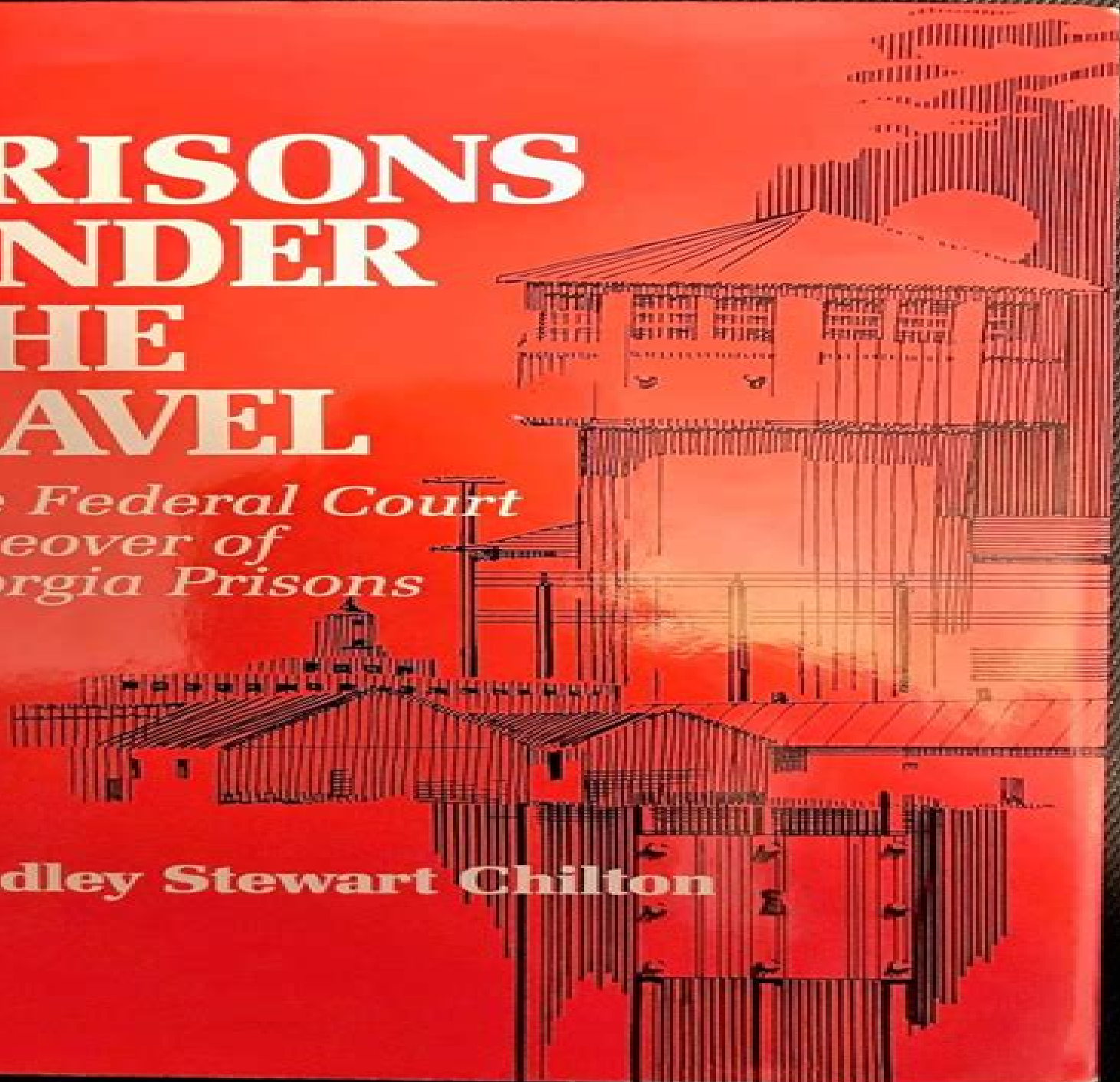


PRISONS UNDER THE GAVEL

*The Federal Court
Takeover of
Georgia Prisons*

Bradley Stewart Chilton



Prisons Under The Gavel The Federal Court Takeover Of Georgia Prisons

**Bradley S. Chilton, Stephen M.
King, Viviane E. Foyou, J. Scott
McDonald**

Prisons Under The Gavel The Federal Court Takeover Of Georgia Prisons:

Prisons Under the Gavel Bradley Stewart Chilton, 1991 In this study we are reminded that courts in the United States have increasingly undertaken the reform of public institutions including schools mental facilities public housing and prisons Although such reforms are triggered by cases of individual civil rights violations they often result in major structural changes in the institutions through remedial decrees that reallocate budgetary resources Prisons have received the special attention of federal judges Early lawsuits began in the South and moved from Arkansas Mississippi and Alabama to encompass thirty eight states Broad and sweeping injunctions came from courts ordering changes in prison sanitation food temperature fire control and ventilation They have also changed security discipline racial discrimination over crowding libraries religious freedom and segregation Unlike most conventional adjudication reform litigation is far more complex protracted and controversial The present study illustrates that remedial decrees require extensive negotiation and active participation by the judge with the assistance of special masters monitors and experts These teams are often treated as hated federal adversaries by state officials The struggle to fix liability craft remedies and measure compliance is often done in the white heat of political wars journalistic commentary and political careers laid on the line The long battles take on a life of their own are seemingly interminable and are full of drama Draconian measures often follow showdowns as when Judge Frank Johnson removed control of the Alabama prisons from the corrections system and placed them under direct receivership of the Governor PRISONS UNDER THE GAVEL THE FEDERAL TAKEOVER OF GEORGIA PRISONS by Bradley Stewart Chilton uses a detailed case study to explore the nature of court induced prison reform In 1972 a lawsuit by seven black inmates protesting living conditions at Georgia State prison became the basis of *Guthrie v Evans* Over the course of thirteen years District Judge Anthony Alaimo ordered extensive changes in all aspects of the prison's operations From a simple *forma pauperis* petition to a class action that found cruel and unusual punishment *Guthrie* had impact far beyond Georgia borders in correctional practices and constitutional law Professor Chilton seeks to answer four interesting questions in his study 1 who were the key decision makers in the *Guthrie* case and how did they perceive the case and underlying issues 2 how did the budget for the Georgia State Prison change in the course of litigation and what were the important factors in that process 3 what were the major remedies undertaken and how did settlement patterns change in the course of litigation 4 finally what rights undergirded the *Guthrie* litigation and what does this tell us about institutional reform litigation p 9 Two major sources supply the data for the study the extensive court records legal communications monitors report and other archival materials supplemented by journalistic accounts from the period and secondly focused interviews with a number of the primary participants in the case The book is organized with half chapters 2 5 of the study a chronological history of the *Guthrie* case The second half chapters 6 7 looks to answering the questions noted above by exploring perspectives of key decision makers budget policies remedial decrees and the nature of prisoners constitutional rights The study concludes chapter 8 with a

critique of the institutionalization of prisoner rights and a comparison of the Guthrie case with other prison reform cases Chilton organizes his chronology along the lines of Phillip Cooper's 1988 internal dynamic case study approach which focuses on the perspectives internal of key decision makers as they interact over time dynamic in the formulation and implementation of remedial decrees Using Cooper's theoretical decree litigation model Chilton divides his chronology into four phases trigger liability remedy and post decree Although Cooper's model is a convenient organizing scheme for the presentation of the Guthrie history it does not provide a strong theoretical basis for the study Indeed the study's greatest weakness is its paucity of theory The narrative struggles in the first three chapters to get up to the tree line and through the complex tangle of legal underbrush Frankly the effort does not succeed The author is an accomplished legal observer knowledgeable of the issues of law court terminology jurisdiction special monitors and court decrees One also assumes he is a sensitive student of court politics but his legal skills overcome his political analysis in the first half of the study Unless one has a very keen interest in this case the reader will find the case detail overwhelming and boring In the second half of the study a more enlightened and interesting analysis emerges Thirty six key decision makers were identified in the Guthrie case and Professor Chilton conducted interviews with thirty four of them Although respondents are not identified their comments are illuminating helping us to understand the political and professional power struggles that make up Guthrie The personal and antagonistic comments are intense and blunt and the case takes on vitality and meaning when the participants reflect upon the battleground The author concludes with a useful analysis of the Guthrie case in the context of other prison litigation He observes that this lawsuit unlike many others achieved desired change because the judge followed a strategy of hard bargained consent with judicial pressure but not judicial fiat This work has many of the limitations of single case studies but one feels certain that this young scholar has mastered this case and has presented an objective and comprehensive narrative for the record With a growing body of judicial literature on remedial decrees we will soon be in a position to develop more broadly based theory to guide future research Encyclopedia of American Prisons , **Rationing Justice** Kris

Shepard, 2009-04-01 Established in 1964 the federal Legal Services Program later Corporation served a vast group of Americans desperately in need of legal counsel the poor In *Rationing Justice* Kris Shepard looks at this pioneering program's effect on the Deep South as the poor made tangible gains in cases involving federal state and local social programs low income housing consumer rights domestic relations and civil rights While poverty lawyers Shepard reveals did not by themselves create a legal revolution in the South they did force southern politicians policy makers businessmen and law enforcement officials to recognize that they could not ignore the legal rights of low income citizens Having survived for four decades America's legal services program has adapted to ever changing political realities including slashed budgets and severe restrictions on poverty law practice adopted by the Republican led Congress of the mid 1990s With its account of the relationship between poverty lawyers and their clients and their interaction with legal political and social structures

Rationing Justice speaks poignantly to the possibility of justice for all in America Voices from a Southern Prison Lloyd C. Anderson, 2011-08-15 Rats tainted food leaky sewage pipes they only began to hint at the anarchy inside the Kentucky State Reformatory in La Grange A barracks style warehouse prison straight out of an old mobster film KSR was three quarters over its intended capacity by 1978 It had become a sickening dangerous place where an inmate could get his hands on a sawed off shotgun more easily than a clean towel That year a handful of KSR prisoners managed to send a plea for help to the federal court in Louisville The petitioners expected reprisals or maybe worse silence But the letter reached a caring judge and the prisoners had spoken up at a crucial moment in Kentucky reform politics The signs seemed right to take on the old boy network whose byword on prison conditions was ain t no riots ain t no problems The suit was settled in the KSR prisoners favor in 1981 paving the way for controversial protracted and expensive reforms Written by Lloyd C Anderson the head of the KSR prisoners legal team Voices from a Southern Prison quotes extensively from recollections of many players in the case from the judge who presided over it to the journalist who put it in the headlines Most important we hear from three inmates who emerged as leaders among their fellow plaintiffs James Shorty Thompson Wilgus Haddix and Walter Harris As our nation s penal system expands on an unprecedented scale the KSR scandal offers timely lessons about entrenched attitudes toward prisons Thus far says Anderson they seem lost on the strategists of our War on Crime **Exploring Corrections in**

America John T. Whitehead, Mark Jones, Michael C. Braswell, 2010-04-07 Exploring Corrections in America provides a thorough introduction to the topic of corrections in America In addition to providing complete coverage of the history and structure of corrections it offers a balanced account of the issues facing the field so that readers can arrive at informed opinions regarding the process of corrections in America Each chapter is enhanced by an outline what you need to know internet links photos boxes ethics focus discussion questions and further readings **Judicial Review and Bureaucratic Impact** M. L. M. Hertogh, Simon Halliday, 2004-08-19 International scholars from political science and law socio legal studies present new research which focuses on the relationship between judicial review and bureaucratic behaviour Individual chapters consider fundamental conceptual and methodological issues in addition to presenting empirical case studies from various parts of the world the United States Canada Australia Israel and the United Kingdom This is a landmark text offering an international interdisciplinary and empirical perspective on judicial review s impact on bureaucracies It will significantly advance the research agenda concerning judicial review and its relationship to social change **Judicial Policy Making**

and the Modern State Malcolm M. Feeley, Edward L. Rubin, 2000-03-28 Investigates the role of federal judges in prison reform and policy making in general **Correctional Organization and Management** Robert M. Freeman, 1999 Bridges the gap between critical elements of organisational theory and psychosocial issues Explains the evolution of corrections related public policy and corrections organisational behaviour and structure over the past 200 years Also leads to an understanding of the ethical change management and 21st century challenges correctional managers and leaders must be

prepared to address Lawful Order Leo Carroll, 2005-09-14 First published in 1999 Routledge is an imprint of Taylor Francis an informa company

The Culture of Urban Control John P. Walsh, 2013-06-27 The Culture of Urban Control Jail Overcrowding in the Crime Control Era explores and analyzes the growth and expansion of the United States largest single site urban jail system Through an analysis of a United States Federal Court initiated consent decree this research provides a narrative of criminal justice policy politics and legal maneuvering between the years of 1993 and 2003 associated with overcrowding within the Cook County Jail As a result of increased policing presence and subsequent arrests during the crime control era of the 1990 s the Cook County Department of Corrections experienced a continually overcrowded correctional facility resulting in pre trial and post convicted inmates sleeping on floors in overcrowded and dilapidated facilities Beginning in the early 1990 s and under the supervision of the federal court Chicago and Cook County Illinois undertook the largest expansion of local level incarceration and correctional control in their history The disputing process between local state and federal level claims makers within the legal arena and through media representations are analyzed in conjunction with infrastructure growth changing correctional populations community level expansion of correctional programming and the social reality of the inmate experience How local level corrections and federal interdiction were shaped by local level politics and criminal justice systems are examined

Crime, Law and Society Malcolm M. Feeley, 2017-07-05 Malcolm Feeley s work is well known to scholars around the world and has influenced two generations of criminologists and legal scholars He has written extensively on crime and the legal process and has published numerous articles in law history social science and philosophy journals two of his books The Process is the Punishment and Court Reform on Trials have won awards This volume brings together many of his better known articles and essays as well as some of his lesser known but nevertheless important contributions all of which share the common theme of the value of the rule of law albeit a more sophisticated concept than is commonly embraced The selections also reveal the full range of his interests and the way in which his research interests have developed

The Least Dangerous Branch? Stephen P. Powers, Stanley Rothman, 2002-11-30 Is the American judiciary still the least dangerous branch as Alexander Hamilton and legal scholar Alexander Bickel characterized it Unlike legislatures or administrative agencies courts do not make policy so much as direct and redirect policy as it is implemented The judicial contribution to policymaking involves the infusion of constitutional rights into the realm of public policy and as the government has grown the courts have become more powerful from doing more and more of this Powers and Rothman explore the impact of the federal courts providing a brief account of the development of constitutional law and an overview of the judiciary s impact in six controversial areas of public policy Busing Affirmative action Prison reform Mental health reform Procedural reforms in law enforcement Electoral redistricting In each of these areas the authors review significant cases that bear on the particular policy exploring the social science evidence to assess the impact of the courts on policies and the consequences of that intervention Powers and Rothman conclude that judicial

intervention in public policy has often brought about undesirable consequences sometimes even for the intended beneficiaries of government intervention

Public Budgeting in Georgia Thomas P. Lauth, 2021-08-31 This book describes the institutions and process through which the Georgia General Assembly adopts a budget the executive legislative branch politics that transpire during the process and the tax and spending policies that the process produces It argues that the state's budget is developed by fiscal conservatives within a culture of fiscal conservatism that is conducive to low taxes and low spending It identifies the patterns and trends of taxing and spending over several decades and during the administrations of nine governors Its chapter on the line item veto illustrates the nature of executive legislative budget relationships in the state It concludes with an examination of the important milestones in the evolution of Georgia budgeting and a comparison of Georgia with other states on several dimensions The book offers insights and assessments that will be of interest to budgeting scholars students of state government and citizens who want to know more about how government taxing and spending decisions are made

The Public Administration Profession Bradley S. Chilton, Stephen M. King, Viviane E. Foyou, J. Scott McDonald, 2018-09-03 While many introductory public administration textbooks contain a dedicated chapter on ethics The Public Administration Profession is the first to utilize ethics as a lens for understanding the discipline Analyses of the ASPA Code of Ethics are deftly woven into each chapter alongside complete coverage of the institutions processes concepts persons history and typologies a student needs to gain a thorough grasp of public service as a field of study and practice Features include A significant focus on public interests nonprofit management hybrid private organizations contracting out and collaborations and public service at state and local levels A careful examination of the role that religion may play in public servants decision making as well as the unignorable and growing role that faith based organizations play in public administration and nonprofit management at large End of chapter ethics case studies key concepts and persons and dedicated local community action steps in each chapter Appendices dedicated to future public administration and nonprofit career management writing successful papers throughout a student's career and professional codes of ethics A comprehensive suite of online supplements including lecture slides quizzes and sample examinations for undergraduate and graduate courses containing multiple choice true false identifications and essay questions chapter outlines with suggestions for classroom discussion and suggestions for use of appendices e.g. how to successfully write a short term paper a brief policy memo resume or a book review Providing students with a comprehensive introduction to the subject while offering instructors an elegant new way to bring ethics prominently into the curriculum The Public Administration Profession is an ideal introductory text for public administration and public affairs courses at the undergraduate or graduate level

Harsh Justice James Q. Whitman, 2005-04-14 Criminal punishment in America is harsh and degrading more so than anywhere else in the liberal west Executions and long prison terms are commonplace in America Countries like France and Germany by contrast are systematically mild European offenders are rarely sent to prison and when they are they serve far shorter terms

than their American counterparts Why is America so comparatively harsh In this novel work of comparative legal history James Whitman argues that the answer lies in America s triumphant embrace of a non hierarchical social system and distrust of state power which have contributed to a law of punishment that is more willing to degrade offenders Beyond Camelot Edward L. Rubin,2007-08-27 This book argues that many of the basic concepts that we use to describe and analyze our governmental system are out of date Developed in large part during the Middle Ages they fail to confront the administrative character of modern government These concepts which include power discretion democracy legitimacy law rights and property bear the indelible imprint of this bygone era s attitudes and Arthurian fantasies about governance As a result they fail to provide us with the tools we need to understand critique and improve the government we actually possess Beyond Camelot explains the causes and character of this failure and then proposes a new conceptual framework drawn from management science and engineering which describes our administrative government more accurately and identifies its weaknesses instead of merely bemoaning its modernity This book s proposed framework envisions government as a network of connected units that are authorized by superior units and that supervise subordinate ones Instead of using inherited emotion laden concepts like democracy and legitimacy to describe the relationship between these units and private citizens it directs attention to the particular interactions between these units and the citizenry and to the mechanisms by which government obtains its citizens compliance Instead of speaking about law and legal rights it proposes that we address the way that the modern state formulates policy and secures its implementation Instead of perpetuating outdated ideas that we no longer really believe about the sanctity of private property it suggests that we focus on the way that resources are allocated in order to establish markets as our means of regulation Highly readable Beyond Camelot offers an insightful and provocative discussion of how we must transform our understanding of government to keep pace with the transformation that government itself has undergone

An Agenda for Justice American Bar Association,1996 **The Impact of Law on Juvenile Detention Facilities** Wendy Jackman,2005 **Prisoners' Rights** John A. Fliter,2001 Prisoners rights is an area of constitutional law that is often overlooked Combining an historical and strategic analysis this study describes the doctrinal development of the constitutional rights of prisoners from the pre Warren Court period through the current Rehnquist Court Like many provisions in the Bill of Rights the meaning of the Eighth Amendment s language on cruel and unusual punishment and the scope of prisoners rights have been influenced by prevailing public opinion interest group advocacy and most importantly the ideological values of the nine individuals who sit on the Supreme Court These variables are incorporated in a strategic analysis of judicial decision making in an attempt to understand the constitutional development of rights in this area Fliter examines dozens of cases spanning 50 years and provides a systematic analysis of strategic interaction on the Supreme Court His results support the notion that justices do not simply vote their policy preferences some seek to influence their colleagues and the broader legal community In many cases there was evidence of

strategic interaction in the form of voting fluidity substantive opinion revisions dissents from denial of certiorari and lobbying to form a majority coalition The analysis reaches beyond death penalty cases and includes noncapital cases arising under the Eighth Amendment habeas corpus petitions conditions of confinement cases and due process claims *American Courts* Lawrence Baum, 1998 Provides a description of the courts and their activities an explanation of court actions and an evaluation of the court s work The result is a comprehensive and accessible introduction to the judicial process Cases from all fifty states are discussed reflecting on the diversity of laws and courts through the nation Includes a section on legal careers giving an overview of career opportunities in law

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