

## An extra whack at people that society is embarrassed by

By ROBERT SHERRILL

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### Jails

The Ultimate Ghetto.

By Ronald Goldfarb.

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When people like Jimmy Hoffa and Lou Wolfson and the Watergate elite finish serving their comparatively princely minimum-security time, they always come out talking of the need for prison reform. And that's a very good thing, of course, because when enough people of wealth and power, or former power, are discomfited by prisons and complain about them, then prisons will be improved, as they should be.

But in fact these people missed entirely the most degrading part of the criminal justice system. They did not spend a single day in jail. Men of wealth and influence almost always miss that enlightening experience, which is usually reserved for a group defined by Stephen Gillers as "the alienated, the poor, the discriminated against, the angry, and the broken."

Jails, by custom and fortune, are mostly for persons who are simply too poor to post bond while awaiting trial. About half the 160,000 daily jail population is legally guilty of nothing except having deprived certain American insurance companies of an even greater bail bond rake-off—a rake-off that runs to more than a quarter-billion dollars a year.

That inequity has been pointed out many times before, of course. Ronald Goldfarb, a well-known Washington attorney, has himself dealt thoroughly with it in a previous book "Ransom: A Critique of the Bail Bond System." Here he does an excellent job of making us see it as for the first time, of making us acknowledge with fresh disgust that jails are mainly instruments of revenge and illegal punishment set up to get that extra whack at people society is embarrassed by and wants out of sight.

This pariah is commonly found, as Goldfarb and his research associates found them, "with as many as four inmates housed in six-by-nine-foot cells, sleeping on the floor and confined to their cells or a narrow adjoining corridor for meals and recreation." The toilets are open. The light is bad. The food is often inedible. There is seldom anything to read. Conversation runs to methods of getting back at society. Perversities, sometimes with an extra racial touch, are an almost

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routine pastime. If Donald Segretti, one of the Watergate fraternity, was bored by having to pass time playing regimented tennis at a California honor farm, he might have found things more exciting at the D.C. jail, where, to nobody's surprise, a young white anti-war protester was homosexually raped several dozen times by blacks.

In half the jails of America, there are no medical facilities whatever. Goldfarb tells of one insane woman,

Goldfarb tries futilely to figure out just how big the problem is. In any event, these strange devices cost us more than \$300-million a year for upkeep; a plain figure that includes some individual horror stories, such as that of the Puerto Rican who, sitting out 55 trial postponements, wasted two years of his life while New York City threw away \$16,000 to house and feed him.

If police had to turn whatever talents

they look and smell nasty, like the fellow who showed up at the D.C. jail, wearing eight pairs of rubbers to keep his feet warm. When the last rubber was removed, part of his foot came with it.

These helpless fellows enable our cops and lower court judges to pose as really efficient, by tossing due process out the window. "Defense attorneys are absent from most drunk court proceedings," writes Goldfarb. "So are prosecutors and witnesses. In most jurisdictions, not even the arresting officer is expected to attend the judicial disposition of his cases." The conviction rate is over 90 per cent.

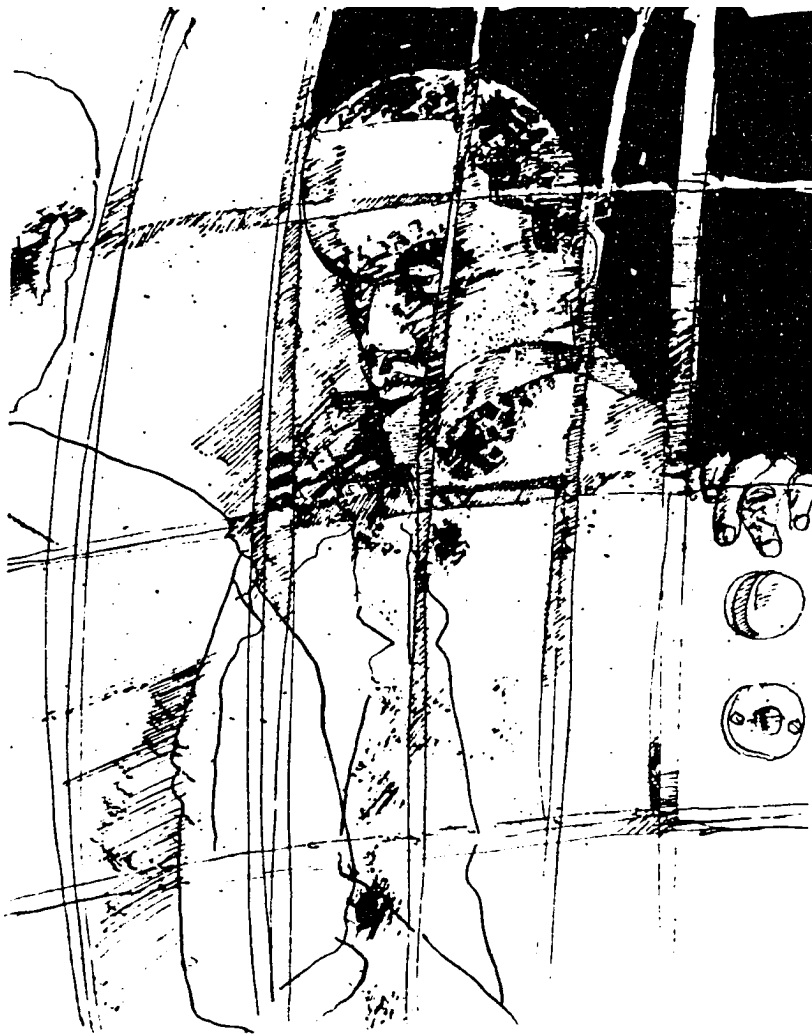
Teen-agers account for a great portion of our felonies and their tender age should not arouse too much sympathy. But something should be said, as Goldfarb does, for the thousands of other young people who get stuck in jail for such non-crimes as truancy—an ironic touch, considering that 90 per cent of the jails have no educational facilities.

Much of the research for this book was done by persons other than Goldfarb, with the result that the tone of the writing is sometimes a bit remote. But perhaps this is just as well. The material contains so much passion that one can be grateful Goldfarb does not dwell on it but moves briskly along, like Julia Child explaining how to gut and stuff a goose.

Aside from the original parts, "Jails" is also extremely useful as a redigestion of earlier jail studies.

But at times Goldfarb is so intent on making his argument that he runs in some questionable examples. After reading that the drunk tank in a California county jail sometimes held as many as 199 men but had only one toilet and one washbowl, you feel kind of let down to notice in the footnote that the description dates from 1956. Jails being a neglected subject, Goldfarb was often handicapped by old material, but it doesn't help his case any to gloss over the age by such descriptions as "the recent 1970 National Jail Census."

Relatively minor defects, these, in an otherwise persuasive treatise. His solution is a sensible one: Do away with jails and start over. The new detention system would have heavy bars only for those relatively few persons who are too dangerous to turn loose before trial. As for the rest of our jail population, it would go to centers for medical diagnosis or to dormitory-like housing until other social services are available to them; and these centers would be presided over by non-cop people. Of course, it's much too simple a solution to be adopted quickly. ■



Drawing by Alan E. Coker.

held in jail four months, who was allowed to lie in her own feces and was never bathed. Her treatment was to be sprayed with a disinfectant. (A rather apt analogy for jail reform to date.)

Our jails are so bad, in fact, that society has chosen not only to forget the inmates but apparently to forget the jails themselves. Nobody is quite sure how many we have—3,500? 5,250? 4,037? Using various reports,

they have to arresting real criminals instead of derelicts, there's no telling what peace might reign. Half the sentenced population of our jails on any given day, Goldfarb says, are drunks. They are there not because they pose any danger to society but because they couldn't pay their trivial fines. "Many recidivist drunks are, in effect, serving the proverbial 'life imprisonment on the installment plan.'"

Their crime against society is that