Can America fix its prison crisis?

The US has one of the world’s highest incarceration rates. Courtney Weaver reports from maximum security on a new strategy to tackle the issue in Louisiana

Courtney Weaver in Angola, Louisiana MARCH 7, 2018

On a hot afternoon last September, Rickey Hawthorne walked out of the gates of the United States’ largest maximum-security prison for the last time.

He had arrived at the Louisiana State Penitentiary, better known as Angola, in 1977 — a lanky 19-year-old who dreamt of graduating from high school, joining the air force and having a family. Now, a few weeks shy of his 60th birthday, he was finally getting out.

Forty-one years earlier, Hawthorne was a small-town teenager from Plain Dealing, Louisiana. His father had left when his mother was pregnant, abandoning her to raise Hawthorne and seven older siblings alone. He began drinking alcohol from the age of nine, he would later tell a prison psychologist. As a kid, he would get into trouble for throwing spitballs, paper clips and rubber bands, but eventually the misdeeds grew worse.

One Sunday, when he was 17, Hawthorne went to a friend’s house and, on his way home, intoxicated, got into a heated argument with a neighbour, Dorothy Webb, that ended in her death. A few months later, he was given a mandatory life sentence for second-degree murder.

For years, Louisiana has held the dubious distinction of being the US state with the highest incarceration rate. In 2014, its imprisonment rate was calculated to be 816 for every 100,000 residents — nearly double the national average, a state task force found.
The ballooning of the state's prison population coincided with an expansion of the US prison industry overall. Between 1972 and 2014, the country's incarceration rate per capita multiplied by five. The US, which has 5 per cent of the world’s population, suddenly became home to close to 25 per cent of the world’s prisoners, as John Pfaff, a professor at Fordham Law School, notes in his 2017 book *Locked In*.

"Louisiana is just an example of a state that I think did all of the things that were the most extreme thing that you could do in terms of prosecuting for drugs, in terms of having parole eligibility," says Alanah Odoms Hebert, a liaison for the Louisiana prison reform task force.

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Rickey Hawthorne, pictured at his home, was sent to Louisiana State Penitentiary - aka Angola - at 15, and remained there for more than 40 years. © Ryan Sholesky

"I had a brief description of the prison in the back of my mind...It was much worse"
Now, like the rest of the US, Louisiana is trying to fix its prison problem. After decades of tough-on-crime policies, the pendulum is starting to swing the other way, largely thanks to state budget crises.

Last June, Louisiana, which has a Republican-controlled legislature and voted for Donald Trump, passed what was arguably one of the most sweeping criminal reform packages in the country. Under these reforms, the state intends to reduce its prison population by 10 per cent over the next 10 years, producing an estimated $262m in savings.

As a result of the changes, individuals convicted of non-violent offences will face reduced prison time and have an earlier chance of parole, while some mandatory sentences will be curtailed. The reforms will also affect a small group of people who were sent to prison for second-degree murder in the 1970s and later told they would need to have their prison sentence commuted to have a shot at parole — a byproduct of the state getting “tough on crime”. One of those is Hawthorne.

Fenced in by brush-covered foothills on one side and quicksand swamp on the other, the grounds of the Angola prison cover an area larger than Manhattan. But the first thing that strikes you is how green it is. Previously a plantation named for the African country from which it sourced its slaves, Angola was bought after the civil war by a former Confederate officer who kept state convicts in the old slave quarters. The state bought the prison in 1901.
For years, Angola's primarily black prison population continued to pick the cotton grown there, supervised by rifle-wielding guards. In the 1930s, a commonly cited statistic suggested that one in 10 Angola prisoners had been stabbed on site. In 1952, Colliers magazine dubbed it "America's Worst Prison".

Prisoners at the penitentiary, Colliers noted, survived on 28 cents' worth of food a day, and worked for up to 12 hours in the field. Those who refused to follow orders were often "flogged" or "fed a massive dose of salts or castor oil. Or thrown into a blank walled dungeon on bread and water for weeks".

"When I first got here you used to have to walk around with a knife," Aaron Brent, an inmate at Angola since 1976, told me on one of my visits to the prison. "You never knew what was on the next man's mind... They had fights every day."
Hawthorne knew some of this history before he arrived. "I had a brief description in the back of my mind," he says. "It was much worse. I entered the bloodiest prison." The guards were rough with the inmates and the inmates were rough with each other. "There was a whole lot of violence going on at that time. To see someone get stabbed, get hit on the head, it was a common event," he says.

Hawthorne spent his first few years picking crops: sugar cane, strawberries, watermelon, okra. Eventually, he was transferred to the laundry room, a better job because it was cool in the summer and warm in the winter. As the years ticked by, life at the prison improved, with a gradual decline in violence, coupled with greater discipline among the guards.

Then, in 1993, Louisiana's supreme court effectively stripped Hawthorne and dozens of others of their parole eligibility, mandating that they could seek parole only if they'd had their sentences commuted first. So instead of having the chance to leave Angola after 20 years, Hawthorne's life sentence was suddenly really that — for life.

Prison wardens are quick to stress that Angola is no longer what it was in the 1970s. There is a well-funded re-entry programme that trains prisoners in technical skills such as mechanics. There is a prison radio station, a magazine. In October and April, the prison is opened up to the public for rodeos, which the prisoners take part in, selling homemade goods at a crafts fair and throwing themselves into the arena on bucking horses and Brahma bulls for a cash prize.

"The whole institution is maintained by folks who live in it," says Norris Henderson, a former Angola inmate who now runs a non-profit focused on ex-offenders' rights. "You have a plumbing problem? You call [an inmate]. All the buildings . . . all the pretty chapels they got there? Inmates built that. All the stained-glass windows? Inmates done that. There's a wealth of knowledge and skills that's going untapped because folks are still clinging to this 'lock them up and throw away the key' mentality."
Roughly half of the people at Angola are first-time offenders, says Kerry Myers, who spent nearly 27 years in prison before his sentence was commuted by Louisiana’s sitting governor. “They don’t have criminal mentalities. They’re people who made a decision — a bad decision — under stressful circumstances.”

For most of its history, Angola seemed to epitomise the worst of the US prison system, says James Le Blanc, Louisiana’s department of corrections secretary. “There was a lot going on in Angola that no one likes to talk about,” he tells me. Clean-cut, with slightly downcast eyes, he spent most of his adult life climbing the ladder of the state’s corrections system. Yet his epiphany on reforms came several decades ago while he was working at a correctional institute not far from Angola.
One day he received a call from a state trooper who had picked up a former inmate, released just a few days earlier. The trooper told him: “We picked this guy up, and he says he wants to go back . . . and live with you.” Figuring out how to get a released prisoner back into prison was a logistical nightmare. “I actually had to rescind his ‘good time’ certificate,” says Le Blanc.

The inmate eventually left again a few years later. But the episode stuck with Le Blanc. “It’s one of those things, you know?” he says. “We were providing a little bit of opportunity. But no one was real concerned about what happened when they walked out of that front gate.”

In recent years, that attitude has begun to change. Democrats have distanced themselves from the tough sentencing laws enacted under Bill Clinton’s presidency. More recently, a group of conservatives, including former house speaker Newt Gingrich and senator Rand Paul, have thrown their weight behind criminal justice reforms, arguing that a leaner and less costly prison system is key to two of the Republicans’ biggest goals: a smaller government and a balanced budget.

The birth of a conservative prison-reform movement has created an unlikely bipartisan coalition, one that includes liberal activists, fiscal conservatives, business leaders and evangelical groups. Other southern states such as South Carolina and Mississippi have passed similar reforms to Louisiana’s in recent years.

Many conservatives have come around to the issue through “the lens of redemption and keeping families together”, says Terry Schuster, an officer at the Pew Charitable Trusts, which has worked with Louisiana and other states on their reforms. In Louisiana, “there were conservatives who came to the subject that way, and others who came to the subject through a business approach to the issue: how do taxpayers get a return?”
On the national stage, the job of selling prison reform has fallen to conservatives such as Gingrich and Rick Perry, the former Texas governor who now runs the department of energy. In Louisiana, it has fallen largely to Gene Mills, head of evangelical lobbying group Louisiana Family Forum. When I meet Mills at his office in downtown Baton Rouge, his television is tuned to Fox News; an array of taxidermy dots the walls. He carries a firearm in his briefcase, he tells me.

Mills was somewhat sceptical when he was asked to join the task force presiding over the reforms. But he was won over by the hard data — which showed Louisiana to be an outlier even among southern states — and by the philosophy behind the reforms, which seemed to intersect perfectly the two leading strands of the modern-day US conservative movement: Christianity and fiscal prudence. Not everyone in Louisiana saw it that way.

“T’m still doing damage control,” Mills admits. “Some of them heard back from their lawmakers:
"I understand there are bad guys out there. But I also understand that once a person's time is completed, they deserve a shot.

Gene Mills, president of Louisiana Family Forum

‘Gene has gone soft on crime. He’s crazy.’ He shakes his head. “Look, I carry a gun. I believe in incarceration . . . I understand that criminal activity is real and there are bad guys out there. But I also understand that, once a person’s time is completed, they deserve a shot at employment, a job interview.”

At one point Mills became friendly with the pastor of the largest prisoner-led church in Angola, a talented mechanic and preacher. But the man was passed over by Louisiana’s recent reforms, something that damaged their relationship. “He was very disappointed with me,” Mills says solemnly. It still haunts him. “I lie awake with his face at night. I still dream about him — I do.”

On any given day, two or three big buses will be circling outside the Baton Rouge courthouse “like vultures”, Keith Nordyke, a criminal defence attorney in Baton Rouge, explains. “They’re from parishes up in north-east Louisiana that have private parish jails. And they’re waiting for somebody to get convicted. At which point they’re going to put them on one of those buses and take them up to north-east Louisiana because that’s 24 dollars and 39 cents a day for every person that gets on that bus.”
In the 1990s, as its prison population soared, Louisiana offered to pay sheriffs a per diem rate to house state prisoners in their jails. Over time, business boomed. Today, close to half of the state’s prisoners are housed in such circumstances, where they serve as a financial life support for many of the local sheriffs’ offices. This has made the sheriffs one of the biggest obstacles to the reforms.

Four weeks before the first group of prisoners was due to be released under the new law in November, Steve Prator, a sheriff from the north-west corner of the state, called a press conference. He slammed the legislation, claiming that state prisoners were “a necessary evil to keep the doors open” at the jail in his county.

Those prisoners, he elaborated, were “the ones that you can work, that’s the ones that can pick up trash, the work-release programmes. But guess what? Those are the ones that they’re releasing. In addition to the bad ones — and I call these bad,” he said, grabbing a stack of prisoner files from the
table next to him. “In addition to them, they’re releasing some good ones that we use every day to wash cars, to change oil in our cars, to cook in the kitchen, to do all that where we save money.”

The comments seemed to prove what many had suspected for years: that sheriffs had been bartering prisoners based on the on-site labour they could provide. “That just goes to show you, it’s all money-driven,” says Henderson, the former Angola inmate, emphasising the parallels with slavery. “Listen at what he said: ‘Not only are you taking the bad ones. You want to take the good ones.’ The first image you get is the slave who worked in the field and the slave who worked in the house. You can take that one, but I’ve got to have this one, this one here I already broke him in.'”
Republican Bobby Jindal, was in office, some of the inmate staff helped to take care of his children, multiple sources told me.

At the end of Jindal’s second term, about half a dozen trustees were working at the governor’s mansion. Only one was pardoned. “It’s like, I trust you enough to watch my kids. I just don’t trust you around other people’s kids and society,” says Andrew Hundley, a former Angola inmate.

Hundley, who bears a passing resemblance to the singer Michael Bublé, grew up in a white middle-class family and was poised to graduate at the top of his class. Then one night in July 1997, at the age of just 15, he tried a dissociative drug called Phencyclidine, also known as angel dust, which in high dosages can cause paranoia and aggressive behaviour. “It sent me in a fit of rage that I had never been in before, and haven’t been since. I killed somebody,” he says.

When he entered his county jail, “I was a kid in a dark cell not knowing where the hell my life was going.” But slowly he found his way. During the time he was incarcerated, he moved around four different prisons. He became the manager of the boxing team, joined the toastmasters club and got his graduate equivalency degree. At one prison, he and other inmates took the meagre book collection and built a library.

“I spent all those years preparing myself for release. But you learn after doing time for a little while that people in prison who have probably the worst mental health are those who get their hopes up about going home earlier than they’re supposed to,” he says. “The saddest thing about being in Angola is seeing men who’ve served so much time, and now they don’t have anything left on the outside.”

In 2012, the Supreme Court ruled that it was unconstitutional to impose a mandatory life sentence on a person under the age of 18, without the possibility of parole, something the Supreme Court applied retroactively four years later. In June 2016, a parole board granted Hundley release. “Immediately I was just focused on: ‘What do I need to do tomorrow? What are my next steps?’” Since his release he has enrolled at Louisiana State University and hopes to go to law school. In the meantime, he and Nordyke have started a group called the Louisiana Parole Project, which helps released inmates adjust to life on the outside.

Not long ago, Hundley took a client out to dinner: a former prisoner named Lue who had been incarcerated at 16 and had served 44 years. At dinner, the waiter asked for the man’s order, and “Lue leans in with his menu and he starts telling me what he wants,” Hundley says. “When the waiter left, I said: ‘Why did you do that?’ And he said: ‘I thought since you were paying, you had to be the one to tell the waiter.’” Hundley shakes his head. “Sixty years old and he was going into his first restaurant.”
During Rickey Hawthorne's time in Angola, he rotated through half a dozen jobs, working as a lab technician in the prison, serving food to prisoners on death row and as a groundskeeper for the 200 employees who live on the Angola site with their families. mowing their lawns and taking care of their flowerbeds. He became a literacy tutor, enrolled in the prison's seminary and became a minister. “I was looking for a light to come shining through after so many years,” Hawthorne says. “It didn’t happen. But I never lost hope.”

Then, one Thursday in 1996, he met a woman named Joann, a former teacher who had taken a job as a contractor at Angola, administering drug tests for the inmates. A few weeks later, Hawthorne handed her a matchbox. Inside was a pair of delicately hand-crafted heart-shaped earrings, with two kissing doves inside. On the back was his Angola address. Stunned by the gift, Joann offered him a hug. “That’s it!” Hawthorne declared buoyantly. “That’s my wife!” “No, no, baby,” Joann groaned.

Gradually, the two began a correspondence, bonding over a shared interest in the Bible, and Joann’s feelings started to deepen. “I was like: someone’s playing a cruel joke on me,” she later told me. “This man is in prison.” Two years after they met, Hawthorne proposed and Joann, to her surprise, accepted. They were married in Angola, with a three-tier wedding cake and a crowd of more than 50 inmates serving as witnesses.

On November 1, Louisiana released approximately 1,900 prisoners under the new reforms. In February, the governor's office reported that of the several thousands who had been released in the interim, 76 had reoffended. “When I watch the news in the evening — I spend a lot of time on the news right now, and on people being arrested — I keep waiting for them to say, ‘Well, this is one of the ones they released.’” James Le Blanc, the department of corrections secretary, told me when we
spoke in November. “I kind of worry about that a little bit.”

On the national stage, attorney-general Jeff Sessions has shown mounting opposition to some of the reforms proposed by Republican lawmakers — sparking concerns that a backlash could reverberate in states such as Louisiana.

On the left, too, many have been critical of the reform packages, which can have an impact on people like Hawthorne, who went to prison as juveniles, but do not touch the vast majority of prisoners convicted of violent offences, nor most of the old-timers, despite studies showing that most prisoners have given up criminal behaviour by the age of 55, a phenomenon known as “criminal menopause”.

Some liberal critics warn that the bipartisan reforms taken up by states such as Louisiana enshrine
some of the worst aspects of the current penal system. By focusing on non-violent offenders, the reformers ignore the greater prison population, most of whom are there on more serious charges. They add that it is dangerous to over-emphasise the cost-saving aspect.

Often when states pass reforms that offer relief to prisoners convicted of non-violent crimes, they will simultaneously throw the book at individuals convicted of so-called serious offences — a classification that can be misleading, says Marie Gottschalk, a professor at the University of Pennsylvania.

“It creates this idea that you can easily separate out these two categories. Someone may have done a violent offence but they may no longer be a violent offender or a serious threat to public safety,” she tells me. “We have a saying about [most people convicted of murder]: one and done. It’s a crime of passion, or people who are on drugs, or mental-health issues . . . And many of these men, they’ve aged out of crime.”

In Louisiana, most activists I spoke to expressed disappointment that the reforms would not affect prisoners convicted of violent offences as adults. But they also pricked at criticism, arguing that any progress requires these initial bipartisan steps, especially when some conservative legislators are already hoping to reel back the reforms in the current legislative session.

"The private parish jails are waiting for somebody to get convicted...because that's 24 dollars and 39 cents for every person"

Keith Nerdke, co-founder of the Louisiana Parole Project

“What made this different was that the left and the right coalesced around a concrete set of facts that was valid and had been proven in other states,” Gee Gee Hargone, one of the local Louisiana business leaders involved with the reforms, tells me. “Of course, I would have wanted more. But I think we got a helluva lot.”

In 2012, the Supreme Court ruled that juveniles could not be sentenced to life without parole, ruling four years later that the decision applied to retroactive cases. On January 10, 2017, Rickey Hawthorne was re-sentenced to life with parole. In June, as part of the state’s reforms, Louisiana’s legislature ordered that the dozens of prisoners sentenced for second-degree murder between 1973 and 1979 were now eligible for parole without first requiring a commutation of their sentence.

Then, on the morning of September 25, Angola’s warden told Hawthorne that the papers had been issued for his release. By 3pm that day, he was at the front gate, where his lawyers were waiting to take him out for dinner. The catfish they ate, he says, was one of the best meals of his life.

On a recent Sunday, he and Joann made the five-minute drive from their house to church. Hawthorne was dressed in a charcoal suit and tomato-coloured button-down; Joann wore pearls. Before the service began, Joann led a Bible study session. Then Hawthorne took over, grasping a Bible filled with handwritten sheaves of paper. “Without faith it is impossible to please God,” he said solemnly. “Faith has to be centred on the person.”
Living under the same roof, Joann admits, is not the way she always expected. Rickey, she has learnt, is a snorer. He wakes at 4am every day, and refuses to go back to sleep. But there are good things too. A few weeks after his release, he found work at a local car dealership, where he details and washes the cars that come in. When Joann’s car broke down last year, he surprised her with a 2005 Honda Pilot, which she now drives around town with a giant red heart placed across the front. Recently, one of Hawthorne’s siblings came to visit with his niece, and Hawthorne and Joann plan to take a trip soon to Plain Dealing, where some of his other siblings still live. It will be four decades since he last saw them.

In some ways, Hawthorne feels that the reforms have brought him full circle. The law granting him parole eligibility was on the books when he was sentenced 40 years ago. The decision by Louisiana’s supreme court to change the rules while he and dozens of others were already serving their sentences was a violation of their rights, he says. “My thing is to prove to you and to the world
that even though you did all this, this does not give me a bitter taste, this does not change who I am.”

I ask what his life might have been like had he not spent 40 years in prison. He brushes off the question. “I always keep in mind that I made a bad decision and I paid a cost for it. That cost was it took my youth away.” He has no plans to go back there again.

Courtney Weaver is the FT’s US political correspondent in Washington DC

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