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CRIMINOLOGY

STRATIFICATION AND CONFLICT AMONG PRISON INMATES

JAMES B. JACOBS*

Prison studies have most often emphasized the inmate code, inmate distributive systems and the colorful argot roles which are said to be functional for the emergence and persistence of both normative and distributive systems. Little systematic attention has been paid to the significance of racial, political, and religious stratification or to formal inmate organizations. Yet, systems of stratification and formal organizations are the background against which primary groups, attitudes, and individual and group conflict develop. Inmate behavior cannot be understood without reference to these allegiances and commitments.

Donald Clemmer, the pioneer student of this subject, did offer some indication of the significance of intermediate level structures and allegiances among the confined when he spoke of the elite, middle, and hoosier classes.¹ These classes were rooted in pre-prison residency (urban versus rural) and criminal careers. There was a diffuse sense of class consciousness among the inmates in the penitentiary which Clemmer studied, and we may assume that primary group relations developed among individuals already linked by class ties. We may hypothesize that primary groups are formed among members of the same class, faction, or secondary group because of the emotional, and to a lesser degree, material advantages of friendship cliques. Primary groups, however, do not necessarily reinforce the norms and values of the *inmate society*. Instead they may be said to reinforce the norms and values of those classes and secondary groups from which the primary groups are drawn.

What is at stake in focusing attention on inmate stratification systems and formal organizations is the viability of the background imagery which informs research on prison organization. The view of prisoners as isolated individuals who may or may not

become socialized into an inclusive inmate culture through participation in primary groups is no longer useful in describing the contemporary prison. Issues of class and class conflict have been imported from the street into the prison so that inmate society is highly factionated at the intermediate or group level.

New analyses of prison organization must shake loose from the "total institution" model of imprisonment with its emphasis on individual and small group reaction to material and psychological deprivations. Perhaps a re-examination of the prisoner-of-war camp literature will yield a more fruitful perspective? Descriptions of prisons as diverse as Andersonville² and the camps of the Gulag Archipelego³ have pointed to broad cleavages among inmates based upon pre-institutional allegiances to social classes, and upon participation in subcultures and formal organizations. At Andersonville, the "N'Yaarkers" brought with them a solidarity based upon common cultural antecedents and an intact military formal organization. In the Gulag, the common criminals found a latent solidarity which served as a basis for collective action in their roots in a criminal subculture and exploited this solidarity in the brutalization of a weaker class—the politicals.

RACIAL STRATIFICATION

It is not surprising that in recent years of heightened racial consciousness throughout American society, racial identity within prison has become increasingly prominent.⁴ Young prisoners today are supplanting their criminal identities with a racial-ethnic identity.⁵ The development of race consciousness among Blacks in recent years has been documented in the daily press and in a considerable Black studies literature. Black awareness is not limited, however,

²J. McElroy, *ANDERSONVILLE: A STORY OF REBEL MILITARY PRISONS* (1879).

³A. SOLZTENITSYN, *THE GULAG ARCHIPELAGO* (1973).

⁴OFFICIAL REPORT OF THE NEW YORK STATE SPECIAL COMMISSION ON ATTICA 119 (1972) [hereinafter cited as ATTICA]. See L. CARROLL, *HACKS, BLACKS AND CONS* (1974).

⁵J. IRWIN, *THE FELON* 80-82 (1970).

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¹D. CLEMMER, *THE PRISON COMMUNITY* (1958).

to groups like Panthers and Muslims. It is the most significant referent even for those prisoners without formal and informal group ties.

At Illinois' Stateville Penitentiary, the racial lines are impregnable. It is unheard of for members of different races to cell together. Even under the ameliorative conditions of the minimum security facility at Vienna (as well as in Illinois' juvenile institutions), Latinos, Blacks, and Caucasians constitute three separate and frequently conflicting societies. The following statement of a Soledad prisoner is indicative of the racial tension experienced in California.

CTF-Central at Soledad, California is a prison under the control of the California Department of Corrections . . . However, by the 1960s the prison had earned the label in the system of "Gladiator School"; this was, primarily, because of the never-ending race wars and general personal violence which destroyed any illusions about CTF-Central being an institution of rehabilitation . . . Two of the wings—O and X—are operated under maximum custody under the care of armed guards. There is no conflict between policy, intent and reality here: these are the specially segregated areas where murder, insanity and the destruction of men is accepted as a daily way of life. It is within the wings that the race wars become the most irrational; where the atmosphere of paranoia and loneliness congeal to create a day-to-day existence composed of terror.⁶

For most of American history, prisons were rigidly segregated societies. Even today, issues of segregation in prison are being debated in the courts.⁷ As the movement toward racial equality gained momentum through the 1950's and 1960's minority groups increasingly came to see themselves as a solidary community. Beyond identifying with primary groups, minority group members began to form formal organizations and to identify with racial leaders.

Heightened racial awareness among whites for whom race was never before a particularly important identification is one consequence of continual racial tension. Whites outside of prison rarely have the experience of having been treated on the basis of their race per se but on the inside they soon realize that their racial identity has the greatest implications for their inmate career. During the turbulent years of 1970 and 1971, white inmates at Illinois' Stateville

Penitentiary began passing messages and meeting secretly in order to organize a common defense against racial harassment by the Black majority. More recently, they have begun to organize around neo-Nazi symbolism and ideology. In addition, white inmates appeal to racial solidarity when attempting to coalign with the mostly white custodial force. Tacit coalitions between white inmates and custodians in prison are not at all uncommon. White custodial officers at Stateville in 1972 identified with the difficulties of the white minority and frequently tried to insulate them from vulnerability by finding for them safe "up front" jobs. In California prisons the rapid growth of the neo-Nazi Aryan Brotherhood can be explained as a movement in the direction of racial awareness and solidarity. The broad racial division in the inmate community is the background against which primary and secondary group behavior is to be understood.

The predominance of modern day "super-gangs" at Stateville Penitentiary and other Illinois prisons illuminates the way in which racial solidarity can generate formal organizations that make the prison look like a multi-national prisoner-of-war camp.⁸ Four "super-gangs" (three Black, one Latino) with alleged memberships of thousands on Chicago streets have imported their organizational structure, leadership hierarchies, and activities into Illinois prisons. What proportion of the many hundreds of Stones, Disciples, Vicelords, and Latin Kings in Illinois prisons were members on the streets and how many were recruited in the County Jail or at the prison itself is not known, although gang leaders and independents estimate an even split. Dozens of interviews with gang leaders, old cons, and young Blacks illuminate the difficulty for those wishing to remain unallied. One 28-year-old Black who did manage to remain independent at Stateville for over a year had to fight every day against "recruiters" from the Stones and Disciples. In the morning he was awakened by taunts and sundry objects hurled by Stones who where out of their cells for work on the early shift. In the afternoon, he was regularly required to fight Disciples in the officers' dining room. An ugly scar on his neck evidences the seriousness of the dilemma. For an individual to remain "neutral" under such extreme conditions of group conflict may not be possible. If so, the situation is not substantially different from what has been said to occur within prisoner-of-war camps where the

⁶Maguire, *Racism II*, in *INSIDE PRISON AMERICAN STYLE* 84 (R. Minton ed. 1970).

⁷See, e.g., *McClelland v. Sigler*, 327 F. Supp. 829 (D. Neb. 1971).

⁸Jacobs, *Street Gangs Behind Bars*, 21 *SOCIAL PROBLEMS* 395 (1974).

apathetic are coerced into joining underground units.⁹

The gangs have attempted to operate in the prisons as they have on the streets. They have established formal chains of command in cell houses and on work assignments. They have forced independents out of the prison rackets and have themselves taken control. In addition, lower echelon members frequently are involved in the extortion and shakedown of independents, Blacks and Whites. Finally, the gang leadership, like the leadership of the Jehovah's Witnesses and Black Muslims before them, claim to be the spokesmen for their "people" and have attempted with varying success to have the administration accept their interventions in prison-wide matters as legitimate.

Since 1970 when the gangs rose to prominence in Illinois prisons, there have been regular outbursts of conflict *between* them. There were "gang wars" at Pontiac prison in August 1971 and December 1972 with several deaths and numerous serious injuries. The first major gang clash at Stateville occurred in April 1973 and resulted in a prison "lock-up" (prisoners confined to cells 24 hours per day) for more than six months. Fights on a lesser scale between the groups are a part of the prison's day-to-day life.

The point here is that the old picture of the prison as an inclusive normative and moral community toward which the individual had to take a stance is no longer accurate. The prison is now a conflict-ridden setting where the major battles are fought by intermediate level inmate groups rather than by staff and inmates or by inmates as unaligned individuals.

The situation of large scale gangs actively organizing and competing within the prisons for prestige, power, recruits, and control of illicit activities is not unique to Illinois. Similar situations have been reported in California and New York. In California, officials have identified four gangs:¹⁰ Mexican Mafia, Nuestra Familia, Black Guerilla Family, and the Aryan Brotherhood. During 1973, there were 146 stabbings and twenty deaths in California prisons and over the course of the past two years there have been 268 stabbings and fifty-six deaths. Most of these have been attributed to the four gangs

⁹Walzer, *Prisoner of War: Does the Fight Go On After the Battle?*, 63 AM. POL. SCI. REV. 781 (1969).

¹⁰1963 LAW & ORDER 63. For an account of the Chicano organizations in California prisons during the late 1960's see T. DAVIDSON, *CHICANO PRISONERS: THE KEY TO SAN QUENTIN* (1974).

and especially to the two Chicano gangs whose combined membership is estimated at 700. On December 14, 1973 the situation came to a head when a guard was stabbed to death and the entire California prison system was placed on "lock-up" (inmates confined to cells twenty-four hours per day).¹¹

While the California gang situation appears to differ from the Illinois situation in its indigenous prison origins and, in some cases, in its greater politicization, the point remains that the inmate organization in these states is best characterized by latent and manifest conflict between well organized secondary groups.

RELIGIOUS STRATIFICATION

Membership in traditional religious sects has not historically served as a basis for collective inmate behavior in prison. This may be explained by the fact that traditional Judeo-Christian values are offended by criminals and offer no radical redefinition of their situation upon which organized protest can be based. Unconventional religions, however, have achieved considerable success in providing an ideological shield to the assaults on self conception that attend imprisonment.

Perhaps the first instance of a large well-organized secondary group emerging within the prison is represented by the Jehovah's Witnesses.¹² During World War II, 3,992 Jehovah's Witnesses were incarcerated in federal prisons for refusing military service for reasons of conscientious objection. The highly knit, clannish, and well disciplined Jehovah's Witnesses posed a challenge to prison administrators that was never fully resolved.¹³

While the Jehovah's Witnesses were the first

¹¹Los Angeles Times, Dec. 14, 1973, at 3, col. 5.

¹²S. MULFORD & A. WORDLAW, *CONSCIENTIOUS OBJECTORS IN PRISON 1940-1945* (1945). It should also be pointed out that the Jehovah's Witnesses presented significant management problems within Nazi concentration camps as well. See E. KOGON, *THE THEORY AND PRACTICE OF HELL* (1958). "One cannot escape the impression that, psychologically speaking, the SS was never quite equal to the challenge offered them by the Jehovah's Witnesses." *Id.* at 43.

¹³Perhaps the most unconventional religion is the recently organized prison religion, the Church of the New Song, about which comparatively little is known at this time. See *Church of the New Song*, 17 CHRISTIANITY TODAY 73 (1973):

A two-year sect made up primarily of prison inmates is gaining considerable recognition throughout the United States, much to the consternation of corrections officials.

group to come to prison with the intention of serving "group time" rather than individual time, their impact was limited to the federal system and to a relatively short number of years. During that time they did engage in numerous work slowdowns, strikes, and other protests involving collective action. Their influence on American prisons is slight, however, in comparison to the sweeping organizational successes of the Black Muslims in prisons across the country.

The Black Muslims are undoubtedly the largest and most organized group ever to reside in American prisons. Their impact upon the field of corrections, particularly on prisoners' rights litigation, has yet to be adequately assessed.¹⁴ Under the direction of Elijah Muhammad, the Black Muslims throughout the 1950's and 1960's strove to become a broad based mass movement. Prisoners were not excluded from the movement. On the contrary, they were from the beginning, seen as a potentially important source of recruitment. In fact, when Lincoln wrote his history of the Black Muslims in 1961 there were three temples behind prison walls.¹⁵ For convicted men the Black Muslims offered a redefinition of their

situation which replaced individual guilt for criminal behavior with an explanation placing blame on white racism and oppression. This allows the individual a rationale by which he can "reject his rejectors."¹⁶ The active proselyzation of prisoners into the Muslim religion is alluded to in the writings of both Malcolm X¹⁷ and Eldridge Cleaver.¹⁸ That this Muslim activity within the jails and prisons consisted of more than the self-aggrandizing exploits of a few hard core members is nicely brought out by Claude Brown in his autobiographical account of life in Harlem in the late 1950's.¹⁹

It seemed to me that everybody who was coming out of jail was a Black Muslim. While he was raving, I was thinking about this. I said, "Damn, Alley, what the hell is going on in the jails here? It seems that everybody who comes out is a Muslim."

It is scarcely possible at this time to even estimate the numbers of Muslims who have passed through American prisons since World War II. In a survey of a "random sample" of seventy-one wardens and superintendents of federal and state penal institutions across the country in 1967, Caldwell found that 31 per cent claimed substantial Muslim activities while 21 per cent acknowledged some or limited Muslim activities.²⁰ Those administrators who reported no Muslim activities "came from states with relatively small Negro populations and small percentages of Negroes in prison."²¹ How many Black Muslims there were in each prison was not asked but Caldwell cites a correspondence with California prison officials indicating 400 to 500 inmates in California's thirteen major correctional institutions who can be identified as Black Muslims.²²

At Attica the organizational discipline of the Black Muslims in protecting the D-yard hostages and in contributing to the negotiation process during the 1971 turmoil has been extensively reported.²³ The Black Muslims at Attica had a lengthy history of organizing, recruiting, and waging legal battles. By 1960, the Muslim activity had spread rapidly

The Church of the New Song, founded by Maine born Harry W. Theriault, who is serving sentences for theft and escape (currently in a LaTuna, Texas prison), seems to focus its doctrines upon the rights of prisoners. Or at least that has been the source of its popularity. Wardens in several federal penitentiaries where the movement is strong have refused to accommodate these "rights," and the prisoners have taken the resulting disputes to courts. . . .

Theriault, 33, has made the most headway in litigation before Federal Judge Newell Edenfield of Atlanta. A year ago Edenfield ruled in effect that the Church of the New Song was a legitimate religious group as worthy of recognition by prison officials as a group of Protestants, Catholics, Jews, or Muslims would be. . . .

The New Song has a 600-page "bible drawn from an assortment of sources and using exotic terminology." Theriault, who calls New Song "the highest fulfillment of the Christian prophecy," has a ministerial license from the mail-order Universal Life Church in Modesto, California. (ULC also elevated a rapist at California's Folsom prison to "cardinal," causing a furor there).

See *Theriault v. Carlson*, 339 F. Supp. 375 (N. D. Ga. 1972).

¹⁴For some suggestion as to the role of the Black Muslims in stimulating litigation on prisoners' rights see Rothman, *Decarcerating Prisoners and Patients*, CIV. LIB. REV. 1 (1973). It is actually remarkable that this movement in the prisons has stimulated hardly a single scholarly article.

¹⁵C. LINCOLN, *THE BLACK MUSLIMS IN AMERICA* (1961).

¹⁶Korn & McKorkle, *Resocialization Within Walls*, 93 ANNALS 88 (1954).

¹⁷AUTOBIOGRAPHY OF MALCOLM X (1964).

¹⁸E. CLEAVER, *SOUL ON ICE* (1968).

¹⁹C. BROWN, *MANCHILD IN THE PROMISED LAND* 336 (1965).

²⁰Caldwell, *A Survey of Attitudes Toward Black Muslims in Prison*, 16 J. HUM. REL. 220 (1968).

²¹*Id.* at 222.

²²*Id.* at 224.

²³ATTICA, *supra* note 4, at 123.

through the whole New York prison system. An Attica inmate testifying before the House Committee on Internal Security in the aftermath of the Attica riot estimated Muslim membership at Attica at 230 to 300.²⁴ This does not seem an extravagant figure in light of the New York State Special Commission's statement that in March 1971 thirty Orthodox Muslims and 200 members of the Nation of Islam attended the first Muslim service in the history of Attica.²⁵ In any case, the Black Muslims clearly represented a sizeable faction of an inmate population numbering 2,243.

What is significant for our purposes is the contrast this poses to the traditional description of the prison community as composed of primary groups and solitary men. Today, to ask inmates at Attica, Stateville, or San Quentin whether they have two or more close friends (a popular question in studies of prison societies) would not contribute information relevant to understanding the social organization of prison inmates.

POLITICAL STRATIFICATION

The allegiance of incarcerated men to political groups is something new in this country. At least until recently, the political parties did not evince much concern with prisons or convicts. Since the prisoners have been disenfranchised in all states either by law or by inability to get to the polls, they were never seen as the basis of a political constituency.

Radical groups however, have seen in prisoners not merely bodies to swell their membership, but a revolutionary force that needs only to be mobilized. The prison is at the center of radical politics. Revolutionary politics have become a part of prison society through the efforts of prisoners like George Jackson,²⁶ Eldridge Cleaver,²⁷ and Huey Newton.²⁸

The two most significant radical political groups to emerge to date are the Black Panther Party and

the Young Lords Party, although there also appears to have been a small group of Weathermen and other radicals at Attica.²⁹ Both the Panthers and the Young Lords figured prominently in the events leading up to the Attica riot and representatives of both groups were among those in the negotiating party of neutral observers brought to Attica in the hopes of finding a peaceful settlement. Before the House Committee on Internal Security, witnesses estimated the number of Black Panthers at Attica before the riot at 300³⁰ and 200.³¹ An official of the California Department of Corrections has estimated the membership of the Black Panthers at San Quentin at its height under the leadership of George Jackson to have been 200 to 300.³²

The Black Panthers have described themselves as a Marxist-Leninist revolutionary party, although in recent years some members have turned toward working within the system. During the late 1960's and early 1970's, radical leaders of the Panthers saw prisoners as a disgruntled, embittered, and potentially revolutionary force. Offering them a redefinition of their situation as "political prisoners," the Panthers sought to earn the commitment of former apolitical individuals. The Panthers linked the prison and its authorities to "repressive" organizations within American society and attempted to generate symbols with appeal for all inmates. This appears to be the contribution of both political and religious organizers within organizations. Their appeal attempts to bridge local cleavages and to subordinate other ties and interests to a more inclusive ideology. Thus, the Panthers argued against racism, for example, urging that white prisoners were also oppressed victims of reactionary political forces. Huey Newton explained from his cell in Los Padres, California:

The black prisoners as well as many of the white prisoners identify with the program of the Panthers. Of course by the very nature of their being prisoners they can see the oppression and they've suffered at the hands of the Gestapo. They have reacted to it. The black prisoners have all joined the Panthers, about 95% of them. Now the jail is all Panther and the police are very worried about this. The white prisoners can

²⁴ *Hearings on Revolutionary Activities Directed Toward the Administration of Penal or Correctional Systems Before the House Comm. on Internal Security*, 93d Cong., 1st Sess., pt. 1, at 113 (1973) (testimony of Thomas Henry Hughes) [hereinafter cited as *Hearings*].

²⁵ ATTICA, *supra* note 4, at 73.

²⁶ G. JACKSON, *BLOOD IN MY EYE* (1972); G. JACKSON, *SOLEDAD BROTHERS—THE PRISON LETTERS OF GEORGE JACKSON* (1970).

²⁷ E. CLEAVER, *SOUL ON ICE* (1968).

²⁸ See Newton, *Prison, Where is Thy Victory?*, in *THE BLACK PANTHERS SPEAK* 75 (P. Foner ed. 1970).

²⁹ ATTICA, *supra* note 4, at 118. See also S. MELVILLE, *LETTERS FROM ATTICA* (1972).

³⁰ *Hearings*, *supra* note 24, at 109.

³¹ *Hearings*, *supra* note 24, at 169 (testimony of John *Stratten).

³² *Hearings*, *supra* note 24, at 1184 (testimony of William E. Harkins).

identify with us because they realize that they are not in control. They realize there's someone controlling them and the rest of the world with guns. They want some control over their lives also. The Panthers in jail have been educating them and so we are going along with the revolution inside of the jail.³³

The Young Lords Party, composed of Puerto Ricans, began as a Chicago street gang and moved to New York in 1969. Like the Panthers, it describes itself as a revolutionary, anti-imperialist organization guided by Marxist-Leninist principles. At the time of the Attica riot, their membership is estimated to have been twenty-five to seventy-five. Most interesting is their role in carrying out a truce between the Black Muslims and the Black Panthers.

In mid-August, shortly after the transfer of the Muslim leader, officers in one of the exercise yards observed a ceremony that seemed to confirm their worst fears. Standing in a line along one side of the yard, arms folded across their chests, was a group of inmates recognized as Muslims. Facing them was another group, similarly stationed, and recognized as Panthers. Seated and standing around a table between them were leaders of both groups and a number of Young Lords, apparently serving as intermediaries. The officers' apprehensions soared at the prospects of an inmate population unified in its hostility, and capable of speaking with a single voice.³⁴

The implications of radical political organization in prison are profound. The prison experience becomes defined as a period for the development of political consciousness and revolutionary organization. Under such circumstances, the "program" of the prison administrator interested in rehabilitation is interpreted as irrelevant, and counter-revolutionary. Political radicals do not want to be adjusted to the system.

This stance toward the formal organization should be distinguished from the position of other groups. The Illinois gangs and the Black Muslims are interested in prison programs. They desire to have their members educated and trained. The gangs might aptly be described as "illegitimate capitalists" as Newton had neatly rephrased Merton's "innovative deviants." The Black Muslims might best be characterized as legitimate capitalists who urge a

program of economic self-sufficiency based upon notions of Black Capitalism. The Chicago gangs have never been cordial to the Panthers, on the streets or in prison. For their part, the Panthers view both gangs and religious groups like Muslims as counter-revolutionary.

CONCLUSION

We have attempted to emphasize two main points. First, the individual, primary group and inmate group are not the only relevant units in the social organization of the prison. Indeed, the primary group has been eclipsed as the most important constituent of prison society. We have identified criss-crossing secondary groups active within prison competing for the loyalties of prisoners. No longer can the individual without a primary group be thought of as unintegrated within the prison society. His identity with and participation in various organizations makes him very much of the prison.

The model of the lone inmate struggling against the pangs of imprisonment through assimilation into an integrated normative community and through participation in a functional inmate distributive system needs reexamination. The inmate system, at least in some of our larger states, finds inmates committed to racial, political, and religious symbols and to organizations characterized by large size, charismatic leadership, varying degrees of bureaucratic organization, and close contact with sympathetic outside groups.

Perhaps the prison community is more fruitfully viewed as an arena where competing groups seek at each other's expense larger memberships and greater power. In such a struggle the administration may become irrelevant except as it serves as a symbol around which political leaders can unite all dissident factions. The secondary groups described above are rooted in the wider society. Within the prison, conflicts have consequences which may resound beyond the prison walls. Prison should thus be understood as an arena in which solidary groups may emerge, recruit membership, organize for the future, and promote their ideologies.

A revised imagery of the prison community might well have important implications for penal policy at the legislative, judicial and administrative levels. It must become clear to decision makers, particularly to those outside the prison world, that "reforms" do not always benefit a solidary and unified inmate community in their struggle to limit the exercise of

³³Newton, *Huey Newton Talks to the Movement About the Black Panther Party, Cultural Nationalism, SNCC, Liberals and White Revolutionaries*, in *THE BLACK PANTHERS SPEAK* 65 (P. Foner ed. 1970).

³⁴ATTICA, *supra* note 4, at 139.

administration authority. Where the prison community is characterized by organized groups locked in conflict with one another, reforms may have the effect of benefiting one group at the expense of another or even at the expense of the equilibrium of the social system as a whole. This is not to say, of course,

that reforms should not be implemented. Quite the contrary; reforms should be designed, implemented, and evaluated in light of concrete empirical situations rather than according to an historical imagery which no longer accurately describes the situation.