
POLICY ESSAY

**ADDICTED TO PRISONS AND ASKING
“WHY DON’T THEY RIOT?”*****JAMES W. MARQUART**

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The media has rediscovered the continued growth of the American prisoner population, again, and in recent weeks, we have witnessed the usual flurry of articles on the “record” number of prisoners housed in state and federal facilities across the country. For the first time, as the accounts report, more than 2 million prisoners reside in our institutions. Authors try to shock us into concern about another plateau or record high that has been reached. These pronouncements were made in 1980, 1990, and 2000 when new “plateaus” were reached in the number of imprisoned felons. The fact is that Americans are addicted to incarceration, and building new prisons and providing the resources necessary to operate these facilities has become all too easy. Most citizens no longer are shocked by so-called record numbers of imprisoned felons. Next year, and the year after, new plateaus will also be surpassed; no end is in sight.

I have been studying prison organizations along with their political and legal contexts for over 2 decades and have witnessed firsthand the constant growth and expansion of prison capacity and prisoner populations. In Texas, the adage of “build it and they will come” has become a reality. In 1980, Texas had 26,000 prisoners and the starting salary for prison officers was \$9,700. In 2006, Texas boasted 173,000 prisoners and over 110 facilities, and the starting pay for a new prisoner officer was (and is) roughly \$23,000. Over the past 26 years, the Texas prison system has experienced overwhelming change, including nearly completely reorganizing the administration, implementing a new prisoner classification system, revamping the staff use-of-force policy, outsourcing prisoner health care to the private sector, introducing a prisoner copay system for health care, removing television sets from death-row housing areas, eliminating all tobacco usage by staff and inmates in prison units, introducing “gender-free” pants or pants with elastic banded tops and

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zipper-less fronts for inmates, and implementing a race-neutral celling policy.

Over the same 2 decades, the prison system moved from a tradition of strong leaders with vast prison experience who worked in concert with a strong board to leaders with a resume based on financial and budgetary experience and board members with political connections. It may not be too much of a stretch to suggest that we have also witnessed the triumph of style over substance in matters that pertain to the upper reaches of prison governance. Accompanying these changes in Texas has been the ascendancy of politics in prison matters. Laws are enacted and policies are implemented that are antithetical to good prison management (i.e., the removal of television sets from death-row housing areas), that sound tough, that make for good sound bites, and that pander to the public. The prison system also has evolved into a faceless bureaucratic behemoth well entrenched within state government.

I have witnessed the transformation of one prison organization with fascination from an academic perspective and outright horror from the vantage point of a concerned and average citizen and, most important, of a taxpayer. In the past two decades, male prisons in Texas have had their fair share of “disturbances”: gang-related killings, escapes, hostage situations, lawsuits, and murders of prison officers by inmates. I have also witnessed the implementation of thoughtless policy, typically at the behest of politicians: the hiring of many inexperienced security staff, the opening of new prisons and the quick filling of them to capacity often with the rotten apples from other prisons, the forcing of various “external” policies on the prison system by federal court judges in the name of the “evolving standards of decency” or progress, and the demand that prison managers accomplish all things with inadequate resources. Worst of all, prison managers have been forced to do more with less every day.

Yet, despite these extreme changes, the Texas prison system has not experienced an “Attica-like” riot or a “Santa Fe”-style bloodbath. Why not? The prime factors that lead to a riot or at least create the potential for a riot, which is so well discussed by Rynne et al. (2008, this issue) in the article, “Market testing and prison riots: How public-sector commercialization contributed to a prison riot,” certainly were in place almost daily in many Texas prisons over the last 2 decades. I also would argue that the experience of the Texas prison system between 1980 and 2006 was not unique and that many changes that occurred within this prison system occurred throughout the prison systems of this nation.

In my view, prison staff members from wardens to ordinary cell block officers are at the mercy of poor policy and its repercussions. Moreover, no such thing as “poor policy” exists; only poor implementation does. In

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the face of massive change, Texas prison managers did what they were asked to do, and not one facility was lost to inmate-led insurrection.

The article under discussion highlights the findings from the dated but informative book *Who Rules the Joint?: The Changing Political Culture of Maximum Security Prisons* by Charles Stastny and Gabrielle Trynauer (1982). These latter authors suggest that prisons often are pulled in different directions by three competing factions: central administration, inmate groups, and custodians. I would like to add another group, the political agenda of prison board members and politicians, and create a quartet of competing interests to suggest that in the current environment, the “joint” is impacted by four major groups.

Triumvirates and quartets aside, the prime reason no exceedingly violent prison takeover occurred in Texas, and probably across the nation as well, was because the custodians, for the most part, remained in control and in charge. In the early to mid-1980s, some rocky moments existed, but in the minds of the staff, the answer to “Who rules the joint?” was obvious: “We do.” Power sharing and asking the confined for their permission to change course was not an option; no discussions were needed, period. Inmate claims about “burning the place to the ground” or “if they don’t do this or that, the place will blow” never materialized. In fact, the prisoners who threatened staff with insurrection or attempted to goad others into organized misbehavior were removed from the general population and were confined in secure but severe housing along with other malcontents.

In my observation of prisons, here and abroad, one maxim that pertains to authority and power in prisons is clear: “Either you run it or they will,” and no middle ground exists. However, instead of trying to explain why inmates riot or revolt (or explaining why people commit crime in the first place), we should be asking ourselves the alternative: Why don’t they riot? Leadership is central to the answer, and so is the idea that the control of the institution lies in the hands of the staff. “Running it” also does not have to involve a brutal dictatorship. Indeed, Sykes (1958) warned us decades ago about the corruption of authority and the inability of the staff to enforce all the rules all the time. Total compliance, therefore, is wishful thinking. Instead, effective communication with the inmate population before imminent change transpires is crucial. Prison managers, as organizational change agents, to some extent need to secure a buy in from the prison officers and captives. A case in point will illustrate how “prepping the battlefield” can obviate revolt.

Until the mid-1980s, Texas racially segregated its prison cells; that is, whites, African-Americans, and Hispanic inmates occupied same-race cells. Race was the critical variable in staff housing decisions. Staff believed because of long-standing habit that same-race cells were essential

to the good order and functioning of the prison. Separation was necessary to govern. Besides, the staff frequently would say, the inmates wanted it this way. Integration was okay on the streets, but interracial cells could not be accomplished in Texas prisons because of the deep-seated prejudices of the inmates. Inmate-generated litigation forced prison officials to make all cell assignments in a race-neutral, random manner. Before cell desegregation was set in motion, inmates and staff alike predicted riots and race wars akin to a “Hobbesian” war of all against all. In the early 1990s, race and ethnicity were removed from the housing policy and inmates were assigned to the “first available house”—end of discussion; no arguments, no negotiation, and no threats were needed. The predicted race war never materialized. Change took place in the most sensitive aspect of all prison life—living arrangements.

Prisoners who violently opposed in-cell integration or attempted to instigate violence or to capitalize on the fears of others were removed from the general population to allow the change in policy to move forward. Also, before the actual desegregation of the cells, the staff communicated with the prisoners via detailed announcements in the prison newspaper that the policy was in the offing and that nothing would derail its implementation. The change went into effect gradually and smoothly and essentially has become the custom. Today, over half of all Texas prison cells are racially integrated, and Texas prisons just might be the most racially integrated environments in the United States today.

Many prisoners and security staff members argued that in-cell integration was (1) poor policy, (2) implemented by inexperienced staff (no one had experience with in-cell integration), (3) forced on the organization from the outside, (4) implemented in facilities filled to capacity, and (5) overstretching resources and overtaxing the guard force. According to my own “theoretical framework,” a riot should have commenced. However, effective leadership, effective communication in the form of announcements to the inmate population, controlled implementation, and the idea that in-cell integration was going to take place no matter what carried the day.¹

In the politically charged justice environment of today, prison staff members have little or no control over the policy-making process or law-enacting business. The job of the staff members is to implement policy whether they like it or not. The prison adage of “either you run it, or they’ll run it” is as true today as it was in the days of Lewis Lawes (New York), Joe Ragen (Illinois), Richard McGee (California), Louis

1. Certainly, these aforementioned organizational maladies do not affect only male institutions. Interestingly, why are prison disturbances the territory of male prisoners?

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Wainwright (Florida), Norm Carlson (Federal Bureau of Prisons), and George Betto (Texas). Effective prison managers, like successful university presidents, are those who exert leadership in times of turmoil and in times of calm and are adept in seeing around corners and in communicating policy shifts. Deng Shao Ping, a former leader of Communist China, once stated, “Black cat or white cat, what’s the difference as long as the cat kills rats?” A similar logic can be applied to our situation here in this essay—“state prison” or “private prison,” what’s the difference? Both settings are prisons. “Keeping a lid on the place,” although challenging and difficult, only can be accomplished through the staff “running the place,” not the inmates. Riots or disturbances need not occur. As long as we are addicted to imprisonment and set new records with each passing year, the more intriguing question in my mind continues to be “Why do inmates comply?” The same question was posed by Gresham Sykes (1958) some 5 decades ago.

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