Transparent Walls: Library Services to Prisoners
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For as long as prisons have existed in the United States, the need for prisoners to read and the importance of their doing so has been recognized. The purpose early on was usually religious. Beginning around the end of the 1700s, Bibles and religious tracts were provided to prisoners to help them understand their sins and make atonement.1

But a concern for the state of prisoners' souls did not mean that early American prisons were conducive to the promotion of reading or to the establishment of prison libraries. Austin H. MacCormick, a pioneer in the education of prisoners, described conditions for the would-be inmate reader in the 19th century:

"One has only to think of how dimly lighted the early prisons were before electricity was installed, and that few cells well into the 20th Century had more than 25-watt bulbs, to realize that prisoners who would have liked to read were handicapped by more than a dim view of rehabilitation. If a humane chaplain had a few books to pass out, they were usually printed a fine type and on dull and dreary subjects. A prisoner needed extraordinary eyesight and will power to read, for example, in the old cell-block at Sing Sing Prison, condemned as unfit for human habitation in 1840 and used for another hundred years.2

MacCormick and others traced the development of prison libraries through the early part of the 20th century, as the importance of inmates' access to books was increasingly recognized. While the improvement in the quantity and quality of prison libraries may have been slow, there was at least some improvement. Most states began offering prison library service in 1840,3 although as MacCormick pointed out, throughout most of the 19th century there were few prison libraries even worthy of the name.4

Then significant changes began to occur. The federal prison library system was initiated in 1929, and the 1930s ushered in an era of prison reform, with the "corrective" approach beginning to replace the purely punitive.5 The ALA became actively involved in prison libraries, forming a Committee on Correctional Institution Libraries and publishing, with the American Prison Congress, the Prison Library Handbook (1932), which was designed to give practical guidance.6 In a short time, professional librarians began to serve as prison library managers, although in 1931, MacCormick could still write that so far as he knew, "there is only one library school-trained librarian in all the penal institutions in the country ..."7 By way of comparison, a 1990 survey showed that of the approximately 350 prison libraries in the country, most were managed by professional librarians.8 Meanwhile, inmate population numbers were balloonning. The total number of state and federal prisoners quadrupled between 1971 and 1991, increasing from 198,061 to 789,347.9 By the end of 1994, the number of prisoners under state or federal jurisdiction had risen to 1,053,738.10

More prisoners means more demand for library resources, including legal material. Prison libraries have long doubled as law libraries, as the federal courts gradually formalized the duty of correctional institutions to provide inmates with legal resources to pursue appeals or civil rights actions. In 1977, the U.S. Supreme Court held in Bounds v. Smith that prisoners must be provided with meaningful access to the courts, and that prison law libraries constituted one "constitutionally acceptable" way that institutions could satisfy this mandate.11 The court did not define exactly what "meaningful access" means in terms of a law-library collection, however, and that issue remains unsettled. Most recently, the high court (in an opinion written by Justice Antonin Scalia) backed off from a liberal reading of Bounds, noting in Lewis v. Casey12 that "Bounds did not create an abstract, free-standing right to a law library or legal assistance ..."13

The American Association of Law Libraries has developed a bibliography, "Recommended Collections for Prison and Other Institution Law Libraries,"14 to guide prison librarians in developing their legal collections. The bibliography includes recommended core collections for primary law, legal research and writing, materials for jail, juvenile and mental institutions; and state and federal law titles.15 But while the legal collections of prison libraries are important in their own right, they are only part of the picture. Libraries which serve incarcerated men and women are multi-purpose: they provide books, audiovisual and other materials for education, recreation and entertainment. Prison librarians provide reference service, sponsor literacy programs, support volunteer efforts and help teach socialization skills to inmate patrons and inmate library staff. The fact that prison libraries are vital and well-used is documented (see statistics collected by Rhea Joyce Rubin, which indicate the number of books read by an inmate is many times that of a member of the general public).16 Granted, inmates have more time on their hands — but the fact is they need to read and they do. Brenda Vogel quotes a former inmate interviewed on the television program Sixty Minutes who expressed simply what a prison library meant to him while inside: "Those books made the walls transparent."17

The librarians who manage these institutional information centers must be multi-skilled. It takes a special person to be a prison librarian, and many who have taken on the mission have written eloquently about their jobs and the challenges they face.18 A prison librarian must be not only a librarian but also a sociologist, a teacher, a diplomat. It's not surprising that recruiting prison librarians is difficult.
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prison librarians do, that fostering reading, education and access to information among inmates benefits not just them but ultimately society as a whole.

Selective Bibliography

Prison librarianship is a specialized field, and as such its literature is less extensive than that of many other aspects of the profession. Nevertheless, a good many monographs, articles and books exist. This bibliography includes only a sampling of some of the current material available.

Prison Librarianship: Resources. Theory


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Cases of Note

Cases of Note: From page 44

to employees in Dallas, Houston, and Durham, North Carolina. Upon discovery of the practice at Enmark, Pasha filed suit alleging copyright infringement. In a consent judgment handed down from United States District Court, the court found Enmark liable for copyright infringement and in violation of the fair use provision of the U.S. Code. Briefly, the court found that:

1. *Gas Daily* is a newsletter which reports on natural gas markets, regulations, and industry news. It constitutes original material pursuant to the Copyright Act, 17 U.S.C. 102.

2. The Register of Copyrights has issued certificates of registration pertaining to each issue of *Gas Daily*.

3. Enmark Gas, on a regular basis, produced multiple, cover-to-cover copies of *Gas Daily* for certain employees, including those in Dallas, Houston, and Durham, North Carolina, the latter two of whom received the newsletter via facsimile.

4. Enmark was unaware at the time that it was producing and transmitting copies of *Gas Daily* that it was infringing on Pasha Publications’ copyrights and Enmark never intended to infringe on the same.

And, as a result of the above, the court concluded:

1. That Enmark’s repeated cover-to-cover copying of *Gas Daily* constituted an infringement of Pasha Publications’ rights.

2. That the repeated, unauthorized facsimile transmission of *Gas Daily* from Dallas to Houston and Durham constituted an infringement of Pasha Publications’ rights.

3. Despite the fact that Enmark was unaware and did not intend to infringe on Pasha’s rights, the copying of *Gas Daily* by Enmark did not constitute “fair use” in that:

a. Enmark is a commercial enterprise and by copying the newsletter Enmark was furthering its own commercial pursuits;

b. Newsletters are accorded broad protection under the Copyright Act (See H.R. Rep. No. 94-1476, 94th Cong., 2nd Sess. at 73-74 (1976));

c. The entire newsletter was being reproduced and transmitted;

d. The above rendered unnecessary the purchase by Enmark of additional subscriptions.

Clear, concise and without question, the opinion by the court asserts how both the publisher should protect himself and how the subscriber should handle the publisher’s rights under the Copyright Act.

ENDNOTES


History
Many of the books listed above also contain chapters on the history of prison libraries.

A Day in the Life of a Prison Librarian
Many prison librarians have written of their experiences and the unique problems they face in doing their job.

Footnotes
3Rubin, U.S. Prison Library Services, 3.
4MacCormick, A Brief History, 3.
5This philosophy and its practical ramifications are reflected by MacCormick, among others. See MacCormick, Austin B., The Education of Adult Prisoners, (New York: the National Society of Penal Information, 1931), especially Chapter 1.
6MacCormick, A Brief History, 11.
7MacCormick, Education, 158.
9Ibid., 4.
13Ibid., 14.
15Rubin, U.S. Prison Library Services, 2.
17See, e.g. Vogel, Down for the Count.
20Vogel, Down for the Count, 6-7.
23Ibid., 65.
24MacCormick, Education, 150.