

## Book Review

Wilbert Rideau

*In the Place of Justice: A Story of Punishment and Deliverance*

New York: Knopf, 2010.

Reviewed by Howard A. Doughty, Book Reviews Editor

Although the outward signs are different, prisons operate with a culture, a political economy, ideology and a set of informal authorities, rules and institutions of reward and punishment that are disarmingly similar to those of the larger society.

We all have them: definitive moments when we can recall exactly where we were and what we were doing at some singular moment. Perhaps it was when you first held your new-born child, or when a loved one passed away; perhaps when you first saw Elvis Presley or the Beatles on television, as I did on 9 September, 1956 and 9 February, 1964 respectively, or learned that Buddy Holly had died in that plane crash on 3 February, 1959.

Not to be depressing, but for me bad news seems more often to have been stained indelibly in my memory than good news. I remember 28 January, 1986. I was driving to work when the radio informed me that the space shuttle Challenger had exploded ninety seconds after take-off. I recall 5 June, 1968. I was in my office at the University of Hawai'i when a US State Department official named Marv Stein came in to tell me that Bobby Kennedy had been assassinated. I have a vivid memory of 22 November, 1963. I was in the locker room at York University, when a student named Bob Harris came bounding down the stairs to tell anyone he saw that John F. Kennedy had been shot. And I remember being in my high school cafeteria on 2 May, 1960, when the news came that Caryl Chessman had been put to death.

“The mature person ... must recognize that there lurk primitive, violent impulses in all of us but that the advocacy or practice of violence not only demeans him as a person; it invites and begets counter-violence, solving nothing.” – Caryl Chessman, 17 April, 1960.

Chessman was a convicted thief and a rapist. He died because a secretary misdialled the prison telephone number. The Governor of California was trying to reach the warden at San Quentin to stay Chessman's execution. When she finally got through, the gas had just been released into the death chamber. It was thought to be too dangerous to others to open the door. Chessman's death at the hands of the state is iconic for me and symbolically encapsulates my lifelong opposition to capital punishment.

I cannot properly account for the importance I attach to Chessman's execution. I do not, for instance, have the same vivid recollection of the hanging of Ronald Turpin and Arthur Lewis, who perished in Toronto's Don Jail on 11 December, 1962—the last to die on a Canadian gallows. Why Chessman, more than any other man or woman, should have caught my attention and evoked such emotion is a mystery, and one that I have spent little or no time seeking to solve. I can, however, say that the sense of revulsion I felt that day have never left me.

Now, half a century later, only the USA, among OECD countries, remains committed to the barbaric practice of allowing the state to conduct premeditated killing. Anyone indifferent to the question or, perhaps, of the opinion that capital punishment performs some useful social function, is somehow morally justified or can otherwise be defended as public policy or practice is hereby urged to read this Wilbert Rideau's book.

Wilbert Rideau was the long-time editor of *The Angolite* newspaper. He was the winner of a number of national journalism awards including the prestigious George Polk Award, an honour he shares with the likes of James Baldwin, Walter Cronkite, David Halberstam, Seymour Hersh, Norman Mailer, Bill Moyers, Diane Sawyer, Susan Sontag and Studs Terkel. He has also been involved in documentaries produced by the Public Broadcasting System. He has appeared on television programs such as *Nightline* and he has himself been the subject of a feature in *Life* magazine.

*In the Place of Justice* is Rideau's book about a convicted murderer. At the age of nineteen, the young man robbed a bank, took three hostages, shot them all "execution-style" and, in addition, stabbed one repeatedly. The two who did not suffer knife wounds somehow survived. The third, a female teller, did not.

What follows is a very strange tale. The killer was a young Black man. His crime was committed in the state of Louisiana. At trial, he was represented by two court-appointed real estate lawyers who did not make the effort to cross-examine prosecution witnesses nor to present a defence of their own. An all-white jury took less than an hour to convict and to sentence the youth to death. The murderer then spent twelve years on death row in one of the most violent prisons in Louisiana. Over time, an unusual judicial record was amassed. Twice the death sentence was overturned. Twice he was retried, reconvicted and resentenced. In the second and third trials, the jury took only fifteen and then only eight minutes to condemn him to death once again.

In each instance, the question of guilt was not in doubt. The basic facts were uncontested. Instead, the question of race dominated. Louisiana is notorious for the disproportionate number and severity of sentences meted out to Black felons, especially when the victims of their crimes are White and the juries are White as well.

It took a long time for the process to work itself out. In fact, when a fourth trial was ordered and the prisoner was finally released in 2005, forty-four years had gone by. The youth was now over sixty years old. His adult life had been spent behind bars.

Some speculate that he might still be languishing in prison, had it not been for the legal team that was assembled to conduct his defence, as well as the support he received in other circles. Those who spent too much of the 1990s watching the murder trial of O. J. Simpson will recall the late Johnnie Cochran. Mr. Cochran was on the defence team for the fourth trial. So was George Kendall, another top criminal defence lawyer. Involved as a star witness was Linda LaBranche, an English professor and Shakespearean scholar.

It is likely that only the intervention of such a "dream team" allowed the prisoner to escape the fate which would almost surely have befallen him—further prison time, perhaps enough for him

to die in his cell. This is noteworthy because, as David Cole has pointed out, life sentences in Louisiana normally involve parole after about ten years—with good behaviour. Yet, this prisoner was incarcerated for over forty years, despite being a model prisoner, a prison reformer, a close friend of the prison warden and a celebrity on his own.

Yes, the young Black man who was sentenced to die for a crime he *did* commit is Wilbert Rideau, the prize-winning journalist, the self-educated prisoner, the poster-boy for criminal rehabilitation. *In the Place of Justice* is partly about his development as a insatiable reader, talented writer and resourceful advocate for himself and others. It is also partly about his struggle with the judicial and parole system that failed him. Indeed, even his eventual release is a peculiar testament to the systemic failure of the system. He was set free only because of outside publicity, the support of some influential media and a crack legal team made available only because of the work done on his behalf by the “civil rights community.” Had he been someone else, he might still be in prison, or he might be dead. Rideau was given a very rough ride, but now his case is known. What is more, Wilbert Rideau is also not alone. His story could be retold about others may have lacked his determination and his talent, and therefore have not been fortunate to attract such an array of competent advocates.

Rideau’s book is, of course, not only about him. It is a sometimes searing account of prison life as well. It is a form of Foucault from-the-bottom-up. As a prison journalist, Rideau’s *Angolite* was the only uncensored newspaper in the US prison system. He wrote openly and persuasively about corruption, violence and rape. He functioned as an investigative journalist, advocate and intermediary in internal conflicts. The world he describes in unsettling detail is and ought to be an embarrassment to everyone walking freely on the outside.

In the interest of full disclosure, I have spent time on the Board of Directors of the Toronto chapter of the John Howard Society, an international non-governmental organization that works for prison reform and parolee reintegration into society. I am also an active member of the labour union that represents correctional officers in the province of Ontario. And, much of my time as a teacher is spent teaching in the Police Studies and Public Safety program at my college. So, I can shift among at least three perspectives in thinking about what happens in prisons to prisoners and to prison staff alike. Ontario, of course, is not Louisiana, and Louisiana is certainly not to be compared with some of the facilities that exist in less democratic parts of the world; but, the problems are endemic to any institution that incarcerates people.

In coming to terms with those problems, Rideau helps us by setting out the structural issues. Individual case histories and personal biographies are excellent instruments for eliciting emotional responses and, in some instances, for provoking personal engagement in the criminal justice system. To make a comprehensive difference, however, it is necessary to move beyond individual torment and tragedy.

*In the Place of Justice*, Rideau shows prison life in terms that allow us to connect its policies and processes with those that frame social relations outside the jails and penitentiaries. He allows us to shift from life histories to criminology and ultimately to sociology. Rideau permits us to do what others have done in, for example, anthropology when critical thinkers see through the surface differences between modern and traditional societies, overcome their initial fascination with the “other,” and learn that beyond the exotic rituals, the unfamiliar beliefs and sometimes

disquieting behaviour, there are striking parallels between those communities we used to indulge ourselves by calling “primitive” and our own. The same applies to life in prison. Although the outward signs are different, prisons operate with a culture, a political economy, ideology and a set of informal authorities, rules and institutions of reward and punishment that are disarmingly similar to those of the larger society—and I am not here addressing the visible structure of posted rules, uniformed officers and schedules for meals, exercise, work and occasional punishment, but the way of life organized and controlled by the prisoners themselves.

With the kind of direct insights into the prison way of life that Rideau provides, it is just barely possible that innovations in the system of punishment and rehabilitation can produce both efficacious and effective reform. It is here, of course, that we must pause to consider what innovation is *for*.

Stepping back from the dark question of capital punishment to broader issues of law enforcement in general, it is worth examining petty crime, non-violent crime and even more serious criminal infractions that stop short of murder. When we do, it is possible to see such behaviour and the social reaction it provokes more clearly. With Rideau’s narrative in mind, it is possible to view the language, the motivations, the pathologies and the cover-ups of ordinary criminal justice systems and those who are said to run them.

A prominent local example comes in the form of the newly elected Mayor of Toronto, who was installed in office amid derisive shouts against his opponents (designated “left-wing kooks”), all to the delight of his supporters. Within days of his electoral victory, Mayor Ford, without consulting senior police officials or the Toronto Police Services Board (the civilian oversight committee), announced that he would put an additional one hundred police officers on the street. As it happens, the crime rate in Toronto has declined by 30% over the past decade or so, and the police department has expressly stated that having to train and pay the extra officers would put its budget in jeopardy. Such is the apparent appeal of a “tough on crime” attitude that such bombast is defined as strong leadership. Meanwhile, with crime rates declining across the country, the Government of Canada is pushing ahead with an innovative strategy to demand heavier sentences, impose mandatory minimums for recreational drug offences, reduce chances of parole, and to build over \$330 million dollars worth of new prisons while slashing programs for rehabilitation. Again, there can be no doubt that these measures are innovations for Canadian law enforcement and criminal justice (though they may be more accurately described as replications of failed American policies of two or three decades ago). What is missing, however, is a thoughtful discussion of the philosophy of criminal justice. Only by settling on a fundamental approach to problems of crime, crime prevention and incarceration will authentic innovation be possible.

It is to assist the laity, the lawyers and the legislators in their pursuit of social justice and public safety that raw contributions are helpful. Statistics alone fail to do the job, for the dissemination of data is not argument. Likewise, the exchange of slogans and, in perilous times, epithets and slurs rarely produce considered outcomes. Even the most methodical, theoretically sound and far-seeing analysis, however, is lost without an awareness of the passion that necessarily insinuates itself into at least the background of any policy discussion. Like any other aspect of social life, ethnography is vital to a complete appreciation of a situation. Wilbert Rideau has supplied one of the best of its kind.

In order to address issues of law enforcement and crime prevention, it is first necessary to have a thorough and thoughtful consideration of the purpose of the criminal justice system. Innovations in the absence of a basic consensus about policy aims and objectives are ungrounded. Policies which lack a philosophical foundation can easily become inconsistent at best and capricious at worst. At a time when fear-driven changes in the instruments and processes of social control threaten to endorse draconian tactics on the streets, relentless surveillance of personal behaviour and serious talk about defending the practice of torture, the suspension of *habeas corpus* and the violation of the Rule of Law, it is surely time to open a conversation about what justice means.

Wilbert Rideau does not provide a pensive treatise on the matter. His talents are not especially suited to abstract philosophical argument; however, he has a vital contribution to make to a coherent and necessarily elevated discourse. We must reflect on his story, as well as the fate of Caryl Chessman, the treatment of Maher Arar, the “police riots” that have attended international meetings of heads of state in recent years and the mindlessly punitive proposals such as the American “three strikes and your out” formula for compelling the lifetime incarceration of comparatively petty offenders. There are ample intimations in our history and current events to support a discussion of the nature of justice and the policies and procedures that should flow from it. There are plenty of examples of judicial systems that have convicted, sentenced, and too often executed innocent people to ignore the flaws in our systems. Civilized societies require no less.

**About the Author:**

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