power theoretically held by the staff to inmates and it allocates spoils to the underdog.23

Another difference in the present day offenders who are incarcerated and earlier ones is the manner in which they adjust to prison
life. Clemmer first used the word prisonization in the forties to indicate the process of taking on in greater or lesser degree the folkways, mores, customs and general culture of the penitentiary. In this process of prisonization, Clemmer noted that every person in prison was subjected to certain influences which he called universal factors of prisonization. Even though these universal factors influences all offenders, whether or not complete prisionization occurred depended on the individual's personality, the kind, and extent of relationships outside the prison, an offender's affiliation in prison primary or semi-primary groups, a chance placement in a work gang, cellhouse and with a cellmate, and finally acceptance of rejection of the dogmas or codes of the prison culture. These universal factors of prisonization, however, included acceptance of an inferior role; accumulation of facts about the organization of prison; development of new habits of eating, dressing, working, sleeping; adoption of local language; recognition that nothing is owed to the environment for the supplying of needs; and the eventual desire for a good job. Prisonization is important and only mentioned here because of its effects on an individual's post-prison adjustment. Clemmer argued that if no other factor of prison culture touched the personality of a long-term prisoner, the influences of these universal factors was sufficient to make a person characteristic of the penal
community and probably so disrupt his personality that a happy adjust-
ment in any community becomes virtually impossible. On the other
hand, inmates incarcerated for periods of a year or more tend to be
integrated into the prison culture only in terms of universal factors
of prisonization. They do not seem to become so characteristic of the
prison community and when they are released they seem to be better
able to adjust to a new lifestyle, upon release, with little
difficulty.  

Just as the type of inmate has changed, the mechanisms for
coping with the prison environment have changed or at the very least
certain types of older mechanisms have come to the fore. Because
some inmates view themselves as political prisoners and as the victims
of societal racism and classism, they work to nullify the constraints
of imprisonment. They become involved in intensive study of revolu-
tionary philosophers and their ideas, they become active as jailhouse
lawyers or they attempt to educate and organize other prisoners. The
inmate as a political or legal activist is one of the new breed; this
individual is unique because he comes from that small group of inmates
who are rather well-educated, that is, they have a high school dip-

doma or an equivalency, and with the larger number of middle class
youths being arrested and sentenced for drug offenses some of the
inmate activists were college educated. In addition to this type,
there was the perennial tough guy, or hustler con who not only exploited the system, but other inmates as well. The hustler type copes with prison through an elaborate market economy within the prison whereby a kitchen worker sells state food, laundry workers charge the other prisoners a fee for machine-washing and pressing state clothing, others sell their medication, loanshark cigarettes, gamble. Some sell their bodies for sex and they are the prison queens. Others sell their bodies in drug and medical experimentation. With the exception of human experimentation which prison officials condone, there are rules against much of the other illicit activity. It is tolerated by prison administrators and in some instances capitalized upon by the guards who participate in the sub rosa prison economy because such merchandising is profitable for them and keeps the prisoners distracted, demoralized and divided.

Homosexuality, drugs, home brew, gambling, robbing cells ... all of this is tolerated in the sense that these rule violations are only arbitrarily enforced. Prison conditions being what they are, it is "better" to have the prisoners struggling against each other than against their keepers, or revolting against prison conditions. Every now and then the prisoners do revolt; they riot or strike or put on a peaceful demonstration. However the prisoners almost always lose.

Though the power of the corrections bureaucracy was overwhelming and forces in the correctional system were effectively organized to resist
change, come politically conscious inmates of the Massachusetts correctional system, particularly those at MCI-Walpole, began a struggle to improve conditions in the prison system, and to politicize and unite the inmate population by establishing a chapter of the National Prisoners' Reform Association. The guards and their union leaders vehemently opposed the prospect of the inmates organizing; the superintendents were also against the idea of a "prisoners' union;" Boone was sympathetic to the idea and somewhat supportive; reformers were divided, but the Ad Hoc Committee wholeheartedly endorsed the notion that inmates needed a formally recognized collective bargaining organization; legislators basically didn't know at first hand about the organizational efforts, but once informed they opposed the formation of NPRA. The right of inmates to organize and to establish a chapter of NPRA only served as another source of conflict between those who favored corrections reform and the opponents of correctional change.
NOTES FOR CHAPTER IV

1 Senate Document 750 of 1955 also known as the Wessell Committee Report.


4 Ibid., p. 172.

5 Sufficient funds were never appropriated for building and staffing the proposed Reception Center. In addition to financial problems, building a separate institution of maximum security design for a Reception Center also ran into difficulties of location. The project was therefore postponed indefinitely in the sixties, but the statutory authorization was never repealed. There are now no plans to construct a new building for the Reception Center. In 1973, the Department of Corrections established a Reception-Diagnostic Center in the Receiving Building at MCI-Norfolk, with its own Superintendent and with autonomy from the Norfolk Prison.

6 General Laws, Chapter 27, Section 3.

7 Powers, pp. 174-175.

8 Interviews with John O. Boone, Boston, Massachusetts, Winter 1974.


10 Ibid.

11 Interviews with Dr. H. Demone and Dr. W. Stern.
Prisoners are ideal subjects for drug manufacturers and medical experimenters. Because they are so desperate for money
they take part in experiments that others would refuse and also at a fraction of the cost other citizens would have to be paid if they agreed to participate.

28 Much of this information was obtained in confidential interviews with persons whose identities must be protected. Dan Nolan in his article, "Our Prisons Cannot Be Reformed," corroborated this analysis.

29 Nolan, pp. 4-5.

30 The National Prisoners' Reform Association, NPRA, was incorporated on March 29, 1972, in Rhode Island where its first chapter was organized at the Adult Correctional Institution. The purpose of NPRA is "to accomplish, promote and cause creative, modern, progressive and non-violent prison reform throughout these fifty United States." To achieve the organization's purpose, three major goals were outlined: to abolish prisons as they exist and are used today; to replace prisons and imprisonment with alternatives that will work and to phase out awaiting trial jails; and finally to deal with the problems that are now facing the prisoner, individual prisons, and the prison systems in general.
CHAPTER V

THE OPPOSITION TO CORRECTIONS REFORM

Several things confronted Boone while he was Commissioner of Corrections that made his job difficult, if not impossible. Perhaps the most significant issue was violence in the institutions and the continuing intrigues and manipulation of circumstances which often precipitated the disruptions. There was an unending stream of violence and brutality in the prisons, all of which received extensive media coverage. Both major newspapers, the Herald American and the Boston Globe, detached several top reporters to cover the prisons and the efforts to implement the reform provisions of Chapter 777. Almost every day a prison related story made front page news. Because of the sensational and often inaccurate coverage of prison-related events by the Herald American, this paper was identified as anti-Boone and anti-reform. The Globe endorsed Chapter 777 and continuously called for reason and patience in handling problems in the prisons. This paper was the voice of the liberals and the reformers.
Violence in the corrections system had the effect of complicating the implementation of reform programs, polarizing the various corrections reform interest groups, sapping the energies of corrections innovators within the Department of Corrections, and arousing a powerful and effective backlash against the reform movement. Managing the violence and other daily crises within the institutions made administration of the Department of Corrections a very difficult task. Boone's major challenge was to maintain order and to simultaneously proceed with reforms in the correctional system. Despite support for corrections reform from various quarters, after passage of the Omnibus Corrections Reform Act, the opponents to corrections reform became more visible. They also intensified their efforts to obstruct successful implementation of Chapter 777. The important questions, therefore, were who opposed efforts to implement Chapter 777? Why did they oppose implementation of the reform? And, what impact, if any, did the opposition to Chapter 777 have on Boone's administration?

Though seen as the major opponents to corrections reforms in Massachusetts, the corrections officers always maintained that they were victimized by the media and misunderstood by the public. The guards complained that they were unjustly depicted as brutal in reports of trouble at the prisons even though they carried no clubs,
guns, handcuffs or other weapons and never used force beyond the
minimum necessary to enable them to maintain security in the prison
and control of the inmates. They also resented being called guards
because they argued, they were not just "turnkeys" as depicted in the
late night movies, but rather professional men actively involved in
improving programs designed to rehabilitate prisoners. In addition,
the corrections officers emphasized the fact that like policemen and
other law enforcement officials, many of them were attending college
in their own time so that they could do their jobs better. But unlike
some policemen who received financial support and/or time off to fur-
ther their education, the corrections officers were paying their own
way and working full-time at the prisons. Corrections officers con-
ceded that they run the prison as some detractors charged, but they
pointed out that they run the prisons only by implementing the regula-
tions set forth by prison officials. Time and time again, the correc-
tions officers said, we do not set the policy of the prison, but we
only make recommendations to improve it. Despite their pronouncements
to the contrary, the corrections officers did not think Chapter 777
represented sound correctional policy or that Boone was capable of
administering a secure and orderly corrections system in Massachusetts.

More than any other group, the corrections officers in the
Massachusetts prisons, and particularly those at MCI-Walpole, were
the major opponents to Boone's administration and his efforts to implement the correctional changes contained in the reform bill. The prison guards were the focal point for the opposition because they had the daily line and staff responsibilities for actually implementing or sabotaging the reform measures. The guard's opposition to Chapter 777 was important, because their positive participation was critical if reforms were to be carried out successfully. They were at the forefront of the opposition to corrections reform, because of the strength of their union and their successful attacks on Boone and his competence. Boone described the power of the guards:

You have a very strong guards' union here. Stronger than in the Federal prison system.

... They knew that I was not a crony, and they felt (although it wasn't true) that I had to be against them because I was black.

They knew that I had done things in the District of Columbia prisons--that I believed in sending prisoners that can be trusted back into their communities. They felt that this was a threat in the long run to their jobs, because if prisons are depopulated then you don't need guards."

Many corrections officers were fearful and concerned that the new corrections law and reforms proposed by Boone would have the effect of putting them out of work. This point is particularly important, because the prison system was custody oriented and
therefore labor intensive. Additionally, the guards lacked professional training; they were accustomed to having their own way and they were not subject to discipline from their superintendents or the Department of Corrections. In this regard, the guards were very astute in perceiving their collective interest and they acted to protect their future job security by opposing the reform program. Generally, the guards were opposed to a "liberal and permissive" method of operating the Massachusetts prison system. With passage of Chapter 777, the inmates experienced increased expectations for improvements in the prisons and the guards also experienced an increase in their anxieties about the reforms. Across the nation there were prison disturbances. Courts were becoming more involved in the protection of prisoners' rights, as well as the running of the prisons, and prisoners were more demanding of their constitutional rights. All of these occurrences were threatening to the professional lives of guards and their world view of how criminals should be treated in prisons.2

The guards and their unions were also antagonistic toward Boone because he was an outsider and because he was Black. Had he not been Black, had he come through the Massachusetts civil service system and not been an outsider, perhaps the guards would have been more cooperative. Basically the guards were unwilling to cooperate
with Boone and they set about to undermine his credibility as an administrator. The lack of cooperation stemmed from their belief that Boone was an incompetent administrator, that he attempted to implement reforms too quickly and without details, and finally that there was not enough personnel to carry out corrections reform. Fear, racism and bigotry were at the basis of the guards' responses to Boone. Another source of contention for the guards was their belief that Boone and his appointees were attempting to emasculate their unions. The opposition to Boone was not only a reaction against changes in correctional policies, but it was also a fight, from the guards' perspective, for their professional survival. The guards felt they were being ignored, that they had no voice in the administration of the Department of Corrections, that security in the institutions was too lax, and that Boone was under the influence of "do-gooders and radicals" whose main program was to close all prisons. The guards' perception of the situation was not without foundation, for during John Boone's 18 months as commissioner, the Massachusetts adult prison population dropped steadily through extensive and accelerated use of parole and the early release of prisoners nearing the end of their term. Even Boone's rhetoric contributed to the guards' fears. Boone publicly stated that his policy was one of working towards the attrition of the inmate population by practical
steps that will integrate prisoners back into the community. In some newspaper accounts of his administration and even in his speeches, statements about "tearing down the prisons" were attributed to Boone. Boone's often metaphorical speech, his closing of the special offender unit at MCI-Bridgewater and the deactivation of the East Wing of MCI-Concord all contributed to the hardening of the guards' position as adversaries of Boone and corrections reform.

John Carver, Executive Director of the Massachusetts Council on Crime and Corrections, summed up the guards' attitude:

Under other commissioners the guards controlled the situation. . . . They were in control. If there was a riot, if there was any trouble during those previous administrations, it would have been in some way a reflection. Aspersions could have been cast on the guards for not being able to control the situation, not being able to do the job. Now Boone comes in and tells the guards that they're no longer in such a lofty position and we're going to get into community based corrections, and it minimized the importance of their job in their own eyes, and they felt a little slighted. They felt almost as if they had received a mass demotion and the only way to regain some of their self respect was to cause such turbulence to happen that they could say, "Well, the commissioner ordered it this way, and we were just following his orders." Their credibility would somehow be reinstated under this kind of action and Boone would look bad! 3

In spite of Boone's initial efforts to redress grievances of the guards, they were almost immediately resistant to many of his reforms. They were lax in their security responsibilities. The guards left many necessary things undone; they let the inmates resolve
their own disputes in some instances, thus increasing the volatility of crisis within the prisons. Inaction by the guards frequently led to uncontrollable prisoners and violent disruptions. People in responsible positions at the Department of Corrections headquarters, especially those who aligned themselves with the "old guard" also undermined and disregarded Boone's programs and authority. Policies and directives were sent from 100 Cambridge Street to the institutions and they were ignored. Sometimes those directives and policies were not carried out, because they never left the Superintendents' offices or they were not distributed to the guards for execution. Editor and veteran social activist, Lou Brin, described the situation:

There is a continuum from 100 Combridge Street to the institutions. At every juncture in the continuum, discretion is built in. Unless the guards and the individual superintendents comply and agree with the directives and philosophy coming from 100 Cambridge, they can quite effectively undermine them or simply ignore them.4

The guards were joined in their opposition by some police officers, other law enforcement personnel and some legislators. In most instances, such allies provided moral support to the corrections officers. Other opponents to corrections reform included professionals and contractors who benefitted from the continued existence of prisons such as the steel and concrete makers, building
contractors, pharmaceutical companies, and merchants in the towns where the prisons were located. The opposition of this latter group was motivated largely because of the economic benefits which accrued to them as a result of the continuing operation of the state prisons in their present forms. The guards wielded power in the legislature because they had competent lobbyists and influence. In confidential discussions with legislators, it was revealed that part of the guards' power stemmed from their contributions to candidates in election years. They not only supplied money, but manpower to the candidates of their choice. In previous years, members of the guards union canvassed an entire district and provided transportation for one of their candidates and his supporters. These links and various forms of support to legislators created allies for the guards who finalized the "campaign" to oust Boone.

There were politicians and members of the legislature who attempted to capitalize on the bill to further their own ambitions for higher political office. These politicians wanted to use Boone's efforts in corrections to increase their own visibility. Almost everything Boone said or did was considered newsworthy; therefore, some politicians were constantly making statements about corrections reforms, prison conditions and Commissioner Boone, in order to get publicity. Several of these legislative "opponents" were Attorney
General Robert Quinn, Representative Sacco, Representative Colo, and Senator McCann. Another political opponent was George Burke, the District Attorney for Norfolk County, the location of MCI-Walpole and MCI-Norfolk. Representative Colo headed the Legislative Commission on Corrections, a commission without portfolio set up to investigate the Department of Corrections and to hear grievances from the guards and others concerning security within the institutions.

Senator McCann was a twenty-year veteran of the Massachusetts Legislature who had been long regarded as the Senate expert on prisons. Early in his career he had been an advocate for a special facility for first offenders and improved prison industries, beyond these particular issues he was not supportive of prison reform. Basically, Senator McCann thought the reforms proposed in Chapter 777 were too broad. Had he been able to defeat it, he would have voted against the Omnibus Prison Reform Act. Senator McCann vented his opposition against corrections reform by calling into question the legality of Boone's appointment as Commissioner of Corrections. McCann charged that Boone did not have the requisite five years experience in adult correctional administration. Legally, the challenge had questionable merit, but politically it created another issue around which Boone's competence was questioned. There were probably other legislators who supported Chapter 777 without an accompanying
commitment to correctional change. Support for legislative change without the power to enforce the changes is of little consequence, because the changes will not be implemented.

It was not until passage of Chapter 777 that opposition to corrections reform became intense and effective. The opponents were rather passive until the bill was passed and there were attempts to implement it. Only when Chapter 777 became law did some opponents realize that corrections reform was a genuinely viable concept. Efforts to implement the bill, coupled with Boone's more aggressive and "radical" rhetoric were stymied by the guards. Once the bill passed, and some people began to understand the full implications of Boone's reform program, the opposition mobilized. After the reform legislation did not solve the problems in the Massachusetts prison system and the legislators realized that they were not going to get additional votes as supporters of penal reform, positions on issues related to corrections reform changed dramatically and the support for reforms began to diminish. After the bill passed, the guards' actions indicated that they felt that they had lost the battle, but that they were determined to win the war. One interesting aspect of corrections reform in Massachusetts during the early seventies was that the institutions exploded immediately after passage of the reform legislation and most people were unprepared for such a reaction.
According to one of the Ad Hoc Committee leaders:

Once Boone set about doing his job as Commissioner, he was the victim of the conscious malice racism which prevades the society. Boone was a stinking administrator; he was undercut on every hand. He was abused and called "coon" to his face. He was also not the world's best judge of character. . . . There was a huge amount of paranoia about Boone.6

The most serious of the disturbances occurred on March 17, 1972, at Walpole State Prison and became known as the St. Patrick's Day Riot. According to the newspaper accounts, the inmates had a race riot. They went on a rampage in the institution by setting fires and destroying state property which resulted in damages later estimated at nearly $2 million dollars. The disturbance also left one inmate critically injured with a stab wound in the back. In explaining the events of March 17th, the inmates contended that the guards instigated the rampage in an attempt to foster a race riot which would embarass Commissioner Boone and other prison officials. A former key official within the Department of Corrections substantiated the inmates explanation of the events:

Contrary to newspaper accounts and rumors perpetrated by the guards, there has not been a full scale riot in any of the (Massachusetts) prisons. A fight would start between a black and white inmate and the guards would not make any attempt to quell the minor fracas, but would leave the cell block open and then run down the corridor shouting "race riot" in order to precipitate violence between black and white inmates.7
In the book, *The Price of Punishment*, which attacked the Massachusetts prison system as being of no help to anyone, but the people who run it and which called for the abolition of prisons, they found that riots were usually provoked by beatings, lockups, searches and other tactics used by the guards to harass the prisoner population. The St. Patrick's Day riot of 1972, according to the writers, was caused by guards who saw one black and one white prisoner fighting and ran out of a cell block yelling "race riot!" The prisoners resisted provocation by the guards to make the fight a racial issue, but black and white prisoners joined together and dramatized their real grievances by tearing the prison apart. After several hours, the guards ended the riot, involving some 150 inmates, by using teargas.

This account differs somewhat from a record of the events contained in *Report of the Citizens Committee, MCI-Walpole*. The Citizens Committee began their investigation on the evening of March 21st at the request of Commissioner Boone. The six committee members received full cooperation from Commissioner Boone and Superintendent Robert Donnelly, who had recently arrived at Walpole from the California prison system. The inmates refused to negotiate with the administration because they felt that Superintendent Donnelly had demonstrated a total lack of good faith by forcing inmates into their cells and aborting attempts for the continuation of negotiations with
the administration and thus precipitated a clash between inmates and guards. 10

Upon arriving at the institution, the committee visited each cell block in the prison to assure the inmates that the committee was present to assist them and to show the public's concern with the situation at the prison. From discussions and tours within the institutions, it became clear that the lack of security in the prison, but particularly in the minimum security section where none of the cells could be locked was of critical concern to the inmates. After nearly seven hours of negotiation the citizens committee and an elected inmate negotiating committee agreed that it was important to have community people come into the prison as a demonstration of the community's interest in the problems of the prison and as a mechanism for keeping things calm and orderly.

On March 22, scores of community people began a 24 hour per day watch at the prison which lasted over a week. Those participating in the prison watch were mostly JAYCEES, but included members of other groups such as the Massachusetts Half-Way Houses, Opportunities Industrialization Center, Action for Boston Community Development, Massachusetts Council on Crime and Correction, students from Harvard University as well as business men from Raytheon Company and the Polaroid Corporation. Over 150 citizens participated in this
effort. Cooperation from the inmates, guards, and administration was excellent. The presence of outside people in the institution--moving freely--did much to reduce the tensions. Not only was the possibility of serious clashes between inmates and guards reduced, but the adverse effects of such a conflict triggering a more serious incident were minimized with the presence of outside people.

Negotiations around the grievances presented by the inmates were extremely problematic. Difficulties in the negotiations arose because the negotiations were crisis bred, and because of the damage to state property which elicited hostile responses from the public, a few legislators and other public officials. Racial and political polarizations among the inmates also hindered the process of negotiations. There were strong feelings that Black and Spanish-speaking prisoners constituted a disadvantaged minority within the general prisoner population. Some of the minority leaders felt that the minority demands should receive the most immediate attention. The political dichotomy among the inmates was between those inmates who felt that constructive, traditional negotiations were the best avenues for change and those prisoners who saw no real prospect for change through negotiations. Those who believed in negotiations prevailed, at least temporarily. Because the negotiations took place, an explosive situation did not, in fact, explode.
As a result of the discussions with inmates, administrators, and corrections officers, the citizens committee made several recommendations. Underlying their recommendations was the need for a built-in, regularized negotiation structure. To this end the committee recommended formation of an inmate council, comprised of elected representatives of the inmates at Walpole, to continuously and permanently speak for the inmate population. They also proposed an ombudsman committee composed of outside citizens selected by the inmate council and including ex-offenders to meet regularly with the inmate council for discussion of institutional matters. They also recommended that the department of Correction appoint certain of its correction officers to constitute a liaison between the inmate council and the Department; that those individuals meet with the inmate council and the ombudsman, on a regular basis, and with an agenda of current issues. Interestingly enough, these recommendations were not carried out. The last major thrust of the report was to urge the legislature to enact Senate 1330, the Omnibus Corrections Reform Bill, because it would do much to improve the operations of the prison system.

The inmates are in particular sustaining some hope for the passage of the Corrections Bill. They would be justified in this because the act constitutes a well-justified positive program for corrections improvement. Once put forward as it has been, the act achieves a new significance. Affecting the old status
quo, hope, morale, other conditions in the institution will be immeasurably better or worse as the act passes or fails. The price of defeat of that legislation is to increase the hopelessness and despair of those who had become hopeful.12

After the March 17th disorder, Boone secured the services of a number of consultants to conduct crash security training programs at both MCI-Walpole and MCI-Norfolk. Observations by the consultants indicated a severe lack of many of the most rudimentary custodial skills among a large number of custodial personnel. The situation at Walpole was particularly critical because the supervisory and middle management personnel lacked the skills to deal with new demands and expanded supervisory tasks. The problem of a lack of training and educational opportunities caused some insecurity and fears about safety among inmates and the guards.

As a result of the St. Patrick's Day riot at Walpole an adversarial relationship developed between the supporters of corrections reform and others. Even though it was not possible to distort the violence into a racially motivated disturbance, its very occurrence and the extensive coverage by the newspapers, began to further polarize attitudes. No disciplinary action was taken against the corrections officers, nor inmates, but a series of investigations into the incident were ordered by the Commissioner. Shortly after the Walpole incident, the adversarial forces headed by the guards' unions began
to organize conscientiously against the Commissioner and his reform agenda.

The adversarial response stemmed from the fact that humans are basically opposed to change. Change threatens our security and makes most people very uncomfortable. From the guards perspective, they attacked Boone rather than the reform policies. Boone was used as a scapegoat. The irony of it all was that reform was coming before Boone came on the scene, but he crystallized the corrections reform effort.13

The guards at MCI-Walpole were particularly agitated that no disciplinary actions were taken against the inmates. In several newspaper stories in the *Herald American*, Dominic Presti, president of Walpole Guards Union, an affiliate of the American Federation of State, County and Municipal Employees (AFSCME), charged that Boone was giving more attention to the problems of the superintendents of the state's penal institutions and to the inmates than he was to the job problems of the corrections officers. He further denied reports that the guards were testing Boone, but rather insisted that if Governor Sargent had met with the corrections officers as they had requested in early fall, some of the existing problems would have been averted.

In April, only about three weeks after the Walpole disturbance, more than 200 riot equipped state troopers ringed MCI-Norfolk Prison after a scuffle between inmates and officers touched off a rebellion by about forty prisoners. Tensions within the institution were said
to have caused the Norfolk disturbance. Following the disruption at MCI-Norfolk, on April 24th, a Walpole guard was stabbed and seriously wounded by an inmate assailant who was being moved to a cell following a disciplinary problem. As a result of the stabbing, there was a shakedown and inspection at the prison in which knives and a homemade bomb were found.14

Following the incidents at MCI-Walpole and MCI-Norfolk, twenty-five female correctional officers at MCI-Framingham staged a full-fledged work stoppage. During the period from April 28th through May 1st, the Framingham corrections officers were joined in their sickout by almost 200 guards from the correctional institutions at Walpole and Bridgewater. The guards were protesting against the "permissiveness" of Boone's administration; the breakdown in morale due to decisions allegedly handed down by Goldmark and Boone; and the lack of administrative concern for their general safety at the institutions. In addition, there was a growing feeling of neglect in promoting corrections officers to higher status and higher salaried jobs within the Department of Corrections. The guards' actions reflected their lack of confidence in Boone's ability to effectively run the corrections system.

Inexperienced outsiders have been brought in by an outsider, Secretary Goldmark, with the result that the entire penal system is in a state of upheaval.
We are tired of being buffed and rebuffed by stooges and third stringers who have no knowledge of the matter and who have already compounded the situation until it now borders of chaos.\textsuperscript{15}

Boone stated that the guards' grievances were never conveyed to him and that once they were made known, he would address the complaints. After the spread of the sickout and its continuation into a fourth day, Boone became concerned that the sickouts created a state of emergency within the prisons. Instead of calling in the State Police, Boone called on volunteer agencies such as the JAYCEES to man the prisons if the guards' walkout continued. Boone warned the guards that he would take court action and invoke other sanctions, including dismissal against the officers who called in sick and who did not have a doctor certify their claims that they were too ill to report to work during the sickout. The warning was carried out on May 4th and 5th when sixteen corrections officers at MCI-Walpole were suspended without pay. The Commissioner's actions angered the guards and they were even more intractable in their opposition to Boone. After notice of the five day suspensions pursuant to Section 43(e) of Chapter 31 of the Massachusetts General Laws, meetings were arranged between the Commissioner, guards, superintendents and state officials of the AFSCME. The guards resumed their duties only after these meetings were held.
Meetings to resolve the grievances of the parties concerned were held in early May. The guards' major complaints were the failure to repair locks damaged in the March 17th disturbance at Walpole; the guards' personal safety within the institutions given the ratio of inmates to guards; and the number of homemade weapons discovered during the recent shakedowns. Another problem was the feeling among guards that the inmates were running the institutions because of the lack of disciplinary action against inmate demonstrators and trouble-makers and the impunity with which the inmates disregarded the authority of the guards. The guards resented Boone's alleged leniency towards the inmates. The feelings were summed up in the following statement by a spokesman for the guards' union.

We are not saying inmates should not be given the opportunity to demonstrate their responsibility, ... but we think those individuals who have not demonstrated adequate responsibility for running their own lives outside the institution should not automatically, upon incarceration, be trusted with the responsibility of formulating policy for our institutions.16

The guards were also concerned about the lack of planning to prevent further violence in the institutions and the inadequacy of existing facilities to handle the incorrigible and extremely disruptive inmates. Because Boone had closed the desegregation unit at MCI-Bridgewater, the most difficult prisoners were placed in the maximum security cellblocks 9 and 10 at MCI-Walpole. Officers felt that Boone's
decision was in error and that there was a real need for reopening the Bridgewater desegregation unit. Officers at MCI-Framingham wanted the Commissioner to establish a segregation unit at that institution in order to handle difficult women offenders; to transfer troublemakers; to hire some additional personnel to enforce the rules and a minimum of five male officers per shift.

Boone rearticulated the two policies which he had initiated during his first three months, namely that D.S.U. Bridgewater was closed, that it would not be re-opened under any circumstances, and that no inmates would be transferred within the corrections system or outside the system without appropriate hearings. The guards contended that these policies made their jobs more difficult and that their insight was not sought in promulgating the new policies. Boone emphasized that he set the policies for the corrections system, but that he sought advice from inmates, guards, citizens, and superintendents. Boone also stated that the superintendents were in charge of the institutions and when a problem arose, they had the authority to deal with it. Departmental policies, he added, were specific yet flexible enough to be adapted to the particular institutions. Boone felt that superintendents and guards had to be creative and imaginative to come up with effective approaches to the problems in their institutions. Until he completed his study of departmental policies and
issued new ones, Commissioner Boone added that the old departmental policies were operative. Other concrete actions taken to alleviate difficulties were reinstatement of guards who were previously suspended, new training programs for corrections officers, improved communications between the Commissioner, the superintendents, and the guards and increased support and backing from the Commissioner for the superintendents. The meetings were useful because tensions subsided for a brief while and the correctional officers had an opportunity to air their grievances. Basically, however, things remained the same and the violence continued.

The summer of 1972 was long and hot in the Massachusetts correctional system. The situation in the prisons deteriorated. In May, 1972, two Walpole inmates were killed when trying to make a bomb which exploded. This incident was particularly serious and the Norfolk County District Attorney, George Burke, launched an investigation to determine how contraband materials for making guns and bombs ended up in the hands of two Walpole State Prison inmates. Following this tragedy, another shakedown was ordered at Walpole, and other weapons were found hidden in the institution.

On May 31, 1972 to June 1, 1972, approximately 100 inmates in the century old East ing at the Concord Reformatory broke windows and smashed furniture when an inmate leader was locked up for drunkenness.
The disturbances continued the following day when work details were cancelled and prisoners were fed in small groups. By noon of the second day, order was restored. The disturbance erupted allegedly because of rivalry between the Prison JAYCEES and the Peaceful Movement Committee. When the JAYCEES' President was locked up for being drunk that group argued that if the drunken prisoner had been Black or a member of the Peaceful Movement Committee (an inmate self-help program), he would not have been locked up. They also claimed that corrections administrators only responded to arguments and complaints raised by the PMC members.18 There were charges and counter charges in this event which merely increased polarization along racial lines among the inmates.

In June, Gloria Cuzzi was fired as acting Superintendent of MCI-Framingham. Dorothy L. C. Chase was appointed the new superintendent of the women's prison in July. Robert Donnelly resigned as superintendent of MCI-Walpole on July 20th, just two days after Governor Sargent signed the Omnibus Correctional Reform Act into law. On the last day of July, 1972, an unsuccessful escape attempt at MCI-Walpole ended in the deaths of four individuals. There had been six deaths in the Massachusetts correctional system in less than three months. The record was not impressive and the attacks on Boone and the reform legislation became more vicious.
On July 31, 1972, an abortive escape attempt by MCI-Norfolk inmate, Walter Elliot, ended in the killing of two prison employees, Elliot's wife and himself. The multiple murders and suicide brought Commissioner Boone under heavy fire from the public and especially the officials of the guards' unions. The Elliot incident was the subject of a special investigating committee, the Gavin Committee, and an intensive investigation by Norfolk County District Attorney, George Burke and his staff. The fact-finding committee headed by former Commissioner Gavin absolved Mr. Boone and the prison personnel at MCI-Norfolk of any blame in connection with the July 31st shootout at that institution. The report concluded that the incidents which resulted in the tragic deaths at Norfolk were in no way related to the reform policies which were recently mandated.

It is the conclusion of this Committee, based on the evidence presented to it, that existing security policies, procedures, and practices were adhered to on the morning of July 31. That is the opinion of the Committee that no employee failed to carry out his responsibilities according to existing security practices on the morning of July 31. This is not to say, by any means, that security practices were adequate on the morning of July 31. The most glaring inadequacy was the absence of a metal detector.

It is the conclusion of the Committee that the judgements and decisions made by correctional administrators concerning the events leading up to July 31 were reasonable ones under the circumstances existing at both Walpole and Norfolk. This includes the decision of the Acting Commissioner and her staff not to transfer the five men (including Walter Elliot) involved in the alleged escape plan from Norfolk to Walpole at that time, and the decision of Superintendent Bohlinger and his staff not to lock the five inmates up in the Norfolk Receiving Building at that time.
Almost in direct contradiction to this report were charges against the Department of Corrections brought by Norfolk County District Attorney, George Burke. In a statement issued in late August 1972, he blamed a "wrong policy" followed by Corrections Commissioner Boone's office for contributing to the July 31st shootout at MCI-Norfolk. According to District Attorney Burke, he had urged the Commissioner's office to transfer Elliot, just six days before the tragedy occurred, because of his alleged involvement with other inmates in an escape plot. The District Attorney claimed that Boone's new prison policies were leading to organized crime setting up and operating out of MCI-Walpole and MCI-Norfolk prisons. Another of Burke's charges was that there had been a tenfold increase in crime inside the prison walls since January when Boone took over as Commissioner of Corrections. That this tragedy occurred so soon after passage of Chapter 777 was alarming, because many people tried to link the two events causally. The tragedy provided Boone's adversaries with more justifications for their attacks on him and his policies.

Senate President Kevin Harrington appointed Senators Locke, Tobin, and McKinnon "to a special committee of the Senate to make an investigation and study of the prison system of the Commonwealth, including all laws and matters relating to the correctional system." In February of 1973, the Locke Committee issued its report and
recommendations. Included in the recommendations were a call for the speedy implementation of Chapter 777, but particularly those sections which provide that intensive and on-going educational and training programs be available to corrections officers; publication of a written code of conduct containing all the DOC's regulations and procedures; aggressive efforts to attract, recruit, and train minority group members for corrections service; immediate establishment of a diagnostic reception center; continued development of community-based half-way houses promoting re-integration of inmates into community life, and the exploration of increased use of forestry camps; the use of metal detectors on a continuing basis to promote the security of inmates, other employees, and visitors; and retaining the Department of Corrections in its present location within the Executive Office of Human Services rather than transferring it to the Department of Public Safety. The Locke Committee's report contained many of the provisions which the Ad Hoc Committee had advocated earlier. Unfortunately, the report received very little attention, yet it demonstrated that the prisons in Massachusetts were a long way from being reformed (see Appendix I).

Disorders in the prisons continued. The first week of August 1972, four Walpole inmates were caught preparing to escape. This escape attempt resulted in a two day lock up of all the nearly
six hundred prisoners at MCI-Walpole during a shakedown at the institution. As if the violence in the prison were not enough to interfere with successful implementation of the new programs and philosophies, the MCI-Employees Independent Union and the Massachusetts Correctional Employees Union, Inc. challenged Boone's qualifications to fill the post of Commissioner of Corrections in the courts. At issue was whether or not Boone had actually had five years of administrative/supervisory experience in adult corrections. Boone was represented in the suit by Attorney General Quinn, whose office initially refused to represent him. At the insistence of Governor Sargent, Quinn represented Boone and he told the Supreme Judicial Court that the corrections officers' unions did not have the legal authority to question Boone's qualifications. The Attorney General's Office maintained further that even if the guards successfully proved their charges, they could not force Boone's removal from his job as Commissioner. The court ruled that Boone had more than the requisite five years administrative experience in adult corrections and it dismissed the suit. The suit was more of an annoyance than anything else, but it was effective in diverting Boone's complete attention from administration of the Massachusetts correctional system and causing the public to doubt his competence.
During the time of the controversy over Boone's qualifications, the Presidents of the guards' unions met with Governor Sargent to demand Boone's ouster as Commissioner because of policy changes which he invoked and his alleged laxity in running the Department of Corrections. These representatives of the guards also demanded that the Department of Corrections be placed under the Department of Public Safety and given police power. The guards' wives joined in these protests by staging a demonstration in front of the State House against Boone and the lack of security in the Commonwealth's correctional institutions. Underlying the protests were claims by the wives of the guards that unrest, agitation, bloodshed, and dissension ran rampant within the Department of Corrections because of Boone and his inability to control the prison system.

About thirty-three inmates at MCI-Concord refused to go to their cell blocks for nightly lockup on October 2nd. They were protesting the large number of broken windows in the cellblocks as temperatures reached the freezing point. Windows which had been broken during the May disturbances had not been replaced because of a lack of funds for maintenance. One inmate was stabbed during the early morning hours of this particular disturbance.

On October 16, 1972, one guard was seriously stabbed and five others received various other injuries when 10 inmates at MCI-Concord
attempted to gain control of the maximum security section. Five inmates who were recently transferred to MCI-Concord from MCI-Walpole overpowered a guard when they were returning from exercising in the segregation unit. In less than three hours, however, everything was quiet and all inmates were returned to their cells. 21

On November 13, 1972, Commissioner Boone installed Mr. Raymond Porelle as superintendent at Walpole State Prison. Boone promised that Porelle would provide the discipline, security and fairness needed to control the institution. The day after Porelle's appointment, a Walpole inmate, Ray Rich, was murdered. His assailant was not apprehended and an investigation into the event took place. From September on, most of the violence in the Massachusetts prisons occurred either at MCI-Concord or MCI-Walpole. Shortly after the Rich murder, fourteen Concord inmates escaped during a disturbance at that institution. Two incidents had previously occurred that had bearing on the November 20-22 disturbances. In late September, Daniel Nolan, a well known organizer and inmate leader involved in negotiations between inmates at MCI-Walpole and the organization of an inmate union, was transferred from MCI-Walpole to MCI-Concord. Within three days of his assignment to the general Concord population, a demonstration occurred with Nolan emerging as a major spokesman. One of the demands presented by Nolan on behalf of the inmates to Acting
Superintendent Walter Williams was that inmates be permitted to stand outside their cells for the normal 7 a.m., 1 p.m., 8:30 p.m., and 10 p.m. counts instead of being locked up for those counts. Williams did not agree to those demands, stating that such a question should be dealt with by the new, permanent superintendent who would assume responsibility for the institution in two months. Following this meeting, the men returned to the East Wing, but did not return to their cells. Inmates stayed out of their cells for two days. 22

The other occurrence with significance was the expression of interest within the MCI-Concord administration to change the daily routine of the institution from a two platoon to a one platoon system. The two platoon system was implemented some time ago by the previous superintendent, because the institutional count soared to over 700 inmates and there were not enough school, work or other program positions available to accommodate the entire population. Acting Superintendent Williams reported that the system did not function without problems. Some specific problems included concern among the industrial and school program staff that the two platoon system lowered production and disrupted the learning process. Additionally, Williams received complaints that under the system inmates were often difficult to locate and that men were frequently missing. It was in a setting of
tension, new inmate activism and impending change and apprehension that the November disturbances occurred.

Preliminary steps taken to initiate the change were interviews to determine each inmate's choice of program conducted after breakfast on the morning of November 20, by a committee composed of institutional staff. The interviews were conducted even though there were work, school or program slots for less than 400 inmates of a total population of 561. Wing residents were to be interviewed first, tier by tier, in the Old Dining Room, followed by residents of E building. While the interviews were in progress, the remaining residents were supposed to be locked in their cells. As the interviews began, many men refused to leave the tiers and others refused to enter their cells when they got back. After several hundred interviews the process was terminated and the population alerted to proceed with a routine schedule. Inmates did not report to their work assignments, they resisted lock-ups for the counts, and moved freely from building to building. A lock-up count was attempted prior to the evening meal, but inmates would permit a count only outside their cells. After a late count at 5 p.m. the correctional officers assigned to the East Wing were ordered to withdraw to the inner control section for their personal safety, and to protect both the keys and the telephones.
Even though the unusual withdrawal of officers from their post occurred, resulting in abandonment of the institutions to prisoners, the prisoners went to their evening meal on their own. While it was within his discretion, the decision by MCI-Walpole Assistant Deputy Fred Taylor to withdraw men to inner control and to man only two of the seven towers was not very judicious. The first order of business of any prison is to have a secure perimeter, and this is especially true during disorders. On the second day of the disturbance, Howard Doyle, President of the Massachusetts American Federation of State, County, and Municipal Employees was permitted to dictate to correctional officers that the compound was dangerous and that they should proceed no further than inner control if they feared for their safety. Union intervention and the reduction in security during the disturbances at MCI-Concord pointed to a pattern of unacceptable behavior ranging from insensitivity and neglect to mismanagement and administrative error which made the escape of fourteen prisoners possible. This break at MCI-Concord caused relationships between Commissioner Boone and guards to further deteriorate. An interim report by the Ad Hoc Committee to investigate the disturbances cited the lack of common sense and proper follow-up of change of program procedures involving the total resident community; the lack of administrative ability and a breakdown in the proper chain of command, including the union's
involvement, during the disturbances at the institution; and finally, the lack of comprehensive departmental procedures pertaining to inmate disturbances, riots and insurrections as factors which contributed to the success of the escape plot.

In December, MCI-Walpole, with its new superintendent, was the location of more violence. There was another murder and a guard was held hostage by inmates for several hours. Just two weeks after the murder of Walpole inmate, Ray Rich, another Walpole inmate, Robert Bennett, was murdered. He was found in his cell, fatally wounded with fifty stab wounds all over his body. The fourth murder victim at Walpole of the year, his death raised some perplexing questions: Where were the guards when he was stabbed? How did his assailant enter the locked cell? The questions were not answered, but the growing incidence of inmate murders and stabbings lead some people to believe that the tragedies could only occur with the guards' complicity. The next crisis took place five days before Christmas. Seven Walpole inmates held a guard hostage in a cellblock to dramatize their grievances and the slow pace of implementation of reform programs. After several hours the guard was released unharmed.

Boone's first year as Commissioner was crisis ridden. Initially his major concern was getting the state legislature to enact a new corrections bill. Once the bill became law, he attempted
to implement it. Inmate stabbings; four murders at MCI-Walpole; general lock-ups; work stoppages by corrections officers; several changes in top administrators at the institutions, specifically MCI-Concord, MCI-Framingham and MCI-Walpole; a court suit by the guards' unions challenging the Commissioner's qualifications, made Boone's job extremely difficult. Through all of this, however, he maintained the support of both the indigenous and professional prison reformers, the Governor and many legislators. His supporters wanted an end to the violence, but generally they saw the violence either as a natural consequence of reform measures to make changes in the prison system or the result of deliberate efforts by the guards to sabotage the reforms.

Though several investigations were undertaken by the Department of Corrections, District Attorney Burke, and the legislature, none of them specifically investigated the question of the guards' involvement in prison disorders. Corrections officers were concerned about the diminution of their disciplinary authority and control over the institutions. They felt that their authority had been unjustly reduced, with a proportionate increase in the inmates' power and control. Both guards and inmates felt their lives were continually in jeopardy and both sides blamed the other for the instability in the prisons. It was the Locke Committee's Report that underscored
some of the problems of the corrections officers and avoided fixing the blame. There were problems of qualifications, training opportunities, the delineation of authority, and seniority considerations. Nonetheless, because much testimony has been limited in its perspective, the committee feels it cannot lodge its sympathy with any single group of participants or observers. Accounts of hostility and injustice on the part of corrections personnel have been related by inmates and inmates' families, while other prisoners have underscored that many guards consistently behave with utmost equanimity and fairness; members of the news media are said to depict institutional problems with a gross pro-inmate bias on one hand, and to provide an opportunity for accurate representation of the existing situation on the other; allegations of racism are heard and subsequently refuted; guards' lives are said repeatedly to be in danger, and prisoners experience stab-bings and assaults daily; the pervasiveness of organized crime is elaborated by some and minimized by others; and endlessly on. Confronted with such conflicting testimony, the committee finds it impossible to reach any single decision as to where "blame" for existing instability may be fixed. The committee deplores the excessively low level of morale which prevails among guard personnel; but it also feels that inmates, without being given opportunities for self-improvement and self-development, would not willingly respond to any amount of disciplinary authority which may be vested in the corrections officers.

As the guards' opposition to Boone increased and as corrections practices in Massachusetts became more controversial, Boone's supporters spoke out and defended him. The support was largely centered in the Boston black community. Rep. Royal Bolling, the most senior member of the Massachusetts Black Caucus, accused prison guards of deliberately conducting a campaign to discredit Mr. Boone in an attempt to force his resignation. Other supporters charged
that the corrections system operated for the convenience of the guards with emphasis on job security and personal advancement. The presidents of more than eighteen organizations in the black community issued statements in support of Mr. Boone and they called upon the leadership of the guards' unions to cease "their opportunistic and self-serving attacks" upon the Commissioner. More than 400 Walpole inmates wrote letters of support for Mr. Boone in his difficult role as Commissioner of Corrections. Reform groups, particularly the Ad Hoc Committee, alerted and mobilized their constituency around the urgency of their continued support for Mr. Boone and corrections reform as the crisis in the prisons continued. One reform group, the Massachusetts Council on Crime and Corrections, reaffirmed their support for Boone and the Corrections Reform Act of 1972. MCCC urged constructive communication among the corrections officers and the Commissioner and offered to conciliate the differences between them. This show of support for Boone was important because if his supporters remained silent, then their inaction could have hastened his removal from office. In spite of the opposition, Boone re-emphasized his commitment to the new correctional philosophy of helping inmates re-enter the community with a greater promise to function responsibly.

When Boone appointed Raymond Porelle as superintendent at MCI-Walpole in November, 1972, Porelle was charged with bringing order
to the institution which had been plagued by violence and instability for more than ten months. Two days after Porelle's appointment, a Walpole inmate was murdered. Before Porelle completed his first five weeks on the job, another Walpole inmate was stabbed to death in his cell, and a Walpole guard was held hostage by inmates, though he was released unharmed. Because Porelle was bent on running a pristine and orderly prison, he was committed to ending the lawlessness, the murders, and the crimes inside the walls. At his most overt and sweeping drive toward this goal, Porelle instituted a 24 hour lock-up of the inmates at Walpole on December 29, 1972 and began a shakedown for contraband. Porelle felt security could be insured only if he conducted a thorough search of the prison for contraband and weapons.

The lock-up was extremely severe because no visitors were allowed into the prison. Lawyers were included in this restriction until they received a federal court order which gave them access to their clients in the prisons. All mail was confiscated and the prisoners had no contact with the outside and outsiders were denied entry into the prisons. State troopers were also available to reinforce the guards if the need arose. During the first week of the lock-up, Porelle transferred nine inmate "troublemakers" from Walpole to federal prisons throughout the country. Later, however, the inmates were returned to Massachusetts, after a federal judge ruled
that the transfers violated the inmates' rights to due process. At the end of the first week of the lock-up, Mr. Porelle displayed before reporters and others more than three hundred items of contraband confiscated during the shakedown. The contraband included such items as knives, bombs, files, spikes, narcotics, home brews, pornographic literature, and the like. In addition to the searches for contraband, Porelle used the lock-up to gain control of MCI-Walpole. He attempted to impose controls on the guards as well as the inmates. Specifically, he tried to bust crime and end the corruption within the prison. Porelle tried to discipline the guards and upgrade their performance. Relative calm prevailed at Walpole during the lock-up, in spite of its severity because Porelle promised to end the lock-up within a few days. Instead of ending, the lock-up continued and stretched on until mid-February, becoming the longest lock-up in the history of Massachusetts prisons. The tensions and animosities caused by the lock-up and lock-out were so enormous that they divided the various reform groups and eroded support for Boone. Finally, on January 27, 1973, the first visitors other than lawyers were allowed into the prison since the initiation of the lock-up one month earlier. Access to Walpole by outsiders was still limited, but these early visitors reported that inmates were brutalized and treated poorly during the lock-up. The
visitors also complained that they were harassed by prison officials and sometimes prevented from visiting.

Conditions at Walpole were impossible. Inside the inmates were ready to explode, and the guards were comfortable with the lock-up while outside, the reformers clamored for an end to the lock-up.

On February 15, 1973, after nearly six weeks of almost total silence on Porelle and the lock-up at Walpole, the Commissioner stepped in. He praised Porelle's bravery and leadership but concurred with the Superintendent's physician that Porelle desperately needed to take a leave.

Monday evening at Walpole, Superintendent Porelle personally led 25 correction officers to fight and put out fires which inmates had set. His bravery and his professional leadership, saved lives that night.

Superintendent Porelle is exhausted from three months of working very long hours... His doctor and I have ordered him to rest and recover. We need his leadership—I hope he can be back in a week...

... Because I want all of them to know—well-meaning and otherwise—that John Boone stands behind Ray Porelle—that Ray Porelle will continue to run Walpole. And that both Superintendent Porelle and I are committed to bring reform and new programs to Walpole—and to do it with better security, better medical care, and better classification.25

Boone ended the lock-up at Walpole on February 19, 1973; restored visiting privileges fully; permitted outside observers to enter the prison; and tried to lessen tensions at Walpole. The lock-up was
ended only to be reinstituted when Porelle declared a state of emergency at Walpole only six days after returning to his duties as Superintendent.

Because of Boone's silence during the lock-up at Walpole and the excessiveness of the lock-up, the supporters of corrections reform were confused. The seven week lock-up, lock-out and shakedown had devastating effects on the prisoners and caused many reformers to re-examine their confidence in Boone and their support for his programs. Basically, the reformers did not understand how Commissioner Boone could support Porelle's prohibitions against reporters and representatives of external organizations entering the prison. Many reformers became totally disillusioned with Boone, because they found his apparent decision to support Porelle during the brutal lock-up at Walpole inconsistent with their notions of corrections reform. Porelle returned on February 22 and declared a state of emergency at Walpole because inmate leaders of the NPRA broke off negotiations for resuming regular prison activities. This state of emergency and the new lock-up further alienated many reformers from Boone.

Traditional and indigenous reformers alike thought that the only appropriate position for Boone was to remove Porelle as Superintendent at MCI-Walpole. When Boone refused to remove him, but rather tacitly supported Porelle, this position created a serious schism
within the ranks of the corrections reformers. Initially it appeared that Porelle's hard nosed, traditional approach was necessary and successful at Walpole, however, the lock-up continued too long and neither prisoners, guards nor reformers supported Porelle. Porelle was committed to order in the prison by any means, including repressive ones, and this is what the reformers questioned. To them repressive measures such as a seemingly interminable lock-up was too high a cost for a secure and functional prison. For Boone the issue was slightly different. Conditions at Walpole were severe; the strikes, riots, and stabbings had to subside if the reform programs were to have a chance at Walpole or any of the other institutions. Boone, unlike many correctional administrators, firmly believed that inmates in maximum security institutions should have the right to participate in community-based and other reform programs. Once Porelle restored order to Walpole, which it appeared that he would do, Boone thought the new programs and procedures could be initiated. Porelle became so obsessed with order at any cost that he received no cooperation from the guards, prisoners, or reformers. Under such conditions implementation of reforms was impossible. Porelle was literally running the prison singlehandedly during the lock-up. He was at Walpole 18 to 20 hours a day. Toward the end of his tenure as superintendent he entered the prison only with a bodyguard and carried a loaded shotgun
at all times. His behavior became so erratic and volatile that the
inmates referred to him as "Mad Dog Porelle." Porelle's behavior and
particularly Boone's support of him was a completely unacceptable
stance for most reformers.

What are we to make of this paradox? Commissioner Boone, an out-
spoken advocate of prison reform whose program in penology is one
of the most advanced in the country, supports and defends Super-
tendent Porelle who in a short 12 weeks time at Walpole has
instituted reactionary and repressive controls which suggest a
major set-back in penology.

While realizing the awkward position which Commissioner Boone is
in (his reform measures and his personal qualifications have been
under attack by those reactionary forces that would like to see
him fail while advocates for reform are now critical of him for
not doing enough), we feel that he must reckon with the fact that
poor judgement and irresponsible actions on the part of Super-
tendent Porelle have caused dangerously aggravated conditions.
These conditions are indefensible. Leadership must be exercised
by Boone to begin to reverse the situation.26

In a written message to all Walpole inmates, Boone tacitly reaffirmed
his support for Porelle. The Commissioner invited the responsible
inmates at Walpole to join him and Porelle in resolving the grievances
that had caused a three day stalemate at the facility and obstructed
efforts to make Walpole an integral part of the new reforms in the
correctional process. He defended the prolonged lock-ups at Walpole
as necessary because of the seven inmate fatalities and other violence
in the prison. The lock-up and Boone's support for Porelle marked a
turning point for corrections reform in Massachusetts.
Boone firmly believed that as a good administrator, he had to support his subordinates. He also felt that the situation in Walpole was so disastrous that drastic measures were probably warranted. To Boone, the lock-up was necessary, but it lasted too long. Boone backed Porelle, because Porelle had direct responsibility for Walpole. This was a sound administrative policy, provided one's subordinates were not only competent but reasonable. Boone later agreed that his appointment of Porelle as Superintendent of Walpole was perhaps a mistake. The turning point for the reform movement occurred when the reformers not only attacked Porelle, but began to attack Boone. The question for some was could you attack Boone without sacrificing the reforms? Some reformers were so dismayed that they felt Boone had recanted on his commitment to reform. From this perspective, Boone had to be attacked if the reforms were to continue. Interestingly, it was the Ad Hoc Committee and the more "militant" reformers who felt that they could never publicly denounce Boone though they found the lock-ups abhorrent to their ideas about positive correctional change. Reformers were generally in a very difficult position, because they opposed the lock-ups and most of Porelle's extreme behavior as superintendent, yet they did not want to join forces with the opponents of reform in attacking Boone. The indigenous reformers agreed that it was necessary to support Boone in spite of the
discomfort and uneasiness that the lock-ups caused. They also felt that Commissioner Boone could receive any amount of criticism from the opposition because it would probably strengthen him. By contrast, they felt that criticisms from supporters of reform would surely lead to his ouster. Their position was that it was important to attack Porelle, but to keep Boone. This was an honorable and principled position, but a difficult one, because the Ad Hoc Committee and reformers in that camp never took a definitive stand on the issue. Many of the professional or traditional reformers, however, began to attack Boone at this point.

The day after the original lock-up ended, the NPRA, the inmate union, claimed recognition by the prison authorities. An end to the lock-up was achieved primarily through negotiations between NPRA, representatives of the Department of Corrections, and reformers, particularly members of the Ad Hoc Committee for Prison Reform. In presenting their list of demands to Commissioner Boone and Rep. Colo on March 1, 1973, they concluded with the statement that "the only answer to the crisis at Walpole is the immediate removal of Porelle." On March 2nd, Porelle told the Commissioner that he was quitting as superintendent of Walpole, because the guards were deceiving him. Porelle's resignation became effective on March 17, and shortly, thereafter, the NPRA advised the inmates to return to work, to clean
up the debris, and to enter into good faith negotiations with the new prison superintendent, Kenneth Bishop. After becoming acting superintendent at Walpole, Bishop immediately began to bring things back to normal at Walpole. He held disciplinary hearings for inmates who were in segregation; he ended the strip and skin searches of visitors to the prison; he restored inmates telephone privileges; and he removed several inmates from segregation to regular cellblocks. In spite of these efforts to normalize the situation at Walpole, an inmate was hospitalized after receiving eleven stab wounds and a corrections officer received minor injuries when he was cut by an inmate. Both accidents occurred within two days after Bishop came to Walpole.

The guards became more antagonistic and they blamed Boone for the seven murders, the thirty stabbings, and the administrative turnover (Walpole had five superintendents in one year). They publicly demanded his removal as Commissioner of Corrections. After the cutting incident, the guards called the Commissioner to a meeting at the prison locker room and told him to "pack your bags." Tensions between the Walpole guards' union and the Commissioner mounted with Boone accusing the guards of managing Walpole poorly and with the guards threatening to go on strike over segregation hearings, inmate head count procedures, and other matters which they opposed as inconsistent with security. While the Commissioner and the inmates
were entangled in that controversy, NPRA representatives agreed the inmates would go back to work only if outside observers were in Walpole Prison around the clock. After deliberations with the Commissioner, the inmates went back to work. The guards, faced with disciplinary actions, reported for their shifts under a "phased supervised return." Outside observers, coordinated by the Ad Hoc Committee, began to enter the prison to observe conditions within the institution and to speak with employees and residents. This turned out to be Walpole's calmest day after 11 weeks of turmoil. Unfortunately the order was short lived, because on March 13th, the guards at Walpole went on strike. Commissioner Boone declared a state of emergency at the prison and mobilized a skeleton staff to run Walpole. In addition, the Governor responded to the guards' brinkmanship by threatening to call out the State Police. With overtime, use of Correction Department Personnel and other adjustments, the police could run the prison indefinitely.

This action has been taken, . . . because of an unusually large number of Walpole correction officers reporting sick, along with the serious problems created by trying to operate the institution under abnormal conditions and while delicate negotiations are continuing with the officers union and the leadership of the National Prison Reform Association (NPRA) . . . Absence due to illness must be documented by a medical certificate of sufficient detail and weight to justify absence during this emergency situation. During this emergency, conditions such as sickness or other family problems will receive consideration only by special permission from the Superintendent. 27
The corrections officers were striking over what they considered the deterioration of conditions at Walpole during Boone's tenure as Commissioner. They claimed that conditions were so intolerable at Walpole that they posed a serious threat to their lives and safety as well as the inmate's security. They reiterated their call for the transfer of the Department of Corrections to the Department of Public Safety in an attempt to bring order into the institution and to provide safety and security. They criticized Commissioner Boone's and Secretary Goldmark's inexperienced staff on corrections and blamed them for policies which allegedly lead to inmate control of the prison. Specifically, they complained that Commissioner Boone was attempting to close Cell Blocks 9 and 10, the maximum security area at MCI-Walpole. This charge was not true. Boone had ordered hearings by the classification board, pointing out that some inmates were placed in segregation for more than two months without due process and in violation of regulations. More than 200 corrections officers and civilian employees went on strike and they were notified that they faced serious penalties if they did not report to work, the penalties included discharge, suspension, transfers, demotions, and loss of pay. By March 20th every striking employee received a letter of suspension and contemplated discharge and an injunction telegram for violating Rules 41, 42, and 46 of the Rules and Regulations for the Direction
of the Officers and Employees of the Massachusetts Correctional Institutions for Males. The very next day, telegrams rescinding the suspensions and contemplated discharges were sent to all employees. On March 22, letters were sent to all the employees notifying them again of contemplated discharge and scheduling a hearing date of March 28, 1973. The hearings were continued on a daily basis by the Commissioner at the request of counsel for the union, Augustus J. Camelio, who represented all the employees in this matter. Despite the continuances, Boone was adamant about taking some disciplinary action against the guards because he would never be able to exercise minimum control over them otherwise. Legally, Boone was entitled to take some disciplinary action, but the question was could he impose sanctions against the guards in actuality? Boone admitted that all he could really do was to suspend them with pay, and usually they were re-instated and placed back on the job. Rules of the guards' union prevented the transfer of guards from one prison to another; because of civil service regulations it was virtually impossible to fire guards, and finally, there were no real sanctions nor penalties Boone could impose on the guards to force them to adhere to the new policies once they started to rebel. In terms of reforming the guard culture, Boone was able to do little more than
strengthen management procedures and institute training programs to upgrade the performance of the guards.

The guards violated the law, by striking despite prohibitions in the General Laws against strikes, work stoppages, slowdowns or withholding of services by state employees. They also employed extra-legal means to legitimize their walk-out. They did not report for work, had an excuse; or they did not report for work, and had no excuse. Some reported for work but did not work, and had no excuse, while others reported for work, but did not work and had an excuse. Walpole corrections officers refused to work in the interior of the institutions or at other duties which brought them into contact with inmates. Since the strike began, state troopers guarded the perimeter and manned the wall towers and the gates at the institution. The strike was the latest development in a three sided controversy between guards, inmates and prison administrators over who would exercise control over the institution. The guards said that prisoners ran the institution and they demanded that the control of the prison be returned to them. Prisoners sought greater input into prison policies. Boone and his administration wanted order so that the Massachusetts prison system could be reformed. In this aspect of the struggle for control, Boone lost because Governor Sargent did not fire the guards. Instead, the Governor got a court order which forced the striking
guards to return to work from their week old strike. The guards were ordered to return to work where they were faced with disciplinary hearings, the possibility of dismissal and a requirement of strict adherence to every rule and regulation of the Department of Correction. In their program of retraining and gradual re-entry into their jobs, the guards were given crash reorientation courses in department rules and regulations and some officers from every shift were picked for more formal training sessions outside the prison. While the training was not viewed as punishment, the officers viewed it that way and resented the training and the slow rate of their return to work. By this time, Governor Sargent began having serious concerns about Boone's capability as an administrator and the political costs of corrections reform, given its tumultuous brief history. Everywhere the Governor went he encountered severe criticism over the continuing unrest at Walpole. A decisive consideration in the Governor's deliberations over Boone's future was the fact that many one-time supporters of the Commissioner no longer supported him.

Three very significant events occurred during the strike. The most positive was that inmates ran the prison, quite efficiently, during the strike. They took their own head counts; NPRA members processed new arrivals; they operated the cafeteria, and they provided attractive and nutritious meals for the population. The period of
of the guards' strike was allegedly one of the most peaceful periods in Walpole in several years. An inmate gave his interpretation of that period:

For eleven weeks the National Prisoners Reform Association was left with the job of running the prison internally, and during that time there was very little difficulty between convicts; there was an air of hope. Things were not perfect (what human endeavor is?). There were a few who took advantage of the situation, but this was minimal. As far as I'm concerned it was proven that convicts really run a penitentiary, and police are needed only to lock doors and stay in the gun-towers, if that. Those weeks were evidence that people are governed only with their consent, I don't mean repressed and controlled.

NPRA's ability to maintain the prison in a safe, secure and orderly fashion increased the organization's credibility, improved its image and demonstrated that many inmates were capable of assuming responsibility. Perhaps the presence of the observers made the NPRA task easier. What is significant about this period is that for a time, the "worst prison in the United States" functioned reasonably well.

The newspapers never emphasized the point that with no guards and with the inmates in control, assisted by citizen observers, there were no stabbings and no murders in Walpole. This period of calm and orderliness at MCI-Walpole is significant because the guards are implicated as a possible source and a definite contributing factor to the earlier violence and security breakdown at MCI-Walpole. The events during the guards' strike also legitimize the contention of
many reformers, that when most prisoners are accorded dignity, respect and the opportunity to make decisions, they are able to handle them as well as a comparable group outside the walls. Leadership of NPRA understood the importance of keeping things controlled if for no other motive than to make the guards look bad. Members of NPRA were also sufficiently politicized to understand that the least amount of turmoil during the strike would strengthen the position of the opponents of reform and would be damaging not only to prison reform, but personally to Boone. The media and policymakers ignored the success of the inmates' administration of MCI-Walpole for fear of legitimizing inmates' demands for involvement in the administration of the prison and also as a way of protecting the guards' and their interest. The danger of the Walpoles of the world is not the prisoners themselves as much as in the prison equation of which they are a part. When the guards removed themselves from this formula and went on strike, it did not surprise the prisoners that conditions improved.

Shortly before the guards walked out, inmates at MCI-Walpole called upon the Ad Hoc Committee on Prison Reform to provide citizen observers around the clock to prevent reprisals. During the first two weeks, more than 400 individuals volunteered approximately 4,000 hours in the observers program. From the time the observers were present, beginning March 8, 1973, including a time the guards were
present and the arrival of the State Police, there were no incidents of violence or disruption. Each of the observers' reports indicated there was an atmosphere of calm and tranquility. In addition, the observers reported that the prisoners displayed great self-control, discipline and orderliness. 29

Though the turmoil in the prisons subsided to a degree and efforts were underway by Walpole's new superintendent, Walter Waitkevich, to restore order, Boone's problems were exacerbated. On March 25, 1973 murderer and convicted lifer, Joseph Subilosky, escaped while on a 12 hour furlough from MCI-Walpole. The public furor surrounding this escape was incredible. Citizens were outraged! This escape confirmed their fears that murderers and rapists would be freed to prey upon innocent people under the new reforms. They were scared and began to question not only the administration of the furlough program at Walpole, but the value of the furloughs and other reforms mandated by Chapter 777 and most importantly, Boone's ability to administer the Massachusetts corrections system. Mistakes were made in the administration of the reforms proposed in Chapter 777; among the mistakes was the Subilosky furlough. The circumstances surrounding this furlough were quite controversial. Of major concern was the question, who was to blame for Subilosky's furlough? Most of the blame fell on Boone because under the furlough program inmates convicted
of murder and other violent crimes or sex offenders were only granted furloughs with the approval of the Commissioner.

Boone ordered an investigation into the Subilosky furlough, which he claimed was granted against his personal orders. He instructed Walter Waitkevich, Walpole's acting superintendent, to conduct a thorough investigation of the circumstances leading to the furlough to determine if the action was an honest mistake involving a breakdown in communication or actually an effort to undermine the furlough program at Walpole. Lt. Governor Donald Dwight stated that he had received information earlier of the furlough and a planned escape. He relayed the information to Boone whom Dwight said personally cancelled the furlough, but that obviously someone went ahead and let Subilosky out. Despite the escape, Boone continued to defend the corrections system furlough program. Controversy continued, however, over responsibility for the release on furlough of Walpole lifer, Subilosky. The administrator of Walpole's furlough program during that time, Richard Fields, was suspended. Fields was a counselor who served as furlough officer at Walpole from March 21st to March 26th and denied he ever received an order, either verbal or written to cancel Subilosky's furlough. Until March 21st, Field was assigned to the Director of Treatment at Walpole. On March 21, Deputy Commissioner Walter Anderson had Fields
succeed Deputy Superintendent John Bates as head of treatment against Field's will. In spite of these events there were other questions: where were Subilosky's original furlough papers? Which Walpole Superintendent signed off on them? Why was Fields appointed furlough officer? Boone blamed Fields for Joseph Subilosky's escape and sent letters of reprimand to Fields for his very serious mistake. On the other hand, Walter Anderson, the previous associate superintendent at Walpole State Prison and the District Attorney of Norfolk County, placed the blame with Boone.

In addition to the investigation ordered by Commissioner Boone, the Legislative Commission on Correction, chaired by Rep. Colo, held public hearings on the furlough program and the Subilosky escape. Those involved denied responsibility and none of the investigations came up with anything more conclusive than the fact that the Subilosky furlough was handled irregularly. (Subilosky was recaptured thirty-seven days after his escape at a Hooksett, New Hampshire trailer camp.) After the Subilosky escape there was a moratorium on the furlough program. The number of people demanding that Boone step down as Commission of Corrections also increased tremendously as a result of the Subilosky escape. It was reported in the newspapers that Attorney General Quinn had suggested to Boone that he ought to resign as Commissioner because he had outlived his effectiveness.
Shortly after announcing his candidacy for Secretary of State, Senator Quinlan joined forces with those people calling for Boone's resignation. He wanted Boone to resign because the condition of prisons in Massachusetts had deteriorated. Walpole unrest had, in fact, brought the executive branch of the state government almost to a halt, with little or no time available for other major governmental concerns. There were a few moderating voices in state government however, after the Subilosky escape. Senate President Kevin Harrington's was one such voice. Senator Harrington said that he wanted Boone's administration of the Department of Corrections changed, but that he had no intention of asking for his resignation. In late May, Governor Sargent came to Boone's defense. He affirmed his belief that Boone was doing the best he could under the most trying circumstances and added that it was unfair to make one person the "fall guy" for the myriad problems in the prisons.

Unfortunately for Boone, things worsened. On May 18, a directive was issued from the acting superintendent, Waitkevich, to inmates that there would be a 48 hour lock-up and shakedown. The men allegedly didn't disapprove of the lock-up and shakedown, but they were concerned that their representatives, NPRA, were not consulted about the lock-up and knew nothing about it. They were also opposed to the restrictions on visits from family or friends
during the lock-up and became quite paranoid that the lock-up would result in one similar to Porelle's infamous December 1972 lock-up. The men felt betrayed because the air of trust that had been created was disregarded and men would have to have passes or special permission to move about within the institution. When the directive was issued, numerous rumors circulated throughout the institution and the inmates' fears were heightened when Waitkevich refused to come into the prison to discuss the matter. Some inmates refused to enter their cells for the 10 p.m. count and others were prevented from returning from the maximum security unit to the minimum security unit and vice versa by guards who had locked the doors separating the units. Feeling trapped, betrayed and desperate, the inmates panicked when they learned the State Police were coming. Tear gas was fired by the law enforcement agents, inmates were wounded when guards fired shots at them from the Control Room window, inmates set fires and destroyed property. Damages resulting from this riot were estimated at more than half a million dollars.

Perhaps it is coincidental, but Boone was out of town at the time of the May riot. In addition, he had no part in the decision to send the guards in for a shakedown. Boone also was not consulted nor involved in the decision to summon the State Police. According to a confidential source, Boone was set up. A deputy commissioner
informed the staff on May 19th, that the State Police would not be utilized during the disturbance, when, in fact they had already been dispatched to MCI-Walpole. One source noted that the State Police had been alerted for stand-by duty the day before the uprising took place. One could never document the May uprising as a contrived event, but circumstantial evidence suggests that possibility.

In mid-June, the period from June 12th through June 16th, to be exact, there were two inmate murders. A Walpole inmate died when lacquer was poured over his body and matches thrown into the cell to ignite a fire. Despite the inmate's cries for help and the pleas of other inmates for assistance, no guards came to the inmate's aid until his body was totally consumed by the fire. Immediately after this incident, Commissioner Boone suspended the guard, who had responsibility for the cell area where the tragedy occurred, with pay and without prejudice. This action was taken after the Ad Hoc Committee on Prison Reform sharply criticized the (alleged) absence of an officer from the cell area in the murder by fire of a maximum security inmate at Walpole. Four days after the inmate was burned to death, on June 16th, another Walpole inmate was stabbed to death. Following these violent deaths, Commissioner Boone ordered daily shakedowns without lock-ups at Walpole. He also attributed the murders to gang wars, individual grudges, and an old system with
serious middle management problems. These murders occurred less than one month after the riots in May causing nearly half a million dollars worth of damage and only about two months after the fierce public controversy over the Subilosky escape. All of these incidents were used by Boone's opponents as indications of his inability to run the corrections system. Reports from the Department of Corrections announcing a success rate of 98.6 percent with the furlough program and other accomplishments of Boone's administration did little to quiet the opponents. That 4,209 furlough passes had been issued by the Department of Corrections since November and there were only 61 AWOLS was not important to the opposition and had little effect on most of the public as compared with the adverse reaction to the Subilosky escape.

Representative Colo's Legislative Commission on Corrections made several recommendations to Governor Sargent and the Great and General Court, including one calling for Boone to step down as Commissioner. In addition, a Special Senate Committee on Corrections called for the establishment of a new Department of Correction and Rehabilitation at the level of a secretariat. Legislators criticized Governor Sargent for what they termed his inaction and insensitivity during the problems at Walpole State Prison. Not only was there public pressure on Boone, but political pressure was exerted on the Governor to fire
Boone. Every aspect of corrections and particularly corrections reform became a political liability. Because an election year was imminent, the pressure on Governor Sargent was not ignored. Several interviewees indicated that the Governor's political opponents planned to use violence and chaos in the prison as campaign issues in order to discredit him. Seemingly the Governor was not aware of the full political implications of his initial commitment to corrections. When the political stakes became quite costly, he backed down in his support of Boone and corrections reforms. Perhaps as a good administrator, there was no choice to be made. Sargent had gone as far as he could go in support of Boone.

As late as June 18th, newspaper reports expected Governor Sargent to reaffirm his support for Commissioner Boone and to reject the several recommendations to fire him. Boone continued to insist that he had no plans to leave Massachusetts nor his post as Commissioner. Even as late as June 20th, Boone was reported in the Boston Globe as saying he had not been approached nor pressured by Governor Sargent to leave Massachusetts and that he had not considered resigning. He said, "If I become a roadblock, they know what to do. In the meantime, I came to this state to do a job and I'm going to do it." The very next day, June 21st, 1973, Boone was essentially fired by Governor Sargent. In a statewide television appearance, Governor Sargent
announced Mr. Boone's removal as Commissioner of Corrections: "John Boone resigned today. At my request--against his wishes. He is no quitter. He wanted to keep going." The Governor diplomatically praised Boone for his achievements which included the work release program, education release, training programs for the guards, and new approaches to rehabilitation that don't just return an inmate to society, but restore self-respect to a human being. The Governor pledged his continued support for the reform principles and defended his request for Boone's resignation by stating that Boone had become the symbol of a major failure, the turmoil at Walpole Prison:

John Boone is not the cause of the problem at Walpole--he is the victim of it. He must go because his effectiveness has been crippled by the onslaught of assault upon him. He must go because he can no longer maintain a working chain of command. He must go because his inability to do the work he began has been destroyed.

Following the announcement of Mr. Boone's ouster, Governor Sargent appointed Deputy Commissioner Joseph Higgins as acting Commissioner. In addition, Governor Sargent took a hardline with riotous inmates at Walpole by turning prison operations over to the State Police. He authorized State Police Colonel John Moriarty to take over Walpole Prison and to serve as its temporary superintendent. State troopers were also to tighten internal security in the cell blocks, including unannounced shakedown inspections for contraband. Visiting
privileges at Walpole were greatly reduced, presumably to protect against the smuggling of drugs and weapons into the prison. The Governor ordered that the furlough program at Walpole be completely suspended until Col. Moriarty was satisfied it could function consistent with security.

In spite of the Governor's promises, the real question was, did Boone's ouster mean an end to an era of corrections reform in Massachusetts? Sargent's pronouncements were to the contrary and in his speech he pledged his continued commitment to penal reforms. He also stressed that the measures for ending the chaos at Walpole were temporary, they were confined solely to Walpole prison and they were designed to deal with an emergency. The answer to this question is difficult, many felt that Governor Sargent would have given Boone more time to bring things under control at Walpole and throughout the corrections system had an election year not been so imminent. This perspective does have some credence, but after the guards struck in March 1973, and Boone could not and did not fire them, because the Governor came up with a diplomatic and placative solution, it was clear that the trade off at that time was for political expediency rather than a commitment to corrections reform at all costs. The irony was that Governor Sargent felt he had to replace Boone for the sake of salvaging the reforms which the Commissioner had inaugurated.
One other disconcerting element in the Boone affair was that the Governor realized that the Commissioner's departure would not necessarily improve the situation at Walpole. He knew that Boone's ouster would appease the guards and then perhaps an atmosphere for resolving the prison crises could be established.

Violence in the prisons was detrimental to Commissioner Boone's efforts to implement the Omnibus Prison Reform Act. In a statement before the Colo Commission, former Walpole Superintendent R. H. Donnelly predicted that long years of neglect of the prison system lead to increasing problems in the effective management and control of prisons. He predicted that the remedies would most probably involve an exhausting, costly and perhaps even bloody struggle over the question of control of the correctional institutions:

To sum up then for the immediate future, I believe the Department must pay much more attention to running the institutions . . . I believe it only a matter of time until a confrontation is reached between administration and inmates if administration attempts to take over control of institutions rather than pacify inmates. I hope I am wrong, but I foresee a period of disturbances and property damages when administration finally makes its move and the confrontation will not be over quickly nor easily.

Donnelly's words were prophetic and offered one interpretation of the underlying reasons for the violence in the prisons. That there was
an ongoing struggle for power was indisputable but the contestants and issues in that struggle changed.

The cause of the violence and upheavals in the prison system during Boone's tenure were numerous. One explanation was that the murders, stabbings, and assaults occurred because of the fight for control of the prison rackets by the Irish gangs and Italian Mafia. The Irish group was headed by Peter Wilson. He had control of the pills that came into MCI-Walpole. He was assisted by a few other inmates, including some in Block Ten, in the pill traffic. The Italian group was headed by Peter Limone. Other leaders of this Mafia linked group controlled heroin traffic at Walpole. One black inmate was a dealer for the Italians, but aside from his involvement, Blacks were excluded.

In a letter to the Commissioner, inmate Y stated:

It has occurred to me that the troubles in this prison date from the time the Mafia men were allowed from segregation on death row into the general population; coincidentally you became Commissioner shortly thereafter, so it is possible you have been a general scapegoat for many troubles and incidents actually perpetuated by the Mafia through various groups and committees.34

Another explanation was that the violence occurred because of crime wars outside the prisons. Gangs vied for the leadership role "on the streets" and these power struggles extended into the prisons with the Department of Correction not being able to quell such disturbances.
Individual inmates were involved in this fight for control, because often they wanted more direct involvement in the prison rackets by getting one of the choice jobs in the laundry, the kitchen, or canteen. These fights for control, usually did not involve black inmates. One former top aide in the Department of Corrections explained the situation.

We can't document collusion between the corrections officers and the inmates. We can't document or prove that the "boss cons" actually order rub outs, but the Department of Corrections will be told that someone will be killed and it happens. The Department doesn't seem to be able to do much to protect these guys.

Another reason for the violence was the nature of the inmate culture and prison life. Prisons are dehumanizing institutions in which human life becomes very expendable. As a result, murders or vicious assaults were ways of settling accounts. An unpaid debt, a homosexual rebuff, a theft, or an argument could eventually result in death or serious injury for the perpetrator of the misdeed. There is no evidence to indicate that the violence in the prisons was racially motivated. Victims of the murders were by and large white inmates and in the instances where the assailants are known, they were usually other white inmates.

Violence and chaos in the prisons were almost a natural consequence of and response to correctional change. As discussed in
the preceding chapter, peace and tranquility in closed institutions, like prisons, were based on a tenuous balance of power and a series of informal peacekeeping arrangements between the guards and the inmates. The system of informal order maintenance was legitimized by the fact that the inmates and guards recognized and accepted its authority. The following anecdotes indicated that the informal arrangements were institutionalized to a degree: A newly arrived inmate at one of the state's correctional facilities was brought to his cell by a guard who explained the procedure for the head counts of the inmate population. As the guard spoke, another inmate, a "boss con," who was in a cell a few doors down interrupted and told the new inmate rather authoritatively, "That's wrong, that's not how we do it; you stand in the front of your cell door!" The new inmate was confused with these two sets of conflicting instructions on the proper procedure for a head count. Later the new inmate told a seemingly friendly guard what had happened and sought advice on how to proceed. The friendly guard told the new inmate to follow the orders of the "boss con" because he could be killed or injured by other inmates if he did not, whereas to disobey the guards would probably result in no reprisals, or a disciplinary report at most. The important role of the informal order maintenance system among the inmates and the guards was substantiated by the fact that the guards usually knew all
about the drug peddling, the laundry racket, the extortion, and most
of the other illicit activities which occurred inside the prison, yet
they did very little, if anything at all to stop this trafficking. The
reason for the guards' silence was that they themselves were sometimes
actively involved and profited from the dope peddling within the walls;
corruption in the use and misuse of prison industries; stealing of
food, and other of the more profitable rackets within the prison walls.
Another explanation was that there was nothing the guards could do
about it.

Corrections reforms, particularly those allowing the inmates
significant outside contact, such as furloughs, work release, education
release and other types of community correctional programs, disrupted
the informal order maintenance system of the prisons. The inmate, to
the degree that one was eligible for participation in the reform
programs, was no longer solely dependent on the boss cons and guards
for such things as drugs, liquor, cigarettes, clean clothes, special
foods, and the like. Once outside, the inmate had direct access to
these goods and at a fraction of the cost paid for them inside the
prison. The reforms therefore, loosened and, in some instances, almost
totally displaced the informal authority of the boss cons and guards.
Other inmates attempted to compete with the traditional providers,
while others no longer relied on prison sources for goods and services.
Reforms lead to reduced profits for some of the inmate and guard racketeers and much more aggressive competition for customers. It would be quite difficult to specifically document this view, but officials within the Department of Corrections and observers of the Massachusetts correctional system agreed with this analysis. The documentation that existed for these claims was contained in a series of confidential letters, memoranda, and notarized statements in the Department of Corrections file. These records indicated that certain guards at Walpole conspired against the Commissioner by coercing inmates into filing suits against Boone which challenged his qualifications and alleged that his policies and practices were the cause of unrest and high tension which jeopardized the safety of the inmates. Other records gave the names of correction officers and inmates who were involved in the trafficking of weapons and drugs (heroin and pills). The information was supplied by an inmate, Inmate X, whose brother, Inmate Y, had been in protective custody for more than six years because of his cooperation with law enforcement officials, including the Norfolk County District Attorney, the Suffolk County District Attorney, members of the organized Crime Group assigned to the Suffolk County District Attorney's Office and to Boston Police headquarters, and the Federal Strike Force, as well as the Criminal Division of the Attorney General's office in cases against organized
crime. In affidavits sworn during October 1972, Inmate X stated
that officers in Walpole did not believe Boone was qualified to hold
the position of Commissioner of Corrections because he was Black
and catered to the inmates. Inmate X also stated that Officers O.
and C., who were employed at MCI-Walpole first approached him and
his brother about the conspiracy against Boone while they were in
10 block. The officers wanted Inmate Y to draw up a civil suit against
Boone stating that since Boone became Commissioner he was in constant
fear of his life because of the way Boone handled security and that
there had never been such turmoil in the institution. Inmate X
concluded this sworn statement with the following remarks:

Mr. O. agreed with me that the chain of events that took place
in Walpole while Mr. Boone had power would have happened no
matter who was in office. However, the incidents such as the
March riot, the MacIntyre murder and 16 stabbings cannot be
blamed on Mr. Boone's policies, although Mr. O. wanted me to
say that I felt they were. In return for this Mr. O. would
grant freedom of the block for me and Inmate Y and a transfer
of any inmate on our floor to a tighter security down stairs
that we thought was a threat (sic) to us, or for any other
reason. When I did not agree to this I was placed in my cell
for 24 hours a day and let out once a week for a shower. My
brother Inmate Y, agreed and was let out from 7 a.m. to 11 p.m.
everyday. Inmate Y told me that I should've went along with
Officer O. and for doing O.'s legal work Officer was bringing
Inmate Y in on illegal pills. Officer told Inmate Y not to
trust me after I refused to go along with him ...

In his third affidavit, Inmate X stated that inmate J. F., a
part of the Italian power faction in Walpole, headed the heroin traffic
at Walpole. Two inmates who worked outside the wall brought the heroin inside once J. F.'s outside man had delivered it. The large drug shipments were then smuggled into the prison through the vehicle trap about every three weeks. Corrections employees were involved in this trafficking, but they did not choose particular sides. They were just "bought" and took orders from whomever owned them. The officer assigned to the vehicle trap knew the drug shipments were going through, but turned his head and accepted his payoffs. Other officers acquired television sets, radios, whiskey and even weapons for the inmates. Inmate X also reported that some contraband came in through visits and that although inmates controlled the illicit activities, they were aided by the guards and other employees at the corrections institutions:

My involvement with Mr. D. (an instructor at Walpole) started with inmate R. D. I asked R. D. if he could have a fifty dollar bill changed for me. He said yes. When he came back with the change I asked him if the person who changed it would be willing to make some money for himself. He said definitely (yes). I approached Mr. D. and asked if he would bring in two pints of whiskey. He said yes and he did. For this I was charged 10 dollars. Since that time he brought me in pills and has changed at least 10 fifty dollar bills. At a later date he asked me if I knew J. P., I said yes. He admitted to me that he was deadly afraid of him. At an even later date I was asked by J. P. to go to the plate shop and pick up a .45 caliber, automatic pistol, from Mr. D. I said yes and I did bring it up to the prison. I them brought it down to the max basement, I opened the grease trap, and placed the pistol in it. From what I know now the gun has been moved during my stay at 10 block by inmate L. M. presently an inmate also assigned to the plumbing detail. It is my
understanding there is also two more guns, a .32 caliber and a .38 caliber pistols. One belongs to a black party that was seen the night of the March riot by institution guards. I have reason to believe that the other pistol belongs to R. D. and D. R. and J. B. This gun was to be used only in mass confusion for the killing of officers and inmates and in an escape attempt.

What was significant about Inmate X's statements was that independent investigations by law enforcement officials corroborated them. The Norfolk County District Attorney ascertained that Inmate X's brother received a watch from the "Mafia" men on death row at Walpole; that this Mafia group also flew his sister to California where she received $10,000 from the aunt of an imprisoned high-ranking Mafia figure; and that more than $2,000 was received by Inmate X through an attorney.

Reports from the Organized Crime Unit of the Boston Police established that several corrections officers, including some identified by Inmate X, were observed at clubs that were frequented by and run by underworld figures. It was also common knowledge among law enforcement officials that at least one officer at Walpole was a "leg man" for the "Mafia," and because of his deep involvement with organized crime, he would not be able to extricate himself. In spite of this objective evidence, once Boone transmitted the new confidential information to District Attorney Burke and Attorney General Quinn, they took no decisive action on it, nor did they investigate the charges. When Boone attempted to suspend the corrections officers who were implicated in the
illegal activities, he came under fire from Burke. Boone was clearly without the necessary official support at this time. Even before the Porelle lock-up at Walpole, both the District Attorney and the Attorney General, by their inaction, showed their lack of confidence in Boone. This entire scenario is extremely significant because for the first time we can establish that violence in the Massachusetts correctional system was precipitated largely by factors not directly related to Commissioner Boone, his abilities as administrator, nor the implementation of Chapter 777.

Regardless of the causes of the violence, the important thing to understand is that it could not have occurred so continuously and unabashedly without the complicity of the corrections officers. This is not to say that the corrections officers directly and actively participated in the violence, but their failure to perform their duties or their absence from strategic guard posts at critical times made them responsible for some of the violence in the institution. The guards fought prison reform by instigating the riots and other disturbances within the prison and also by turning their backs on violence among the inmates in the institution.

The media, especially the print medium, played a critical role in the corrections reform drama. In the early seventies, corrections in Massachusetts was great copy because of the turmoil and upheavals
present there. According to a former News and Public Information Director for the Department of Corrections, newspapers sell because of an aspect of sensationalism:

Sensationalism sells newspapers because the public gets a vicarious enjoyment from the misfortunes of others. Prior to the late sixties there was a certain mystique about prisons, but with the increased political consciousness of inmates and greater intervention by the courts in prison administration and with more stories in the newspapers about prisons, they at least became something that greater numbers of people knew about.

Boone's very liberal media policies were predicated on his belief that access of outsiders into the institutions was essential if meaningful reforms were to occur. He felt that the general public had to have its awareness of the problems of prisons improved. His approach was therefore to have an open media policy. Allowing such extensive publicity on prison related activities molded and even divided public opinion either for or against corrections reform.

Media forces, particularly the Boston Herald American created further polarization with its inflammatory reporting. As previously mentioned, this newspaper fully supported the guards in their efforts to obstruct reform of the Massachusetts correctional system. This newspaper even took credit for Boone's ouster. Civil servants in the Department of Corrections, especially those aligned with the "outgroup," established a link between DOC headquarters and the Herald American
about problems in the institutions and within the Department, in some instances, even before Boone acted upon them. The problem of leaks became so intolerable that in September of 1972, Boone had imposed a decade old "gag rule" which had been previously ignored on all departmental and institutional personnel. Under the gag rule, only the superintendents, the commissioner and persons authorized by them could release information pertaining to inmates or institutional occurrences to the news service.

Media accessibility was very important as a means of keeping the public informed about the operation of the prisons and of making bureaucratic systems more accountable. This was particularly the case in closed institutions, like prisons. Before Boone was Commissioner, reporters were not allowed to go into the prison freely, but Boone opened up the prisons. Since Boone's forced resignation, the departmental policy regarding media accessibility was to deny reporters inside the prisons. No cameras or other communications equipment at all have been allowed inside the prisons since his ouster. Rather than nullify the liberal media policy, the present Commissioner denies access by declaring an existing state of emergency within the Massachusetts prisons. Ironically, Commissioner Boone's liberal media policy contributed, in some degree, to his ouster in the end. That prisons and the Department of Corrections were open and making
headlines, aroused many public responses and placed Boone, the institutions, and the Department of Corrections under a great deal of very critical public scrutiny. In Boone's case, the policy had dual effects, because he was identified with the good and bad aspects of reforms in the prison system. Very little, if anything was hidden from public view while he was Commissioner.

It was still the case that the vociferous opposition of the corrections officers was the single most devastating and detrimental attack on Boone and his reform administration. Boone's attitude was that the prison guards could be handled and dealt with, because as Commissioner he signed the checks which paid their salaries. He was a strong believer in getting control of the guards, "If you control the inmates you have to have some control of the guards." The problem with this seemingly reasonable position was that the Governor reneged on his support for Boone. There was a great deal of public and political ambivalence and later resistance to de-institutionalization, especially in terms of what should be done with people having special needs. At the core of many of the guards concerns was what do you do with the hard core or incorrigible inmate? The assumption among Boone and the reformers was that they constituted only a very small minority of the inmate population so they posed no real threat or that better classification would resolve the particular
problem. Reformers, generally did not realistically nor substantively deal with the question of what should be done with the genuinely dangerous offenders. The issue of how to implement reforms and neutralize opposition, by such forces as the guards was also left unresolved. Forcing reforms and ignoring the opposition to a degree was the approach taken. Perhaps an alternate strategy would be to retrain the guards for some other work, because the long term consequence of de-institutionalization was that guards may become expendable.

Yes, I think they did everything that they possibly could to undermine the progressive tools—to destroy our concepts and implementation of re-integration.

They are the most powerful guards in the country. They start off at a higher salary than social workers and educators. That alone shows you what kind of penal system we have here—one of containment and not rehabilitation.

We pay them to guard prisoners, and yet they don't guard! They let down their guard; they let people get killed.

I could have dealt with the guards' union if the administration had been willing to bite the bullet with me. To risk the politics of it all.

Those guards violated the law. They struck twice. They walked out of that prison and left their peers there to keep what they themselves call "dangerous criminals," the true hardcore.
And if I couldn't fire them, I was determined to take advantage of every opportunity to transfer some of them.

But . . . you don't mess with civil servants in Massachusetts.

My hands were tied--they were tied! 39

Not only were Boone's hands tied, but the guards' defiance and violence in the prisons effectively thwarted efforts to reform the Massachusetts corrections system.
NOTES FOR CHAPTER V


2 These points were discussed at length in an interview with Frank Carney, the Director of Research and Planning in the Massachusetts Department of Corrections.


4 Interview with Lou Brin, Boston, Massachusetts, Spring 1975.

5 Interview with John Boone, Boston, Massachusetts, Winter 1974.

6 Interview with Phyllis Ryan, Newton, Massachusetts, Winter 1974.

7 Interview with Walter Williams, Boston, Massachusetts, Fall 1973.


10 Ibid., p. 2.

11 Ibid., p. 6.

12 Ibid., p. 9.

13 Callahan, pp. 31-32.

14 Boston Globe, n.d.


18 Notes on the May 31, 1972 disturbance at MCI-Concord prepared by a Department of Corrections staff person for Commissioner Boone contained in John Boone's Personal Files, n.d.


23 Ibid., p. 22


32 Ibid.

33 Department of Corrections Records, notes from Hearings Before the Legislative Committee.
34 Confidential Correspondence to Commissioner Boone from Inmate Informant, October 16, 1972.

35 Williams interview, Fall, 1973.

36 Confidential Correspondence to Commissioner Boone from Inmate Informant, November, 1972.

37 Confidential Correspondence to Commissioner Boone from Inmate Informant, December, 1972.

38 Berstein interview.

CHAPTER VI

CONCLUSIONS

In February 1975, some three years after Chapter 777 of the Acts of 1972 became law, the Massachusetts Research Center published a monograph entitled, Implementation of Chapter 777. The findings of the MRC study were dismal. With the exception of the furlough program, few of the other provisions of Chapter 777 were implemented.¹

A similar conclusion was reached in a preliminary majority report from the Massachusetts Legislative Commission Studying Corrections: "Throughout the almost two years of its existence, the Massachusetts Commission Studying Corrections observed no significant shift toward a community-based system of corrections."² Not only was there no community based system of corrections in Massachusetts, according to these studies, but in general implementation of the provisions of Chapter 777 had not occurred. Basically, the reformers wanted to see the majority of eligible inmates out of prisons and placed in community correctional alternatives to prisons. As an interim measure they wanted the education, employment and vocational programs in prisons upgraded and expanded; the liberal policies for media
access, visiting hours and voluntary citizen involvement continued; as well as the full and immediate implementation of Chapter 777. This final section analyzes the implementation of Chapter 777 and presents some conclusions about the movement for corrections reform in Massachusetts during the seventies.

Since Chapter 777 became law, very little has happened to change the plight of the majority of offenders incarcerated in state prisons in Massachusetts. Eventhough the Corrections Reform Act gave broad powers to the Commissioner of Corrections relative to the maintenance, rehabilitation and reintegration of committed offenders into the community, minimal progress was made in this direction. Inmates are still victimized by the absence of programs within the institutions and limited community based alternatives to incarceration. When institutional programs and community based corrections do exist, many eligible inmates are denied the opportunity to participate, because of the arbitrary decisions by corrections personnel at the institutions.

As a result of Chapter 777, the legal authority was given to the Commissioner to establish the furlough program, education and work release programs, community correctional facilities which included Boston State Pre-Release Center, The Shirley Drug Rehabilitation and Pre-Release Center, and contracts with private agencies
for several halfway houses. During the two year period from 1971 to 1973, the most significant improvements in the Massachusetts correctional system occurred because of the initiative of the Corrections Commissioner, John Boone. Even without specific reform legislation, Boone instituted a liberal policy towards the media which allowed reporters to have access to the prisons and to inmates; he permitted citizen volunteers to participate in various programs within the prisons; he depopulated the prisons in Massachusetts through the liberal use of parole and by closing the East Wing of MCI-Concord during his eighteen months as head of Massachusetts correctional system. Other reforms initiated by Boone while he was Commissioner included making MCI-Framingham a coed institution; allowing prisoners greater freedom for political activity, which lead to the organization of a chapter of the National Prisoners' Reform Association (NPRA) at MCI-Walpole; the hiring of minority group members as corrections officer trainees; and inservice training programs for the older corrections officers. Without a legislative mandate for reform, Boone implemented his corrections philosophy which was based on his beliefs that prisons were harmful to most offenders, and that as many as 90 percent of the inmates in prisons would be better off in community-based alternatives to incarceration. The important point is that the implementation of reforms in the
Massachusetts Correctional System was more dependent on the initiative and assertiveness of the Commissioner than on the existence of a piece of corrections reform legislation. Further evidence of this point is the fact that in the Massachusetts Department of Youth Services, during Jerome Miller's tenure as Commissioner, the training schools and other juvenile detention facilities were shut down and replaced by a regional system of specialized community based programs all with no new legislation. It is quite true that Miller's client group was children and the public attitude toward juveniles tends to be somewhat benevolent, but here, again, the Commissioner took the initiative in moving towards a community based correctional system.

A major lesson of the legislative battle to pass the Corrections Reform Act in Massachusetts was that passing a law was not synonymous with the inauguration of political and social reforms. Though legislation was necessary to effect changes in public policy, without an aggressive policymaker/administrator to implement the changes, little was accomplished. The examples of former Commissioners Boone and Miller indicate that both reform legislation and an aggressive policymaker/administrator are necessary to implement policy changes. Many reformers who became policymakers are thwarted in their efforts to make changes because they lack legislative
authority. In other instances, reform administrators make changes through their administrative authority, but these changes are often shortlived. Because these changes were not mandated by legislation, when the reformer is replaced, the successor is not obliged to carry forth the reformer's administrative changes. Massachusetts had both, comprehensive reform legislation and an aggressive policymaker/administrator, at least for a time, and yet, the conclusions are that the corrections reform movement was unsuccessful. Before Chapter 777 is completely condemned, a review of its provisions and accomplishments are in order.

Of the reforms mandated by Chapter 777, the furlough program was the most controversial and the most widely implements. Sections of Chapter 777 relating to furlough authorized the Department of Corrections to grant furlough to carefully screened inmates for the following reasons: to attend the funeral of a relative; to visit a critically ill relative; to obtain medical, psychiatric, psychological, or other social services when adequate services were not available at the facility and could not be obtained by temporary placement in a hospital; to contact prospective employers; to secure a suitable residence for use upon release; and for any other reason consistent with the reintegration of a committed offender into the community. The reasons consistent with the reintegration
of an offender into the community were determined by the Superinten-
dent of the institution and the institutional furlough committee.

Under the furlough program, selected inmates were released no more than 14 days in the course of a year. Inmates serving life sentences or sentences for a violation or attempt to violate certain specified sexual and violent crimes could be furloughed only upon the recommendation of the Superintendent and the express approval of the Commissioner. An institutional furlough committee composed of at least five members designated by the Superintendent and including corrections officers, was responsible for recommending or rejecting inmates' requests for furloughs.

According to the records of the Department of Corrections, during the first five months of the furlough program, 2,966 furloughs were granted to 968 inmates. For that period, only 38 residents failed to return and were listed as escapes. Of the 38 "escapes," 22 either returned voluntarily to a correctional facility or were subsequently apprehended. This escape rate compared favorably with that of other correctional jurisdictions across the nation. The Department of Corrections viewed the furlough program as an effective correctional tool because it eased the transition from prison life to community life for inmates and it afforded offenders the opportunity to re-establish family and community ties. During
the first two years of the furlough program, 15,044 furloughs were granted and escape warrants were issued in 234 cases. The Department of Corrections computed the success rate of the furlough program at 98.5 percent at that time.

One of the difficulties in assessing the extent of inmate participation in the furlough program is that the Department's records do not reflect furloughs granted per individual offenders. Inmates and particularly Black inmates alleged that the furlough program was administered in a discriminatory manner, because a few white inmates were granted a large number of furlough while the majority of inmates received significantly fewer furloughs and most Black inmates received none. Clearly, there is a need for the Department of Correction to evaluate the program in terms of the number of furloughs granted per inmate with respect to the inmate's race, offense, length of sentence, and his institutional adjustment. The data collected from such an evaluation would provide a more accurate basis for modifying the program. In spite of the furlough program's early and continuing success rate, there were legislative efforts to curtail inmate participation in the furlough program. Implementation of the furlough program faced an unexpected setback when convicted murderer and lifer, Joseph Subilosky, escaped after being furloughed under questionable circumstances.3
Officials in the Department of Corrections and even certain segments of the public felt that the furlough program was successful and that it needed no legislative change. The only changes recommended were that its administration be strengthened and information about the program and its success be available to the public. Supporters of community corrections argued that neither furloughs nor any other community based program could realistically be expected to be 100 percent successful and that a success rate of over 98 percent was extremely important and a sufficient basis for continuing and expanding the furlough program.

The second most widely discussed provision of Chapter 777 was its community release programs. Chapter 777 mandated several types of community based correctional programs such as work release, education release and furloughs in order to allow offenders into the community on a limited basis prior to parole. These programs in the community were important because they allowed inmates the opportunity to re-establish family and community ties, to acquire educational and vocational skills, and to find employment and suitable housing.

Work and education release programs existed and were functioning to a degree at most of the Commonwealth's correction institutions. But the number of inmates participating in the programs
was quite small. Inmates attended classes at the University of Massachusetts at Boston under the terms of the Higher Education in Prisons Program (HEPP). Some inmates attended classes at other universities and community colleges within the Commonwealth, though primarily in the Boston metropolitan area. As of October 1974, only 41 inmates or roughly 4 percent of the total inmate population participated in the program. The Department of Correction operated a job bank for the purpose of matching inmates to jobs. Those inmates who participated in work release did not feel that the job bank was effective in matching inmates to jobs, because most of them had found their present jobs themselves. In the fall of 1974, 107 inmates or approximately 5 percent of the total inmate population participated in the Department's work release program.

The very low level of inmate participation in the work release program was due to problems of administration of the program, eligibility requirements and transportation. Another obstacle to wider participation in the work release programs in the Massachusetts correctional system was that work release operated through the Department's pre-release centers instead of the prisons. If an inmate were not in a pre-release center he could not participate in the work release program.
While education and work release programs which allowed selected inmates into the community on a limited basis, were not entirely new concepts in corrections, the potential for extensive use of community release programs under Chapter 777 was indeed new. An inmate who was within eighteen months of his parole eligibility date could participate in these programs. Though some semblance of work release existed at most institutions, the programs were plagued with problems. Inmates from Walpole were usually not involved in work release programs because most were sentenced to very long terms and therefore were not within eighteen months of their parole eligibility or release date. Expansion of the work release programs was hampered by funding. Work release programs were funded entirely with federal money. As the federal money comes to an end, it is not clear that the Commonwealth will underwrite the costs of operating and expanding community based correctional programs such as work release. With bleak projections for the Commonwealth's economic future, it is likely that reductions in spending for human and rehabilitative services will occur and that at best the community corrections programs might be continued, but not beyond their current levels.

Another program authorized by Chapter 777 was a system of pre-release centers. The Department of Corrections established two state operated pre-release centers: Boston State Pre-Release
Center with a capacity of 51, and Shirley Per-Release Center with a capacity of 50. In addition to these two state pre-release centers, there were four other facilities in the pre-release system which were operated by private agencies under contact with the Department of Corrections. Contract facilities serving the Department included Brooke House and Coolidge House with combined capacity of 30, Roxbury Multi-Service Center with a capacity of 25, and Charlotte House with a capacity of 12. With the exception of the Charlotte House Pre-Release Center, all the pre-release centers served men. Charlotte House exclusively served women from MCI-Framingham on pre-release status.

The system of pre-release centers had a total maximum capacity of 168 at any one time, though more than 50 percent of the 1,100 inmates of the corrections system's total population were eligible for pre-release status. Since they opened in February 1974, the Commonwealth's pre-release centers have been filled at about 80 to 93 percent of their capacity. With such a small number of beds available in these community release facilities, only a negligible number of prisoners, approximating 6 to 8 percent of the total prison population, was reached. Another state pre-release center was proposed in the western part of the Commonwealth near Springfield-Westfield. This proposal for a new pre-release center was met with
violent opposition by the residents who lived in the vicinity of the proposed site. Thus, plans for that pre-release center were halted. In an effort to more fully develop the Department's community release capability, the Department of Corrections relied on the forestry and work camps at Monroe, Warwick and Plymouth. Even though the forestry camps were not pre-release centers, work release is available there. In October 1974, 49 men comprising 76 percent of the forestry camp's total population were on work release.

The pre-release centers did not operate at full capacity for several reasons. In addition to the statutory limitation which restricted participation in community release programs to those within eighteen months of parole eligibility, there were further restrictions on inmate participation in such programs which were largely due to the administrative policies of the Department of Corrections. For example, inmates within 30 months of parole eligibility could be considered for residence at the forestry camps. Those inmates who were within 18 months of parole eligibility could be considered for residency at the community correctional centers. For residency at the Shirley Pre-Release Center, inmates had to be within 12 months of parole eligibility; at Boston State Pre-Release Center, inmates were required to be within 8 months of parole eligibility in order to be reviewed for residentcy; and for residency at
the contract facilities, it was necessary for inmates to be within 3 to 6 months of parole eligibility. Several other administrative guidelines within the Department of Corrections further restricted inmates' eligibility for residency in a pre-release center including the following requirements: that an inmate must not have an escape, an attempted escape citation, nor any major disciplinary report for at least 30 days prior to official consideration of his suitability for a pre-release program; that an inmate could not have any major outstanding detainers and warrants; that he must have good health; and that he must be clear from a sexually dangerous person status.

Other provisions of Chapter 777 covered both state and county correctional facilities. State correctional facilities included the Commonwealth's major institutions, the forestry camps, the combination state correctional institution for women and coed pre-release center, and the six community correctional facilities. Even though all these institutions comprise the components of the Department of Corrections, they functioned independently of one another. They were so independent that their superintendents could invent policy. One of the aims of Chapter 777 was to systematize correctional policies and procedures. The thirteen jails and houses of corrections acattered throughout the Commonwealth were all
administered by the county sheriffs. Only specific sections of Chapter 777 affected the county institutions.

One of the major duties of the Commissioner of Corrections under Chapter 777 was to establish, publish and enforce minimum standards for state and county correctional facilities. These standards were to apply in the areas of discipline, safety, nutrition, recreation, religious service, communication and visitation, employment, care and custody for inmates, sanitation, classification, education, training discipline, and grievance procedures.

Two years after the Corrections Reform Act had been in effect, the Department of Corrections still had not produced a comprehensive list of minimum standards for the state correctional facilities. A series of separate departmental orders, however, did exist which covered education, training, and employment programs, access to news media, mail from courts and attorneys to inmates, and visitation by parolees and releases. There were no standards for grievance procedures which resulted in inmates not knowing what their rights were.

The one improvement that did occur in the area of grievances was that disciplinary proceedings were established by prison officials after several years of successful litigation and agitation by prisoners and supporters of corrections reforms. Under the new procedure, inmates accused of violations within the institutions were
afforded some due process safeguards. Segregation units remain in operation even though inmates are now granted disciplinary hearing at which arguments against their administrative charges may be presented by the inmate or legal counsel. Basically, there has been a reduction in the number of inmates placed in segregation units for disciplinary reasons since the reform laws went into effect. No concrete proposals exist in Chapter 777 to find more suitable methods for handling disciplinary problems within the correctional institutions other than segregation. In the absence of alternative methods for resolving the problem of protective custodies, those inmates who seek removal from the general population because of the fear or threat of physical danger, the serious questions of the need for isolation of inmates for whatever reasons and the conditions governing isolation were not addressed in Chapter 777. The absence of these and other standards in such areas as safety, health and sanitation, and classification for state correctional institutions conveyed to many the idea that the Commonwealth's policymakers were insensitive and unconcerned about the plight of inmates in the Commonwealth's correctional system.

In the county correctional system, policymakers acknowledged and responded to the more apparent need for the state to develop minimum standards for these institutions. Most of the jails were
built in the 1800's and still lacked plumbing, therefore, standards were needed which applied not only to physical structures, but to health, sanitation, and safety. The county sheriffs' advice was sought in establishing the county standards. Whenever standards for the county correctional institutions are adopted, there will be a problem, because the bill makes no provision for enforcing the standards short of closing down the institutions. One of the deficiencies of Chapter 777 generally is that it mandates correctional changes without time guidelines and without any enforcement mechanisms.

A major problem within the corrections system of the Commonwealth of Massachusetts was the classification process. Until 1974, most inmates were sent to MCI-Walpole, the maximum security prison prior to assignment to another correctional facility. The exception to this procedure occurred in instances where inmates were serving indefinite sentences with less than a five year minimum. These inmates were sent to MCI-Concord. The effect of using the maximum security facility for classification, and evaluation was that all inmates, regardless of length of sentence and offense, were placed together.

The problem of an inadequate classification and evaluation process was addressed in Chapter 777. The law required the
Commissioner of Corrections to establish a classification system for those inmates committed to the custody of the Department of Correction in order to develop individualized rehabilitation programs and to determine the custody requirements and program needs of offenders at the time of commitment and periodically during the sentence.

In the Spring of 1974, a Reception and Diagnostic Center was opened at MCI-Norfolk where new inmates to the Massachusetts adult corrections system were evaluated, classified, and assigned to institutions according to their needs for programs. In addition, departmental classification teams were established to handle interinstitutional transfers and placements in community based correctional programs. According to the Department of Corrections departmental orders, a diagnostic team at the Reception Center, consisting of a case manager, a psychiatric social worker, the staff psychologist, a correctional officer and the offender was to compile a classification report which contained a case history and a current evaluation of the offender's needs. The departmental classification team then made recommendations for institutional assignment, security rating, and a needs and goals individual priority rating. The initial classification process required that offenders spend four to six weeks at MCI-Norfolk for classification and evaluation purposes. Aside from the small numbers of offenders who were sent to the center during its
early months of operation, another deficiency at the Reception and Diagnostic Center was the absence of activities for inmates either recreational, educational or otherwise during the one and one-half month period.

The irony of the classification system is that it assumes the existence of a variety of programs for inmates. In order to give classification meaning, there must be various programs to which inmates can be assigned. Chapter 777 explicitly states that classification is for the purpose of developing individual rehabilitative programs. As discussed in previous sections, programs of any kind are generally lacking within the institutions of the Massachusetts correctional system. Until more programs are developed and until more and more community based, work release and educational release programs are established, the real potential of a classification system will not be realized.

To clearly understand the failure to implement Chapter 777 and to move forward toward community based corrections system in Massachusetts, one need only examine the areas in which funds were appropriated by the General Court and staff assignments. Approximately 10 to 12 percent of the total budget in 1974 was appropriated for the operation of prison industries, while slightly less than
2 percent of the budget was spent for educational programs that same year.

Under the prison industries program, inmates who have little else to do, and who face possible retribution for non-participation work for very low wages (from $.25 to $1.50 per day) in such activities as institutional house cleaning, producing road signs, license plate making, flag sewing, mattress stuffing, brush making and other jobs which provide them with no skills that will render them employable in the civilian labor force. If any skill building occurs in prison industry programs they are skills which are useful only in another correctional institution. The prison industries program is a relic of the past and is inconsistent with a reform approach to corrections. One critic described prison industries as closely resembling slave labor camps. Because inmates earn such meager wages from the prison industries, they are not provided the opportunity to view their work with pride and dignity; they are not able to provide monetary support to their families; nor can they save money for their release. The prison industries therefore are at best a means of escape from the idleness and boredom which characterize prison life for many inmates. Unfortunately, they do very little to aid the offenders reintegration into society as a productive member. The present prison industries program fails to provide worthwhile
employment for inmates, fails to provide training for inmates, and fails to pay inmates adequately for the work performed. Chapter 777 does not address the issue of the quality of prison industries, at all, nor does it establish guidelines or criteria for prison industries, rather the law merely advocates the establishment and development of work and education programs in state prisons and in community facilities.

In addition to the prison industries program, the only other institutional programs for inmates are educational. The education programs within the Massachusetts correctional system differ widely from institution to institution but because they operate on such a small percentage of the entire departmental budget, the programs at the institutions are generally underdeveloped, understaffed and underfunded. This lack of commitment of departmental resources and administrative support to improving the quality and quantity of institutional educational programs greatly reduced the prospect of enabling inmates to develop skills to become creative and constructive participants in society. Implicit in Chapter 777 is the idea that greater opportunities for education, training and employment programs committed to the custody of the Department of Corrections will help them become law abiding citizens. The validity of this assumption is of course debatable, but it is a notion that is widely
held and one which the proponents of Chapter 777, including Commissioner Boone, accepted.

Most of the educational programs in the state prisons focused on remedial courses and those geared toward obtaining a high school equivalency diploma. Academic programs beyond the high school level were at MCI-Norfolk. Revisions in the college and pre-college curriculum at MCI-Norfolk made available correspondence courses, a college preparatory program for more specialized interests, and a program at the University of Massachusetts which made it possible for inmates to obtain an associate's degree. Educational programs at MCI-Bridgewater and MCI-Framingham were described in a report by the Department of Corrections as running reasonably well. Educational programs at both MCI-Concord and MCI-Walpole were interrupted because of institutional turmoil. Historically, educational opportunities at MCI-Walpole were limited. In the county correctional facilities when educational or training programs existed, they were usually offered by volunteers.

Though Chapter 777 provided for vocational training in all the state facilities, in effect, such programs do not exist. A few unrelated vocational programs were scattered throughout the various correctional facilities. MCI-Concord offered courses in automotive repair and carpentry and MCI-Framingham had a course in computer programming and data-processing. Since passage of Chapter 777, the
one hopeful move toward improving the quality, variety and availability of vocational educational programs with the prisons was that in 1975, the Board of Community Colleges for the Commonwealth accepted the task of developing an integrative, vocational program, which coordinated community resources with prisoners' needs.

By almost any objective criteria, it is fair to say that corrections reform in Massachusetts has not occurred because those features of Chapter 777 that were implemented were available only to a minority of the eligible inmates. Though the law existed on the books, there was a real disparity between the law's existence and its successful implementation. One explanation for the poor implementation was that there had been no long term and systematic administrative planning for what would occur beyond passage of the Corrections Reform Act. In addition, Chapter 777 contained no implementation process, nor procedure for evaluating the progress of implementation, nor were there any goals established for determining the successful implementation of the bill's provision. Another problem with the bill was the absence of time guidelines. Given the absence of goals and guidelines for executing the provisions for the bill within a specific time period, implementation of Chapter 777 therefore rested largely on the administrative aggressiveness and correctional philosophy of the Commissioner of Corrections. During
Boone's tenure as Commissioner, he exercised his administrative authority to the upper limit.

Beyond Boone and the legislation, the corrections officers, with their power to implement or sabotage the reforms authorized in Chapter 777, represented the single most important actors in the Massachusetts corrections reform drama. Prior to the time that Chapter 777 became law, the guards never really expected it to pass. The guards felt that with their allies in the legislature, and because of the power of the law enforcement lobby of which they were a part, the bill could not pass. Essentially this was an optimistic analysis, but it ignored the effective lobbying campaign of the reformers and the significance of the method for voting on the bill. As was pointed out in the earlier chapters, a roll call vote would probably have meant defeat for the bill. For that reason, reformers and supporters of the bill in the legislature made sure that only a voice vote would be necessary for the bill's passage. Having misjudged their strength and influence in the legislature, the corrections officers were determined that implementing the new law would not be an easy task for Boone.

Generally, the guards were hostile to Boone from the outset. They did not cooperate with him because he was an outsider, he was Black, and he had what they termed a "liberal and permissive"
corrections philosophy which was inconsistent with their own. They criticized Boone because they felt he was trying to make too many changes too quickly and at the expense of safety and security in the institutions. The guards also opposed Boone, because they felt they were being ignored, and that "do-gooders and radicals" had a more effective voice in the operation and administration of the state prison system than did professionals like themselves. Boone came to symbolize change to guards and not just ordinary change, but the kind of change that threatened the very essence of the guards' professional lives and identities. Chapter 777 reinforced the corrections officers fears and caused an even more negative reaction to Boone. If prisoners were granted more rights and privileges; if institutions were depopulated through various community based pre-release programs; if guards were held accountable for their actions; and if the public had greater access to prisons, the guards perceived this as ushering in an era of lawlessness and violence in the prisons which would be dangerous for everyone. After the shock of having the corrections reform bill pass, the guards then had to prove to the public just how dangerous and unsafe all these reform ideas and changes were. The proof was based on rather strained logic--Boone symbolized change, change was embodied in the new corrections reform legislation, and the reform legislation created a violent
environment in the prisons, and therefore Boone was the cause of the uncontrollable situations in the Commonwealth's correctional system because he was the chief architect of Chapter 777. Not only was the logic strained, but one of the conclusions was erroneous because the reform legislation was being discussed even before Boone came to Massachusetts as Commissioner. Regardless of the problems with the logic, the guards were astute in reasoning that if Chapter 777 were to be successful, it had to be implemented while order and security were maintained in the institutions. The corrections officers were the key to order maintenance and security in the prison system. Because the guards felt that they had lost much of their power after the bill passed, the way they chose to regain some of this power and self respect was to cause turbulence in the prisons and then to blame the problems on Boone and the new reforms. The effect would be to reestablish their own credibility while destroying Boone's credibility. Boone was the victim of a masterful conspiracy orchestrated by the corrections officers which convinced the public that Boone and his reform policies and practices were the cause of the unrest and the violent disruptions in the Massachusetts prison system.

The guards opposed almost every attempt by Boone to change the prison system. After Boone's forced resignation, and things were back to the status quo with guards in control, for the most part,
there were still some upheavals in the prisons, but they were not even mentioned in the press. Several years after Chapter 777, for most prisoners, conditions are no better today then they were before passage of the corrections reform law. Clearly the guards could not perceive their jobs, status, or security as threatened by the new correctional policies, if the reforms were to even have a chance for successful implementation.

Policymakers and reformers alike never analyzed the implementation requirements of the proposed reforms. This was a serious error! A thorough analysis would have revealed the necessity for a very high level of cooperation between the Department of Corrections, the Superintendents, the corrections officers, the inmates, politicians and the public if the reform programs were to be successfully implemented.

The Department of Corrections, the principle agency mandated to implement major changes in the Massachusetts prison system was hampered in its efforts to implement Chapter 777. There were difficulties not only because planning, implementation, and evaluation were ignored in the legislation, but also because only federal grants were available for funding the new programs. In addition, effective implementation of Chapter 777 was halted by the
change in the administration of the Department of Corrections when John Boone resigned as Commissioner and Governor Sargent named Frank Hall as his successor.

When Hall replaced Boone as Commissioner in August 1973, he made it clear that his administrative style was to move slowly and methodically. He announced that he would not be permissive with reformers nor inmates and that any correctional changes that he implemented would occur in an orderly fashion. Much of Hall's attitude was shaped by the fact that he was instructed by the Governor to bring the prisons under control and to restore. A less aggressive campaign by Governor Sargent and the new Commissioner to make improvements in the correctional system after Boone was ousted slowed the pace of corrections reform in 1973. With the Governor's defeat in the 1974 gubernatorial race and a growing backlash and anti-corrections reform sentiment in the public which caused some politicians to recant in their earlier support of correctional changes, very little was accomplished which altered the corrections system in Massachusetts.

Earlier sections of this essay discussed the actors and influences on the corrections reform drama in Massachusetts. Efforts during the early seventies aimed at adult corrections reform in the Commonwealth were important because they catalyzed a movement for
social change in which individuals and organizations submerged ideological, class and personality differences to work for the successful passage of an omnibus corrections reform bill. That Chapter 777 became law, indicated that active citizen participation in the political process can influence legislative policies. The absence of an active citizens' lobby, likewise, usually means that reforms are defeated. Because citizens did not lobby and agitate to have Chapter 777 implemented, the bill's real contribution to changes in the Massachusetts prison system has been negligible. While the Massachusetts experiment in adult corrections reform was not a utopian success, it demonstrated that some changes in correctional policies and orientation could be made in a relatively short period of time and under very difficult circumstances.

In general, reformers and their movements for change struggle against time, primarily because a single issue cannot be sustained forever. After Boone's ouster in June, 1973, and the initial furor over his departure, many reformers redirected their energies and attention to issues of school desegregation and proposed cuts in the Commonwealth's budget for welfare. This was not to imply that all the problems of the Commonwealth's corrections system were resolved, but rather because the violence had subsided, the situation in the prisons was perceived as less critical. Another explanation for the shift in
in the reformer's interest was frustration and hopelessness about the possibility of implementing reforms in the Massachusetts prisons. As a result, the reformers could move on to the next pressing social issue and hope for some tangible victory.

Despite their humanitarian concern and history of social activism, the reformers were myopic. They did not foresee the resistance which corrections reform movement encountered. Some reformers did not have respect, tolerance, patience, nor an understanding of the culture of the corrections system, nor of the incentives and perspectives which move people in closed institutions like prisons. The reformers underestimated the guards' power to sabotage implementation of the reform legislation. Because of this shortsightedness, the reformers tended to respond to and organize around crises. As a result they faced many frustrations. Some of these frustrations arose because of the difficulty they had in making continuous long term commitments to the movement; focusing their energies on appropriate issues; devising effective strategies and tactics for bringing about social change; and refining issues in the light of new developments. Reformers had varying frustration tolerance levels and one of the antidotes to overwhelming frustration was success. The reformers needed to have tangible results and an affirmation of the significance of their efforts. To many, the
enactment of Chapter 777, the ultimate symbol of success, fulfilled these needs. The reform movement focused on getting a bill passed, and as a result, it cannot be shown to have failed, because the bill passed. Once the bill passed, however, reformers failed to realize that it required enormous public pressure for successful implementation of the law. Reformers ignored the requirements for implementing the bill because they equated the bill's passage with implementation.

The responsibility for getting the bill implemented was not necessarily a job for reformers alone. Much more than the reformers, the legislators could have worked for implementation of Chapter 777, but they were first and foremost politicians. As politicians, they spent a great deal of their time "campaigning" for re-election, whether an election was imminent or not. As a result, legislators were very concerned with their public image and issues that enhanced their public image among the largest segment of the electorate. Often image making occurred at the expense of legislators acting to pass substantive and significant legislation. In the Fall of 1971, corrections reform was a popular political issue. At that time the public was very sympathetic toward making some changes in corrections systems all over the country. As a response to crises in the Massachusetts corrections system and partially as an effort to satisfy voters, who were clamoring for some positive action which would end
the unrest in the prisons, the General Court of the Commonwealth
enacted the Omnibus Corrections Reform Act. In addition to the
political motives for support of the bill, some legislators supported
the Corrections Reform Act out of a disillusionment and distrust of
the existing corrections bureaucracy and the penal philosophy which
emphasized a custodial and punitive approach to corrections. Governor
Sargent's support of the bill, along with the support of the leader-
ship of the legislature helped guarantee its enactment into law.
Because of the above realities, the initial absence of any organized
opposition, and proper timing in terms of the convergence of public
sympathy for corrections reform and turmoil within the prisons of
Massachusetts which dramatized the problems in the prisons, the
Corrections Reform Act became law.

Corrections reform in Massachusetts during the seventies
illustrated the same pattern as the reforms of the fifties, that is,
prison disruptions and inmate uprisings leading to forward reforms of
very short duration, usually of one to two years, then a retrenchment
and general tightening up by politicians and prison officials. At
the same time of this official retrenchment, there is a growing lack
of interest in prisons, prisoners and related issues among the public
until finally, the public memory dims completely about the critical
problems of prisons and the need for prison reforms. Public inaction,
apathy and a lack of concern for non-crisis situations in the prisons impeded the implementation of Chapter 777. In 1975, prison reforms were a pressing issue for very few people in Massachusetts.

Actors in the corrections reform movement in Massachusetts were plagued by their inability to resolve many of the conflicts inherent in discussions and actions around corrections reform. These conflicts were often ignored in developing the issues, tactics and strategies necessary to bring about correctional change in Massachusetts. It was difficult to develop a true corrections reform ideology, because of the absence of a science of rehabilitation. An observation regarding this point is that both the abolitionists and the pragmatists questioned the validity of rehabilitation as a major goal of corrections. We really do not know how to rehabilitate! Rehabilitation implies the ability to change values, attitudes, and behavior.

Most of the reformist fervor in corrections was motivated by a belief or a feeling that the system as it presently existed was not working. Reformers felt that large, congregate institutions just had not effectively rehabilitated nor improved the likelihood of a crime free future for most offenders. This disillusionment with prisons meant that the corrections system had not reduced crime. If offenders were rehabilitated, there would probably be lower rates of recidivism and less crime. The evidence, however, does not exist that small,
community based institutions will work any better. We only know with certainty that over time it is cheaper to operate a system of community correctional programs that a system of large correctional institutions.

The foregoing discussion leads to the conclusion that Chapter 777 was a narrow approach to corrections reform in that the underlying premise of the bill was a commitment to theories of rehabilitation. In Chapter 777, the rehabilitative setting changed from a total reliance on large custodially oriented prisons to smaller community based programs at the later stages of the sentence. Implicit in Chapter 777 was the assumption that rehabilitation could best occur in a community correctional setting. Theoretically, as conceived in Chapter 777, community based corrections offered no real alternative to incarceration. The real irony of the corrections reform movement in Massachusetts was that starting from assumptions and premises similar to earlier corrections reformers, they ended up rhetorically supporting alternatives to corrections, but in actuality devising a system of mini urban prisons. The rhetoric of corrections reform in Massachusetts during the early seventies outstripped the reality of what was politically feasible and the ability of Boone to achieve it.
NOTES FOR CHAPTER VI


3 A panel of five guards comprised the institutional furlough committed which reviewed Subilosky's request for a furlough and they unanimously approved it. The furlough papers then went to Boone and received his approval and were returned to Walpole. However, when the District Attorney of Worcester County protested the furlough, Boone rescinded his approval. Even though Boone cancelled the furlough, Subilosky was furloughed two days later and subsequently escaped.


APPENDIX A

CHRONOLOGY OF IMPORTANT EVENTS IN THE MASSACHUSETTS CORRECTIONS REFORM MOVEMENT
CHRONOLOGY OF IMPORTANT EVENTS IN THE MASSACHUSETTS CORRECTION REFORM MOVEMENT

**July 22, 1971.** Governor's Committee on Crime and Law Enforcement announces the availability of $300,000 in federal funds to support community corrections in Massachusetts.

**September 17, 1971.** Attica evokes response, Governor Sargent disturbed and wants to promote progressive prison reforms in Massachusetts. Legislators are fearful of another Attica in the Commonwealth and as solutions some propose penal reforms and others propose a "get-tough" policy. Peter Goldmark, the new Secretary of Human Services, gives penal reforms a high priority and hires an aide to concentrate on prisons.

**September 25, 1971.** Beginning of a four day non-violent stoppage by inmates at MCI-Walpole and MCI-Norfolk to protest penal and parole conditions.

**September 29, 1971.** Walpole inmates air gripes to top officials; they seek immediate implementation of changes recommended in the report of the President's Crime Commission modern penal code, e.g., restructuring of parole system, better educational facilities and conjugal privileges. Legislators pledge help to improve prison conditions. Goldmark announces the names of the persons selected by the Governor to form the Massachusetts Citizens Committee on Corrections. The Citizens Committee's mandate was to study specific grievances of prisoners and the guards and to report back to the Governor.

**October 1, 1971.** Steps taken toward reform by Department of Corrections administrators and prison officials: Mail no longer read by prison officials, but only checked for contraband when it is incoming and Governor asked legislature to repeal the two-thirds law. Inmates at Walpole and Norfolk go back to work. Controversial points still under negotiation: increased visiting privileges to three times per week including one-night visitation; no splitting of families during visiting period; opening of new gym in former tobacco shop; weekly phone calls at prisoner's expense; increased funds for education and an audit of finances in that department over alleged fund discrepancies; removal of several staff members for alleged
incompetency, discrimination or improper procedures. Convicts offer list of reforms for which they solicit public support: repeal of present two-thirds law, vocational educational programs in county jails and prison camps; granting sheriffs and the corrections commissioner power to allow carefully selected inmates parole eligibility for lifers; equalizing good behavior time at all institutions; and revision of parole board membership and selection.

October 20, 1971. Governor Sargent in the wake of Attica rebellion and unrest in Massachusetts prison files bill to repeal two-thirds parole law even though it failed in the House earlier in the year.

--Senator Backman says "Legislation alone will not cure the ills of our penal institutions."

November 3, 1971. Massachusetts prison officials urge the following reforms: home furloughs already in existence for forestry camp inmates, extended to 150 of 2000 prisoners in state institutions; high school diploma required for new prison officers; all guards over 50 years old to take re-orientation training; 2 1/2 days good conduct time per month to inmates enrolled in work programs at State mental hospital and schools for the retarded.

--Perennial reform measures refiled after defeat last year: creation community correctional centers; transfer of some lifers to forestry camps; permitting forestry camp inmates to attend classes at nearby vocational schools; allow more prisoners to take part in work release; allow prisoners who are within 90 days of discharge or parole to leave prison to secure employment or living quarters.

November 5, 1971. Walpole inmates locked in their cells following work stoppage.

November 7, 1971. Night raids at Norfolk Prison by State Police and prison guards in which 16 alleged troublemakers are forcibly transferred from Norfolk into Walpole and Concord.

--Allegedly Commissioner Fitzpatrick knew about the transfers and had approved them. Subsequently 14 of the 16 were exonerated at disciplinary hearing.

--Raid and transfers attributed to inmate threats that prison would be burned and guards murdered.
November 9, 1971. About two days after the Norfolk raid, Comr. Fitzpatrick announced his resignation due to ill health; resignation effective when new commissioner is found.

November 18, 1971. Norfolk prison guard, George M. Moore charged that prisoners were dragged from their cells in their barefeet and underclothes; one inmate was "used as a battering ram to open a door;" prisoners taken in raid "at the indiscriminate whim" of prison guards.

November 21, 1971. According to Dominic Presti, president at the Officers' Union at Walpole, a planned rebellion in which inmates at Walpole and planned to seize at least 20 corrections officers and civilian employees as hostages was averted by a general lockup of inmates until a thorough search for weapons and other contraband was completed.

November 30, 1971. Telegram sent to Gov. Sargent by a group of 100 religious, legal, academic and community leaders and originated by Packard Manse, Inc. urging him to visit correctional institutions to see conditions for himself; close by executive order the solitary confinement units at Bridgewater; to tell public of need for prison reform; tell prisoners of his concern for them and urge them to resist temptation to self-destructive actions; point out to correctional officers his concern for their fears and their difficult role; and assure them that their safety and self-interest are best protected by constructive prison reform.

December 2, 1971. Judge Harry Elam, Chairman of the Citizens Committee on Corrections released report. The major flaw of Mass. corrections system was an emphasis on punishment and control rather than corrections and rehabilitation. Other problems were inadequate and obsolete vocational and educational programs and a call for repeal of the 2/3s law. Recommendations were to improve treatment and living conditions of offenders.

December 6, 1971. Twenty representatives of groups concerned with prison reform requested Sargent to close Bridgewater segregation units; visit prisons and forestry camps; make a policy statement on future penal reform in Mass; endorse peaceful negotiations between inmates and prison administrators; order return to Norfolk of those inmate negotiators transferred to other prisons last Nov. 7; appoint a citizen advisory panel to help implement the committee on correction
recommendations; and allow private prison reform groups to interview Fitzpatrick's successor.

December 8, 1971. Gov. Sargent begins first of several unannounced visits to Massachusetts corrections institutions at Bridgewater facility.

December 17, 1971. Boone offered position as Massachusetts Commissioner of Corrections and he would become the second black department head in Gov. Sargent's administration and would join Welfare Commissioner Steven Minter to integrate the cabinet.

December 21, 1971. Governor announced his prison reform plan; state-wide system of halfway houses and community corrections centers for offenders; repeal of current 2/3s parole law; creating a non-profit prison industry corporation paying inmates $1.75 per hour; recruiting black and Spanish speaking correctional workers; and establishing inmate staff councils in all state prisons.
--prison reform program seen as facing a tough battle in legislature because of problems of implementation mainly in funding and location of halfway houses.

December 22, 1971. Boone appointed and officially introduced as the new Commissioner of Corrections.


--Department officials announce opening of four halfway houses for parolees in the spring.


March 15, 1972. SRO crowd at public hearing give community endorsement to plans for correctional halfway house and diagnostic center at Boston State Hospital in Mattapan.
March 16, 1972. Boone went to Concord in response to complaints by inmates of poor conditions and inadequate facilities and to their request to see him.
--Promised them paint and other supplies to refurbish their 94 year old cells.

March 17, 1972. Walpole State Prison inmates "riot;" major disturbance, rampage, fires set, black inmate stabbed in the back, damage originally estimated at $200,000 by Dept. of Corrections, but later official estimates set damage at $1.6 million
--Inmates contend that guards instigated the rampage in an attempt to embarrass the prison officials.

--Billerica inmates staged a peaceful sympathy sitout to demonstrate solidarity with Walpole prisoners.
--Continued violence at Walpole caused Boone and Bernstein to be airlifted to Walpole where Boone addressed the entire prison population by intercom.
--Boone started crash training program for correction officers because violence at Walpole demonstrated curcial need for training guards.

March 22, 1972. Fired and rehired Mrs. Gloria Cuzzi, Supt. of Framingham within a 45 minute period because of her inability to cope with volatile sitin at the institution.
--When Framingham guards threatened to quit if Mrs. Cuzzi was fired, Boone reinstated her.

--Boone denied newspaper stories which quoted him as blaming the legislature for not providing enough funds for his Department and for not enacting Governor's prison reform bill.

March 24, 1972. Sargent said present unrest in Mass. prisons is because Boone is new and his new superintendents are being tried out and tested by inmates and officers.
--Boone reshuffling personnel within the Department of Corrections.
March 25, 1972. About 20 Jaycees, acting as community representatives visited inmates at Walpole in six hour shifts around clock, listening to their complaints.

---Dominic Presti, President of Walpole guards union, denied that officers are testing Boone, but insisted that if Gov. had met with guards as they had requested since early fall, some of the recent problems in prisons would have been averted.

April 1, 1972. Guards at Walpole, Framingham and Bridgewater stage a "sick-out;"

---34 Walpole guards later disciplined with five-day suspensions.

April 2, 1972. Massachusetts Penal Committee, an umbrella organization of corrections officers lobbying for a bill to end "permissiveness" and to take corrections out of state Office of Human Services and lodge it within the Office of Public Safety.

---Guards' union officials and Rep. Flaherty call Boone a puppet and contend that Goldmark actually runs the Department of Corrections.

April 7, 1972. Sen. Francis McCann charges that Boone's appointment is illegal on the grounds that he does not have 5 years adult correctional administrative experience.

April 20, 1972. Mass. State Labor Council AFL-CIO sharply attacked Boone's plan to use $4 per day inmate labor on state financed correction project at Boston State Hospital as inappropriate in a tight labor market and contrary to Sargent's reform package.

April 24, 1972. 200 riot equipped state troopers ringed Norfolk Prison after scuffle between inmates and officers touched a rebellion by about 40 prisoners.

April 25, 1972. Walpole guard stabbed; the stabbing leads to a shakedown where knives and a homemade bomb were found.

April 26, 1972. Walpole guards threaten wildcat strike to protest lack of security within institution; Boone holds meeting with them.
April 29, 1972. Sickout at Framingham; 33 out of 39 guards and instructors called in sick in what Boone termed a "full-fledged work stoppage".

May 2, 1972. Widespread sickout growing to include Framingham, Walpole, Bridgewater and creating a state of emergency within the prisons.

--Boone indicated that guards' grievances were not formally articulated to him and also there was the possibility of court action and sanctions including dismissal of the more than 200 guards who called in sick.

May 3, 1972. Volunteer help such as Jaycees sought to keep prisons functioning if the walkout by guards continued beyond Monday night.

May 4, 1972. Comr. Boone appointed Walter E. Williams, manpower director of ABCD as his deputy commissioner for community services responsible for the Dept. of Corrections administration and finances as well as its halfway houses.

May 4, 5, 1972. Initially 16 corrections officers at Walpole suspended for 5 days without pay for allegedly failing to have a doctor certify their claim of being too ill to work during last Monday's sickin.

May 24, 1972. Two Walpole inmates killed when trying to make a bomb which exploded; shakedown ordered and some weapons were found.


May 26, 1972. Boone asked legislature for $500,000 for improved security and rehab programs at state penal institutions.

--Boone pledged tighter security and pleaded for viable programs and other incentives for tractable inmate majorities.

--Supt. of Norfolk asked legislature for $300,000 for supplement to pay his workers and operate prison until June 30.

--Named Kenneth Bishop, director of treatment at Framingham as interim replacement.

**July 31, 1972.** Boone named Dorothy L. D. Chase as Framingham superintendent.

**August 2, 1972.** Presidents of the guards' unions of five state institutions met with Governor and Boone and demanded ouster of the Comr. of Corrections and threatened drastic action, legal or otherwise if Boone is not ousted.
--demanded that guards be placed under the Department of Public Safety and given police powers.
--guards cited Boone's policy changes at all institutions over the objections of superintendents and employees as leading to a low morale among guards.
--union officials charged laxity in not immediately transferring 6 inmates involved in planning of a potential escape plot as leading to multiple murder which could have been avoided.

**August 3, 1972.** Boone's life has been threatened three times since he took office 6 months ago.
--Legislators ask for suspension of all visiting privileges at the 5 institutions and a shakedown search for weapons and contraband; they also requested a special Senate investigating committee to look into problems at state prison.'
--Rep. Royal Bolling accused prison guards of deliberately conducting a campaign to discredit Boone in an attempt to force his resignation; also charged that system operated for the convenience of the guards with emphasis on job security and personal advancement.
--Sargent backs Boone and has no plans to oust him.

**August 8, 1972.** Guards' wives request Sargent to issue immediate executive order ousting Boone and to convene a special session of the legislature to consider placing Dept. of Corrections under the Dept. of Public Safety.
--suit for Boone's removal filed by attorney for state correctional institution employees and charged: "that unrest, agitation, bloodshed, division and controversy run rampant within the Department of Corrections and threatens to spread; the plaintiffs question the lawfulness of their Dept. heads appointment and authority to control their employment relationship; and that an actual controversy has arisen as to the plaintiffs' compliance with the purported comr's directives."
--Sargent and 400 Walpole inmates voice support for Boone. "I don't think he's been given a chance by some people," Sargent says.
--Walpole resumed its usual routine yesterday after a 2 day lockup of all 593 prisoners during shakedown which followed after 4 inmates were caught last Saturday night allegedly preparing to escape.

August 9, 1972. Mass. prison guards' unions petition Supreme Judicial Court to declare Commissioner Boone unqualified for his job because he lacks the five years adult correctional administrative experience prescribed by law.
--Mass. Council on Crime and Correction offered to conciliate the differences between prison officers and Commissioner Boone and reaffirmed their support for Boone and the state's corrections reform act of 1972 and urged constructive communication among all sides.

August 11, 1972. Legislative Commission on Correction questioned a policy reportedly instituted by Boone to end alleged harassment of inmates visitors in state's correctional facilities which forbade prison officials from searching visitors and ordered guards "not to stare" at visitors while they were talking to inmates; instructed prison officials to have inmates "shaken down" after their visitors leave and before they were returned to prison population.
--Guards circulating a petition in support of Supt. Donnelly and appealing to him to remain at his post.
--18 black organizations support Boone and call upon leadership of guards' unions to cease their opportunistic and self-serving attacks upon the Comr. and join with us in affirming his authority.

August 17, 1972. AGs office told the Mass. Supreme Court that corrections officers do not have legal authority to question the qualifications of Boone; even if guards successfully prove their charges, they cannot result in Boone's ouster.

August 18, 1972. Fact-finding committee headed by former Commissioner John Gavin absolved Boone and Norfolk prison personnel of any blame in connection with the July 31 shootout at Norfolk; concluded that incidents which resulted in the tragic deaths at Norfolk were in no way related to reform policies which were being pursued.
August 29, 1972. Norfolk County DA blamed a "wrong policy" followed by Boone's office for contributing to the July 31 shootout at Norfolk.

--Burke, the DA, had urged Commissioner's office to transfer Elliot just 6 days before the tragedy because of an escape plot.

--Burke, also charged the Boone's new prison policies were leading to organized crime setting up and operating out of Walpole and Norfolk prisons; also charged a 10 fold increase in crime inside prison walls since January.

September 5, 1972. Boone rushed to Walpole after inmates declared a work stoppage in protest of what they term "intolerable conditions."

--Inmates believed that fellow con who died in Sunday's stabbing at institution could have been saved with prompt medical assistance and questioned whether the entire episode was set up by the guards.

September 6, 1972. AG Quinn's office considered seeking court action to remove Boone because he allegedly does not have experience required by law for position.

September 8, 1972. AG Quinn's office to defend Commissioner against suit challenging Boone's qualifications for the post; after reviewing the case AGs office believed Boone had about six years of adult correctional administrative experience.

--AG convinced that correctional administrative work includes any phases of rehabilitation and social work.

September 11, 1972. Boone blamed Mass. prison unrest on revolutionary philosophical transformations which all penal institutions in the country are experiencing;

--major emphasis of new philosophy is on institutional treatment of prisoners is shifting to an emphasis on helping a man re-enter the community with a greater promise to function responsibly; refused to criticize guards, but placed source of conflict with guard leadership.

September 18, 1972. Rep. Thomos Colo chairman of Special Commission on Corrections which has conducted a six-month inquiry into Mass. penal system questioned and challenged Boone's administrative capacity to pull people together and to pull programs together.
September 25, 1972. Goldmark and Boone among top state officials called before the Norfolk County Grand Jury to discuss the continuing unrest at Walpole State Prison and Norfolk Prison Colony.


October 2, 1972. Mass. Comr. Corr. Boone intends to enforce a gag rule which has applied to all departmental employees for a decade, but previously ignored and prison employees intend to fight it.

-- as of September 19, the gag rule was to be strictly enforced so that only the Superintendent or persons authorized by him or, by the commissioner could release information pertaining to inmates or the institution to news services.

October 10, 1972. Boone testified for more than three hours before Supreme Judicial Court defending himself against charges that he is not qualified to head the state Dept. of Corrections.

November 8, 1972. Supreme Judicial Court ruled that Comr. Boone has all qualifications and experience required by Mass. law to hold his job as head of state Dept. of Corrections.

November 13, 1972. Boone installed Raymond Porelle as superintendent of Walpole which for the past 10 months was plagued with unrest and violence.

-- Boone promised that Porelle will provide "the discipline, security and fairness we so badly need."


-- 4th murder victim at Walpole in 1972.

December 20, 1972. Guard held hostage in Walpole cellblock several hours by seven inmates, released unharmed.
--State troopers back up guards
--Boone deputy held briefly at gunpoint by guard on prison driveway.

January 4, 1973. Porelle transferred nine inmate "trouble-makers" to other prisons throughout the country.
--Federal judges later rule that inmates' due process rights were violated.


January 19, 1973. Porelle announced creation of "cadre quarters" for more inmates, promises lockup to end in a few days.

--Lawyers previously let in on Federal Court orders.

February 6, 1973. Boone's plan for 20-man cadet corp of correction officer trainees to be recruited from the ranks of minority groups came under attack from legislators who said if whites were excluded Boone would be violating both the Provisional Appointments Law as it applies to veterans and also the Unlawful Practices Law which is designed to guarantee employment to all.

February 8, 1973. Porelle announced beginning of sweeping security crackdown, breakup of "prostitution" and inmate "laundry racket"
--End of shakedown and lockup.
February 12, 1973. Inmate fire-setting disturbances quieted by outside firemen, guards, with state trooper back up force.
--inmates put under 24 hour lockup.
--Norfolk County DA to meet with Boone before deciding whether to press charges against the Dept. of Corr. for noncompliance with the law requiring that his office be informed of irregularities at either Walpole or Norfolk State Prisons.

February 14, 1973. Porelle took leave on order of his doctor and Boone, who praised Porelle's "bravery and leadership."

--outside observers enter prison.

--"cadre quarters" abolished and Boone predicted disassociation of this cadre of inmates to whom Porelle granted special privileges because their cooperation with the administration would lessen tensions at Walpole.


February 27, 1973. Black Caucus urged Boone to take immediate steps to alleviate present conditions at Walpole Prison and to restore confidence of the inmates and administration.
--7 week lockup and shakedown had devastating effect and reformers found Boone's response to prohibitions against reporters and external organizational representatives entering the prison as puzzling.
--stated that it is clear that Porelle is incapable or unwilling to enter into meaningful negotiations with the inmates.
--time for Boone to exercise full responsibility vested in his position.
February 28, 1972. Porelle declares state of emergency, allows news media inside prison, first such access since December 28.
--NPRA demands Porelle's removal.

March 1, 1973. Boone and Rep. Colo presented with 14 point list of demands by Walpole leaders of NPRA which ended with statement that "the only answer to crisis at Walpole is immediate removal of Porelle"
--inmates cited excessiveness of Porelle lockups; latest lockup at Walpole ended Feb. 19; but on Feb. 28, Porelle declared a state of emergency after leaders of the 570 inmates broke off negotiations for resuming regular prison activities and cellblocks were littered and defaced.
--in written message to all Walpole inmates, Boone tacitly reaffirmed his support for Porelle and invited responsible men of Walpole to join him and Porelle in resolving grievances that have caused a 3 day stalemate at the facility and in making Walpole an integral part of the new correctional process; prolonged lockups at Walpole could be considered a harsh measure, but said they were necessitated by 7 inmate fatalities in 1972.
--Boone to give detailed responses to 14 points when he communicates with State Rep. Colo chairman of the Legislative Commission on Correction.

March 2, 1973. Porelle says guards "gaming" him, tells Boone he's quitting leaves prison for last time at 11 p.m.

March 3, 1973. NPRA says inmates will return to work, clean up debris, and enter "good faith" negotiations after what they believed to be Porelle's resignation.


March 5, 1973. 11 of 57 inmates moved from segregation to regular cellblocks at Walpole.

--Guards called Boone to prison locker room meeting and tell him to "pack your bags".
--Boone's track record at Walpole: 7 murders, 30 stabbings and with Porelle's resignation, 5 superintendents in one year.

March 8, 1973. Inmates agreed to go back to work in return for outside observers in Walpole Prison around the clock.

--Walpole's calmest day in 11 weeks as inmates went back to work; guards reported to work on time for all shifts; outside observers entered prison to watch for possible reprisals against inmates.

March 13, 1973. 3 male inmates transferred from Concord have taken up residence at Framingham Women's Reformatory; later in the week, 9 more inmates from Walpole State Prison will join Concord trio; all these male inmates are considered safe security risks and will help out in the facility's maintenance.
--Guards' union threatens strike in two days over segregation hearings, inmate headcount procedures, other issues.

March 14, 1973. Boone declared state of emergency at prison; threatens to fire strikers; and mobilizes skeletal staff to run Walpole.

March 15, 1973. Corrections officers, their wives, and other foes of Boone testified in State House hearing that conditions at Walpole have become intolerable since Comr. Boone took office; called for transfer of Department of Corrections from Human Services to Dept. of Public Safety in order to maintain safety and security of institutions; prevent the loss of life to inmates and personnel; and end inmate control of prison which resulted from permissive policies.
--Day and evening guard shifts 120 men report for duty, walkout on strike, are suspended five days without pay; Disciplinary hearings for 205 guards, civilian strikers scheduled but later postponed indefinitely.

March 16, 1973. Acting Supt. Walter Williams offers to lift suspensions if striking workers (guards and civilian employees) go back to work.
March 22, 1973. Each of 111 corrections officers of Walpole prison who were suspended for refusing to work in maximum security facility have been notified when their individual cases will be reviewed and possible penalties, e.g., discharge, further suspension, transfer, demotion, or loss of pay.

--officers will be allowed legal counsel at the disciplinary hearings.


--prisons being manned by supervisory personnel, including those from other prisons who have received special training.

--scattered work stoppages, latest development in 3-sided controversy beteeen guards, inmates, and prison administrators with guards saying prisoners were running the institution and demanded prison control be given back to them.

--they work only on prison wall at check points and on other duties which have dept them away from the inmates because they fear physical violence if they come in direct contact with inmates.

--inmates taking their own noonday headcount.

--murderer and convicted lifer Joseph Subilosky escaped while on 12 hour furlough from Walpole; public furor arises.

March 26, 1973. Boone ordered investigation into granting of a 12 hour furlough to a lifer against his personal orders.

--Told Acting Supt. Waitkevitch to determine if the action was the result of a mistake involving a breakdown in communication or actually an effort to undermine the furlough program at Walpole.


--Administrator of Walpole's prison furlough program was suspended/resigned pending clarification.
April 3, 1973. Legislation filed to prohibit granting of furloughs to inmates sentenced to life imprisonment.

April 8, 1973. Boone stated that he had no intention of resigning and that he had no knowledge of AG Quinn's suggestion that he ought to quit because he had outlived his effectiveness.

April 9, 1973. Senate Pres. Kevin Harrington said he wanted to see Boone's administration of the department changed, but he has no intention of asking for his resignation.

April 12, 1973. Controversy over responsibility for the furlough to convicted murderer Joseph Subilosky continued to rage with Boone blaming and sending letters of reprimand to Richard Fields, a prison counselor who served as furlough officer from March 21 to March 26 and Walter Anderson previous acting associate supt. of Walpole and Norfolk D.A. Burke laying the blame on Boone.
--Controversy continued in public hearing before the Legislative Commission on Corrections chaired by Rep. Colo.

May 12, 1973. Sen. Quinlan newly announced candidate for Sec'y of State joined with those who were calling for Boone's resignation.
--Boone should resign because prison situation in Mass. has moved from one of chaos to an impasse.

May 15, 1973. Boone insists that he has no present plans to leave Mass. amidst growing rumors that he has applied and is being considered for the top corrections post in Illinois.

May 18, 19, 1973. Walpole inmates rioted causing $429,000 in damages.

May 21, 1973. Sargent says Boone doing "best he could under most trying circumstances," adds it is unfair to make one person the fall guy.

June 4, 1973. Correction Dept. says furloughs 98.6 percent successful, with 61 AWOLS out of 4209 passes issued since November.

June 12, 1973. Walpole inmate died when lacquer was poured over his body and matches thrown into the cell to ignite a fire.
Boone suspended a guard with pay and without prejudice after the Ad Hoc Committee on Prison Reform sharply criticized the alleged absence of an officer from the cell area in the fire murder of a maximum security inmate at Walpole.

June 16, 1973. Walpole inmate stabbed to death, four days after inmate burned to death.

June 18, 1973. Gov. Sargent expected to reaffirm his support for Commr. Boone tomorrow by rejecting several recommendations by a legislative commission including one calling for Boone's ouster.

--Boone ordered daily shakedowns without lockups at Walpole prison after Saturday night stabbing death of a recent Walpole inmate.

--Boone attributed murders to "an old system with serious middle management problems."

--Gangwars and individual grudges, but not racial problems given as possible causes of latest two Walpole murders.

June 20, 1973. Boone stated that he had not been pressured by Sargent to leave Mass. and has not considered resigning.

--"If I become a roadblock and they decide that I am a roadblock, they know what to do. In the meantime, I came to this state to do a job and I'm going to do it."

June 21, 1973. Special Senate Committee on Corrections called for the establishment of a new Dept. of Correction and Rehabilitation at the level of a secretariat.

--legislators criticized Sargent for his inaction and insensitivity during the problems at Walpole.

--State Police investigators assigned to Norfolk County DA Burke have records of 50 felonies committed inside Walpole in the last month.


--Prison reform under Boone was a major failure, but vowed he would not abandon it in principle.

--Sargent taking a hardline with riotous inmates at Walpole by turning prison operations over to State Police; named State Police Colonel John Moriarity to take over Walpole Prison and to serve as its temporary Supt.
--suspended furlough program at Walpole; ordered State troopers to tighten internal security in the cell block.
--reduced visiting rights to protect against the smuggling of drugs and weapons into the prison.
--appointed Deputy Comr. Joseph Higgins as acting comr.
--inmates were furious over Boone's firing; they threw food at the guards, rammed their beds against cell doors. Sargent indicated that Boone would be kept on state payroll in some capacity, "Boone resigned against his wishes. He is no quitter. He wanted to keep going."
APPENDIX B

LIST OF INTERVIEWEES AND QUESTIONS TO GUIDE THE INTERVIEW
LIST OF INTERVIEWEES

Bender, Evelyn, Corrections Specialist, League of Women Voters of Massachusetts. Interviews, Fall 1974.

Bernstein, Mel, Former Director of Public Information, Massachusetts Department of Corrections, Boston, Massachusetts. Interview.

Blake, Frank, Former Legislative Assistant to Senator Jack Backman, New York, New York and Cape Cod, Massachusetts. Interview.


Brin, Louis, Editor Jewish Advocate and Veteran Social Activist, Boston, Massachusetts. Interview.

Bryant, David, Director of Programs, Boston Pre-Release Center, Boston, Massachusetts, Interview.

Carney, Frank, Director of Research and Planning, Massachusetts Department of Corrections, Boston, Massachusetts. Interview.

Carver, John, Director Massachusetts Council on Crime and Corrections, Boston, Massachusetts. Interview.

Coles, Arnold, Chairman External Board of the National Prisoners' Reform Association of Massachusetts. Interview.

Demone, Dr. Harold, Executive Director United Community Planning Council, Boston, Massachusetts. Interview Spring 1975.

Hanson, Herb, Deputy Director of the Massachusetts Correctional Association, Boston, Massachusetts. Interview.

Lanckton, Van, Attorney, Executive Office of Human Services, Boston, Massachusetts. Interview Fall 1974.
Lazarus, Carol, Former Staff Member, Massachusetts Council on Crime and Corrections, Cambridge, Massachusetts. Interview Spring 1975.

LeClair, Dan, Staff Associate, Department of Corrections, Boston, Massachusetts. Interview Spring 1973.

Lindsay, Margot, Chairperson, Committee for the Advancement of Criminal Justice, Boston, Massachusetts. Interview Fall 1974.

Mascarello, Henry, Director, Massachusetts Correctional, Boston, Massachusetts. Interview Fall 1974.

McDonald, Brian, Director Massachusetts Research Center, Boston, Massachusetts, Interview Spring 1975.

Palmer, Robert, Chairman of the Governor's Advisory Committee on Correction, Cambridge, Massachusetts. Interview Winter 1975.

Perry, Dain, Deputy Director, Massachusetts Council on Crime and Correction, Boston, Massachusetts. Interview Fall 1974.

Riley, J. Bryan, Executive Director of Massachusetts Halfway Houses, Inc., Boston, Massachusetts. Interview.

Ryan, Phyllis J., Organizer and Press Spokesperson for the Ad Hoc Committee for Prison Reform, Newton, Massachusetts. Interview.

Saltonstall, Tom, Former Legislative Aide to Senator Quinlan, Boston, Massachusetts. Interview, Spring 1975.

Sargent, Francis, Former Governor Commonwealth of Massachusetts, Boston, Massachusetts. Interview Summer 1975.


Siris, Peter, President MERIC, Inc., Boston, Massachusetts. Interview Spring 1974.

Speicher, Don, Former Aide to Mr. Boone. Boston, Massachusetts. Interview.
Stern, Dr. Walter, United Community Planning Council, Boston, Massachusetts. Interview.

Tyler, Sam, Former Executive Director Massachusetts Council on Crime and Corrections, Cambridge, Massachusetts. Interview.

Williams, Walter, Former Deputy Commissioner of Community Corrections, Boston, Massachusetts. Interview.
QUESTIONS FOR INTERVIEWS

1. What were the origins of the corrections reform movement in Massachusetts during the early 1970's? What specific factors provided impetus for prison reform through progressive legislation? What was your role in the corrections reform movement?

2. Who were the prison reformers? How did they propose to reform the prisons? What were their strategies for change? What ideology or world view shaped their ideas about prison reform?

3. How did Chapter 777 come into being and what kind of ideology or world view does it reflect? Who were the principle actors involved in drafting the legislation? What was your input into the development of the reform legislation?

4. How and why did the reform bill proceed through the legislature successfully? What was your role in the bill's passage?

5. Why was Mr. Boone selected as Commissioner of Corrections? What was his penal philosophy? What were his views on corrections reform? How did he respond to the continuing unrest in the institutions? What did Mr. Boone accomplish as Commissioner?

6. Who were the opponents of prison reform in Massachusetts? Did these opponents also oppose Mr. Boone as the state's top corrections administrator? What were their interests in opposing prison reform? What did the opponents accomplish?

7. What was/is the significance of the corrections reform effort in Massachusetts. What happened as a result of the reform movement?

8. What did Chapter 777 accomplish? What was not accomplished by Chapter 777? Did Chapter 777 bring about any lasting reform? Was Chapter 777 successful or unsuccessful in terms of its consequences? Its effective implementation, etc.?
APPENDIX C

LEAA FUNDING 1969 - 1973
Distribution of LEAA Funds FY 1969-1973
(In thousands)

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*An additional $14.2 million in appropriated LEAA funds were transferred to the Department of Justice.
APPENDIX D

LOCATION OF FACILITIES OPERATED BY

THE DEPARTMENT OF CORRECTIONS
APPENDIX E

JCPC MEMBERSHIP ROSTER

JANUARY 1972
MASSACHUSETTS JOINT CORRECTIONAL PLANNING COMMISSION

January 1972

Alben Barrows
286 Newbury Street
Peabody, MA. 01960

John O. Boone, Commissioner
Department of Correction
100 Cambridge Street
Boston, MA. 02202

Sheriff John J. Buckley
Box 565
Billericia, MA. 01821

James B. Carson
Assistant Commissioner
Department of Public Welfare
600 Washington Street
Boston, MA. 02111

Martin Davis, Chairman
Parole Board
100 Cambridge Street
Boston, MA. 02202

Harold W. Demone, Jr., Ph.D., Co-Chairman
Executive Director
United Community Services
14 Somerset Street
Boston, MA. 02100

Michal Feldman, Senior Attorney
Boston Legal Assistance Project
84 State Street
Boston, MA. 02109

Chief Thomas F. Ganley, President
Massachusetts Chiefs of Police Association
Lynnfield, MA. 01940

Peter C. Goldmark, Jr., Chairman
Secretary of Human Services
100 Cambridge Street - Room 904
Boston, MA. 02262

Phillip Green
Department of Health, Education and Welfare
Region I
John F. Kennedy Building
Boston, MA. 02203

Commissioner John S. Louis
Massachusetts Rehabilitation Commission
296 Boylston Street
Boston, MA. 02116

Mrs. Charles Lynch (Margaret)
619 Jerusalem Road
Cohasset, MA. 02025

John F. Manning
Associate Commissioner (Acting)
Massachusetts Department of Education
Division of Occupational Education
182 Tremont Street
Boston, MA. 02108

Henry J. Mascarello, Executive Director
Massachusetts Correctional Association
33 Mount Vernon Street
Boston, MA. 02108

Commissioner Joseph V. McBride
Penal Department, Suffolk County Commissioner's Residence
Deer Island
Winthrop, MA. 02152

A. Louis McGarry, M.D., Director
Division of Legal Medicine
Department of Mental Health
190 Portland Street
Boston, MA. 02114

Thomas McGlynn
Boston Court Resource Project
14 Somerset Street
Boston, MA. 02108

Dr. Jerome C. Miller, Commissioner
Department of Youth Services
14 Somerset Street
Boston, MA. 02108

The Honorable Robert H. Quinn
Attorney General of Massachusetts
State House
Boston, MA. 02133
Material should be sent to the following:

Benedect S. Alper, Boston College
David S. Dayton, TDC
George Fosque, Governor's Committee
James Isenberg, Human Services
J. Bryan Riley, MHHI
Stephen Teichner, Governor's Office

Derek Robinson, M.D.
Division of Community Operations
Room 360
Department of Public Health
600 Washington Street
Boston, MA. 02111

Arnold R. Rosenfeld, Executive Director
Governor's Committee on Law Enforcement
and Administration of Criminal Justice
80 Boylston Street
Boston, MA. 02116

C. Eliot Sands, Commissioner
Office of the Commissioner of Probation
New Court House Room 206
Boston, MA. 02100

Mrs. Lois Elease Stryker
Principal Counselor
Division of Employment Security
Charles F. Hurley Building - 1st Floor
Corner of Stantford and Cambridge Streets
Boston, MA. 02114

Lamont L. Thompson, Vice President
W B Z
1170 Soldiers Field Road
Boston, MA. 02134

Reverend Robert J. White
Chairman, Advisory Committee on
Correction
8 Parcher Avenue
Old Orchard, Maine
MESSAGE FROM
HIS EXCELLENCY, THE GOVERNOR,
FRANCIS W. SARGENT,
RECOMMENDING LEGISLATION TO ACCOMPLISH
NECESSARY REFORMS IN THE CORRECTIONAL
PROCESS.

February 9, 1972.
The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT,
STATE HOUSE, BOSTON, FEBRUARY 9, 1972.

To the Honorable Senate and House of Representatives:

Today, I file for your consideration perhaps one of the most important pieces of legislation that I will present to you this session. The legislation, attached as an appendix, calls for a comprehensive and complete overhaul of the structure of the Department of Correction. It is designed to provide our Department with the tools necessary to rehabilitate the offenders committed to it so as to allow them to re-enter society with a lesser likelihood of committing another crime. We can no longer afford to have men and women who have been incarcerated released on the streets of our communities unprepared to accept responsibility and to contribute to society. It has become time for us to give the professionals who run our Department of Correction the tools they need in order to perform this task.

Concern about the ability of our Department of Correction to perform its duties is not limited to the Executive Department. The legislation that is being submitted today has been produced in a non-partisan, deliberate forum under the sponsorship of the Joint Correctional Planning Commission. The Attorney General has contributed thoughtful criticism and has helped provide important leadership to the task force. Five legislators have represented the majority and minority sides of the House and Senate: Senators Bulger and McKenzie, Representatives Flaherty, Colo, and Healy.

All of us believe this legislation points in the direction toward which the Commonwealth must now move, and all of us believe this bill provides an important and reasonable framework around which to focus our efforts.

The legislation outlines in great detail the duties of the Commissioner of Correction. It also clarifies the relationship between the state and county institutions and proposes an update of laws...
dealing with prison industries so as to allow the inmates to learn a viable profession. Finally, and perhaps most important of all, it proposes a system with continuity in it. No longer will an inmate be allowed to fall through the cracks of a bureaucracy. The Commissioner is charged with classification of the inmate and with periodic review of the progress that inmate is making. We are also insured, under this legislation, that an inmate will have the advantage of being supervised by the same person or groups of people from the day he enters the institution until the day he is finally off parole. There are some who say that this is all a waste. You can't really rehabilitate these people. We can no longer accept this logic. The time has come for us to face the reality. Over 90 per cent of the people who are presently incarcerated in our prisons some day will be released. That means that they will be returning to our communities. We have a choice. We can have them released prepared or we can have them released on a hit-or-miss basis. I suggest to you that the old system has been hit-or-miss. The one I propose today is a rational plan to protect society. I urge you to pass this reorganization of the Department of Correction.

Respectfully submitted,

FRANCIS W. SARGENT,
Governor,
Commonwealth of Massachusetts.
The Commonwealth of Massachusetts

In the year One Thousand Nine Hundred and Seventy-Two.

AN ACT TO ACCOMPLISH NECESSARY REFORMS IN THE CORRECTIONAL PROCESS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 27 of the general laws is hereby amended by striking out section one, as most recently amended by chapter 116 of the acts of 1971, and inserting in place thereof the following section: —

Section 1. There shall be a department of correction, under the supervision and control of a commissioner of correction. The commissioner shall be the executive and administrative head of the department and all state correctional facilities shall be under his supervision and control. He shall receive a salary of twenty-four thousand nine hundred and ten dollars and shall devote his full time during business hours to the duties of his office. Upon expiration of the term of office of a commissioner, his successor shall be appointed by the governor for a term coterminous with that of the governor. At that time of appointment to said office, a person so appointed shall be qualified by educational background, shall have had at least five years of professional experience in correctional administration, shall have an established record of high character and qualities of leadership, and shall have demonstrated interest and knowledge of criminal justice administration and the custody and rehabilitation of criminal offenders.

1 SECTION 2. Said chapter 27 is hereby further amended by striking the first paragraph of section two, as most recently amended by chapter 1, 102 of the acts of 1971, and inserting in place thereof the following paragraph: —

The commissioner shall, with the approval of the governor,
appoint and may, with like approval, remove a deputy commissioner for institutional services, a deputy commissioner for classification and treatment, a deputy commissioner for personnel and training, and a deputy commissioner for community services, each of whom shall receive a salary of eighteen thousand seven hundred dollars and each shall devote his full time during business hours to the duties of his office. All such deputy commissioners shall possess qualifications of character and ability similar to that required of the commissioner, and shall have had training and experience in work generally similar to those required of the commissioner or otherwise suitably preparing them for the work of their respective offices. They shall not be subject to the chapter thirty-one. The commissioner may designate any deputy commissioner to discharge the duties of the commissioner during his absence or disability.

SECTION 3. Said chapter 27 is hereby further amended by striking out section five, as most recently amended by chapter 769 of the acts of 1965, and inserting in place thereof the following section:

Section 5. The Parole Board shall: (a) within its jurisdiction, as defined in section one hundred and twenty-eight of chapter one hundred and twenty-seven, determine which committed offenders may be released on parole, and when and under what conditions, and the power within such jurisdiction to grant a parole permit to any committed offender and to revoke, revise, alter or amend the same, and the terms and conditions on which it was granted shall remain in the parole board until the expiration of the maximum term of the sentence or sentences for the service of which such offender was committed, or until the date which has been determined by deductions from the maximum term of his sentence or sentences for good conduct, or unless otherwise terminated; (b) be the advisory board of pardons with the powers and duties in relation thereto set forth in section one hundred and fifty-four of chapter one hundred and twenty-seven; (c) keep records of its decisions and acts and notify the commissioner...
22 of correction of its decisions relating to parole of committed
23 offenders; (d) employ subject to appropriation and the re-
24 quirements of chapter thirty and chapter thirty-one an ex-
25 ecutive secretary and such hearing officers, clerks, attorneys,
26 and other employees and consultants as the work of the
27 parole board may require (e) make, promulgate and publish
28 rules and regulations relating to parole eligibility, to conduct
29 of parole hearings, the conditions of parole, and other mat-
30 ters relating to the policies and procedures of the parole
31 board; (f) coordinate the work of the parole board with the
32 work of the department and, from time to time, meet with
33 the commissioner and his deputies to develop, plan, review and
34 approve policies and procedures relating to community based
35 correctional programs; (g) make an annual report to the
36 governor, general court, secretary of human services, and
37 the commissioner.
38 Any three members of the board may be appointed by the
39 chairman to act as the parole board having jurisdiction over
40 the granting or revocation of paroles. He may also designate
41 any member to act in his absence as the executive and ad-
42 ministrative head of the board.

1. **SECTION 4.** Chapter 30A of the general laws is hereby
2 amended by adding after section one the following new sec-
3 tion: —
4 **Section 1A.** The department of correction shall be subject
5 to sections one through eight, inclusive, and shall not other-
6 wise be subject to this chapter, notwithstanding the exclusion
7 of said department from the definition of the word “agency”
8 in section one.

1 **SECTION 5.** Chapter 111 of the general laws is hereby
2 amended by striking section twenty, as most recently amended
3 by chapter 76 of the acts of 1947, and inserting in place
4 thereof the following section: —
5 **At least twice each year the department shall inspect each**
6 **correctional facility, as defined in section one of chapter one**
7 **hundred and twenty-five, in the commonwealth, and shall file**
8 a report of its findings and recommendations with respect to
9 each such facility with the department of correction, the
10 secretary of human services and the superintendent or ad-
11 ministrator of each such facility.

1 SECTION 6. Chapter 124 of the general laws is hereby
2 amended by striking out section one, as most recently amended
3 by chapter 731 of the acts of 1965, and inserting in place
4 thereof the following section: —
5 Section 1. In addition to exercising the powers and per-
6 forming the duties which are otherwise given him by law,
7 the commissioner of correction, in this chapter called the
8 commissioner, shall:
9 (a) designate, establish, maintain, and administer such
10 state correctional facilities as he deems necessary, and may
11 discontinue the use of such state correctional facilities as he
12 deems appropriate for such action;
13 (b) maintain security, safety and order at all state cor-
14 rectional facilities, utilize the resources of the department to
15 prevent escapes from any such facility, take all necessary
16 precautions to prevent the occurrence or spread of any dis-
17 order, riot or insurrection at any such facility, and take
18 suitable measures for the restoration of order;
19 (c) establish and enforce standards for all state correctional
20 facilities;
21 (d) establish standards for all county correctional facilities
22 and secure compliance with such standards, if necessary,
23 through the enforcement provisions of section seventeen of
24 chapter one hundred and twenty-seven;
25 (e) establish, maintain and administer programs of rehabili-
26 tation, including but not limited to education, training and
27 employment, of persons committed to custody of the depart-
28 ment, designed as far as practicable to prepare and assist
29 each such person to assume the responsibilities and exercise
30 the rights of a citizen of the commonwealth;
31 (f) establish a system of classification of persons committed
32 to the custody of the department for the purpose of develop-
33 ing a rehabilitation for each person;
(g) determine at the time of commitment, and from time to time thereafter, the custody requirements and program needs of each person committed to the custody of the department and assign or transfer such persons to appropriate facilities and programs;

(h) establish training programs for employees of the department and, by agreement, other corrections personnel, in accordance with the provisions of section nine of chapter one hundred and twenty-five;

(i) investigate grievances and inquire into alleged misconduct within state correctional facilities;

(j) maintain adequate records of persons committed to the custody of the department;

(k) establish and maintain programs of research, statistics and planning, and conduct studies relating to correctional programs and responsibilities of the department;

(l) utilize, as far as practicable, the service and resources of specialized community agencies and other local community groups in the rehabilitation of offenders, development of programs, recruitment of volunteers and dissemination of information regarding the work and needs of the department;

(m) make and enter any contracts and agreements necessary or incidental to the performance of the duties and execution of the powers of the department, including but not limited to contracts to render services to committed offenders, parolees and ex-offenders, and to provide for training or education for correctional officers and staff;

(n) seek to develop civic interest in the work of the department and educate the public and advise the general court as to the needs and goals of the corrections process;

(o) expend annually in the exercise of his powers, performance of his duties, and for the necessary operations of the department such sums as may be appropriated therefore by the general court;

(p) report annually to the secretary of human service, the governor and the general court;

(q) make and promulgate necessary rules and regulations incident to the exercise of his powers and the performance
of his duties including but not limited to rules and regulations regarding nutrition, sanitation, safety, discipline, recreation, religious services, communication and visiting privileges, classification, education, training, employment, care, and custody for all persons committed to correctional facilities.

1 **SECTION 7.** Said chapter 124 is hereby further amended by striking the last paragraph of section two, as most recently amended by chapter 770 of the acts of 1955, and inserting in place thereof the following two paragraphs: —

Subject to the supervision and control of the commissioner, the deputy commissioner for community services shall be responsible for (a) planning and directing community programs and services provided to committed offenders, (b) furnishing to the parole board all records and information the parole board may require including but not limited to reports prepared by institutional parole officers, offenders' parole plans, reports of prior criminal records, and records of offenders' conduct while under custody, (c) supervising offenders released on parole permits granted by the parole board and supervising offenders pardoned on parole conditions, (d) assigning, directing and supervising filed parole officers, institutional parole officers, and other employees and agents to supervise and assist committed offenders and parolees to prepare for release and attain successful readjustment within the community.

Each of the said deputy commissioners shall perform such other duties as may be assigned to him from time to time by the commissioner.

1 **SECTION 8.** Said chapter 124 is hereby further amended by striking from the second sentence of section six, as most recently amended by chapter 770 of the acts of 1955, the words, "the institutions named in section fifty-one of chapter one hundred and twenty-seven" and inserting in place thereof the words, "state and county correctional facilities."

1 **SECTION 9.** Said chapter 124 is hereby further amended by adding the following section: —
Section 10. The department shall be a corporation for the purpose of taking, holding and administering in trust for the commonwealth any grant, gift or bequest made either to the commonwealth or to it, for the use of persons under its control in any correctional facility of the department or for expenditure upon any work which the department is authorized to undertake. The department may accept, receive and use money, goods or services given for the general purposes of the department by the federal government or from any other source, public or private, and may comply with such conditions and enter into such agreements upon such covenants, terms and conditions as the department deems necessary or desirable, provided the agreement is not in conflict with state law.

The department, subject to the approval of the governor, shall select the site of any new state correctional facility and any land to be taken or purchased by the commonwealth for the purposes of any new or existing state correctional facility. If any land or property is taken or purchased by the department, title shall be taken in the name of the commonwealth.

Section 10. Chapter 125 of the general laws is hereby amended by striking section one, as most recently amended by chapter 731 of the acts of 1956, and inserting in place thereof the following section: —

Section 1. As used in this chapter and elsewhere in the general laws, unless the context otherwise requires, the following words shall have the following meanings:

(a) "administrator", chief administrative officer of a county correctional facility;
(b) "commissioner", the commissioner of correction;
(c) "committed offender", a person convicted of a crime and committed, under sentence, to a correctional facility;
(d) "correctional facility", any building, enclosure, space or structure used for the custody, control and rehabilitation of committed offenders and of such other persons as may be placed in custody therein in accordance with law;
(e) "correctional institution", correctional facility;
(f) "county correctional facility", any correctional facility
owned, operated, administered or subject to the control of a
county of the commonwealth;

(g) "department", the department of correction;

(h) "discharge", the final termination of the sentence of a
committed offender;

(i) "escape", unlawful self-removal from official custody or
failure to return to official custody following authorized ab-
sence from a correctional facility;

(j) "gainful employment", employment within or without
any correctional facility including but not limited to labor for
the operation and maintenance of any correctional facility;

(k) "in custody", subject to the direction or supervision of
an official of the department or of a correctional facility;

(l) "inmate", a committed offender or such other person
as is placed in custody in a correctional facility in accordance
with law;

(m) "institution", facility;

(n) "penal institution", correctional facility;

(o) "prison", correctional facility;

(p) "prisoner", a committed offender and such other per-
son as is placed in custody in a correctional facility in ac-
cordance with law;

(q) "state correctional facility", any correctional facility
owned, operated, administered or subject to the control of the
department of correction, including but not limited to: Massa-
chusetts Correctional Institution, Walpole; Massachusetts Cor-
rectional Institution, Norfolk; Massachusetts Correctional In-
stitution, Concord; Massachusetts Correctional Institution,
Framingham; Massachusetts Correctional Institution, Bridge-
water; Massachusetts Correctional Institution, Plymouth;
Massachusetts Correctional Institution, Warwick; Massachu-
setts Correctional Institution, Monroe;

(r) "state prison", Massachusetts Correctional Institution,
Walpole;

(s) "superintendent", the chief administrative officer of a
state correctional facility.
1. **Section 11.** Said chapter 125 is hereby further amended by striking section nine, as most recently amended by chapter 494 of the acts of 1957, and inserting in place thereof the following section: —

2. **Section 9.** The commissioner shall establish a training academy and such other courses or places of training as he deems necessary for the training of correction officers, other employees of the department, persons appointed as correction officer trainees in accordance with this section and, by agreement, officers of county correctional facilities. The commissioner may appoint as a correction officer trainee, for a period of full-time training including on-the-job training, any citizen of the commonwealth who meets the qualifications required of applicants for appointment to the position of correction officer. Appointment to the position of correction officer trainee shall not be subject to section nine A and nine B of chapter thirty, or chapter thirty-one, nor shall a correction officer trainee be entitled to any benefits of such laws or civil service rules. Such appointment may be terminated in accordance with such conditions as the commissioner may prescribe. A correction officer trainee shall receive such compensation and such leave with pay as the commissioner shall determine and shall be considered an employee of the commonwealth for the purposes of workmen's compensation. Upon successful completion of training, a correction officer trainee shall be appointed, if a vacancy exists, to the position of provisional correction officer.

3. In accordance with civil service laws and rules the division of civil service shall certify the names of applicants from an established list for correction officers to the commissioner who shall appoint said applicants as correction officers. Newly appointed correction officers who have not successfully completed training as correction officer trainees shall be assigned to a period of training as the commissioner shall prescribe. Notwithstanding any civil service law or rules, a correction officer must serve a probationary period of nine months before becoming a full-time permanent employee of the department. Time spent in training shall be considered a part of
the probationary period.

A correction officer trainee shall not be subject to or entitled to the benefits of any retirement or pension law nor shall any deduction be made from his compensation for the purpose thereof; but a correction officer trainee who during the period of his training, or provisional appointment status passes a competitive civil service examination for appointment to the Department of Correction and is appointed a permanent full-time correction officer, shall have his trainee service considered as "creditable service" for purposes of retirement, provided he pays into the annuity savings fund of the retirement system such amount as the retirement board determines equal to that which he would have paid had he been a member of said retirement system during the period of his training.

Notwithstanding any provision of law to the contrary, but subject, however, to the provisions of section sixty of chapter one hundred and nineteen, no person who has been convicted of a felony, or who has been confined in any jail or house of correction, shall be appointed to any position in the department of correction unless the commissioner certifies that such appointment will contribute substantially to the work of the department, except that in no case shall such a person be appointed to the position of correction officer.

The commissioner may expend such sums as may be appropriated or otherwise received to maintain and operate the training academy and other training centers and programs and maintain trainees and employees during any period of training.

SECTION 12. Said chapter 125 is hereby further amended by striking the first sentence of section sixteen, as most recently amended by chapter 863 of the acts of 1970, and inserting in place thereof the following sentence: — All females convicted of crimes in the courts of the commonwealth and sentenced to imprisonment or otherwise committed to the custody of the department shall be committed to the Massachusetts Correctional Institution, Framingham, or to such other correctional
9 facility or facilities as the commissioner may from time to
time designate as appropriate for the purpose.

1 SECTION 13. Chapter 127 of the general laws is hereby
amended by striking section sixteen, as most recently amend-
ed by chapter 777 of the acts of 1957, and inserting in place
thereof the following section: —

5 Section 16. In accordance with paragraphs (d) and (q) of
section one of chapter 124 the commissioner shall establish
minimum standards for the care and custody of all persons
committed to county correctional facilities. Prior to establish-
ing such minimum standards the commissioner shall visit,
consult with and receive the recommendations of the sheriffs
of the several counties and the penal institutions commis-
sioner of the city of Boston. The commissioner shall require
from the sheriffs of the several counties and the penal in-
stitutions commissioner of the city of Boston periodic reports
on the population, operation and conditions of all county cor-
rectional facilities.

The commissioner may provide consultation services for the
design and construction of facilities, studies and surveys of
programs and administration and any other technical assist-
ance he deems proper and necessary. In cooperation with the
county commissioners and administrators of each county, the
commissioner may develop and administer programs of grants-
in-aid or subsidies for any county correctional facility.

The commissioner shall approve all plans for the construc-
tion or remodeling of any county correctional facility.

SECTION 14. Said chapter 127 is hereby further amended by
striking section seventeen, as most recently amended by chap-
ter 770 of the acts of 1955, and inserting in place thereof the
following section: —

5 Section 17. At least once each six months the commission-
er or his delegate shall inspect each county correctional facil-
ity to determine compliance with minimum standards. The
results of such inspections shall be summarized in the annual
report of the commissioner to the general court. Personnel
of the department shall be admitted to all county correctional facilities as required for the purposes of this section.

If, in the opinion of the commissioner, any county correctional facility does not comply with the standards established by him for county correctional facilities, the commissioner shall give notice of the alleged violation to the sheriff and the county commissioners of the county in which such facility is located except that in the case of the Suffolk County House of Correction such notice shall be given to the penal institutions commissioner of the city of Boston. Said notice shall specify the particular standards that in the commissioner's opinion have not been met by such facility. The officials so notified shall have the right to be heard by the commissioner with regard to the alleged violation and shall have a reasonable period of time to remedy any such violation. If, in the opinion of the commissioner, the facility has not been brought into compliance with the aforesaid standards within a reasonable time from the date when notice of their violation is given, the commissioner may petition the Superior Court in equity in the county in which the facility is located for an order to close the facility or for other appropriate relief. The Superior Court shall have jurisdiction to enter such an order.

Section 15. Said chapter 127 is hereby further amended by striking section 18, as most recently amended by chapter 77 of the acts of 1933, and inserting in place thereof the following section: —  

Section 18. All correctional facilities shall provide, either within such facilities or by access to medical facilities, medical services sufficient to meet the needs of every person committed to such facilities. No person committed to any correctional facility shall be compelled to participate in any manner in any medical or other scientific experiment.

Section 16. Said chapter 127 is hereby further amended by striking section nineteen, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —  

Section 19. A committed offender shall have the right of
5 free exercise of his religious beliefs, the right to change or
6 adopt such beliefs, and the right to receive visitations from a
7 clergyman or other representative of his faith, provided that
8 a request for such visitation is submitted to the superintend-
9 ent or administrator. No committed offender shall be ordered
10 or compelled to participate in any religious activities. The ex-
11 ercise of religious beliefs may be restricted only upon a de-
12 termination by the commissioner that such exercise would
13 interfere unreasonably with the maintenance of discipline
14 and security at a correctional facility.

1 Section 17. Said chapter 127 is hereby further amended
2 by striking section twenty, as most recently amended by chap-
3 ter 731 of the acts of 1956, and inserting in place thereof the
4 following section: —
5 Section 20. Every person committed to any correctional
6 facility shall be provided, in writing, all information necessary
7 to enable such person to understand both his rights and his
8 obligations while so committed. Such information shall be
9 provided immediately upon commitment and on a continuing
10 basis thereafter, and shall include all current and revised reg-
11 ulations governing the treatment of persons in his category,
12 the disciplinary requirements of the facility, the authorized
13 methods of seeking information and making complaints, and
14 all other rules and regulations to which such person is subject
15 while in custody. If an offender is literate only in Spanish,
16 the aforesaid information shall be provided to such person in
17 Spanish. If an offender is literate in a language other than
18 English or Spanish, or is illiterate in all languages, the afore-
19 said information shall be conveyed to such person orally in a
20 language which such person can understand.

1 Section 18. Said chapter 127 is hereby further amended by
2 striking section twenty-one, as most recently amended by
3 chapter 770 of the acts of 1955, and inserting in place thereof
4 the following section: —
5 Section 21. The commissioner shall establish and maintain
6 classification programs for persons committed to the custody
of the department. The administrators of county correctional facilities shall establish and maintain such programs for persons committed to such facilities under a sentence of twelve months or more.

SECTION 19. Said chapter 127 is hereby further amended by striking sections 32 and 33 as most recently amended by chapter 777 of the acts of 1957.

SECTION 20. Said chapter 127 is hereby further amended by striking section 36A, as most recently amended by chapter 777 of the acts of 1957, and inserting in place thereof the following section: —

Section 36A. All committed offenders shall have the opportunity to confer regularly with their legal counsel. If a committed offender in any correctional facility expresses a desire to see and confer with a particular practicing attorney, or if an attorney representing such offender so requests, or if an attorney must interview any committed offender who may be a witness in a case involving another client of said attorney, the superintendent or administrator of the facility shall authorize the admittance of such attorney to the facility. Any committed offender consulting with an attorney shall have the right to confer alone and in private at the facility, and for as long as necessary so far as practicable.

SECTION 21. Said chapter 127 is hereby further amended by inserting after section 38C the following new section: —

Section 38D. The commissioner shall make and promulgate rules and regulations regarding procedures for reviewing the grievances of all offenders committed to state correctional facilities, including a permanent mechanism for the recording and review of complaints. The administrators of all county correctional facilities shall make and promulgate rules and regulations for like procedures. The commissioner or his delegate and other public officials shall have the opportunity, during any inspection or authorized visit of a correctional facility, to question or interview committed offenders out of the
13 hearing of the superintendent or administrator and other cor-
14 rectional personnel. A committed offender's right to file griev-
15 ances shall not be restricted nor shall discipline be imposed
16 because of use of the grievance procedure or complaint to
17 any person.

1 SECTION 22. Said chapter 127 is hereby further amended
2 by striking sections 39 and 40, as most recently amended by
3 chapter 777 of the acts of 1957, and inserting in place thereof
4 the following sections: —
5  Section 39. No committed offender shall be punished except
6 under the order of the commissioner or the superintendent or
7 administrator of the correctional facility in accordance with
8 applicable rules and regulations of the commissioner. The com-
9 missioner may order the transfer of a committed offender in
10 any state correctional facility, for such period as the commis-
11 sioner may determine, to a segregated unit within any state
12 correctional facility, for the enforcement of discipline or at the
13 request of the committed offender.
14  Such segregated unit shall provide regular meals, fully furn-
15 ished cells, limited recreational facilities, adequate medical
16 care, rights of visitation and communication by those proper-
17 ly authorized, and shall meet such other standards as the
18 commissioner may establish.
19  Section 40. The commissioner may order that a committed
20 offender in any state correctional facility be confined, for the
21 enforcement of discipline, to an isolated unit. No such con-
22 finement shall exceed fifteen days as the result of a single
23 disciplinary proceeding.
24  Such isolation units shall provide regular meals, adequate
25 medical care, light, ventilation, adequate sanitary facilities
26 and shall meet such other standards as the commissioner may
27 establish.

1 SECTION 23. Said chapter 127 is hereby further amended by
2 striking the last paragraph of section 41, as most recently
3 amended by chapter 770 of the acts of 1955, and inserting
4 in place thereof the following paragraph: —
Such isolation units shall provide regular meals, adequate medical care, light, ventilation, adequate sanitary facilities and shall meet such other standards as the commissioner may establish.

SECTION 24. Said chapter 127 is hereby further amended by striking section 48, as most recently amended by chapter 770 of the acts of 1955, and inserting in place thereof the following section:

Section 48. The commissioner shall establish and maintain education, training and employment programs for persons committed to the custody of the department. The administrators of county correctional facilities shall establish and maintain such programs for persons committed to such facilities. Such programs shall include opportunities for academic education, vocational education, vocational training, other related prevocational programs and employment, and may be made available within correctional facilities or, subject to the restrictions set forth in section 49, at other places approved by the commissioner. In determining which employment programs to establish and maintain under the authority of this section, the commissioner or administrator shall take into account, first, the training value of the program, second, the job market and employment conditions in the community and third, in the case of programs to be carried out within a correctional facility, the types of goods and services required by the commonwealth and its subdivisions.

The commissioner shall make and promulgate rules and regulations governing programs established under this section which shall include provisions for hours and conditions of employment, wage rates, and incentive payments for education and training program participants.

SECTION 25. Said chapter 127 is hereby further amended by striking section 48A, as most recently amended by chapter 590 of the acts of 1960.

SECTION 26. Said chapter 127 is hereby further amended by
striking section 49, as most recently amended by chapter 770 of the acts of 1955, and inserting in place thereof the follow-
ing section: —

Section 49. No committed offender who is serving a life sentence or a sentence for violation of section 13, 13B, 14, 15, 15A, 15B, 16, 17, 18, 18A, 19, 20, 21, 22, 22A, 23, 24, 24B, 25, 26 or 26 of chapter 265, or section 17, 34, 35, 35A, 372 of chapter 272 or for an attempt to commit any crime referred to in said sections shall be eligible to participate in education, training or employment programs established under section 48 outside a correctional facility until the date which is two years before his first parole eligibility date, unless a majority of the parole board authorizes such participation on a recom-
mendation by the commissioner or administrator on behalf of a particular committed offender.

Any committed offender who is gainfully employed within a correction facility shall be paid in accordance with wage rates established pursuant to chapter 151; provided that such wage rates shall not apply to volunteer work performed for corporations organized under the provisions of chapter 180; provided further that such wage rates shall not apply to labor in programs certified by the Massachusetts Rehabilitation Commission as evaluation or training programs designed to determine vocational aptitude or to develop work habits or to teach skills and knowledge related to specific job objectives.

In the case of a committed offender who participates in any program outside a correctional facility established under section 48, the time spent on such participation shall be tabu-
lated toward the serving of his sentence in the same manner as though he had served such time within the facility. A committed offender enrolled in any such program shall re-
main subject to the rules and regulations of the correctional facility and shall be under the direction, control and super-
vision of the officers thereof during the period of his partici-
pation in the program. The commissioner shall make and promulgate rules and regulations regarding programs estab-
lished under section 48 outside correctional facilities. Such rules and regulations shall include provisions for reasonable
40 periods of confinement to particular correctional facilities be-
41 fore a committed offender may be permitted to participate in
42 such programs and provisions for feeding, housing and sup-
43 ervising participants in such programs in such manner as will
44 be calculated to maintain morale and prevent the introduction
45 of contraband to the facility.

1. **SECTION 27.** Said chapter 127 is hereby further amended
2 by adding the following section: —

3 **Section 50.** The commissioner shall regularly notify all
4 commonwealth purchasing agents and other interested com-
5 monwealth, county, municipal and town officials concerning
6 goods and services available through employment programs
7 carried out under section forty-eight within correctional fa-
8 cilities. Upon such notification, no purchase of the same or
9 substitute goods or services shall be made without obtaining
10 a statement of exemption from the commissioner. Statements
11 of exemption shall be granted when suitable goods or serv-
12 ices cannot be supplied by the department or a county cor-
13 rectional facility within a reasonable time at prices competi-
14 tive with wholesale rates for similar goods and services.

1. **SECTION 28.** Said chapter 127 is hereby further amended
2 by striking section 51, as most recently amended by chapter
3 777 of the acts of 1957, and inserting in place thereof the fol-
4 lowing section: —

5 **Section 51.** Committed offenders who are gainfully em-
6 ployed outside a correctional facility may be so employed by
7 an agency of the commonwealth other than the department
8 of correction or by public or private employers. The rates
9 of pay and other conditions of employment for a committed
10 offender so employed shall be the same as those paid or re-
11 quired in the locality in which the work is performed pro-
12 vided that no committed offender employed by an agency of
13 the commonwealth shall be subject to sections 9A or 9B of
14 chapter 30 or chapter 31, and in no case shall such rates of
15 pay be less than those paid by his employer to other employ-
16 ees doing similar work. No committed offender shall be so
employed at a place where there exists any strike or work
stoppage arising from a labor dispute of any kind. No com-
mitted offender in a county correctional facility who is so
employed shall be deemed to be an employee of the county
under chapter 152.

SECTION 29. Said chapter 127 is hereby further amended
by striking section 52, as most recently amended by chapter
770 of the acts of 1955, and inserting in place thereof the
following section: —

Section 52. A committed offender participating in any
program in the case of a person committed to a county cor-
rectional facility, to the administrator thereof, his total earn-
ings or incentive payments less payroll deductions authorized
by law, including income taxes. Upon receipt of such earnings
or payments the commissioner or administrator, to the extent
reasonable, shall: (a) deduct an amount determined by the
commissioner or administrator for substantial reimbursement
to the commonwealth or county for providing food, lodging
and clothing for the committed offender; (b) cause to be
paid any fine imposed on a committed offender by the court
which imposed sentence, any restitution included as part of a
committed offender's sentence, such sums as have been order-
ed by a court for the support of the family of the committed
offender and, with the consent, such other sums as are needed
for the support of his family and for payments of interest
and principal on any of his outstanding debts; (c) allow the
person to draw from the balance of his earnings or incentive
payments a sufficient sum to cover his necessary or incidental
expenses; (d) credit to the person's account such amount as
remains after reductions are made in accordance with the pro-
visions of this section, paying the balance of his account to
him upon release on parole or discharge.

SECTION 30. Said chapter 127 is hereby further amended by
striking sections 53, as appearing in the Tercentenary Edi-
tion, 54, as most recently amended by chapter 770 of the acts
of 1955, and 55 through 58 inclusive and 60 and 61, as ap-
SECTION 31. Said chapter 127 is hereby further amended by striking sections 67, as most recently amended by chapter 777 of the acts of 1957, and 67A, as appearing in chapter 252 of the acts of 1932, and inserting in place thereof the following section:

Section 67. Goods and services produced in any correctional facility shall, with the approval of the commissioner, be sold by the superintendent or administrator at not less than the wholesale market price prevailing at the time of sale for goods or services of the same description and quality. The proceeds of such sales shall be paid by the purchasers to the respective correctional facilities from which the goods are delivered or at which the services are performed.

SECTION 32. Said chapter 127 is hereby further amended by striking from section 68, as most recently amended by chapter 770 of the acts of 1955, the words "sections 67 and 67A, goods manufactured therein" and inserting in place thereof the words "section 67, goods and services produced therein."

SECTION 33. Said chapter 127 is hereby further amended by striking from section 69, as most recently amended by chapter 777 of the acts of 1957, the words, "state and county correctional facility."

SECTION 34. Said chapter 127 is hereby further amended by striking section 72, as most recently amended by chapter 777 of the acts of 1957.

SECTION 35. Said chapter 127 is hereby further amended by striking the first sentence of section 73, as most recently amended by chapter 777 of the acts of 1957, and inserting in place thereof the following sentence:

The superintendent or administrator of any correctional facility may sue or be sued upon any contract of purchase or
sale made by him under sections 48 through 69 inclusive.

SECTION 36. Said chapter 127 is hereby further amended by striking sections 83E, as most recently amended by chapter 363 of the acts of 1957, 85, as most recently amended by chapter 777 of the acts of 1957, 86, as most recently amended by chapter 770 of the acts of 1955, 86A, as most recently amended by chapter 715 of the acts of 1956, 86B, as most recently amended by chapter 399 of the acts of 1960, 86C, as most recently amended by chapter 312 of the acts of 1960, 86D, as most recently amended by chapter 478 of the acts of 1970, 86E, as appearing in chapter 723 of the acts of 1967, 86F, as appearing in chapter 821 of the acts of 1967, 86G, as appearing in chapter 363 of the acts of 1968, 88 and 89, as most recently amended by chapter 777 of the acts of 1957, 86H, as most recently amended by chapter 770 of the acts of 1952, 86I, as most recently amended by chapter 40 of the acts of 1970, 86J, as most recently amended by chapter 770 of the acts of 1955, and 94, as appearing in the Tercentenary Edition.

SECTION 37. Said chapter 127 is hereby further amended by striking section 97, as most recently amended by chapter 731 of the acts of 1956, and section 97A, as appearing in chapter 624 of the acts of 1938, and inserting in place thereof the following section:—

Section 97. The commissioner may transfer any committed offender: (a) from one state correctional facility to another; (b) with the approval of the sheriff of the county, from a state correctional facility to a county correctional facility except that a committed offender serving a sentence of imprisonment for life may not be transferred to a county correctional facility, or from a county correctional facility to a state correctional facility except the Massachusetts Correctional Institution, Walpole; (c) with the approval of the sheriff of both counties, from a correctional facility of one county to a correctional facility or another county; (d) with the approval of the appropriate officials of the federal gov-
18 ernment, from a state correctional facility to any available
19 or appropriate correctional institution maintained and super-
20 vised by the federal government within the confines of the
21 continental United States; (e) to a correctional facility of
22 another state in accordance with any interstate compact to
23 which the commonwealth is a party. The commissioner may,
24 with the approval of the governor, enter into reciprocal
25 agreements, contracts or other mutual plans to accomplish
26 transfers of committed offenders. Committed offenders so
27 transferred shall be subject to the terms of their original
28 sentences and, with the exception of committed offenders
29 transferred from one county correctional facility to another,
30 shall also be subject to the provisions of law governing par-
31 ole and discharge from state correctional facilities. The sher-
32 iff of any county, except Suffolk, may transfer committed
33 offenders from one correctional facility to another within
34 his own county. The commissioner shall make and promul-
35 gate rules and regulations regarding transfer of committed
36 offenders pursuant to this section.

1 Section 38. Said chapter 127 is hereby further amended by
2 adding the following three sections: —
3 Section 99. The commissioner may, on such terms and con-
4 ditions he may prescribe and in accordance with any com-
5 pact to which the commonwealth is a party, receive into the
6 custody of the department any person convicted by any court
7 of the United States or of any other state. While any such
8 person is confined at any state or county correctional facility
9 he shall be eligible for participation in the same rehabilita-
10 tion programs and subject to the same rules and discipline as
11 other committed offenders at such facility. All payments re-
12 ceived from the United States or from any other state for
13 the confinement of such persons shall be made to the state
14 treasurer.
15 Section 100. No committed offender shall be transferred for
16 reasons of mental illness to or from any facility of the de-
17 partment of mental health except in accordance with the
18 provisions of section 18 of chapter 123.
Section 101. The commissioner may extend the limits of the place of confinement of a committed offender at any state correctional facility by authorizing such committed offender under prescribed conditions to be away from such correctional facility for a specified period of time, not to exceed 14 days. The administrator of a county correctional facility may grant like authorization to a committed offender in such facility. Such authorization may be granted for any of the following purposes: (a) to attend the funeral of a relative; (b) to visit a critically ill relative; (c) to obtain medical, psychiatric, psychological or other social services when adequate by temporary placement in a hospital under sections 117, 117A, and 118; (d) to contact prospective employers; (e) to secure a suitable residence for use upon release on parole or discharge; (f) for any other reason consistent with the reintegration of a committed offender into the community. A person away from a correctional facility pursuant to this section may be accompanied by an employee of the department, in the discretion of the commissioner, or an officer of a county correctional facility, in the discretion of the administrator.

Any expenses incurred under the provisions of this section may be paid by the correctional facility in which the committed offender is committed. A committed offender shall, during his absence from a correctional facility under this section be considered as in the custody of the correctional facility and the time of such absence shall be considered as part of the term of sentence.

Section 39. Said chapter 127 is hereby further amended by striking the first paragraph of section 158, as most recently amended by chapter 770 of the acts of 1955, and inserting in place thereof the following paragraph: —

Parole officers and agents assigned by the deputy commissioner for community services in accordance with section 2 of chapter 124 shall supervise, counsel and advise committed offenders released on parole from correctional facilities and shall assist them in securing employment. Such officers
and agents shall also render assistance and counsel to dis-
charged offenders who are in need of such help and perform
such other duties relative to discharged or released offenders
as the commissioner of correction may require.

SECTION 40. Notwithstanding any other provision of this act, the amendments to section 5 of chapter 27 and to section 158 of chapter 127 effected by sections 3 and 39 of this act, respectively, shall take effect ninety days after the qualification of the deputy commissioner of community services appointed under the provisions of section 2 of chapter 27, as amended by section 2 of this act. Notwithstanding any other provision of this act, the requirement of section 49 of chapter 127, inserted by section 26 of this act, that committed offenders gainfully employed within correctional facilities shall be paid in accordance with wage rates established pursuant to chapter 151, shall take effect one year after the effective date of this act.
APPENDIX G

DIAGRAM SHOWING THE PROGRESS OF A BILL
Diagram Showing the Progress of a Bill

Based on diagram prepared by IRVING N. HAYDEN, Clerk of the Senate

1. Senators present petitions to clerk of Senate. Representatives present petitions to clerk of House. With few exceptions (those which go to the Rules Committees), petitions then go to joint committee after concurrence by both branches.

2. Bills may be reported in either branch. If reported in Senate they are called "Senate Bills." If in House, "House Bills."

3. Bills involving expenditure of state, county, or municipal money, after first reading in the Senate, are referred to Senate Committee on Ways and Means, Counties, or Municipal Finance unless the bill has been considered by the appropriate joint committee.

4. Bills affecting state finances or involving the expenditure of county or municipal money, after first reading in the House, are referred to House Committee on Ways and Means, Counties, or Municipal Finance unless the bill has been considered by the appropriate joint committee.

5. First stage of debate in either branch on the main question.

6. All bills must be approved by Committee on Bills in Third Reading of either branch before being read a third time.

7. Committee of Conference may be requested at any stage of a bill if differences arise between the branches.

8. When a bill containing an emergency preamble has been reported in the Senate and concurred in by the House, the governor may veto it. If the governor does not sign it within five days (legislature still in session), the bill becomes law. If the governor signs it, the bill becomes law immediately.

9. Governor may veto bill. Bill may become law without his signature if passed by two-thirds vote in both House and Senate. Bill becomes law if Governor does not sign it within five days (legislature still in session). Governor may send back bill with amendments recommended. If again enacted, it may not be sent back a second time.

All bills affecting the General Laws become law in 90 days. Special bills become law in 30 days. The course of Senate Bills is shown by solid lines. The course of House Bills is shown by dot and dash lines.
APPENDIX H

CHAPTER 777
AN ACT RELATIVE TO THE ADMINISTRATION AND OPERATION OF CORRECTIONAL INSTITUTIONS AND FACILITIES IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 2 of chapter 27 of the General Laws is hereby amended by striking the first paragraph, as most recently amended by section 37 of chapter 300 of the acts of 1971, and inserting in place thereof the following paragraph:-

The commissioner shall, with the approval of the governor, appoint and may, with like approval, remove a deputy commissioner for institutional services, a deputy commissioner for classification and treatment, a deputy commissioner for personnel and training, and a deputy commissioner for community services, each of whom shall receive a salary of nineteen thousand five hundred and four dollars and each shall devote his full time during business hours to the duties of his office. All such deputy commissioners shall possess qualifications of character and ability similar to that required of the commissioner, and shall have had training and experience in work generally similar to those required of the commissioner or otherwise suitably preparing them for the work of their respective offices. They shall not be subject to the provisions of section nine A and nine B of chapter thirty, or chapter thirty-one. The commissioner may designate any deputy commissioner to discharge the duties of the commissioner during his absence or disability.
SECTION 2. The first paragraph of section 5 of said chapter 27, as appearing in section 2 of chapter 765 of the acts of 1960, is hereby amended by inserting after the word "commissioner", in line 32, the words:—(n) employ subject to appropriation and the requirements of chapter thirty and chapter thirty-one an executive secretary and such hearing officers, clerks, attorneys, and other employees and consultants as the work of the parole board may require.

SECTION 3. Chapter 30A of the General Laws is hereby amended by inserting after section 1 the following section:

Section 1A. The department of correction shall be subject to sections one through eight, inclusive, and shall not otherwise be subject to this chapter, notwithstanding the exclusion of said department from the definition of the word "agency" in section one.

SECTION 4. Chapter 111 of the General Laws is hereby amended by striking section 20, as most recently amended by chapter 76 of the acts of 1947, and inserting in place thereof the following section:

Section 20. At least twice each year the department shall inspect each correctional institution, as defined in section one of chapter one hundred and twenty-five, and shall file a report of its findings and recommendations with respect to each such facility with the department of correction, the secretary of human services, the superintendent or administrator of each such facility, and the general court.

SECTION 5. Chapter 124 of the General Laws is hereby amended by striking out section 1, as most recently amended by chapter 731 of the acts of 1965, and inserting in place thereof the following section:

Section 1. In addition to exercising the powers and performing the duties which are otherwise given him by law, the commissioner of correction, in this chapter called the commissioner, shall:

(a) designate, establish, maintain, and administer such state correctional facilities as he deems necessary, and may discontinue the use of such state correctional facilities as he deems appropriate for such action; provided that no
state or county correctional facility named in paragraph (n) of section one of chapter 125 shall be discontinued without specific authorization and approval of the General Court;

(b) maintain security, safety and order at all state correctional facilities, utilize the resources of the department to prevent escapes from any such facility, take all necessary precautions to prevent the occurrence or spread of any disorder, riot or insurrection at any such facility, including but not limited to the development, planning, and coordination of emergency riot procedures with the commissioner of public safety, and take suitable measures for the restoration of order;

(c) establish and enforce standards for all state correctional facilities;

(d) establish standards for all county correctional facilities and secure compliance with such standards, if necessary, through the enforcement provisions of section fifteen B of chapter one hundred and twenty-seven;

(e) establish, maintain and administer programs of rehabilitation, including but not limited to education, training and employment, of persons committed to the custody of the department, designed as far as practicable to prepare and assist each such person to assume the responsibilities and exercise the rights of a citizen of the commonwealth;

(f) establish a system of classification of persons committed to the custody of the department for the purpose of developing a rehabilitation program for each such person;

(g) determine at the time of commitment, and from time to time thereafter, the custody requirements and program needs of each person committed to the custody of the department and assign or transfer such persons to appropriate facilities and programs;

(h) establish training programs for employees of the department and, by agreement, other corrections personnel;

(i) investigate grievances and inquire into alleged misconduct within state correctional facilities;
(j) maintain adequate records of persons committed to the custody of the department;

(k) establish and maintain programs of research, statistics and planning, and conduct studies relating to correctional programs and responsibilities of the department;

(l) utilize, as far as practicable, the services and resources of specialized community agencies and other local community groups in the rehabilitation of offenders, development of programs, recruitment of volunteers and dissemination of information regarding the work and needs of the department;

(m) make and enter any contracts and agreements necessary or incidental to the performance of the duties and execution of the powers of the department, including but not limited to contracts to render services to committed offenders, and to provide for training or education for correctional officers and staff;

(n) seek to develop civic interest in the work of the department and educate the public and advise the general court as to the needs and goals of the corrections process;

(o) expend annually in the exercise of his powers, performance of his duties, and for the necessary operations of the department such sums as may be appropriated therefor by the general court;

(p) report annually to the secretary of human services, the governor and the general court;

(q) make and promulgate necessary rules and regulations incident to the exercise of his powers and the performance of his duties including but not limited to rules and regulations regarding nutrition, sanitation, safety, discipline, recreation, religious services, communication and visiting privileges, classification, education, training, employment, care, and custody for all persons committed to correctional facilities.

SECTION 6. Section 2 of said chapter 124 is hereby amended by striking out the last paragraph, as appearing in section 8 of chapter 770 of the acts of 1955, and inserting in place thereof the following two paragraphs:
Subject to the supervision and control of the commissioner, the deputy commissioner for community services shall be responsible for planning and directing community programs and services provided to committed offenders.

Each of the said deputy commissioners shall perform such other duties as may be assigned to him from time to time by the commissioner.

SECTION 7. Said chapter 124 is hereby further amended by adding the following section:

Section 10. The department shall be a corporation for the purpose of taking, holding and administering in trust for the commonwealth any grant, gift or bequest made either to the commonwealth or to it for the use of persons under its control in any correctional facility of the department or for expenditure upon any work which the department is authorized to undertake. The department may accept, receive and use money, goods or services given for the general purposes of the department by the federal government or from any other source, public or private, and may comply with such conditions and enter into such agreements upon such covenants, terms and conditions as the department deems necessary or desirable, provided the agreement is not in conflict with state law.

The department, subject to the approval of the governor, shall select the site of any new state correctional facility and any land to be taken or purchased by the commonwealth for the purposes of any new or existing state correctional facility. If any land or property is taken or purchased by the department, title shall be taken in the name of the commonwealth.

SECTION 8. Chapter 125 of the General Laws is hereby amended by striking section 1, as most recently amended by chapter 731 of the acts of 1956, and inserting in place thereof the following section:

Section 1. As used in this chapter and elsewhere in the general laws, unless the context otherwise requires, the following words shall have the following meanings:

(a) "administrator", chief administrative officer of a county correctional facility;
(b) "commissioner", the commissioner of correction;

(c) "committed offender", a person convicted of a crime and committed, under sentence, to a correctional facility;

(d) "correctional facility", any building, enclosure, space or structure used for the custody, control and rehabilitation of committed offenders and of such other persons as may be placed in custody therein in accordance with law;

(e) "correctional institution", correctional facility;

(f) "county correctional facility", any correctional facility owned, operated, administered or subject to the control of a county of the commonwealth;

(g) "department", the department of correction;

(h) "gainful employment", employment within or without any correctional facility including but not limited to labor for the operation and maintenance of any correctional facility;

(i) "inmate", a committed offender or such other person as is placed in custody in a correctional facility in accordance with law;

(j) "institution", facility;

(k) "penal institution", correctional facility;

(l) "prison", correctional facility;

(m) "prisoner", a committed offender and such other person as is placed in custody in a correctional facility in accordance with law;

(n) "state correctional facility", any correctional facility owned, operated administered or subject to the control of the department of correction, including but not limited to: Massachusetts Correctional Institution, Walpole; Massachusetts Correctional Institution, Norfolk; Massachusetts Correctional Institution, Concord; Massachusetts Correctional Institution, Framingham; Massachusetts Correctional Institution, Bridgewater; Massachusetts Correctional Institution, Plymouth; Massachusetts Correctional Institution, Warwick; Massachusetts Correctional Institution, Monroe;

(o) "state prison", Massachusetts Correctional Institution, Walpole;
(p) "superintendent", the chief administrative officer of a state correctional facility.

SECTION 9. Said chapter 125 is hereby further amended by striking out section 9, as most recently amended by chapter 494 of the acts of 1957, and inserting in place thereof the following section:-

Section 9. The commissioner shall establish a training academy in cooperation with the municipal police training council and using their facilities and programs where appropriate and such other courses or places of training as he deems necessary for the training of correction officers, other employees of the department, persons appointed as correction officer trainees in accordance with this section and, by agreement, officers of county correctional facilities. The commissioner may appoint as a correction officer trainee, for a period of full-time training including on-the-job training, any citizen of the commonwealth who meets the qualifications required of applicants for appointment to the position of correction officer. Appointment to the position of correction officer trainee shall not be subject to section nine A and nine B of chapter thirty, or chapter thirty-one, nor shall a correction officer trainee be entitled to any benefits of such laws or civil service rules. Such appointment may be terminated in accordance with such conditions as the commissioner may prescribe. A correction officer trainee shall receive such compensation and such leave with pay as the commissioner shall determine and shall be considered an employee of the commonwealth for the purposes of workman's compensation. Upon successful completion of training, a correction officer trainee shall be appointed, if a vacancy exists, to the position of provisional correction officer, provided there is no suitable civil service eligible list for correction officer.

A correction officer trainee shall not be subject to or entitled to the benefits of any retirement or pension law nor shall any deduction be made from his compensation for the purpose thereof; but a correction officer trainee who during the period of his training or provisional appointment status passes a
competitive civil service examination for appointment to the department of
correction and is appointed a permanent full-time correction officer shall have
his trainee service considered as "creditable service" for purposes of
retirement, provided he pays into the annuity savings fund of the retirement
system such amount as the retirement board determines equal to that which he
would have paid had he been a member of said retirement system during the period
of his training.

In accordance with civil service laws and rules the division of civil
service shall certify the names of applicants from an established list for
correction officers to the commissioner who shall appoint said applicants as
correction officers. Newly appointed correction officers who have not
successfully completed training as correction officer trainees shall be
assigned to a period of training as the commissioner shall prescribe. Notwith-
standing any civil service law or rules, a correction officer must serve a
probationary period of nine months before becoming a full-time permanent
employee of the department. Time spent in training shall be considered a part
of the probationary period.

Notwithstanding any provision of law to the contrary, but subject, however,
to the provisions of section sixty of chapter one hundred and nineteen, no
person who has been convicted of a felony, or who has been confined in any jail
or house of correction, shall be appointed to any position in the department of
correction unless the commissioner certifies that such appointment will contribute
substantially to the work of the department, except that in no case shall such
a person be appointed to the position of correction officer, superintendent,
deputy superintendent, assistant superintendent, or any other position involving
the regulation of state or county correctional facilities.

The commissioner may expend such sums as may be appropriated or otherwise
received to maintain and operate the training academy and other training centers
and programs and maintain trainees and employees during any period of training.
SECTION 10. The first paragraph of section 16 of said chapter 125, as amended by section 18 of chapter 863 of the acts of 1970, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- All females convicted of crimes in the courts of the commonwealth and sentenced to imprisonment or otherwise committed to the custody of the department shall be committed to the Massachusetts Correctional Institution, Framingham, or to such other correctional facility or facilities as the commissioner may from time to time designate as appropriate for the purpose.

SECTION 11. Chapter 127 of the General Laws is hereby amended by adding after section 1 the following two sections:–

Section 1A. In accordance with paragraphs (d) and (q) of section one of chapter one hundred and twenty-four the commissioner shall establish, and shall from time to time revise, minimum standards for the care and custody of all persons committed to county correctional facilities. Prior to establishing or revising such minimum standards the commissioner shall visit, consult with and receive the recommendations of the sheriffs of the several counties and the penal institutions commissioner of the city of Boston. The commissioner shall require from the sheriffs of the several counties and the penal institutions commissioner of the city of Boston periodic reports on the population, operation and conditions of all county correctional facilities.

The commissioner may provide consultation services for the design and construction of facilities, studies and surveys of programs and administration and any other technical assistance he deems proper and necessary. In cooperation with the county commissioners and administrators of each county, the commissioner may develop and administer programs of grants-in-aid or subsidies for any county correctional facility.

Section 1B. At least once each six months the commissioner or his delegate shall inspect each county correctional facility to determine compliance with minimum standards. The results of such inspections shall be summarized in the
annual report of the commissioner to the general court. Personnel of the
department shall be admitted to all county correctional facilities as required
for the purposes of this section.

If, in the opinion of the commissioner, any county correctional facility
does not comply with the standards established by him for county correctional
facilities, the commissioner shall give notice of the alleged violation to the
sheriff and the county commissioners of the county in which such facility is
located except that in the case of Suffolk County House of Correction such notice
shall be given to the penal institutions commissioner of the city of Boston.
Said notice shall specify the particular standards that in the commissioner's
opinion have not been met by such facility. The officials so notified shall
have the right to be heard by the commissioner with regard to the alleged
violation and shall have a reasonable period of time to remedy any such viola-
tion. If, in the opinion of the commissioner, the facility has not been brought
into compliance with the aforesaid standards within a reasonable time from the
date when notice of their violation is given, the commissioner may petition the
Superior Court in equity in the county in which such facility is located for an
order to close the facility or for other appropriate relief. The Superior
Court shall have jurisdiction to enter such an order.

SECTION 12. Said chapter 127 is hereby further amended by striking out
section 48, as amended by section 32 of chapter 770 of the acts of 1955, and
the caption preceding it and inserting in place thereof the following caption
and section:

EDUCATION, TRAINING AND EMPLOYMENT PROGRAMS

Section 48. The commissioner shall establish and maintain education,
training and employment programs for persons committed to the custody of the
department. The administrators of county correctional facilities shall establish
and maintain such programs for persons committed to such facilities. Such
programs shall include opportunities for academic education, vocational
education, vocational training, other related prevocational programs and
employment, and may be made available within correctional facilities or, subject to the restrictions set forth in sections forty-nine and eighty-six F, at other places approved by the commissioner or administrator. In determining which employment programs to establish and maintain under the authority of this section, the commissioner or administrator shall take into account, first, the training value of the program, second, the job market and employment conditions in the community and third, in the case of programs to be carried out within a correctional facility, the types of goods and services required by the commonwealth and its subdivisions.

The commissioner shall make and promulgate rules and regulations governing programs established under this section which shall include provisions for hours, conditions of employment, wage rates for employment program participants, incentive payments for education and training program participants, and deductions from said wages pursuant to the provisions of section eighty-six F.

SECTION 13. Said chapter 127 is hereby further amended by striking out section 49, as most recently amended by section 34 of chapter 770 of the acts of 1955, and inserting in place thereof the following two sections:

Section 49. The commissioner of correction, subject to rules and regulations established in accordance with the provisions of this section, may permit an inmate who has served such a portion of his sentence or sentences that he would be eligible for parole within eighteen months to participate in education, training, or employment programs established under section forty-eight outside a correctional facility; provided that no committed offender who is serving a life sentence or a sentence in a state correctional facility for violation of section thirteen, thirteen B, fourteen, fifteen, fifteen A, fifteen B, sixteen, seventeen, eighteen, eighteen A, nineteen, twenty, twenty-one, twenty-two, twenty-two A, twenty-three, twenty-four, twenty-four B, twenty-five, or twenty-six of chapter two hundred and sixty-five, or section seventeen, thirty-four, thirty-five, or thirty-five A, of chapter two hundred and seventy-two, or for an attempt to commit any crime referred to in said sections shall be eligible to participate in education, training or employment programs outside a correctional facility,
as established under section forty-eight, except on the recommendation of the superintendent on behalf of a particular committed offender and upon the approval of the commissioner.

In the case of a committed offender who participates in any program outside a correctional facility established under section forty-eight, the time spent in such participation shall be credited toward the serving of his sentence in the same manner as though he had served such time within the facility. A committed offender enrolled in any such program shall remain subject to the rules and regulations of the correctional facility and shall be under the direction, control and supervision of the officers thereof during the period of his participation in the program. The commissioner shall make and promulgate rules and regulations regarding programs established under section forty-eight outside correctional facilities. Such rules and regulations shall include provisions for reasonable periods of confinement to particular correctional facilities before a committed offender may be permitted to participate in such programs and provisions for feeding, housing and supervising participants in such programs in such manner as will be calculated to maintain morale and prevent the introduction of contraband to the facility.

If any inmate who participates in any program outside a correctional facility established under the provisions of section forty-eight leaves his place of employment, or having been ordered by the commissioner to return to the correctional facility, neglects or refuses to do so, said inmate shall be held to have escaped from said prison or institution and shall, upon conviction of such escape, be sentenced to a state correctional facility for a term of not less than three years and not more than five years, and all deductions from the sentence or sentences he was serving at the time of such escape, authorized by section one hundred and twenty-nine, shall be forfeited, but said inmate shall be entitled to a deduction of sentence on any sentence imposed for said escape.

Committed offenders who are gainfully employed outside a correctional facility may be so employed by an agency of the commonwealth other than the
department of correction or by public or private employers. The rates of pay and other conditions of employment for a committed offender so employed shall be the same as those paid or required in the locality in which the work is performed provided that no committed offender employed by an agency of the commonwealth shall be subject to sections nine A or nine B of chapter thirty, or chapter thirty-one, and in no case shall such rates of pay be less than those paid by his employer to other employees doing similar work. No committed offender shall be so employed at a place where there exists any strike or work stoppage arising from a labor dispute of any kind.

Section 49A. Before any inmate may be considered for participation in education, training, or employment programs established under section forty-eight outside a correctional facility, or in any other program outside a correctional facility exclusive of parole, he shall first demonstrate that he is responsible and deserving of these opportunities.

The commissioner shall establish, in each state correctional facility, one or more committees made up of representatives from all segments of department of corrections staff, especially correction officers. Said committees shall take the form of teams of five correctional staff members, appointed by the superintendent of the correctional facility, at least two of whom shall be correction officers.

Said committees shall evaluate the behavior and conduct of inmates within the prison. In evaluating an inmate's behavior and conduct within the prison, said committee shall interview the inmate, and shall have access to disciplinary reports and other appropriate records. After evaluating the inmate's behavior and conduct within the prison, said committee shall make a recommendation to the superintendent of the correctional facility as to whether or not the inmate shall be permitted to participate in any program outside a correctional facility, exclusive of parole. Said recommendation shall be made in writing, and shall include the vote of said committee in making said recommendation.

SECTION 14. Section sixty-seven A of said chapter one hundred and twenty-seven is hereby repealed.
SECTION 15. Section 68 of said chapter 127, as most recently amended by section 42 of chapter 770 of the acts of 1955, is hereby further amended by striking out, in lines 6 and 7, the words "sections sixty-seven and sixty-seven A, goods manufactured therein" and inserting in place thereof the words: section sixty-seven, goods and services produced therein.

SECTION 16. Said chapter 127 is hereby further amended by striking out section 71, as most recently amended by chapter 180 of the acts of 1964, and inserting in place thereof the following section:

Section 71. At least once each month all money received from the sale of products, by-products, or services of committed offenders shall be credited on the books of the commonwealth to a fund to be known as the Correctional Employment Fund. Subject to appropriation the commissioner may employ such fund to defray operating expenses of employment programs, including cost of materials, supplies, and equipment, maintenance of industrial facilities and compensation to committed offenders gainfully employed.

At the end of each fiscal year the unexpended balance remaining in the correctional employment fund of the state correctional facilities shall be transferred to the General Fund. At least once in each month the receipts from the labor of committed offenders in county correctional facilities and from charges for services rendered by a sheriff, master or deputy master of a county correctional facility to persons visiting such a facility shall be paid to the county. So much thereof as is necessary to pay the expenses of maintaining the industries in said county correctional facilities shall be expended from the county treasury for that purpose, but not until schedules of such expenses have been sworn to by the administrator and approved by the commissioner. Whenever, in the opinion of the administrator of a county correctional facility and the county commissioners and county treasurer, the accumulated funds in the county treasury from the receipts from the labor of committed offenders in county correctional facilities exceed the sums necessary to pay the expenses of maintaining the industries by which they were produced, the administrator of a county
correctional facility and the county commissioners and the county treasurer shall direct that the surplus shall be transferred into the general revenue of the county. The administrator of a county correctional facility shall, as often as he has in his possession money to the amount of five thousand dollars received from the labor of committed offenders in such county correctional facility, pay it into the county treasury.

SECTION 17. Sections eighty-five, eighty-six, eighty-six D and eighty-six E of said chapter one hundred and twenty-seven are hereby repealed.

SECTION 18. Said chapter 127 is hereby further amended by striking out section 90A, as most recently amended by chapter 460 of the acts of 1970, and inserting in place thereof the following section:

Section 90A. The commissioner may extend the limits of the place of confinement of a committed offender at any state correctional facility by authorizing such committed offender under prescribed conditions to be away from such correctional facility but within the commonwealth for a specified period of time, not to exceed fourteen days during any twelve month period nor more than seven days at any one time; provided that no committed offender who is serving a life sentence or a sentence in a state correctional facility for violation of section 13, 13B, 14, 15, 15A, 15B, 16, 17, 18, 18A, 19, 20, 21, 22, 22A, 23, 24, 24B, 25, or 26 of chapter 265, or section 17, 34, 35, or 35A, of chapter 272, or for an attempt to commit any crime referred to in said sections shall be eligible for temporary release under the provisions of this section except on the recommendation of the superintendent on behalf of a particular committed offender and upon the approval of the commissioner. The administrator of a county correctional facility may grant like authorization to a committed offender in such facility. Such authorization may be granted for any of the following purposes: (a) to attend the funeral of a relative; (b) to visit a critically ill relative; (c) to obtain medical, psychiatric, psychological or other social services when adequate services are not available at the facility and cannot be obtained by temporary placement in a hospital under sections one hundred and
seventeen, one hundred and seventeen A, and one hundred and eighteen; (d) to contact prospective employers; (e) to secure a suitable residence for use upon release on parole or discharge; (f) for any other reason consistent with the reintegration of a committed offender into the community. For the purposes of this section the word "relative" shall mean the committed offender's father, mother, child, brother, sister, husband or wife and, if his grandparent, uncle, aunt or foster parent acted as his parent in rearing such committed offender, it shall also mean such grandparent, uncle, aunt or foster parent.

A person away from a correctional facility pursuant to this section may be accompanied by an employee of the department, in the discretion of the commissioner, or an officer of a county correctional facility, in the discretion of the administrator.

Any expenses incurred under the provisions of this section may be paid by the correctional facility in which the committed offender is committed. A committed offender shall, during his absence from a correctional facility under this section, be considered as in the custody of the correctional facility and the time of such absence shall be considered as part of the term of sentence.

Passed to be enacted, Speaker.

In Senate, July 7, 1972.
Passed to be enacted, President.

July 18, 1972.
Approved,
APPENDIX I

LOCKE COMMISSION RECOMMENDATIONS
RECOMMENDATIONS AND FINDINGS

I. Relative to Administration

1. The committee emphasizes its concern for the speedy implementation of those sections of Chapter 777 of the Acts of 1972, which provide that intensive and on-going educational and training programs be available to corrections officers.

2. The committee urges that Massachusetts corrections officers be afforded opportunities for promotion to high administrative positions. The committee feels that executive judgments relative to the qualifications of corrections officers serve to reflect the quality of training offered by the executive branch; and hence, as measures are taken to improve the latter, there also must be increased reliance upon corrections personnel in filling higher positions.

3. The committee expects that the Commissioner of Corrections will explain and discuss in all cases the nature, scope, and content of new administrative policies with superintendents and other officials involved in the institution of such policies. The committee expects that should the Commissioner intend to be absent from his office, he will instruct competent staff members in appropriate responses to questions of routine and emergency nature which may arise within the Department.

4. The committee strongly urges that an up-to-date handbook of regulations and procedures be devised and continuously reviewed by the Department for the use of inmates and officers; the committee expects that such a written code of conduct will help to eliminate any arbitrariness which may exist in judgement of individual's behavior.
5. The committee deplores the great disparity between numbers of black and Spanish-speaking inmates, and numbers of corrections officers with similar racial and ethnic backgrounds; and expects that efforts will be made by the Department to attract, recruit, and train such individuals to the corrections service.

6. The committee feels the Department ought to explore in a systematic fashion the feasibility and advisability of instituting links between inmates and unions in order to determine the efficacy of this technique for expression of grievances, or the institutionalization of a scale of wages for inmate work that is similar to the union scale.

7. The committee feels the Department of Corrections should retain its present location within the Executive Office of Human Services, rather than be transferred to the Executive Office of Public Safety.

8. The committee recommends that the Department of Corrections study the possibility of at some future date integrating county correctional institutions within and under the state corrections system.

II. Relative to Classification

9. The committee strongly recommends the immediate establishment of a diagnostic reception center at a location the Department deems suitable.

10. Upon the establishment of a diagnostic reception center, the committee recommends that consideration be given to a policy by which offenders can be sentenced to the Corrections Department generally, rather than to a specific facility; and subsequent to their being so sentenced, their needs, whether medical, rehabilitative etc., be de-
fined on an individual basis. Following such appraisal, the committee intends that the offender be admitted to the institution which can best meet such rehabilitative and security needs.

11. The committee strongly recommends that a youthful and first offenders facility be established immediately in order to insure that young offenders may be separated from the population of older inmates with records of repeated crime.

12. The committee strongly recommends the establishment of a distinct facility for intensive treatment of drug-dependent inmates.

13. The committee encourages continued development of community-based half-way houses promoting the re-integration of inmates into community life, and the exploration of increased use of forestry camps.

III. Relative to Discipline and Safety

14. The committee strongly recommends the establishment of a departmental adjustment center where that small percentage of inmates who consistently manifest violently aggressive or otherwise dangerous behavior may be confined; the committee intends that such a center provide inmates with all such psychiatric and medical treatment, counselling, and other services, as may be needed to ensure prompt return to the general population.

15. The committee deplores the failure of officials to conduct frequent and thorough "shakedowns", and expects that such searches will be made far more regularly and rigorously in the future to ensure the maintenance of "clean" institutions.

16. The committee strongly recommends that metal detectors be used
on a continuing basis in all institutions where they are currently
installed to promote the security of inmates, other employees, and
visitors; the committee further urges that safety items be substituted
for any implements which may be converted easily into weapons.

17. The committee recommends that administrative options relative
to parole eligibility following completion of one third of a sentence
be employed in all cases where such eligibility is merited; the com-
mittee further recommends that good-time deductions be awarded to in-
mates completing constructive activities or programs during their con-
finement.

18. The committee recommends that all individuals who complete sen-
tences without occasion for parole supervision be given access to the
benefits of job assistance and other supportive services subsequent to
their release which they otherwise might not receive.

19. The committee recommends that a Board of Pardons be established
to consider, in conjunction with the Board of Parole, the advisability
of expunging the records of former offenders, or commuting the sen-
tences of offenders, in order that such considerations remain as ob-
jective as possible.

IV. Relative to Education

20. The committee notes the paucity of elementary education courses
available to inmates and urges the Corrections Department to survey
and provide for such needs.

21. The committee recommends that grammar and high school education
courses now offered be coordinated and improved, with consideration be-
ing given to the establishment of a Corrections Department School District
22. The committee urges the Department of Correction to explore the possibility of employing student teachers from state higher educational institutions to reduce the shortage of instructors in corrections facilities while minimizing costs for an expanded teaching staff.

23. The committee recommends that educational counsellors be available in institutions during evening hours in order that inmates who work or attend classes by day may have opportunities for such consultation.

24. The committee urges that administrative and security procedures be streamlined and standardized to expedite the entry of volunteer instructors from industry or other private organizations into corrections facilities.

25. The committee strongly recommends that libraries in corrections facilities be expanded, with attention given to the inclusion in such libraries of law books and other legal texts; the committee urges the Corrections Department to explore the possibility of acquiring volumes through donations made by private citizens, businesses, and other organizations.

V. Relative to Work

26. The committee urges that training sequences and corrections industries which conform closely to outside employment opportunities be developed and established within institutions; the committee suggests that such sequences and industries include computer technology, automobile mechanics, refrigeration, electronics, and so on.
27. The committee urges that the Corrections Department work closely with labor unions in facilitating the entry of former offenders, who have completed apprenticeship training programs in corrections institutions, into appropriate unions upon their release, in order to afford them opportunities for job security and the earning of minimum wages.

28. The committee urges that corrections industries be oriented to the production of goods saleable at attractive prices on the open market; and that profits of such sales be used to maintain corrections industries, but also to increase inmate wages.

29. The committee recommends that work-release programs be further developed under Chapter 777 of the Acts of 1972, in order that inmates who demonstrate a capacity and responsibility to handle such employment be given opportunities to do so.

30. The committee strongly recommends that inmate wages be raised, particularly as new corrections industries show profit; and urges the establishment of savings accounts for inmates, in order that post-release financial security be ensured. The committee suggests further that a portion of inmate earnings be directed to the maintenance of inmate's families currently receiving public assistance; and that the Commonwealth be reimbursed out of inmate savings for riot damages to state or county institutions, where responsibility for such damages may be ascertained.

31. The committee urges that consideration be given by the General Court to state tax incentives for industries which contribute personnel and equipment to the Corrections Department for the in-
struction and training of inmates, or hire ex-offenders after release.

32. The committee recommends that the Corrections Department consult with the Department of Communities and Development in the establishment of job-training sequences which will best prepare inmates for post-release employment.

33. The committee urges that private industry and business participate in the implementation of public policy by working to eliminate any employment discrimination which may be directed against former offenders.

VI. Relative to Medicine

34. The committee expects that corrections institutions will be stocked properly and adequately with medical supplies and equipment; and that such materials will be securely stored and appropriately dispensed in order to prevent their abuse.

35. The committee expects that medical record-keeping procedures will be rendered more comprehensive and orderly in all facilities.

36. The committee deplores the absence of hygienic and extensive medical facilities in all institutions and expects that the Corrections Department will make every effort to evaluate and improve such facilities with due haste.

37. The committee expects that all medical personnel in corrections facilities whether working on a full-time or a part-time basis, will afford services to the Commonwealth commensurate with their salaries; the Committee recommends that the Corrections Department eliminate any abuse of such state employment.
38. The committee urges that salary schedules and employment benefits for medical personnel in corrections facilities be made competitive with such schedules and benefits in the outside community.

39. The committee recommends that state hospitals be used to augment medical services offered by corrections facilities.

40. The committee recommends that the Corrections Department make provision for the hiring of additional paramedical personnel; the committee intends that interested inmates be afforded opportunities for training and employment as paramedics.

41. The committee recommends that additional counsellors be employed in corrections facilities to offer services relative to psychiatric, drug, and other problems; and that such counsellors provide post-release evaluation and assistance to former offenders.

VII. Relative to Social Dimensions

42. The committee urges that metal detectors currently installed be used consistently in checking both inmates and visitors to control the flow of contraband into corrections institutions, and that matrons continue to be assigned to oversee entry of female visitors.

43. The committee recommends that the Department of Corrections notify the local police when an offender is released on furlough.

44. The committee urges the Corrections Department to review continuously policies relative to personal communications (mail and telephone calls), in order to promote equalization and non-discrimination of privileges among inmates; and that consideration be given to the viability of more flexible and extensive communications privileges.

45. The committee deplores the existence of racial hostility in
corrections institutions, whether among inmates or between inmates and officials; and urges that personnel evaluations take into consideration any unwarranted antagonism emanating from racial prejudice.

46. The committee requests the Commissioner of the Department of Corrections to submit to the Governor and the General Court, one year from the date of enactment of appropriate legislation included herein, and the filing of this report, a report indicating its intention, measures, and progress relative to each of the above recommendations.
APPENDIX J

SUMMARY OF THE MASSACHUSETTS
RESEARCH GROUP'S REPORT ON IMPLEMENTATION OF
CHAPTER 777
SUMMARY

This report is a review of the progress of the Department of Correction in implementing Chapter 777, in five basic areas, two years after the act has been in effect. The findings are as follows:

--The Department of Correction (D.O.C.) has not established minimum standards for state and county correctional facilities. Ironically, the Department of Correction is closer to establishing comprehensive minimum standards for county institutions than for state institutions.

--A classification system is being developed for the Department of Correction. The Reception Diagnostic Center and departmental classification teams have been organized, but institutional classification teams are still in the developmental stage.

--Within the correctional institutions, education programs are lacking and vocational programs are practically non-existent. Work and education release programs are being instituted, but statistics show they only reach 14% of the inmate population.

--A community release program has been established by the D.O.C. The pre-release houses have been filled to 80-93% capacity. The proportion of the prison population that participates in this program averages from 6% to 8%.

--A prison furlough program has also been established. It has granted 15,044 furloughs and has a success rate of 98.4%.

This is a review of the Department of Correction's implementation of the Omnibus Correction Act of 1972. These findings, with the exception of the furlough program, are not encouraging. The Governor's Advisory Committee on Corrections commented on this matter in their letter to Governor Sargent of December 18, 1974, noting "... we do not believe the inherent slowness of progress or change in Massachusetts corrections can be attributed to any one person. Real changes in corrections in Massachusetts will have to be supported by the state administration, the state legislature, and the citizens of the Commonwealth."
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