

"For the ordinary convict a sentence to the Arkansas Penitentiary.. .amounts to a banishment from civilized society to a dark and evil world completely alien to the free world, a world that is administered by criminals under unwritten rules and customs completely foreign to free world culture."¹ Those words, written by Federal Judge J. Smith Henley, on February 18,1970, sounded the death knell for Arkansas' penal system; a system which for most of its history had been a blight on accepted standards of civilized behavior; a system that preyed on the unfortunate persons who fell within its grasp; a system that bred and condoned brutality and official corruption; a system that should have shocked any fair-minded person.

The beginning of the end came in 1966 during the waning months of Governor Orval Faubus' administration when continued allegations of official corruption and physical abuse led the governor to ask the State Police to investigate conditions at Tucker Prison Farm, The subsequent report revealed a shocking pattern of official corruption, bribery, extortion, indiscriminate beatings, torture, sadism, and homosexual activities.² In his 1967 inaugural address, the state's new reform-minded governor, Winthrop Rockefeller, pledged to improve conditions. The public, temporarily scandalized by the revelations, also demanded that action be taken. Even the General Assembly seemed stunned. Shortly after the release of the report, Senator Knox Nelson, with the support of the administration, introduced a bill that established a thirteen member Arkansas

¹ Holt v Sarver, 309 F. Supp. 362 (1970), p. 381.

²NEED FOOTNOTE / UALR

Penitentiary Study Commission with an appropriation of \$25,000. Act 22 of 1967 directed the commission to investigate conditions and to make recommended changes. In addition, the Legislature passed bills that increased the number of employees from 35 to 114 and appropriated \$289,000 for capital improvements.³

Meanwhile, Governor Rockefeller fired top officials at Tucker and hired 39-year-old Tom Murton to supervise the facility. Murton, who had earned graduate degrees in criminology and had extensive experience in penal work, seemed an ideal choice. However, he would prove to be an iconoclast and a maverick. Soon after his arrival in Arkansas it became painfully clear that the erratic Murton was not likely to be successful. Murton's tendency to publicly condemn anyone who disagreed with his views on penology and his determination to publicize everything that he found wrong with the prisons quickly eroded the already soft support for reform in both the General Assembly and the public. His attacks had caused the traditional siege mentality of Arkansas to reassert itself.

Yet the reform effort had not ended. On January 1, 1968, the Penitentiary Study Commission issued its recommendations in time for action in the upcoming session. Its suggestions, if enacted and properly funded, would have given Arkansas one of the nation's best penal systems. Its most important proposals were: to establish an independent Department of Correction with a policy-making board appointed by the governor; to create a Board of Pardon and Parole; to build a diagnostic center for testing

³Arkansas. Appropriation Acts of Arkansas. Regular Session. 1967. Vol. I, Act 22, pp. 25A - 29A; Act 613, p. 1113A (Little Rock: Paragon Printing Co., n.d.).

and classifying new inmates; to replace the armed trustee guards with free world employees; to integrate the units; to convert Tucker Prison into a youthful offenders facility; to replace the whip with disciplinary techniques approved by the American Correctional Association; and to recognize that the prison had a moral and legal obligation to rehabilitate prisoners.⁴

During the 1968 special session the General Assembly responded by passing Act 50, which incorporated many of the committee's recommendations, including the creation of the Department of Correction and the Pardon and Parole Board. It also established diagnostic classification and treatment centers for inmates and created guidelines for good behavior and paroles. In 1967, Rockefeller had already taken steps to eliminate corporal punishment. Act 50 of 1968 had pointed the state in the right direction and with adequate funding substantial prison reform could have undoubtedly been accomplished.⁵ Unfortunately such developments did not occur and voluntary reform of the system was about to end. The final blow to reform came on January 30, 1968, when Murton began digging up bodies at the Cummins Unit. When the first spade of dirt was turned, a national television crew, there at Murton's request, began filming. The event received international coverage and Arkansas' prison system, and by implication her people, were now infamous. On March 8, 1968, the Board of Correction, with

⁴Report of the Arkansas Penitentiary Study Commission. January L 1968.

"Summary of Recommendations," pp. R.01 - R. 09, (n.d;n.p.).

⁵Arkansas. General Acts of the Sixty-Seventh General Assembly of the State of Arkansas inducing Acts of the First and Second Extraordinary Sessions of the Sixty-Sixth General Assembly. Vol. E, Book 2, "Act 50 of the First Extraordinary Session", pp. 1646, pp. 1646-1678.

Rockefeller's support, fired Murton.

Later investigations were to show that the cemetery called Bodiesburg was well-known to inmates, employees, and local citizens. No evidence ever surfaced to show that it had been a dumping ground for inmates who had been systematically murdered. Unfortunately, the damage was done and though the discovery of Bodiesburg did not itself stop the reform effort, it did mark the end of the widespread support that had already begun to fade among the general public.

Rockefeller then replaced Murton with Robert Sarver, a lawyer and the past Commissioner of Corrections in West Virginia. Sarver sought to continue prison reform but neither the public nor their representatives were very interested in providing the financial support to implement the recommendations of the Study Commission. Eventually under the Bumpers administration, the outspoken Sarver suffered the same fate as Murton, but not before he had taken the matter out of the state's hands. Seeing that Arkansas was unwilling to solve its own problems, Sarver decided that the only remedy lay in the courts. Working with the inmates, he helped them file suit in Judge Henley's court. On February 18, 1970, Henley issued the landmark decision which declared that conditions in the Arkansas prison system constituted cruel and unusual punishment under the Eighth and Fourteenth Amendments of the Constitution. For the first time in our nation's history, an entire penal system had been declared unconstitutional.

The people of Arkansas had begun their prison system in 1838 under much better conditions than they now encountered in 1968. Then, America was in the forefront of

progressive penal developments. During the late 1830's the United States was in the midst of a mighty social movement, when Americans flung themselves into a host of battles for temperance, abolition and women's rights. A small group of these reformers, led by Louis Dwight, founder of the Boston prison Discipline Society became involved in penal matters, and under his leadership, the society popularized the idea that jails should be designed not only to punish but to rehabilitate offenders so they could return to society as useful citizens. The first widespread application of these theories began in the 1820's in the new prison complex at Auburn, New York,⁶ There, rehabilitation became synonymous with labor and, even though conditions in the Auburn type facilities were harsh, it was a vast improvement over the old system of corporal punishment that had dominated penal practice.

The Jail and Penitentiary House Act of 1838 closely followed the guidelines established in the Auburn system. According to the law, a building, to be constructed within five miles of Little Rock, would contain separate rooms for each prisoner. Convicts were to labor together in silence during the day and be returned to their cells at night. The agent in charge should "if possible, cause all the expenses of the prison to be defrayed by the labor of the prisoners."⁷ This concept of self-sufficiency soon dominated the new Arkansas system and eventually would do it irreparable harm.

⁶Joseph M. Hawes, (ed.), Law and Order in American History. (n.p.: Associated Faculty Print, Inc., 1979), pp. 41-44.

⁷ NEED FOOTNOTE/ANNUAL REPORTS?

For the next few years the prison, under the leadership of James McVicar, earnestly tried to implement the work ethic-rehabilitation scheme typified in the Auburn experiment. Soon prisoners were making shoes and blacksmithing, but serious management problems were also developing. McVicar wrote, "I do not suppose any honest, upright, sensible, deserving man, all of which qualifications are strictly necessary to fulfill the office of Turnkey, can be hired for \$200 per year." The warden then pleaded with the General Assembly "in the name of humanity to establish a hospital since presently "the patient is stretched in a cold cell the noisome and noxious smell from which under the circumstances of sickness, would make a well man sick." He also urged the members to end the practice of solitary confinement because, in his opinion, "no person, however good his constitution, would in my opinion, survive five years' confinement in a solitary cell."⁸ To add to his problems, on August 5, 1846, the inmates set fire to the building and completely destroyed it. Shortly after, McVicar resigned in disgust. Pointing the way to show what lay in the future, he bleakly declared that however desirable it was for convicts to labor without the threat of corporal punishment, "Experience has clearly shown that no such exemption can be introduced."⁹ Arkansas' brief experiment with the Auburn system had ended in failure, a casualty of inadequate state funding and problems

⁸James McVicar. Report of the Penitentiary [1842]. pp. 50-51, bound in Arkansas. Journal of the House of Representatives. 1842. (Little Rock: Eli Colby Printers, 1843). Note; Until at least the late 1860s executive reports were typically bound in either the Arkansas bourse or senate journals although this practice is not consistent. This particular report is bound in a journal held by the Central Arkansas Library System's, Butler Center for Arkansas Studies. Future foot notes will indicate the location of the house or senate journal the author used.

⁹L. Reardor, et.ai, Penitentiary Report T1846], pp. 48-49. Bound it Arkansas. Journal of the House of Representatives. 1846 (Little Rock: Gazette Office, 1846).
Arkansas History Commission

with inmate control.¹⁰

In 1847, Arkansas turned to a new and much harsher approach when it adopted the prison lease concept, which first began in Kentucky in 1825. From 1847 until 1913, various forms of the notorious leasing system would dominate prison operations in Arkansas. In the early years Arkansas usually leased the entire physical facilities as well as the convicts to an individual. That person was required to house, feed and clothe the prisoners and to maintain the physical plant in workman-like conditions. In return the lessee could use inmates for any labor that he chose. The state maintained a penitentiary board to set policies and also hired a physician to treat the inmates. Occasionally the state also hired inspectors to see that the lessee abided by the rules of the board. At first, the belief in the rehabilitative value of hard labor continued. Under the new lease system the superintendent was to reform inmates of all "vicious and evil practices" and "give orders with mildness and dignity/⁵ All prisoners were to be treated with humanity. The guards were not to curse or argue about religion or politics. They were to strike a prisoner only in self-defense and the superintendent alone could order corporal punishment. Prisoners were responsible to know the rules, obey orders, labor in silence, and keep their work and living spaces clean. In 1848, George Brodie, the lessee, declared that all inmates should be treated like human beings and that "tyrannical oppression is hateful to mean in

¹⁰James McVicar, Penitentiary Report [1846]. p. 48. Bound in Arkansas. Journal of the House of Representatives. 1864. (Little Rock: Gazette Office, 1846). Central Arkansas Library System, Butler Center for Arkansas Studies.

confinement and ought never to be exercised within the walls of a prison/¹¹

Unfortunately, basic problems still plagued the penal system. As early as the summer of 1846 The Little Rock Mechanics Association had begun to fight the use of inmate labor in industry.¹² The subsequent debate between the association and the lessee touched on a central issue of prison industries that is still very much alive today. The public wants inmates to help pay their own way as long as they do not compete directly with the individual's own means of livelihood. In the midst of this problem the General Assembly, who was disgusted with the costs of operating the system, formed a committee to consider abolishing the program. Eventually the committee concluded that the penitentiary would have to be rebuilt.

No sooner had the prison been reconstructed when, in 1850, the inmates again burned it. Two years later another legislative committee did recommend that the prison be abolished since between 1838 and 1852 the state had spent \$150,000 on it and had nothing to show for their efforts. The report concluded that state property had been stolen, that the contractors could not be trusted, and that the prisoners were unruly and prone to escape. It added that the state was simply too poor to afford a penitentiary

¹¹George Brodie, Report of the Board of Inspectors of the Penitentiary of the State of Arkansas [1848]. p 500. Bound in Arkansas. Journal of the House of Representatives. 1848, (Little Rock: Gazette Office, 1849). Arkansas History Commission.

¹²James McVicar, Penitentiary Report. [1846]. p. 48. Bound in Arkansas. Journal of the House of Representatives, 1846, (Little Rock: Gazette Office, 1846). Central Arkansas Library System, Butler Center for Arkansas Studies.

system.¹³ Succeeding lease holders fared little better than their predecessors and by the time of the Civil War the system had degenerated into an exploiter of captive labor.

After the Civil War, the economic, social and political chaos in Arkansas meant that little or no money was likely to be devoted to improving the penal system. In 1865, Governor Isaac Murphy set the tone for the coming decades when he said, "It has been a continued drain on the state treasury... Other states have made their penitentiaries a source of profit, why cannot Arkansas do the same?"¹⁴ From then until Judge Henley's historic ruling, the leaders of Arkansas tried with a vengeance to do just that. In the process, any lingering ideas of rehabilitation or humanity were destroyed and replaced with a vicious system of brutality, corruption, and exploitation.

Undoubtedly the darkest days of the system occurred under the leases of Colonel Zeb Ward and his successor, T.H. Townsend and L.A. Fitzpatrick. Ward, who came to Arkansas in 1862, already had a long experience of exploiting labor, having previously leased prisons in Kentucky and Tennessee. Not long after Ward took over control of the prison, the Little Rock Evening Star accused him of mistreating inmates by providing inadequate food and clothing, by overworking them, and by administering unmerciful beatings. A subsequent investigation verified many of the allegations. One guard, John McDonald, reported seeing many men being whipped for not working hard enough and declared he had heard their screams within the compound. He added that he had seen

¹³NEED FOOTNOTE

¹⁴Isaac Murphy, Message of the Governor to the General Assembly of the State of Arkansas at the Session of 1866, (Little Rock: Arkansas Gazette Printing, 1867), p. 30.

convicts working in February with no shoes. The state listened but took little action. Aside from a few cosmetic changes, Zeb Ward was allowed to continue unabated until his contract ended in 1883. His successors Townsend and Fitzpatrick were no better.¹⁵

When the number of inmates had outgrown the capacity of the Little Rock facility, inmates were contracted out wholesale. The lucky ones went to farms, the more unfortunate convicts ended up in the coal mines. In these labor camps another instrument of abuse rapidly developed, when the infamous trusty guards came to be used to control the widely scattered prisoners. Now men who themselves were dangerous to society were being placed in positions to exploit other prisoners.

In 1887, the lease system came under heavy attack when a citizen of Coal Hill filed suit charging that convicts working in the mines were inhumanely treated. The suit was probably brought because citizens in the area objected to scarce jobs being taken by convicts, but the case did serve as a vehicle to expose the worst abuses of the lease system. In 1888 the prison physician visited the mines. He saw 149 inmates, sick and well alike, crowded into one room and he found that all were poorly clothed and near starvation. Many had been routinely beaten by brutal half-drunk guards. Eventually the warden was arrested on a charge of accessory to murder in the deaths of seven men, but the grand jury failed to hand down an indictment. In the midst of these revelations, many reform parties took up the cry against the convict lease system. The Union Labor Party of Arkansas pledged to fight the evils of leasing, as did the Agricultural Wheel, the

¹⁵Garland Bayliss, "The Arkansas State Penitentiary under Democratic Control, 1874-1896," Arkansas Historical Quarterly Vol. XXXIV (August 1975), pp. 200-202,205, 209-210.

Farmer's Alliance, and the Knights of Labor. Finally, in 1892, the Democratic Party placed a plank in its platform declaring that the lease system should be abolished and replaced with a system "more consistent with the better instincts and more improved methods of the age."¹⁶ The Populists thought that the system should be replaced with a penitentiary farm. On January 10, 1893, Governor James P. Eagle in his message to the General Assembly proposed that the state take control of the system and "work her own convicts." On March 21, 1893, Eagle signed an act declaring that "The management and discipline of convicts shall in all cases, remain under the control of the state." But, the law also stated that the labor not needed to work for the state could be leased.¹⁷ Although the new law did not completely end the convict lease system, it did allow the state to impose some controls over the conditions under which the convicts labored.

Undoubtedly the changes begun in 1893 improved the general condition of those prisoners that now fell under the direct control of the state, but most convicts remained in widely scattered camps, where the lessees were only loosely monitored by the board. To attack this problem the board appointed a camp inspector and gave him full powers to enforce state regulations in the camps. The board also removed the right of camp wardens to use the strap. The removal of the strap was an essential step toward controlling the brutality in the system, but unfortunately this experiment in humanity did not last long.

¹⁶Jane Zimmerman, "The Convict Lease System in Arkansas and the Fight for Abolition," Arkansas Historical Quarterly. Vol VII (Autumn 1949), p. 175.

¹⁷"Message of Gov. James P. Eagle, January 10, 1893" in Arkansas. Journal of the Senate of Arkansas. 29th Session (Morrilton: Pilot Printing Co., 1893), pp. 47-49; Arkansas. Acts and Resolutions of the General Assembly of the State of Arkansas. 1893 (Morrilton: Pilot Printing Co, 1893), pp. 123-125.

Soon planters using prison labor began to complain loudly. T.E. Biscoe, from Helena, informed the board that “your deputy warden says he cannot punish them.. .Unless the convicts be punished...and made to work, I cannot keep them for they are costing me a good deal more than free labor.”¹⁸ The board, which by 1897, was required by law to keep the prisons self-sufficient, could ill afford to have disgruntled lessees returning labor to sit idly behind the walls in Little Rock. The board relented and re-introduced the strap which remained an integral part of the system until Rockefeller outlawed it in 1967.

Clearly the 1893 law, which had been passed to abolish the lease system, had merely substituted a modified leasing system which continued many of the aspects of the old program. Investigations in 1895, 1901 and 1903, revealed that the condition of the prisoners remained deplorable.¹⁹ However, by the late 1890's, the spirit of prison reform was again beginning to grow. Its roots stemmed from two sources. One came from the strains of humanitarian concerns that were interwoven in both populism and progressivism. The other source came from the realization that the convict lease system was losing its utility. Indeed, the 1901 prison investigation pointed out the obvious — the lease system had allowed farmers to put into cultivation thousands of acres of land, with almost no long term benefits for the state which had furnished the labor. All Arkansas needed was some seemingly profitable substitute for the lease system and it was doomed to extinction.

¹⁸NEED FOOTNOTE. Likely from one of 1890s prison reports. Skimmed 1895 7 97 at UALR with no results.

¹⁹NEED FOOTNOTE. Find dates of investigations, 1895, 1901, 1903.

In the 1880's Texas discovered that substitute when it began experimenting with state-owned farms. By the turn of the century the penal plantation seemed an ideal solution to the problem of how to employ large numbers of unskilled workers. Arkansas joined the movement in 1902 when the state purchased Cummins plantation in Lincoln County.²⁰ During the next decade the state moved as much labor as it could to the farm, but as the 1912 Biennial Report noted, " Since we cannot work all inmates on the farm it has appeared necessary to sell the surplus labor for what it would bring."²¹ Lacking enough state land to employ the entire prison population, the leasing system lingered on until Governor George W. Donaghey set out to destroy it. Donaghey personified the merging of humanitarian and economic reasons for attacking the lease system. When he began examining conditions in the prison he was horrified by what he found. At that time, many convicts were leased to the railroads who housed them in cattle cars along the right-of-way, and as Donaghey lamented, "They were treated somewhat like cattle, or, in some instances, perhaps worse." The economics of leasing equally appalled Donaghey. Under the present system Arkansas leased its convicts to a labor contactor for a dollar per man a day. These contractors then subleased the men to the railroads for \$1.50 to \$2.00 each a day. In addition, the state furnished shelter, food, clothes and guards for the crews. Donaghey noted that "All the profit from their work went into the pocket of the

²⁰NEED FOOTNOTE. Check Gazette 11/22/1902 p. 1, cl.

²¹NEED FOOTNOTE. Quote from 1912 report

contractors."²²

In both the 1909 and the 1911 sessions Donaghey fought hard to abolish the lease system, but contractors who profited from the leases blocked his efforts. However, the governor was determined to end the practice and finally took drastic action. Using his power to pardon, Donaghey decided to free enough men so there would be no surplus labor to lease. On December 17, 1912, without warning he announced that he was pardoning 360 convicts.²³ His actions raised a furor of protest, but he did succeed in rallying substantial opposition to convict leasing. In 1913, his successor, Governor Joe T. Robinson, signed into law a bill to abolish convict leasing.

Like the developments in 1893, the 1913 law did improve conditions in the prisons, but it did not end the abuses caused by the continued use of trusty guards and the strap, nor did it destroy the determination to make prisons self-sufficient. In the end the 1913 law simply substituted the state for the free world as the sole exploiter of convict labor. During the next five decades, numerous investigations would reveal the inhumane conditions in the prisons. Occasionally, a politician like Governor Carl Bailey would be bold enough to declare that the prison was "a social cancer and a relic of barbarism"²⁴ but most leaders simply ignored it.

²²George W. Donaghey, Autobiography of George W. Donaghey, (Benton: L. B. White Printing Co., 1939), pp. 226-227,284.

²³Ibid» p. 290

²⁴Carl Bailey, "First Inaugural Address, January 12, 1937," in Marvin De Boer, (◀L), Dreams of Power & the Power of Dreams: The Inaugural Addresses of the Governors of Arkansas, (Fayetteville: University of Arkansas Press, ??), p. 864.

Undoubtedly the majority of people shared the view of Governor Futrell when he said, "Whether the taxpayers should go down in their pockets and furnish the convicts with palaces and fine clothes and kid gloves is another question. I submit that the penitentiary shall remain a place of punishment and not become a pleasure resort, at the expense of taxpayers."²⁵

By the twenties, life within the system had taken on a rhythm that had nothing in common with the free world. The average convict was not a blood thirsty killer, but most typically an illiterate, unskilled individual who had committed some minor property crime. Between 1875 and 1881, for example, a person could receive one to five years for stealing \$2.00, and hundreds of people received the maximum sentence. Later, in the 1920's, fully one-third of the male prison population had been sentenced as bootleggers, and over one-fourth of the female population was doing time for prostitution.²⁶ Once in the system, the inmate could only look forward to a monotonous and dangerous existence.

After being processed into one of the units the inmates, known as rankmen, were assigned to work details called hoe squads. At first light, the men would fall out and the yardman would count off each squad. As each detail fell into columns of two, a high power or shooter would fall behind them and a long line rider in front of them. Once the squad was complete, it would march at a fast walk to the fields. All the guards were

²⁵NEED FOOTNOTE. Futrell's 1937 speech to General Assembly.

²⁶NEED FOOTNOTE

prison trustees. In the farming season the squads cultivated various garden and row crops. In the winter they cut wood. But, as one inmate remembered, "The weather never gets too cold to pick cotton."²⁷ Most worked in a pair of thin cotton pants and old shoes with no socks. At noon the "dobie wagon" arrived and dispensed food on tin plates. At darkness the squads returned to the compound. In the camp other riders took care of certain details such as kitchen duties and record keeping. Slightly below the trusty guards in authority were the doh-pops who usually worked unguarded in the compound but slept under the gun at night. During the night the floor walker, a rank man designated for each barracks, would patrol his area to curtail homosexual activities and assaults. Most spent their time stealing from fellow rankers. The next day the routine would start again.²⁸

The convicts faced the same monotony in their food, which consisted mostly of field peas, beans, greens, sweet potatoes, cornbread, onions, turnips, coffee and an occasional piece of fat meat. Those in isolation received only "grue" an unappetizing mixture of meat, potatoes, vegetables, eggs, oleo, and syrup all baked together and served in four inch squares. In 1918, the physician at Cummins wryly noted, "Beans should not always be boiled as though it would be breaking a long practice to which the bean may take offense if it were cooked differently."²⁹

²⁷William Newton Hill, Story of the Arkansas Penitentiary (Little Rock: Democratic Printing & Lithographing Co., 1912), p. 67; Clyde Crosley, Men or Mules. (Jonesboro: self-published, 1978), p. 19.

²⁸Elmer Mikel, Arkansas Prison Story (n.p.: self-published, 1970), pp. 46-48; Thomas Murton and Joy Hyams, Accomplices to the Crime (New York: Grove Press, 1969), pp. 22-24, 34-37. NEED OTHER SOURCES

²⁹NEED FOOTNOTE. 1918 medical report of Cummins doctor?

Overshadowing all of these abuses was the strap, which the wardens used with sickening regularity. Its application might be for the breaking of some rule, such as the failure of an inmate to pick his required quota of 200 pounds of cotton, but it was also used quite arbitrarily.

"We were hoeing more cotton when the warden rode up. The first thing that he said was, "I am bloodthirsty; what can I get here?" "Plenty," the guards replied. The warden jumped off his horse and said, "Show me one damned quick." The guard pointed to a white boy about eighteen years old. The poor boy was almost scared to death. He hadn't done a thing in the world, He had no idea what he was to be whipped for. The warden called out to him and said, "Get out here, Johnnie; by God I will not be as easy as your damned old dad. Get your clothes down." This poor boy was trembling from head to foot, trying to talk, but could not say anything. The warden then ordered two Negroes to hold him and then he began to whip him. When he was done whipping him he was the bloodiest man I ever saw and he would rub his wounds and then his eyes and then rub all over, and I thought the boy was going to have fits. Then the warden whipped eight more in the same manner."³⁰

Clearly the system was rotten, and as one old ex-convict remembered, "Those prison farms have always been the hell hole of the world."³¹

³⁰NEED FOOTNOTE/ UALR

³¹ NEED FOOTNOTE/ UALR

After the court declared the system unconstitutional, Arkansas made remarkable progress. Today the inmates still turn out through the sally ports and march off in hoe squads, but the long line riders, high powers, and shooters are gone. In their place are trained free-world guards. Inside the compounds, prisoners still work but the floor walkers, doh-pops, and riders have also been replaced by free-world employees. Now, the department offers a wide range of rehabilitative measures including education, vocational training, substance abuse, religious and counseling programs to inmates who wish to help themselves. The work concept and the desire to be as productive as possible still dominate the system; because of it Arkansas runs one of the cheapest correctional departments in the United States. The strap is gone, and even though isolated instances of brutality still occur, they are not part of the department's policy nor are they tolerated when discovered. No longer does one prisoner hold institutional authority over another. In its place is a sophisticated classification system that gives each inmate the freedom either to obey the rules and earn more privileges or to disobey and lose them..

The system is not perfect but it is better. Yet a stubborn refusal of the citizenry to support adequate funding for the department still exists. As a people we still refuse to recognize that correctional facilities are necessary institutions for a violent society, and that, even though the inmates have committed crimes against us, they are entitled to serve their time free from persecution by either the state or their fellow inmates. On August 9, 1982, the courts turned the system back over to the state and it is now the officials duty to see that we do not return to the barbarism of the past. We should all remember the advice of Winthrop Rockefeller when he remarked, that "... inmates in our penal institutions are still human beings and regardless of their transgressions must be dealt with as children of God."³²

³²Quoted in John Ward, The Arkansas Rockefeller. (Baton Rouge: LSU Press, 1978, p. 107. RECHECK could be form department head speech April 5, 1968.