

STATE OF NEW YORK

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THE NINETY-NINTH ANNUAL REPORT

OF THE

Prison Association of New York

135 East 15th Street, New York

1943



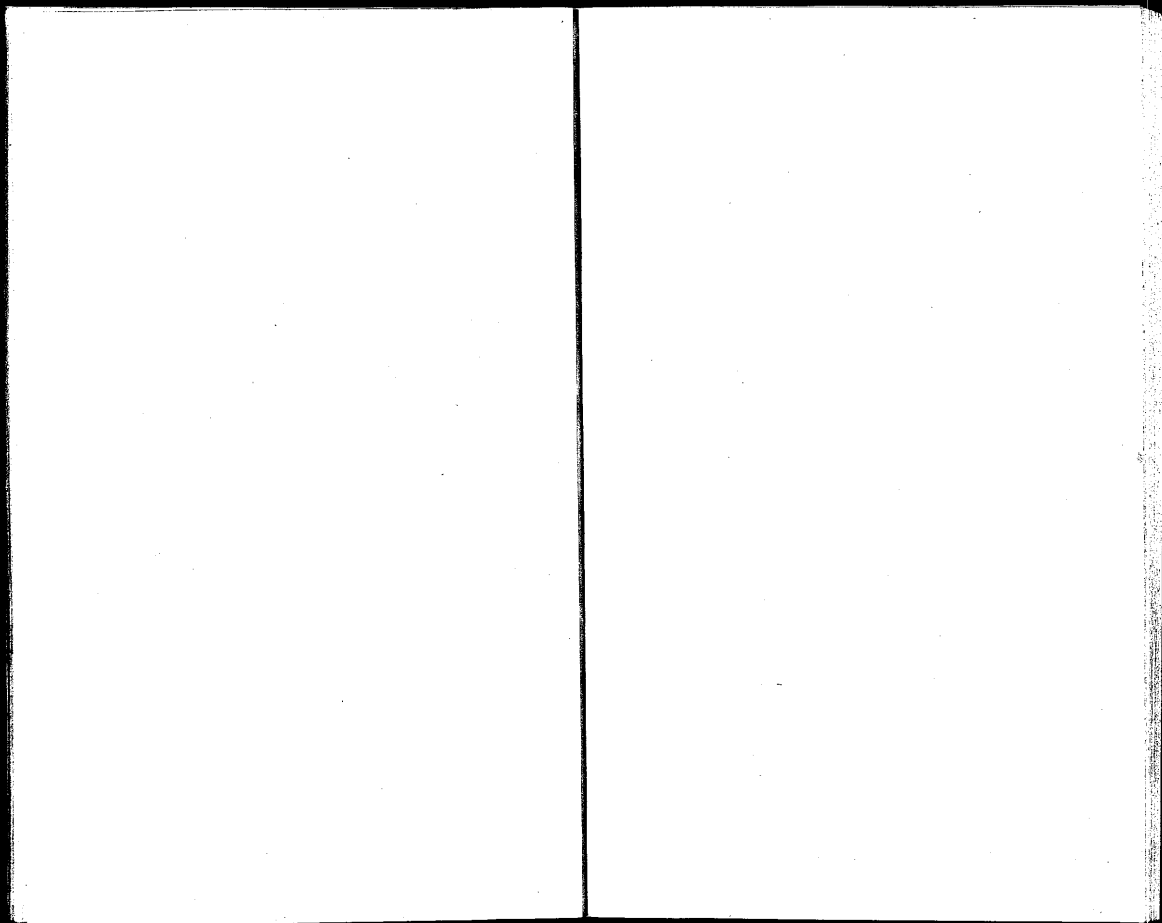
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PREFACE

This is an official report of the Prison Association of New York to the Legislature of the State of New York, which has been made annually since 1845, and constitutes the ninety-ninth of the series.

Paragraph 6 of Article XI of the act incorporating the Prison Association of New York provides that "the said executive committee" (of the Prison Association), "by such committees as they shall from time to time appoint, shall have power, and it shall be their duty to visit, inspect and examine all the prisons of the State, and annually report to the Legislature their state and condition and all such other things in regard to them as may enable the Legislature to perfect their government and discipline."

The State law further provides for the printing of 500 additional copies of this annual report at the expense of the State. Additional copies of the full report are purchased from the State printers, at the expense of the Association, for distribution to its contributors and many others, not only in New York State but in other states and in foreign countries.





DEAN SAGE

IN MEMORIAM

Dean Sage

Succeeding his father, a member of the Executive Committee of The Prison Association of New York for seventeen years, Dean Sage served similarly for forty years. The combined tenure of fifty-seven years of father and son records an unbroken loyalty to charitable and public welfare established by his grandfather whose benefactions to charity and education won public esteem.

Dean Sage died suddenly on July 1st, 1943. Increasingly will his loss be felt by those whom he counseled in his profession as a lawyer, by the sick in whose behalf he so earnestly labored, by the medical profession whose members he enabled to give of their best knowledge and by many of the less fortunate who enlisted his sympathies and who received aid and comfort from him.

Dean Sage was a man of firm purpose who always steered a straight course, whose fairness and directness of approach and manner reflected his soundness of judgment and strength of character. To be aware of his interest gave his associates not only in The Prison Association of New York but in other bodies as well, a feeling of confidence and strength and a desire to act in accord with the highest ideals of charitable and public service. The humanitarian principles which he so well expounded and practiced, well epitomized an outstandingly exemplary character, greatly endeared and beloved by all members of the Executive Committee.

Therefore, Be it Resolved, that the Executive Committee of The Prison Association of New York records its sorrow at the loss of a member who will be irreplaceable.

Be it Further Resolved, that its sympathy be extended to his family.

Ira Barrows

On January 12, 1944 Mr. Ira Barrows passed away at the age of eighty-three years, and thus the Association loses one who was a faithful member of its Executive Committee for twenty-seven years.

Mr. Barrows will always be remembered as a bright and pleasing personality and a man of energy and determination. He was a friend of the erring boys and for many years served as an active and progressive minded member of the Board of Managers of the House of Refuge on Randalls Island. He was outstanding in the campaign that finally resulted in the establishment by the

State of two new institutions for young offenders as a substitute for the outmoded House of Refuge.

Be it Resolved, that the Executive Committee of the Prison Association of New York records its sorrow at the loss of a true friend and staunch supporter, and

Be it Further Resolved, that the sympathy of the Executive Committee be extended to Mrs. Barrows.

THE PRISON ASSOCIATION OF NEW YORK

In the latter part of the year 1844 there appeared in the papers of this city a notice addressed to the public, and signed by the President of the Board of Inspectors* of Sing Sing Prison, inviting "the attention of the benevolent to the destitute condition of discharged prisoners." Soon after the publication of this notice a meeting was held, and that meeting marked the birth of the Prison Association of New York, the first organization of its kind in the State. At the meeting it was decided that the scope of the Association's activities should not be limited solely to the care of the discharged prisoner, but that the Association should concern itself intimately and generally with the treatment of the prisoner, regardless of his place of detention. In other words, at the beginning, the sponsors of the Association recognized the importance and gravity of the crime problem and were not content to confine themselves to one phase of it. By an act of the Legislature the Association was incorporated in 1846 and given authority to visit and inspect the prisons and required to report annually to the Legislature. (See Preface, page 3.)

So the Association has gone on, year after year, unceasingly, and with earnest alertness, combating those things which impede progress in the solution of the crime problem, and initiating and giving utmost support to endeavors that indicated a forward movement. It has been faithful in endeavoring to reform those who have become criminals; in aiding the discharged prisoner and helping him to lead an honest life; guiding and helping destitute mothers, wives and children of men in prison; making prison conditions humane and effective, and securing legislation to improve court procedure and the administration of institutions.

* The managing body of the prison.

AT a meeting of the Executive Committee of The Prison Association of New York held on May 20, 1943, at the Midday Club, New York City, the following preambles and resolution were unanimously adopted:

WHEREAS,

EDWARD R. CASS

has been associated with The Prison Association of New York for the past thirty years and has served as its General Secretary and in an Executive Capacity for twenty-one years; and

WHEREAS, during that period he has given his entire energies with an unswerving purpose and consecrated devotion toward fulfilling the lofty aims and high ideals which animated the Founders of the Association; and

WHEREAS, he has shown ability, tact and consideration in carrying on the work and has endeared himself to the members of the Executive Committee and earned the respect of all with whom he has been brought in contact;

NOW, THEREFORE, BE IT RESOLVED:

That we tender him this expression of our appreciation of his loyal and effective service, and order that a copy of these minutes be engrossed and presented to him as a token of the respect, admiration and affection of his associates.

EDWIN O. HOLTER

DEAN SAGE

BARBARA S. ADLER

FRANCIS E. POWELL, JR.

JOSEPH W. DAVIS

REEVE SCHLEY

CHARLES C. AUCHINCLOSS

LEWIS E. LAWES

G. HOWLAND SHAW

R. C. PATTERSON, JR.

DAVID DOWS

HERBERT L. PRATT

HENRY G. GRAY

KATHARINE DELANO PORTER

CLOVER TODD DULLES

J. R. SWAN

The following names of members of the Executive Committee will be added upon their return from military service: Archibald S. Alexander, Richard F. Babcock, Charles S. Cutting, Harold K. Hochschild, C. McKim Norton, and Henry C. Taylor.

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THE PRISON ASSOCIATION OF NEW YORK

OFFICERS FOR 1943

President *Recording Secretary* *Treasurer*
EDWIN O. HOLTER ARCHIBALD S. ALEXANDER† C. C. AUCHINCLOSS

Corresponding and General Secretary
E. R. CASS

Assistant Secretary
ROBERTS J. WRIGHT†

Vice-Presidents

C. C. AUCHINCLOSS HERBERT L. PRATT
HAROLD K. HOCHSCHILD†

Executive Committee
EDWIN O. HOLTER, *Chairman*

Class of 1943

MRS. JULIUS OCHS ADLER
CHARLES SUYDAM CUTTING†
DAVID DOWS
HENRY G. GRAY
EDWARD P. MULROONEY***

Class of 1945

C. MCKIM NORTON†
MRS. H. HOBART PORTER
DEAN SAGE*
G. HOWLAND SHAW
HENRY C. TAYLOR†

Class of 1944

IRA BARROWS**
JOSEPH E. DAVIS
MRS. ALLEN W. DULLES
REEVE SCHLEY****
JOSEPH R. SWAN

Class of 1946

RICHARD F. BARCOCK †
LEWIS E. LAIVES
RICHARD C. PATTERSON, JR.
FRANCIS E. POWELL, JR.

† Granted leave of absence for duration

‡ Died July, 1943

** Died January, 1944

*** Became a member of the Executive Committee December, 1943

**** Became a member of the Executive Committee January, 1943

STANDING COMMITTEES FOR 1943

COMMITTEE ON LAW

GRAY, SAGE, LAWES, ALEXANDER*

COMMITTEE ON FINANCE

AUCHINCLOSS, SAGE, HOCHSCHILD,* PRATT, SWAN

COMMITTEE ON DETENTIONS

DOWS, PATTERSON,* MRS. DULLER, BARROWS

COMMITTEE ON NOMINATIONS

AUCHINCLOSS, HOCHSCHILD,* SAGE

COMMITTEE ON PROBATION AND PAROLE

SHAW, MRS. PORTER, SCHLEY, POWELL, CUTTING,* TAYLOR*

COMMITTEE ON PRISON ADMINISTRATION

LAWES, MRS. ADLER, NORTON, DAVIS, BARCOCK*

* On leave for duration.

NINETY-NINTH ANNUAL REPORT OF THE PRISON
ASSOCIATION OF NEW YORK

February 14, 1944

HON. JOE R. HANLEY,

Lieutenant-Governor of New York:

Sir.—In accordance with Chapter 163 of the Laws of 1846, we have the honor to present the Ninety-ninth Annual Report of the Prison Association of New York, and to request that you will lay the same before the Legislature.

Respectfully,

THE PRISON ASSOCIATION OF NEW YORK

By EDWIN O. HOLTER, *President*
E. R. CASS, *General Secretary*

RECOMMENDATIONS *

February 14, 1944

To the Honorable Members of the Senate and Assembly:

In accordance with Chapter 163 of the Laws of 1846, we have the honor to present the following recommendations to the Legislature as a *part* of the 99th Annual Report of the Prison Association of New York, and urge that they receive your serious consideration.

Respectfully submitted,

THE PRISON ASSOCIATION OF NEW YORK

E. O. HOLTZ, *President*

E. R. CASS, *General Secretary*

PREFACE

The war has greatly attracted public attention toward the prisons. Fortunately this has been of a favorable character on the whole, traceable largely to the splendid contribution that has been made by the inmates of both Federal and State institutions to the war effort. These outstanding achievements will be referred to later in this report in considerable detail, but suffice it to say now that there seems to have developed a realization on the part of the public generally, government officials and employers that those who have broken the law are capable in many instances of maintaining themselves as decent law-abiding human beings if given the right kind of guidance, understanding and opportunity. In making the following recommendations, some of which have been made previously, the Prison Association of New York is hopeful that the present gains in penological development will be maintained and added to in every possible way so that the correctional procedures not only in this State but throughout the country will produce better results in the form of rehabilitated inmates than ever before.

The Prison Association of New York, now entering upon its one-hundredth year of uninterrupted existence, has no desire to engage in wishful thinking, but instead is anxious to make available again for public good its best observations and experience in the interest of progress. We realize naturally that the war will cause delay in the fulfillment of some of these recommendations, but in

* Each member of the Legislature received a copy of the Recommendations on February 14, 1944.

the shaping of plans for the post-war period, we cannot overlook the need of devising better ways and means to deal with the law-breakers, especially those who are placed in institutions. It is true that throughout the country generally, there is a decrease in the population of our various institutions, and in certain quarters there is discussion pointing toward the closing of some institutions and combining their population with others. The wisdom of this procedure is questionable in the light of past experience which has shown that prison populations usually decrease in war-time and increase following the peace. From 1923 to 1940 the prison population increased seven times as fast as the general population. It would therefore seem logical that at a time when the institutional populations are low, we should be looking into the future and making our plans for a more effective correctional system.

The Prison Association therefore enters the following as its first recommendation:

I. REVIEW OF CORRECTIONAL PROCEDURES

It is recommended that there be undertaken a carefully planned review of the aims and achievements of the correctional procedures in this State in preparation for the problems that must be met during the post-war period and for some time thereafter.

Comment:

The above recommendation contemplates a thorough all-around examination of the strong and weak points of the various activities relating to crime prevention, court procedures, probation systems, institutional administration, parole and after-care, with a view to being prepared for the almost certain increase in crime following the war.

II. THE MORE EXTENSIVE USE OF THE MANPOWER AND FACILITIES OF THE CORRECTIONAL INSTITUTIONS OF THE STATE FOR WAR NEEDS

It is strongly recommended that the Legislature explore the possibility of increased production by the industries of the various prisons for the war effort to the end that the output from the New York State institutions be brought up to a level more comparable with other States. Effort should also be made to use the labor of prisoners in an increasing volume in salvaging and manufacturing processes in connection with the program of the United Nations Relief and Rehabilitation Administration.

Comment:

In the 96th Annual Report of the Prison Association of New York to the Legislature¹ we urged legislative exploration of the full possibilities of utilizing the manpower and facilities of the prisons of New York State in the National Defense Program, as it was then referred to. This, it will be noted, was twelve months in advance of Pearl Harbor.

Again in our 97th² and 98th³ Annual Reports to the Legislature we urged the full and unqualified legislative support of the State Department of Correction to the end that the labor of prisoners would not be lost as a potent possibility toward the fulfillment of war needs.

The industries of the Federal prisons and the State prisons have made an excellent demonstration of the soundness of the plan of using the labor of prisoners for war needs by providing articles for the Army and Navy, valued at millions of dollars.

In summarizing the relationship of New York's prisons to this program it can simply be said that there is need for more war work. The prison industries of this State are being slowed down, and our State Department of Correction should be able to solicit orders for war work without State Defense Council limitations. The New York State Department of Correction should be active and free to go after this business.

The road for progress in this direction is clear beyond the point of demonstration, and therefore the prison industries at Sing Sing Prison should not be sharply on the decline. For example, the dollar value of the products of the Sing Sing Prison Industries April 1, 1943 to December 16, 1943 was \$359,666.36, whereas for the same period in 1942 the value was \$458,827.06. This indicates a decrease of approximately \$100,000, due in part to lack of yarn, steel and leather; however, if sufficient war orders had been obtained, priorities for material could have been secured and thus the decrease might have been avoided.

III. INCREASED FARM ACTIVITIES

It is recommended that all possible assistance be given to the various institutions in the State Department of Correction maintaining farms to increase the production of their acreage as a contribution to the war needs.

¹ Legislative Document (1941) No. 61. The Ninety-sixth Annual Report of the Prison Association of New York.

² Legislative Document (1942) No. 52. The Ninety-seventh Annual Report of the Prison Association of New York.

³ Legislative Document (1943) No. 32. The Ninety-eighth Annual Report of the Prison Association of New York.

Comment:

A great many institutions throughout the country are stepping up farm production as their contribution to the war effort. The institutions of New York State should do likewise, and if legislative support is necessary for funds for this purpose, this should be forthcoming.

IV. IMPROVED TREATMENT OF YOUNG OFFENDERS

It is recommended that because of the seriousness and prevalence of youth crime, the Legislature continue to consider very thoroughly various proposals to improve the methods of control and treatment of young offenders.

Comment:

Present trends of juvenile delinquency and adolescent crime are on the upgrade, and immediate attention to this problem on the part of the State is necessary. Particularly is this true when one contemplates the situation that may prevail during the immediate post-war period. The psychological reaction resulting from the sudden cessation of war training and employment, together with the task of readjustment to the community at peace, may bring about further criminality. The State should be fully prepared to meet any eventuality, and the adoption of an all-inclusive plan of treatment of the young offender will pay dividends over the course of the years.

V. DETENTION OF JUVENILES

Section 82 of Chapter 761 of the Laws of 1942 and Section 21 of the Children's Court Act should be amended so as to eliminate the permissive legislation allowing the detention of juveniles in county jails and city prisons.

Comment:

The Children's Court of New York City sponsored the enactment of Chapter 82 of the Laws of 1942 to provide special detention for those who could not be satisfactorily controlled in the shelter more generally used by the Court; however, the City Prison, Manhattan, although a new structure, is not suitably designed or staffed to house juveniles. Psychologically and in every way it is improper to house juveniles in a city prison. It is contrary to the whole theory and spirit of the Juvenile Court. It is a challenge to the resources of the City of New York to provide more satisfactory housing for these juveniles as well as all others whose cases are awaiting disposition of the Children's Court.

VI. COMPLETION OF DEMOLITION OF OLD SING SING CELL BLOCK

Funds should be provided to whatever extent necessary to make certain that there will be no delay in the complete demolition of the old cell block at Sing Sing Prison.

VII. ADDED RESTORATION OF PSYCHIATRIC, EDUCATIONAL AND OTHER PROFESSIONAL SERVICES FOR THE INSTITUTIONS OF THE STATE DEPARTMENT OF CORRECTION

It is recommended that the professional services, including psychiatric, psychological and those of allied fields eliminated in 1939 and partially restored in 1941, be restored to their former numerical strength.

Comment:

It is obvious that penal and correctional institutions in order to be of lasting value to society must do more than merely detain offenders for varying periods of time. There can be no intelligent program of study and treatment without the well balanced application of psychiatric, psychological, medical, educational and other allied services. It is true that the war has also impaired somewhat these services, and that at one institution there has been difficulty in maintaining the psychiatric service; however, regardless of all these difficulties, whether they be caused by the war or whatever reason, the importance of their value should not be overlooked. None of these services should be regarded as the sole agent in any program of rehabilitation, but instead as a part of a well rounded approach with emphasis on individual study and treatment.

The Prison Association of New York nearly thirty years ago urged and supported the establishment of the first psychiatric clinic in a correctional institution in this State. Established in 1916, the Sing Sing psychiatric Clinic has not as yet been satisfactorily welded into the routine of the institution.

VIII. CLASSIFICATION OF PRISONERS AND COMMITMENT PROCEDURE

It is recommended that the Legislature, to make the greatest use of the varied institutional facilities of the State, authorize funds for the establishment of a Division of Classification within the State Department of Correction.

It is further recommended that legislation be adopted prohibiting the commitment of prisoners to specific institutions and, in lieu of this, authorize commitments direct to the Department of Correction.

Comment:

A comprehensive classification program within the State Department of Correction to make more efficient use of the various correctional institutions of the State is urgently needed. Funds should be made available for the appointment of a Director of Classification, responsible to the Commissioner of Correction, in order to give guidance and stimulation to a centralized program. The full advantage of such institutions as the New York State Vocational Institution, Walkkill Prison and Elmira Reformatory cannot be realized except through the establishment of a departmental classification system. Classification is a reality in the Federal Prison System and in progressive States such as New Jersey, California and others, and should be in New York.

As an aid toward the fulfillment of a classification system we have repeatedly recommended to the Legislature that commitments be made directly to the Department of Correction and not to the various institutions as is now the case. Inmates should be received at *one* institution as was contemplated when the new Sing Sing was authorized in 1916. (See page 27 of 72nd Annual Report of the Prison Association of New York for 1916.) As an immediate step, direct commitments to Elmira Reformatory and the New York State Vocational Institution should be stopped and made instead to the Department of Correction. Studies have shown that the treatment programs of both of these institutions have been severely handicapped and retarded by virtue of the character of some of the prisoners sentenced. The intent and expressed purpose of these institutions is not in keeping with the present commitment procedure. Elmira Reformatory, for example, was established by law for the youthful first offender, but it has been noted repeatedly that too many of those received are not first offenders and are of a low average intelligence. Under such conditions the institutional program cannot be expected to give the best results.

IX. STATE COMMISSION OF CORRECTION

It is recommended that Sections 46, 47 and 48 of the Correction Law be amended so that the Commissioner of Correction will not, by law, be in a position of direction and control of the general powers and duties of the Commission.

Comment:

The Prison Association is largely responsible for the establishment of the State Commission of Prisons, the successor body of which is the present State Commission of Correction. In urging the establishment of the original body, prior to 1894, the Associa-

tion held that there should be a state financed, independent, free-handed supervisory body to concern itself with the penal and correctional institutions of the State. Under the present arrangement, the Chairman of the State Commission of Correction is the Commissioner of Correction. This was not the case prior to 1926. It is evident that there now exists the anomalous situation whereby the head of the Department of Correction is also the Chairman of the Commission (a Constitutional provision which we do not consider sound.) The Commission is required by the Constitution to visit and inspect the institutions of the Department of Correction, as well as others. Under present procedure the Commissioner of Correction is in a position somewhat similar to that of a bank president who would be permitted to audit his own books.

The Association has recommended and continued⁵ to recommend that Sections 46, 47 and 48 of the Correction Law be amended by omitting the words "... subject to the direction and control of the Commissioner of Correction" as applied to the general powers and duties of the Commission. By deleting the specific "direction and control" clause there is less danger of restricting the activities of the Commission or defeating the purposes for which it was established, to wit, freehanded investigation and supervision in the interest of good management and public welfare.

X. RESTORATION OF THE CENTRAL GUARD SCHOOL

It is urgently recommended that funds be made available for the reopening of the Central Guard School of the Department of Correction and that the idea of guard training be extended to the custodial staff of the Department's institutions for women.

Comment:

The rehabilitation of prisoners is largely dependent on two factors, first, on the attitude of the prisoner himself as it may be conditioned by the treatment facilities of an institution and second, as his attitudes and outlook may be affected through contact with the institutional personnel. In fact, the value of a correctional system is wholly dependent on the efficiency, character and morale of its personnel. It is obvious that a personnel well trained and qualified and possessing the specialized knowledge of the task at hand is immeasurably of greater value to the State than an untrained personnel.

The Central Guard School, when it was previously in operation, brought about a noticeable increase in the efficiency of the uniformed force. The School should be revived at the earliest possible opportunity. It was one of the outstanding examples of progress

and the cessation of its activities has been detrimental to the advancement of the Department of Correction. The reopening of the Guard School should include provisions for the *training of matrons of the correctional institutions for women.*

XI. EXTENSION OF FINGERPRINTING

It is recommended that Section 940 of the Code of Criminal Procedure be amended so as to permit the fingerprinting of all persons legally committed to the county jail, all misdemeanants and those charged with disorderly conduct, vagrancy or disorderly persons. The Inferior Criminal Courts Act should be amended to conform to the change.

Comment:

Frequently persons arrested on minor charges are later found to be fugitives from justice, but only after opportunities for their further detention have passed. With authority extended to fingerprint immediately those persons included in the recommendation greater protection can be afforded society through rapidity of identification.

This recommendation can be considered in the interests of national security. These are days when our internal affairs require protection from enemy agents and this further extension of fingerprinting will serve to extend our protective measures.

XII. CONFLICT OF SENTENCES

It is recommended that there be statutory provision allowing the Department of Correction or the Division of Parole to make rules or regulations regarding the minimum sentence to be served by those transferred from a State Prison to the Elmira Reformatory.

Comment:

This recommendation is urged in order to make for added efficiency in the administration of the Reformatory. Compared to the *State Prison sentence, the Reformatory sentence is brief, and following transfer from a State Prison to the Reformatory, some provision should be made toward an evenness of sentence.* The proper administration of a correctional institution is handicapped and disturbed through misunderstandings and resentment on the part of inmates when marked differences of sentence are found in any one institution.

XIII. EXTENSION OF AUTHORITY OF THE STATE DIVISION OF PAROLE

It is recommended that the authority of the State Division of Parole be extended to include the reformatory inmates of Westfield State Farm, and the inmates of the State Vocational Institution at Coxsackie, the Albion State Training School and the Napanoch and Woodbourne Institutions for Defective Delinquents.

Comment:

In the interest of greater economy, centralization of authority and procedure, and uniformity of policy and practice, legislative action should extend the present scope of the State Division of Parole to the institutions enumerated above. The present split authority giving the Parole Board jurisdiction in the majority of cases but local institutional boards authority over others is confusing and contrary to efficient procedure. New York's parole system is regarded by nationally recognized authorities as one of the best to be found in the United States. The standards of the State Division of Parole are unusually high and the caliber of the personnel cannot be surpassed; and the people of New York should be assured of a complete parole service over all its correctional institutions. This recommendation may in itself entail slight added cost to the extent of adding additional parole officers, but the added cost could be offset by transfer of the parole personnel not now under the State Board of Parole.

XIV. SEXUAL PSYCHOPATH LAW

It is recommended that favorable consideration be given to the recommendation of the committee* headed by Chief Justice Bayes of the Court of Special Sessions of New York City for the enactment of a "sexual psychopath law" which would make it possible to keep sex offenders confined in institutions even after the expiration of their sentence, if in the judgment of competent authorities they are not reasonably safe to be at large.

Comment:

The report of the committee headed by Judge Bayes should be carefully studied. It shows an earnest effort to come to some clear understanding regarding the sex offender, as well as an attempt to suggest means of control and treatment. Unless a well rounded

* See Report of Mayor's Committee for the Study of Sex Offenses (for the ten year period 1930-1939), released January, 1944. New York City.

plan is developed to deal with this type of offender, we shall from time to time be confronted with expressions of alarm regarding the sex offender and a hot and cold attitude on the part of the public.

XV. TRANSFER OF ADMINISTRATIVE CONTROL OF COUNTY PENITENTIARIES TO THE STATE DEPARTMENT OF CORRECTION

It is recommended that the Legislature authorize the transfer of administrative control of the county penitentiaries to the State Department of Correction.

Comment:

The Prison Association over a number of years has urged legislative action on this situation. The county unit of government is not designed to assume the responsibility of administering penal institutions holding sentenced prisoners. The State Department of Correction is considerably better adapted to the administration of such institutions. This would make for centralization of control and administration and should effect a saving to the taxpayer as a result of greater efficiency of operation. This proposal, it would seem, would be in the interest of further "streamlining" of the State Government. Basically, the only reason for the present procedure is one of tradition dating back to the early days when the county unit of government was supreme.

XVI. EXTENSION OF CIVIL SERVICE TO INCLUDE EMPLOYEES OF COUNTY PENITENTIARIES

It is recommended that the provisions of the State Civil Service Law be extended to include the personnel of the county penitentiaries.

Comment:

In keeping with the foregoing recommendation, legislative action should be instituted to the end that the employees of county penitentiaries be under the provisions of civil service. This action is recommended, first, as a protection to the personnel; second, as a protection to the people of the State; and third, for the establishment and application of higher standards and qualifications for this difficult job in human relations.

XVII. APPOINTMENT OF MATRONS IN COUNTY JAILS AND PENITENTIARIES

It is recommended that legislation be enacted providing for the mandatory appointment of matrons in county institutions and in courts where women are detained.

Comment:

At the present time the Correction Law does not provide for the presence of matrons in county jails and penitentiaries and some court pens; in accord with modern standards and common decency this condition should not be tolerated. Legislation is required to correct this situation.

XVIII. PROBATION

It is recommended that in the interest of improved probation service in New York City and throughout the State, the Legislature give support to the following proposals:

- (1) Consolidation of the eight different and unrelated probation services now in operation in New York City.
- (2) Extension of the authority of the State Probation Commission to the point where its authority will be of greater value to the people of the State than its present limited advisory powers.
- (3) The establishment of a state subsidy for the development of probation in those areas not now utilizing this modern treatment procedure.

Comment:

The Prison Association of New York was conspicuously identified with the passage of the first probation law in this State over forty years ago, and through the years has been active in probation service and its improvement. Probation has progressed, but it still requires further improvement in the interest of its greatest service to the people. The value of probation depends upon the extent and quality of its administration. We were the pioneer agency identified with probation service in the Court of General Sessions (Manhattan) and stood alone for many years urging improvement of probation work in that Court. The Probation Department of the Court of General Sessions, as it has operated for many years, reflects our interest and agitation. However, we do not believe there should continue the unevenness of probation service in this city as now exists and has existed for too long. Probation if good for one court should be good for another and should be maintained on the same high level of organization, personnel and procedure. Therefore, we believe that the only answer to this end is a consolidation of the probation services of the city under a well worked out plan of administration with virile direction and leadership. For the probation service in other parts of the State, the active supervision of the State Probation Department should be strengthened and encouraged.

XIX. COMPENSATION FOR INJURED PRISONERS

It is recommended that consideration be given to the need for the establishment of a system of graduated compensation for prisoners injured while employed in the industries or otherwise in the institutions of the State Department of Correction.

Comment:

There is no valid reason why compensation should not be paid to prisoners seriously or permanently handicapped through no fault of their own. There are instances where prisoners have been liberally compensated and others where no compensation has been received. This leads to the recommendation providing a system so that discrimination will not be possible. The assurance of justice as a safeguard against fraud and exploitation is necessary through legislative action.



WAR PRODUCTION BOARD

PRISON INDUSTRIES BRANCH

Certificate of Merit

WASHINGTON, D. C.

This is to certify that

Edward R. Gann

is hereby cited for an Award of Merit for outstanding service to the Nation through participation in the development and administration of the program for the utilization of the industries and the farm-lands of the reformatories and prisons of the various States and the labor of their inmates for the production of food-stuffs, materials and supplies as an essential contribution toward the War Effort.

Edward R. Gann
DIRECTOR, PRISON INDUSTRIES BRANCH

THE WAR BOOM IN THE COUNTRY'S PRISONS

Some of the nation's busiest war workers are the men and women who dwell in its prisons. These war workers are not making big money, but they are working with a will that has won War Production Board citations for many prisons and reformatories in America. Mr. Donald Nelson, Chairman of the War Production Board, addressing a group of prison officials at a meeting in Washington in June, 1943, said quite pointedly, "You have done an excellent job. I really didn't think it could be done."

At the 73rd Annual Congress of the American Prison Association,* held in New York City November 20th to 22nd, President Roosevelt sent the following communication:

THE WHITE HOUSE

WASHINGTON

November 15, 1943

Statement by the President

The enthusiasm of both prison authorities and the prisoners in taking part in wartime activity has been most gratifying. The Federal Prison System had already worked out an admirable industrial program before we entered the war. I am glad to learn that the Government Division of the War Production Board has been able to help the State Prisons in progressive development in prison industries. This improvement of prison production and morale in wartime is an achievement of great immediate moment. But prison reform is a problem which will have equal importance in planning for peace time activities. The curbing of delinquency is one of our great public issues, and our post-war programs must reckon with it. The wartime gains in this respect must be consolidated and perpetuated.

An improved system of prison industry and agriculture is vital to any program not only of reformation of prisoners, but of crime repression. In any plan for more efficient and productive prison industry in peace time, it is also essential that our free enterprise be protected and that Labor shall be adequately guaranteed against threat of unfair competition by prison industry. I am sure, however, that this can be accom-

* The General Secretary of the Prison Association of New York is also General Secretary of the American Prison Association.

plished without in any way denying prisoners their just and fair right to work, to be healthy and to be rehabilitated for law abiding existence upon their release.

Letters from the War and Navy Departments expressing similar commendation were read.

During the year the press throughout the country has been liberal in praise of the effort to utilize the interest and labor of prisoners in the war effort and has given high commendation to the achievements.

The labor of prisoners for the war effort has been channeled for the State Prisons and Reformatories largely through the Prison Industries Branch of the War Production Board, headed by Mr. Maury Maverick, former Congressman from Texas, and for the Federal institutions through Mr. James V. Bennett, Director of the Federal Bureau of Prisons. They were both most enthusiastic and industrious in the effort to have prisoners produce for the war needs. Mr. Maverick was in a strategic position as head of the division of the War Production Board in which the prison industries were included to bring into play his qualities of leadership, and was ably assisted by the Chief of the Prison Industries Branch, Major William H. Burke, head (on leave) of the Prison Industries of the State of Michigan. They were given the full cooperation and the benefit of the vast experience of many of those identified with the prison problems of this country for decades, including heads of departments, members of commissions, the wardens and superintendents of institutions, superintendents of industrial departments, and many others. Our General Secretary, Edward R. Cass, was appointed a Consultant of the Prison Industries Branch of the War Production Board, thus continuing the joint interest of the American Prison Association and the Prison Association of New York in the idea of utilizing the labor and enthusiasm of prisoners in the war effort.

At the closing session of the 73rd Annual Congress of the American Prison Association, Mr. Cass was presented with a Certificate of Merit authorized by the War Production Board (see page 26 for copy). In making the presentation Mr. Maverick said in part, "He helped us much by hard work and friendship . . ."

Others presented with a similar certificate on that occasion were Sam A. Lewisohn of New York, long identified with prison progress in this State, ex-Governor Turner of Iowa, formerly Chief of the Prison Industries Branch of the War Production Board, and James V. Bennett, Director of the Federal Bureau of Prisons. Subsequently the Certificate was awarded to Robert R. Bangham, Ohio; Malcolm G. Bardwell, Washington, D. C.; Thomas B. Bergan, New York; Major W. H. Burke, Washington, D. C.; James W. Curran,

Maryland; Clinton T. Duffy, California; William J. Ellis, New Jersey; Thomas P. Gore, Tennessee; Harry J. Griffin, Washington, D. C.; Garrett Heyns, Michigan; Louis B. Kelly, Washington, D. C.; Lewis E. Lawes, New York; Joe G. LeGory, Washington, D. C.; Matthew P. Maney, Massachusetts; Richard A. McGee, Washington; Matthew C. McMillan, Minnesota; J. Fred Munnell, Michigan; John Schoenfeld, New York; Lucy H. Sergeant, Washington, D. C.; W. Frank Smyth, Jr., Virginia; Mrs. Geraldine L. Thompson, New Jersey; N. E. Tyrrel, Washington, D. C.; Richard A. Wall, Indiana.

The above account is included to manifest the Association's unceasing devotion to the movement, beginning early in 1941 and reflected in a Resolution adopted by the American Prison Association at its 1941 Congress.*

Federal Prisons in the War Effort

Regarding the work done in the Federal prisons, James V. Bennett, Director, states as follows:

In spite of the decline of nearly 50 per cent in the number of available prisoners who can be assigned to industry since the war began, Federal prisons have increased production almost fourfold since Pearl Harbor. For the fiscal year 1943 sales for Federal Prison Industries totalled \$18,789,180.73, while for 1939 it was \$4,777,691.49. During the past year, one carload of war material was shipped by Federal Prison Industries every 44 minutes of each working day.

Included in the production are 65-foot wooden boats for the Army, canvas water tanks used by the Marines in the South Pacific and elsewhere, cargo nets for the Army and the Navy, bomb fins for the Air Force, steel berths for Liberty Ships, water-proof paper liners for ammunition boxes, and artificial limbs for the wounded. Other small but interesting enterprises have been the salvage and repair of floats used by the Navy Department to buoy submarine nets and the stripping, sizing and salvage of copper cable. Other products made include barrack bags, sea bags, canvas shell covers, tarpulins, truck covers, shoes, brushes, mattresses, beds, metal trays, fibre furniture, and bomb noses. The average annual value of goods produced per employed inmate increased from approximately \$1,500 in 1939 to over \$5,000 in 1943; in three factories the per capita production exceeded \$10,000 per inmate.

Federal prisons maintain 20 farms producing vegetables, field crops, and pork. Eleven farms have dairy units, 14 raise beef, and several have poultry projects. The production of field and vegetable crops increased materially during the past

* For details of our earlier interest see Annual Reports, Prison Association of New York, 1941 and 1942, Legislative Documents No. 52 and No. 32.

year, and approximately 10 per cent more acreage was under cultivation. To conserve all surplus farm products not currently used, 19 institutions maintained a program of kitchen canning supplementing farm operations. The value of farm products totals nearly \$1,000,000 per annum.

To improve production and prepare prisoners for jobs in war plants on release, 35 new vocational training courses were organized and 37 vocational classes already in operation have been revamped. Many of these courses, including courses in welding, machine shop work, and aircraft sheet metal work, are sponsored and financed by the U. S. Office of Education as part of a nationwide program to provide pre-employment training for persons going into war production industries. To supplement this job instruction, 161 related training classes are also in operation. Two hundred and eighty foremen have been attending foreman training conference courses. Much of this training is aimed at special employment-placement in war plants and 972 inmates were so placed during the year.

Wages totalling \$783,432.94 and averaging \$221 per worker for the year were paid to over 3,500 prisoners in the industries. Approximately \$600,000 of this amount was either sent dependents or retained by prisoners pending release. Many prisoners used such earnings to contribute their share toward the purchase of War Bonds and stamps. Federal prisoners in one institution alone bought \$15,000 worth of bonds in the Third War Bond Loan drive. Total subscriptions to War Bonds as of November 30 was \$367,200, and all of these purchases were made from the inmate's earnings or from the normal amount he is permitted to keep on deposit. No funds were sent into the institution to use for the purchase of War Bonds.

Over 2,000 Federal prisoners in five prisons were regularly listed as donors to the Red Cross blood bank during 1943. Two institutions alone gave over 1,500 pints of blood to the bank during the year and scientific experiments are now under way at three of our institutions designed to combat some of the diseases to which our soldier boys are falling victim. We are not at liberty to disclose the nature of these projects now but they hold possibilities of great significance. And considerable groups of our men are volunteering themselves for the "guinea pig" part of the research.

Our officers and employees too have shown real patriotism. Up to now almost one thousand of our staff members have entered the armed services and those remaining have shown a zeal, diligence and loyalty which has been sincere and heart-warming. And to top it all, the morale of the Federal Prison Service was never higher.

The State Prisons Go to War

From the November, 1943, Report of the Prison Industries Branch of the War Production Board, submitted by Mr. Maury Maverick, we note:

Patriotism has swept through our penal institutions and fired the hearts of our prisoners, perhaps to a degree exceeding that manifested in the free population. Just a few examples will suffice to illustrate what we mean by this.

Prisoners are unable to pour out their blood on the battlefield while in prisons, but they have literally poured it out by the gallons in donations for their wounded fellow-Americans who have reached foreign battle fields. In proportion to numbers, prisoners have been far more lavish in their blood gifts than has the free population. In one instance, the inmates of a prison with a population of 2,000 voluntarily gave more blood to the Red Cross than the 400,000 free and well-fed members of the community in which the prison is located. As another example, a so-called guinea-pig experiment was held in a Massachusetts institution. Over sixty prisoners volunteered to permit beef blood plasma to be injected into their blood stream, after being told that all of them would suffer pain from the experiment and that some of them might die. One did die, and was posthumously pardoned for his martyrdom. There have been similar experiments held in New Jersey and elsewhere.

Prisoners have been generous with their all too limited funds as well as with their blood and comforts. Notable was their response to the "Bomber Drive" recently held in the State Prisons. The Government Division of the War Production Board estimated that the maximum that could be expected from the prisoners would be the purchase of enough bonds to pay for one \$250,000 bomber. But at the end of the drive in early November, 1943, it was found that the inmates had subscribed to the amount of \$968,000, or enough to buy three super-bombers. All this came from 120,000 prisoners, most of them poverty-stricken when they entered prison and with little or no remuneration after admission.

Prisoners have thrown themselves with a new zeal into the expanded industrial program of our penal institutions made possible by wartime needs and the removal of many former restrictions on prison industry. Patriotic sentiments have, in this another instance, encouraged prisoners to put their best into productive efforts for the war cause. A vast improvement in the morale of prisoners is reported to have resulted from the greater industrial activity now made possible in our prisons.

No phase of the new home front in our prisons has been more impressive than the profound "industrial revolution" which has taken place there since the summer of 1942. At the time of Pearl Harbor, State Prison industries were limited and lacking in enterprise. They were operating at only thirty-five per cent of capacity, even with the physical plant which was then readily available. Total production for state-use and other legal purposes amounted to only fifteen and a half million dollars a year.

Liberalizing rulings and executive orders by the Federal government, administered under the Government Division of the War Production Board, have brought into being a new era in State Prison industry. From August 1942 through December 1943, the State Prisons produced industrial products for various war purposes to the value of \$11,495,920. Agricultural production gained more than five million dollars. Especially impressive was the production of garments for war purposes, the value of which was nearly four million dollars, and the manufacture of cloth and textiles to the amount of over two million dollars. An effort has been made further to stimulate production and prisoner morale by awarding a National Service Certificate of Merit to institutions and plants showing special efficiency in war production. This is comparable to the Army and Navy "E" award given to non-prison defense plants.

Enough has been accomplished to point the way to greater things ahead. What has been done shows that all that is needed is a well-planned program and proper motivation to solve the dilemma of prison industry, perhaps the knottiest problem of prison administration for a generation or more.

CUMULATIVE REPORT OF DOLLAR VALUE—INDUSTRIAL OUTPUT
AND AGRICULTURAL ACTIVITIES—STATE PRISONS—
AUGUST 1942 THROUGH DECEMBER 1943

Cloth and Textiles.....	\$2,072,598
Blankets.....	636,867
Garments and Sewn Products.....	3,793,472
Office Furniture.....	333,902
Boats, Bunks, Chests.....	703,475
Metal Work.....	688,595
Foundry.....	19,580
Farm Increase and Canned Goods.....	5,392,103
Salvage.....	113,165
Brushes and Brooms.....	23,440
Jute, Rope and Burlap.....	1,138,014
Shoe Repair.....	60,984
Laundry Service.....	165,410
Bricks.....	84,922
Mattress.....	150,088
Miscellaneous Products*.....	1,510,708
Total.....	\$16,887,123

* These consist of such items as flax fibre products, cotton picking, wood products, tent pins, stretchers, soap, etc.

CUMULATIVE REPORT OF DOLLAR VALUE—INDUSTRIAL OUTPUT
AND AGRICULTURAL ACTIVITIES—STATE PRISONS—
AUGUST 1942 THROUGH DECEMBER 1943
Total for Individual States

Alabama.....	\$844,651	Nebraska.....	\$405,257
Arizona.....	40,292	Nevada.....	6,796
Arkansas.....	40,947	New Hampshire.....	7,251
California.....	671,915	New Jersey.....	136,101
Colorado.....	21,849	New Mexico.....	616,084
Connecticut.....	89,248	New York.....	490,739
Delaware.....	81,475	North Carolina.....	26,238
District of Columbia.....	172,281	North Dakota.....	1,126,783
Florida.....	31,634	Ohio.....	865,572
Georgia.....	138,641	Oklahoma.....	899,365
Idaho.....	4,194	Oregon.....	799,031
Illinois.....	588,715	Pennsylvania.....	97,476
Indiana.....	600,257	Rhode Island.....	11,738
Iowa.....	487,022	South Carolina.....	45,442
Kansas.....	157,471	South Dakota.....	731,121
Kentucky.....	122,306	Tennessee.....	632,192
Louisiana.....	652,981	Texas.....	2,500
Maine.....	13,073	Utah.....	38,990
Maryland.....	730,978	Vermont.....	804,895
Massachusetts.....	434,397	Virginia.....	78,876
Michigan.....	1,054,180	Washington.....	198,901
Minnesota.....	647,849	West Virginia.....	359,646
Mississippi.....	236,842	Wisconsin.....	214,110
Missouri.....	530,496	Wyoming.....	
Montana.....	187,700		

While it is readily recognized that the industrial program is of tremendous importance in prosecuting the war, the same holds true of any effort expended in increasing the nation's food. Just as the millions of small Victory gardens made their distinct contribution during 1943, so the expansion and intensification of state prison agriculture since Pearl Harbor has meant not only more food but also undoubtedly a better diet for thousands who were fed by the penal farms. While he was Chief of the Prison Industries Branch, Governor Turner gave special attention to setting up the agricultural program in the Branch and he may fairly be regarded as its father and founder. Nearly 25,000 prisoners were engaged in agricultural operations in 1943.

Some rather unusual and significant practices which came to our attention throughout the year are the following: (1) Arizona permitted prisoners to travel over the state, from farm to farm, picking cotton, the prisoners being paid the prevailing wage for their work with the prisoners paying their guards out of their own wages; (2) Virginia and North Carolina allowed prisoners to assist farmers in gathering the potato crop; (3) Montana has had some 200 inmates assisting in agricultural work since January first of this year. The state income from this work amounts to about \$20,000 monthly.

Some special forms of production are worthy of mention. The State Prison of Wyoming raises sheep, and then shears and combs the wool and makes it up into army blankets. The Alabama prison farms raise long staple cotton and then the prison factories process it into army chambray shirts.

It is quite evident that prison agriculture, with its accompanying canning industry, is an integral part of the war program and every effort should be made to step up production and to increase efficiency.

The inmates of women's institutions in our states have also made a sizeable contribution to the war effort, one that certainly calls for a special commendation. The patriotic fervor runs extremely high in most female institutions. This unquestionably reflects the enthusiasm of the administration as well as that of friends and relatives outside the prison. Letters from sons, brothers, and other male relatives to the inmates aid materially in fostering an alert attitude toward the war effort.

Much of the industrial work performed by women in their reformatories is sewing. Shirts for the Navy, mattress covers for the same branch of the service, flags and other insignia for the Army, Navy and the Department of Agriculture, and pillow cases, represent the major portion of the commodities fabricated in these women's institutions. Nine State Reforma-

atories for women have already received the National Service Certificate of Merit for exceeding their quota of industrial production.

The women's institutions have also done extremely well in farm work. Aside from farm crops, which form the basis of all agricultural programs in institutions, much stress is laid on poultry and hog raising, milk production, canning, and cold packing. Most, if not all, of these products, naturally, are consumed within the institution.

Laundering represents an important item in the work program in nearly all women's institutions. The New Jersey Reformatory does the laundry for nearby army camps; the North Carolina institution handles all the laundry for the Marine Aviation Corps in that state. The New York institution at Westfield will soon start laundering 500,000 overseas caps for the Army. In addition to being laundered, these caps will be put in first class shape by insertion of new cap bands, etc. This represents a large task.

The inmates of the women's institutions have responded nobly and with enthusiasm to the request for blood donations, to the Bomber drive, and to the campaigns for the purchase of bonds. In the blood donations, the Red Cross in the vicinity of the institution handles this important type of war work.

Immediately after war was declared, many of the State Prisons stepped up and expanded their vocational training programs, since their administrators felt that this was one effective way of helping the war effort.

While there has always been considerable academic and some vocational training in the State Prisons of America, much of it was indifferent and ineffectual. The men entrusted with such training saw little real advantage in thus preparing men for release, because prisoners had much difficulty in securing employment in industry after having served time in a penal institution, even when given industrial training.

After 1940, however, much of this difficulty was removed with the rise of defense industry. Due to this change in the situation, together with a resurgence of patriotic fervor, prison schools were expanded and teachers were encouraged to do a better job because of more effective student motivation; in general, the whole tone of prison education was vastly improved.

Perhaps the most noteworthy achievement in the field of vocational training since 1940 was made possible by the release of the educational and vocational machinery and other equipment of the now defunct National Youth Authority.

After the passage of the Second Deficiency Appropriations Act, 1943 (P.L.140), making possible the availability of N.Y.A.

equipment to the state prisons, the Prison Industries Branch launched an aggressive program in contacting all state penal and correctional institutions which might be interested in applying for such equipment for the purpose of training inmates along vocational lines. At the Jackson, Michigan, conference in July, 1943, a committee was appointed to coordinate all vocational training efforts and the Washington Office has consistently worked toward the utilization of such equipment for this purpose.

Perhaps the most interesting example of the use of N.Y.A. plant and equipment for vocational training in prisons is that which is under way in Michigan under the Michigan Correction Commission. This is known as the Lake Cassidy Project, which includes several acres of land some 20 miles northeast of the State Prison at Jackson. Set up for immediate use are some 31 cabins, a large brick building and various other shops, a recreation hall, and other buildings.

The project is to operate exclusively as a vocational training undertaking, starting with: (1) aircraft engine repair and maintenance, (2) auto maintenance, (3) machine shop practice, and (4) a radio school. At the start, it is suggested that about 100 boys and young men will be selected from the Jackson prison, and it is hoped that the capacity of the institution, about 250, may be reached at an early date. It will be operated as an honor project without walls or fence, entirely within the framework of the honor system.

This is just one of the many possible vocational training projects which will ultimately develop throughout the country. It is too early to know just how many penal and reformatory institutions will have their requests for N.Y.A. equipment granted, but it is hoped that the number will be large and the results gratifying. Ohio, for example, is already using a machine shop which was dismantled and transported directly to the Boys Industrial School at Lancaster for the purpose of training the inmates in machine and tool work. Instruction is provided in woodworking, machine shop, sheet metal work, welding and automobile repairing. California and North Carolina are both training men for shipyard work. There is, for example, a constant demand in California for trained shipyard men. The prisons of that state have made available hundreds of capable tool makers, metal workers, machinists, welders, tinsmiths, pipefitters, patternmakers, and the like, all trained through the institutional vocational programs.

In short, the prisons since the war have assumed a new sense of responsibility in training men for life after release. There

is a growing conviction that released prisoners must be afforded a new opportunity to secure a normal livelihood, something that in the past was seldom afforded them.

The foregoing accounts, one reflecting the activities of the Federal system and the other the State, are a most gratifying demonstration of the value of cooperative action in a national emergency, and this Association is pleased to have been identified in various ways with the movement through the energy and alertness of its General Secretary. We record our high esteem of the zeal and industry displayed by Mr. James V. Bennett of the Federal system, Mr. Maury Maverick, head of the Government Division of the War Production Board, and Major Wm. H. Burke, Chief of the Prison Industries Branch of that Division.

INDUCTION OF PRISONERS AND PAROLEES INTO THE ARMED SERVICES

In our 1942 Annual Report, page thirty-six, we discussed the changes in the attitude of the War Department on the question of induction and enlistment of ex-prisoners into the Army. In cooperation with National Headquarters of the Selective Service System the Federal Bureau of Prisons developed a procedure for examining, classifying and paroling prisoners found eligible and fit for military service in order to make them available for induction, and the extension of this procedure to State prisons was completed during 1943. The procedure is discussed in the War Production Board report as follows:

In order more directly to supervise the induction procedure for prisoners, the Selective Service System, on February 11, 1943, issued State Director Advice No. 167 recommending the establishment of Special Local boards in penal and correctional institutions to have charge of the selection of prisoners available for the armed services. In composition of such boards, it was recommended that one member should be an officer of the institution, preferably one of the associate wardens, one a member of the local draft board for civilians in that vicinity, and the other members "persons of exemplary character who reside in the vicinity." Generally, these special institutional local boards are made up of three persons, a member of the institutional staff, a member of the local draft board, and a reputable citizen of the community.

The several steps involved in the arduous process of getting a prisoner into the armed service are roughly the following: *first*, he must be an eligible type of prisoner under the Selective Service qualifications, namely, not one serving sentence for heinous or degenerate crimes, and one considered entitled to parole; *second*, the prison authorities must recommend the prisoner as a person eligible for parole, in any event, and as suitable for military service, meeting the prison tests as to a good prison behavior, sound mind, excellent health, and the like; *third*, any such prisoner paroled for military service must meet all the physical, mental, and other qualifications prescribed for inductees, generally, when examined at induction centers; *fourth*, the Army must pass on him after meeting such tests and approve his acceptance for the armed forces; and

fifth, the Army must grant a waiver if the prisoner is not to wait for 30 or 90 days before actual induction into the Army.

The Army has at times aided the institutional local boards in selecting prisoners for the armed services by sending a group of pre-induction examiners right into institutions to screen out of those eligible for parole such prisoners as would be unfit for military service. Such aid precludes the necessity of returning rejected parolees from induction boards to the prisons, a troublesome and expensive process and a blow to the morale of those rejected.

Many details remain to be perfected in this program, especially regarding the presentation and interpretation of prison case records and the diagnoses by military officers at induction centers, but recognition by the Army—and perhaps ultimately the Navy, the Marines, and the Coast Guard—that former prisoners may be accepted for the highest responsibilities and rewards of good citizens is a great step forward.

We are pleased to include the following statement by one who has been sympathetic to the idea of giving former inmates an opportunity to serve their country in the armed forces and who has untiringly given of his time, knowledge and experience in the working out of the details relating to the many problems that arose, some of which still remain.

MEN WITH CRIMINAL RECORDS MAKE GOOD IN THE ARMY

By: COLONEL EDWARD S. SHATTUCK, *General Counsel*,
Selective Service System

The compelling requirements of all out war have opened the way to new approaches to old problems and to new methods for reaching a required goal.

In the mechanical world we recognize these developments in electronics, television and air transportation and similar fields. We realize that when the horrors of war have passed, these improvements discovered and developed under the tremendous necessity of winning the war, will represent a great advance in the scientific field and will be converted to a peace-time use to the benefit of society.

Not so obvious, but equally as significant, are the new approaches to the interdependent relationship of the individuals who are the people of the nation. In times of peace we think very little about this interdependent society. Under the stress of war and the resulting shortage of manpower, we all are conscious of the importance of using every minute of the time and every ounce of

the energy of every individual in the nation. This, in turn, results in focusing the spotlight on groups within the body politic who in normal times are given little or no thought by Mr. Average Citizen. In this field, as in the scientific field, new approaches to the proper utilization of these groups opens the way to future improvement of society, and to better methods for solving the problems of these groups.

Out of this war has come the realization that a man with a criminal record can and will make good if (1) his body and mind are repaired when he is in prison, (2) he is returned to society on an equal footing with his fellow man, and (3) he is given responsibilities which afford him an opportunity to prove his worth. The Army, in opening the opportunity for service to men with criminal records, has opened the door to a new approach to the methods by which prisoners are rehabilitated and returned to their place in every day society.

The Army is willing to accept for service the man with a criminal record who is qualified physically and mentally and whose actions, both before going to prison and while in prison or while on probation or parole, demonstrate that he can and will make good as one of Uncle Sam's soldiers. These men have been given the same responsibility and the same opportunities as every other soldier. They have made good.

Not over a year ago, Mr. James Bennett, the capable and far-seeing Director of Federal Prisons, invited a party of Army officers and Selective Service officials to Lewisburg Penitentiary so that we could talk with some of the men who wanted to serve their country in the Armed Forces. One of the boys we talked with had ten years to serve as a result of having embezzled funds from a North Carolina bank. He frankly admitted his error and pled for an opportunity to repay society. Shortly after our visit, he was paroled and the Army accepted him. He is now a sergeant and is a tail-gunner on an Army Air Forces liberator bomber in an active combat zone. His sergeant's rating tells us he has made good. His position as tail-gunner tells us that he is ready to give his life, if need be, to his country. This is only one story which could be repeated time, and time again.

When Selective Service established the program for selecting men with prison records for service in the Army, they realized that each individual inducted would have it within his power to make or break the opportunity for those to follow. Consequently, great care was exercised in making the selection. The result was that not all men with criminal records have been approved for Army service. Most men on probation and a high percentage of those on parole have been accepted. A few have been paroled from

prison and have entered the Army immediately upon their being paroled to civil life.

We can improve the work we are doing by:

1. Developing better and more successful methods of repairing physical and mental defects during the period men are in prison. Too many of these men cannot qualify for service in the Army because of physical or mental deficiencies. To the extent that we have found physically and mentally deficient men, we have put our finger on one of the real jobs ahead, both during the war and the peace to follow.

2. Encouraging closer and better understanding between those engaged in the program. The Special Panel Selective Service Local Boards should continue to study each case carefully before placing a man in a class available for service; the probation, parole, and prison officials should continue to exercise great care and contribute the maximum of their experience to make sure that only those who will have more than a reasonable chance to make good are recommended for induction into the Army.

3. Seeking and gaining the complete confidence of the Army to the end that they will rely on the judgment of the probation, parole, and prison officials and the Selective Service Panel Local Boards rather than to continue the present cumbersome and mutually difficult system of waivers.

4. Gathering information concerning the men who have entered the Service. No one item will bring public confidence quicker than actual true stories about the men who are serving their country.

5. Making every effort possible to encourage the Navy to follow the Army's lead in this field. The Navy has, so far, clung to their regulation which forbids the induction into the Navy of any man who has ever been convicted of a felony. The best way to secure a change in Navy policy is to demonstrate that the men taken by the Army have served effectively and with honor.

With your continued help, with patience and perseverance, with confidence in the fact that "our program" is right and disregarding all the little discouragements and misunderstandings, let us go on determined that we shall demonstrate that a man with a criminal record, who is given a real opportunity, will serve his country well; will dedicate the rest of his life to useful service to society and will never bring discredit upon those who have evidenced their confidence in him.

Such a program bears witness to the words of Christ when He said "Neither do I condemn thee; go, and sin no more."

1943 AT A GLANCE

Contribution to the War

During the year 1943 uppermost in our mind as an Association were questions such as: What can the prisons do to help win the war? To what extent can prisoners be brought into the armed services? Is it reasonable that the members of the custodial staff of prisons as well as probation and parole officers be deferred from military service or the demands of the Manpower Commission? On all these questions our Association has been continually alert and active. We have been almost daily in touch with officials in Washington as well as in our own State. The foregoing pages under the caption, "The War Boom in the Country's Prisons," will give some idea of the achievements resulting from cooperative interest and effort in which we were glad to share and give the best of our knowledge, labor and experience.

Regarding the induction of prisoners into the armed forces, we have always been opposed to the thought that the prison gates should be opened indiscriminately or that offenders should be given the choice of going into the Army or the Navy instead of being committed to an institution. We have from the start favored the idea of opportunity being given to those inmates or parolees or probationers who can meet certain requirements to serve their country. Under a system of selection, changing throughout the year and not yet having reached a state of all-around satisfaction, thousands of men who have been in conflict with the law are now serving in the armed forces.

On the question of deferment for institutional personnel or probation and parole officers, that attempt has not been at all successful, with the result that the institutions not only in this State but throughout the country, as well as the probation and parole services, are working under great handicaps and with a dangerous minimum in too many instances of able and qualified personnel.

Joint Legislative Committee

Our General Secretary was asked to serve in an advisory capacity to the Joint Legislative Committee to Study the Use of New York State Prisoners in War Service. This he was glad to do. This Committee, headed by Assemblyman Brady, is a carry-over of a committee authorized by the Legislature during the 1942 Session and originally headed by Assemblyman Dutton S. Peterson. Mr. Cass assisted Mr. Peterson in writing the Resolution for the establishment of the Committee and its continuance.



THE DEMOLITION OF THE OLD SING SING CELL BLOCK UNDER WAY

The stone of this old block meets the real light of day for the first time in over a hundred years. Some of this stone is being used to reinforce the river bank of the State property.

The Committee is chiefly interested in getting prisoners into the armed forces and in production for war needs, and has been active in this direction throughout the year.

Institution On invitation of the Office of Price Administration in Washington the Association was represented by its Assistant Secretary, Mr. Roberts J.

Food Rationing Wright, at a meeting called by the OPA on February 23rd to discuss food rationing for institutions, restaurants, hotels and Federal prisons. Mr. Wright reported that the seriousness of the food situation was emphasized, and that the OPA representatives indicated that there was just so much food available and that the population of the institutions would have to share with the civilian population. He indicated that there was alarm expressed and also some protest by the representatives of hotels and restaurants, but that it was flatly stated by the OPA that the situation was serious and there were no alternatives. Upon his return from Washington, we sent out to the heads of institutions in every State of the Union a circular letter under date of February 25th outlining the discussion, conclusions and instructions relative to filling out of forms. This information proved to be of help and guidance to the heads of institutions and many of them expressed appreciation for the service rendered.

Institutions and Our General Secretary was invited by Senator
Food Conservation Thomas E. Desmond, Chairman of the Legislative Committee on Nutrition, to assist in the study of nutritional value of foods served the inmates of institutions of the State Department of Correction. To this end he accompanied an agent of the Committee, together with a member of the staff of Cornell University and a representative of the State Department of Agriculture, to Sing Sing Prison and assisted them substantially in making their professional observations and study. The report of Senator Desmond's Committee should bring to light some interesting observations.

Post-War At the end of the War, if the experience of
Considerations other times holds, there is likely to be an increase in crime. This will present many problems for the correctional institutions, and therefore we are at this time directing attention toward future needs. Recommendation I in this Report, page 16, was written with this thought in mind and points toward the problem as a whole. Beginning on page 69 there appears a statement entitled "Correctional Institutions and the Post-War Era" by our General Secretary. This, of course, refers particularly to institutional problems.

Juvenile Delinquency

This subject continues to be one of the most discussed of any of our social problems. The Prison Association is interested because the juvenile delinquent of today is the potential criminal of tomorrow. Throughout the year there has been discussion as to whether there is really a serious increase in juvenile delinquency. Various statistical statements appeared, and there was difference of opinion as to the volume; but as the year came to a close there was general agreement that juvenile delinquency had increased to serious proportions, if not throughout the country, certainly in some parts of it.

Mr. G. Howland Shaw, Assistant Secretary of State and a member of our Executive Committee, addressing himself to the title, "Juvenile Delinquency—A Challenge,"^{*} said in part as follows:

In the first place, the Public has become delinquent conscious and is today more aware than ever before of the boy or girl who gets into trouble; secondly, the Public is insisting that something be done about it and done now. And finally, on account of the absence or at least the serious insufficiency of professional workers and also because the relationship between an inadequate home and juvenile delinquency is being vividly demonstrated by conditions brought about by the War and because the necessities of War have compelled all of us to assume responsibilities and undertake tasks the performance of which in times of peace would not have so much as occurred to us, the men and women who compose the Public have been stirred to a new sense of responsibility and to a growing conviction that they themselves have a definite role to perform in the prevention and even in the treatment of Juvenile Delinquency.

These are constructive tendencies and tendencies which those who are professionally concerned with Juvenile Delinquency must not fail to encourage, not only with a view to dealing with the problem of juvenile or youthful offenders in the immediate present, but also in the hope that the constructive attitudes and the sense of social obligation, born of the crisis of War, may at least in part be carried over to form the new social consciousness which we believe will characterize post-war America.

We have devoted much time and energy to research into the causes and treatment of Juvenile Delinquency and nobody surely will question the value of these investigations, nor the need for their continuance. At the same time, many of us

have felt uneasy at the discrepancy between the results of these investigations as incorporated in our professional literature and as set forth at our professional meetings, and, on the one hand, the uneven and in many cases the totally inadequate translation of these results into concrete terms and, on the other, the attitudes of indifference or even hostility characteristic of the Public when confronted by efforts at such translation. In a real sense, and paradoxical as it may at first thought seem, we, ourselves, have contributed to this discrepancy. We have enjoyed and we still enjoy the dangerously intoxicating experience of stating our conclusions in language largely incomprehensible to the uninitiated, and in our altogether laudable efforts to exclude the incompetent non-professional worker from the field, we have been partially successful in becoming so esoteric that we have unintentionally, but nonetheless in reality, often excluded the general public. We are hardly in a position, for instance, to complain if the Public is not helpful to us in dealing with a boy who has stolen a car to give his girl friend a ride if we have proclaimed that that same boy is so complex a being that only a psychiatrist can understand the intricacies of his motivation, and nobody but a trained case worker should be permitted to participate in efforts at his rehabilitation. In short, we have seemed to lend scientific justification to the popular view that "bad" boys and "bad" girls are beings apart from other boys and girls and should be left exclusively to the care of competent specialists. And sometimes we have reinforced this same point of view in another and far less creditable form. Possibly under the influence of the vocabulary favored by certain law enforcement officers we have been known in our public utterances and contacts to dwell unduly on the more sensational details of some case of delinquency presumably with the unavowed and perhaps even largely unconscious purpose of assisting our hearers to infer a high degree of skill on our part in successfully handling such dangerous young gangsters. But whether as scientist or lion tamer in the behavior problem field, the fact remains that we have often contributed to the thinking of the Public a picture of the juvenile delinquent, so radically differentiating that delinquent from his socially acceptable brother as to discourage the Public from any active participation in effective programs for the prevention and treatment of Juvenile Delinquency.

The War is giving us the opportunity to take stock of ourselves, to reform ourselves, to reexamine our favorite ideas, to check those ideas against our practices and achievements, above all to reconsider our relationship to the Public. Perhaps,

^{*} *The Prison World*, Vol. V, No. 5, September-October, 1943. (Official publication of the American Prison Association.)

if our leadership is equal to these opportunities, the Public may, one of these days, come to believe that every community has the delinquents which it deserves and to collaborate with us in seeing to it that more communities have fewer delinquents.

Throughout the year our office has kept in touch with the situation in the City and Nation so far as possible, and has also gathered information from England, with the assistance of the British Information Service. We have zealously responded to inquiries relative to conditions and have given guidance at every opportunity. In addressing Mr. Wm. B. Herlands, Chairman of the Mayor's Committee on Juvenile Delinquency, we urged that the committee proceed on the premise that there is always too much juvenile delinquency, and that we should not be suddenly stirred to action because there is a rise here or there. The problem has been with us for a long time, regardless of its varying degree of volume, and the challenge is still before us as to what can really be done about it. Further, the hope was expressed that in the course of the work of the Mayor's Committee, there would not come forward the suggestion that there is one cause or one cure. On the basis of our experience we have come to the definite conclusion over the years that there is a combination of causes and that there will be required the application of a combination of remedies.

The Committee on Crime Prevention of the American Prison Association, with which our General Secretary is identified, at the 73rd Annual Congress of that Association submitted a very informative and useful report. We think so highly of this contribution to the problem of juvenile delinquency that we are including it herewith as Appendix A, page 81.

Children in County Jails We continue to oppose the housing of children in county jails or city prisons, although permissible under the law. Children may be kept in county jails provided they are kept separate from adults. Children may be kept in City Prison, Manhattan, by virtue of an amendment to the Domestic Relations Court Act, Chapter 761, Laws of 1942. We hold that the county jail or city prison is no place for children. These institutions are not designed for the proper housing of these young offenders, nor are they staffed so as to make possible the operation of a program intended to improve the health and character of children. We have been especially active to bring about a different arrangement for the housing and treatment of the increasing number of juveniles being sent to the City Prison, Manhattan.

The State Commission of Correction, of which our General Secretary is a member, the New York City Commissioner of Cor-

rection, Dr. Peter F. Amoroso, and Judges of the Children's Court are all opposed to the housing of juveniles in the City Prison or like institutions. It is anticipated at this writing that the situation will soon be relieved, and perhaps permanently corrected, through action of the city authorities. (See Recommendation V, *Detention of Juveniles*, page 18).

Federal Corrections Act In our 98th Annual Report (1942) there begins on page 55 a discussion of the proposal to establish a Federal Indeterminate Sentence Law. It embodies the conclusions of the Committee of Judges supporting the need for the establishment of a special system, more flexible than the present penal system, for offenders under twenty-four years of age. On March 10, 1943 Mr. Sumners of Texas introduced in the House of Representatives Bill 2140 entitled, "A Bill to provide a correctional system for adult and youth offenders convicted in courts of the United States." In the Senate the bill was introduced by Senator Wagner and bears the number S. 895. We are giving support to the bill, the principal features of which are outlined as follows:

Purpose of the Legislation

The basic aim of the legislation is to protect the public and to reduce crime by doing a better job of rehabilitating offenders who can be rehabilitated and by segregating for as long as the law allows the dangerous incorrigibles. It seeks to reduce the present chaos in the Federal administration of criminal justice by coordinating sentencing, treatment, and paroling procedures for all offenders. At the same time, the bill seeks to put an end to the injustices resulting from unreasonable inequality in sentences imposed for the same offense committed under similar circumstances.

Provisions of the Bill

TITLE I

A Board of Corrections is set up in the Department of Justice to consist of a Chairman receiving \$10,000 per annum and 9 members receiving \$9,000 per annum. They are to be appointed by the Attorney General for overlapping terms of six years. The Chairman will designate members to serve in three major Divisions: The Division of Adult Corrections; the Youth Authority Division; and the Policy Division.

The Policy Division will consist of one member of each of the other two Divisions plus the Director of the Bureau of Prisons. It will consider problems of treatment and correction and establish general policies in these areas.

Provision is made for the appointment by the Attorney General of a Chief Parole Officer to administer the parole system and the supervision of youthful offenders.

TITLE II—DIVISION OF ADULT CORRECTIONS

The judge retains the power to admit to probation and to impose a sentence for imprisonment for one year or less.

If the judge determines that an offender shall receive a sentence for more than one year, he will impose an original sentence for the maximum term prescribed by law. The Adult Division will consider all pertinent information on the case (which will include the medical, mental, and environmental factors developed by the specialists in the Federal institutions), interview the offender, and within six months recommend a definite sentence to the court. The court may accept the recommendation or reject it and impose a different sentence.

TITLE III—YOUTH AUTHORITY DIVISION

The court, in its discretion, may commit youths under 24 at time of conviction to the Youth Authority Division. When so committed the youth is sent to a classification center. After thorough study, the Authority may permit the youth to remain at liberty under supervision or assign him to the institution or agency giving the treatment most likely to rehabilitate him. To insure the variety of treatment facilities ranging from maximum to minimum security necessary to meet the varied needs of youth offenders, the Director of the Bureau of Prisons is authorized to supplement existing facilities with farms, forestry and other type camps, and other agencies, and to contract to place youths in other than Federal agencies.

The Authority may release a youth conditionally under supervision at any time and may discharge him unconditionally one year after his conditional release. All youth offenders must be released conditionally within four years of the date of conviction and must be discharged unconditionally within six years after the date of conviction.

To aid in the supervision of youth offenders conditionally released, the Board may enlist citizen volunteers who will serve without pay. The record of youths who earn their discharge before the end of the six-year term is cleared by the setting aside of the conviction.

TITLE IV—SHORT TERM OFFENDERS, PAROLE, ETC.

The Director of Prisons is authorized to designate institutions, camps, or farms of minimum security to which offenders

sentenced for a year or less may be committed and in which they may be kept separate from hardened offenders and employed in such ways as to facilitate their return to society as useful citizens.

The present Board of Parole is abolished and its powers and duties are vested in the Board of Corrections. This means that the Division on Adult Corrections may parole the offender any time after the expiration of one-third of the definite sentence.

The powers of the Attorney General and of the Board of Parole with respect to juvenile delinquents are transferred to the Youth Authority Division.

**Demolition of
Sing Sing
Cell Block**

Of outstanding interest is the demolition of the old cell block at Sing Sing. On September 8, 1943 the Commissioner of Correction was authorized by the Director of the Budget, in accord with authority given by the 1942 Legislature, to proceed with the demolition. For photographs showing the progress of this work see pages 42 and 68. The work is being done by inmates, and at this writing the top tier has been entirely removed and work is steadily progressing. All of the iron work, including gates, hinges and locking devices, has already been sold for war needs. The completion of this demolition will be to the great satisfaction of all who have been aware of the archaic design of this cell block, and who participated for decades in protesting its use. The Prison Association of New York has always been outstanding among those objecting to the use of the cell block, and as far back as 1916 under the slogan, "Sing Sing Must Go," we expected through the passage of legislation that we had then accomplished a much desired goal. Although many years have passed, it is nevertheless a joy at this time to know that the old cell block can never again be used and will soon be a memory.

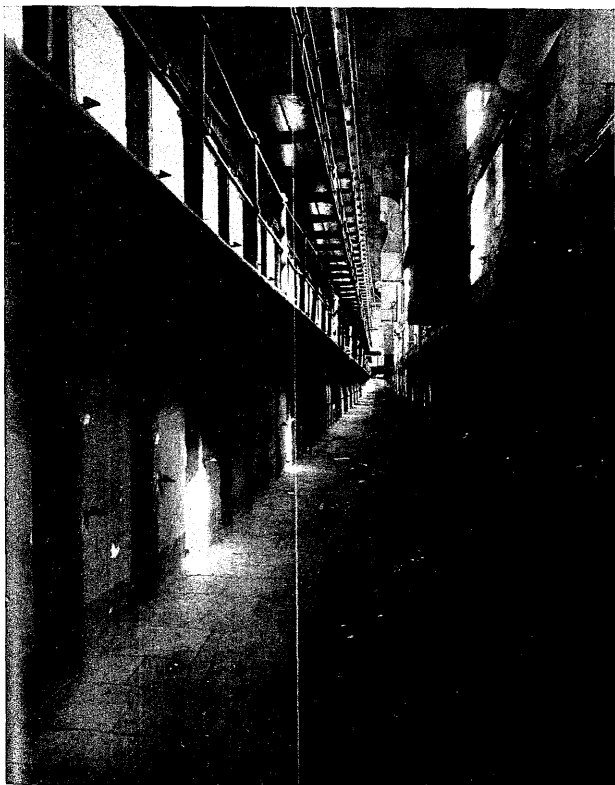
**Supporting
Parole Board
Action**

In the case of one Edward J. O'Connor against the State Board of Parole, the Prison Association of New York, continuing its unceasing interest in good parole administration, concurred with the Parole Board in its refusal to release O'Connor at the expiration of his minimum sentence. A judge in the Supreme Court, sitting in Troy, rendered a decision to the effect that the action of the Parole Board was reviewable by the Court. If this decision* is finally sustained, it would allow for automatic release at the expiration of the minimum sentence for all indeterminate sentences, and this would, as was wisely stated by the Chairman of the Parole Board, "vitate the indeterminate sentence." The General Secretary addressed a letter to the Chairman of the Parole Board, Frederick A. Moran, commending his statement in *The New York Times* of January 9th. A letter was sent under the same date to *The New York Times* by our Association and appeared in full in their issue of January 15th under the title, "Russell Decision Protested." The letter follows:

To The Editor of The New York Times:

The Prison Association of New York hastens to congratulate THE TIMES on the liberal space given in the issue of Jan. 9 regarding the decision in the case of Edward J. O'Connor, a former New York City

* Final decision still pending; however, a decision in the Hines case some months later by another Judge makes clear the point that parole is not a right but a discretion to be exercised by the Parole Board, thus supporting once more the point that prisoners must not be released at the expiration of the minimum.



BEGINNING OF DEMOLITION OF OLD CELL BLOCK, SING SING PRISON
Cell doors and locking mechanism removed.

attorney. This association, having been conspicuously identified with the beginning of the indeterminate sentence and parole in this State and country, sees fit to congratulate also the chairman of the Parole Board, Frederick A. Moran, on his protest of the ruling of Justice Pierce H. Russell, as reported in *THE TIMES*. This association stands unalterably opposed to any interference with the discretionary power given the Parole Board under the law and intended for public welfare and protection.

When it is stated by Mr. Moran that the decision in practice "will vitiate the indeterminate sentence" he is defining the situation correctly. I recall back in 1916, when this association made a study of releases from prison by the then existing Parole Board and it was found that more than 91 percent of those released had served only their minimum sentences, we at that time took the position that if this were to be the practice a Parole Board was not necessary. We vigorously protested this situation and our repeated protests and legislative efforts through the years finally culminated in the kind of parole administration we have had now for some years. We continue to be opposed to the kind of automatic release which is reflected in Judge Russell's decision.

We sincerely hope that when the case is considered by a higher court the result will be in favor of what we think was the proper action on the part of the Parole Board and in accord with its power under the law.

E. R. CASS,
General Secretary.

We are also pleased to include the following letter received from Commissioner Moran relative to the O'Connor case:

January 15, 1943

Dear Mr. Cass:

Thank you very much for your letters of January 9 and 12 and 13 with the material which you enclosed. Your letter to the *TIMES* is an excellent one and certainly the editorials in the *WORLD TELEGRAM* and in the *SUN* ought to be most helpful to parole.

As I possibly told you, I have been reading not only the annual reports of the Prison Association but the old reports of the Prison Commission with the idea that sooner or later I may compile a pamphlet on the history of the indeterminate sentence and the parole laws of New York State. No one could read these reports without being aware of the splendid history of your organization and its responsibility in a great measure for practically every progressive step that has been made in the correctional system in New York State. I know of no more interesting or thrilling story to read than that which tells of the effective organization of country-wide committees who worked for the establishment of Elmira. From the point of view of organization and for social legislation, I know nothing that can equal it.

With very real appreciation for your fine cooperation, I am

Sincerely yours,

(Signed) FRED MORAN,
Commissioner.

**The
Hoffman
Case**

Toward the end of his thirty-day term as Governor, Mr. Poletti commuted the sentence of one Alexander Hoffman, convicted of crime connected with labor union activities. A violent campaign of protest was started by *The World-Telegram* and was

soon picked up by other papers in this City and State and other States. When it came to the question of the kind of employment Hoffman could engage in while on parole, the decision was left with the Parole Board. The Board very courageously and with a display of appropriate independence in the interest of public safety decided that Hoffman could not return to his former line of employment. This was a triumph for Parole Board action. The Association on January 9th addressed Commissioner Sanford Bates of the Parole Board as follows:

Dear Commissioner:

On behalf of this Association allow me to record our interest in the decision by you and your associates on the Parole Board in the Hoffman case which is attracting so much public attention at this time and seemingly justly so. It would seem to us that the proper stand has been taken in prohibiting Hoffman to engage in his previous employment. This action by you and your associates bespeaks the courage, independence and integrity of the Parole Board, and furthermore its loyalty to the ideals of sound parole administration. Parole has been under fire in many instances and in various jurisdictions through the years, and while at times with some justification it would seem that in the Hoffman case, so far as the action of your Board is concerned, the courageous decision should make for public confidence and better understanding and give proof that decent parole administration is a possibility and a public asset.

So far as we have been able to learn from newspaper accounts, it would seem that the release of Hoffman without consultation with the Parole Board or others in authority is most unfortunate, and will have a serious repercussion among the inmates in the prisons who are always sensitive to what they feel is favoritism and the lack of a square deal, as well as raising the question in the public mind as to whether executive clemency was judiciously applied.

Sincerely yours,

(Signed) E. R. CASS,
General Secretary.

Correspondence was also had with the New York *World-Telegram* commending it on its public service in the Hoffman case, expressing approval of the action of the Parole Board and urging that the *World-Telegram* give the Parole Board its support. A splendid editorial appeared in the January 12th issue entitled "The Right Kind of Parola." Space was also given in a news item to the Prison Association's approval of Parole Board action.

Probation

Last year there was appointed by Mayor La Guardia a Joint Committee on Probation in New York City, headed by Judge Samuel Seabury. The Committee under date of December 7, 1942 submitted a report urging the consolidation of the probation systems in the City. There was introduced in the 1943 Legislature a bill, Senate Int. 1291 by Mr. Coudert, to establish a Probation Department in New York City

as recommended in the report. We gave support to the bill, pointing out that it would be well to exclude the Children's Court from the proposed setup. The Seabury Report and the legislation which accompanied it were a source of encouragement because they coincided to some extent with our plea through the years for the improvement of the probation service in all the courts throughout the City. Unfortunately the bill was defeated.

Consolidation of Civil Jails

In line with the Association's longstanding plea that there be a consolidation of the Civil Jails, it is gratifying to note that Sheriff John J. McCloskey of the City of New York has discontinued the Civil Jails in Queens, Bronx and Richmond, and is hopeful that the day is not too far off when the City of New York will have one central jail.

Georgia Prison System

We have corresponded with Governor Ellis Arnall of Georgia who has demonstrated that he is anxious for prison reform in the State of Georgia. We have given him encouragement whenever possible, and it is gratifying to report that the Governor called a special session of the legislature and read the members a most stirring message on the need of doing something about the prison system of Georgia. As a result he obtained the passage of bills abolishing the present setup and creating in its stead a State Department of Correction. He has also appointed a businessman of good standing to serve as head of the newly created State Department of Correction. The Governor concerned himself also about the reform of the parole system. Both the prison and parole systems of the State of Georgia have been targets for the sharpest kind of criticism for some time in the past, and it is now hoped that with the changes brought about by Governor Arnall there will be a new day in the penological history of the State of Georgia.

Tramps and Vagrants

In our 1942 Report we recorded correspondence with the Mayor and Chief Magistrate Curran, questioning their public statements relative to the problem of tramps and vagrants, conveniently referred to as "Bowery Bums." However, it is gratifying to report that a more serious attitude has been taken by public officials and that with the combined operation of the Probation Service of the Magistrates' Courts, the Department of Health, the Department of Correction, the Chief City Magistrate and the Department of Welfare, and aided, of course, by war conditions, many of these men, regarded as "bums" and failures, are being restored to a level of self-maintenance and usefulness. Of course, the whole program is in an

experimental stage, but it gives promise of doing something more than public denouncing or directing humorous gibes at these unfortunate people.

In April at a meeting under the auspices of the Welfare Council, Mr. Samuel Gertner, Acting Administrator, Division of Shelter Care, New York City Department of Welfare, sketched briefly the care available for homeless men since 1898, when the Municipal Lodging House was opened. He traced the provision for their care through the Central Registration Bureau, organized in 1931 by the Welfare Council to coordinate the work of the Lodging House and the private agencies as well as rid the city of 90 odd breadlines; the establishment of Camp LaGuardia in 1934, operated first as a work camp and now as a retraining, rehabilitation and short-term convalescent center for homeless; to the cooperative effort now being made to rehabilitate these men so that the employable ones can get back into a useful industry. At the same time, Mr. Gertner pointed out that "we have not lost sight of our primary function of meeting the needs of all homeless men."

Of the men referred to the Division of Shelter Care by the Probation Court, since the experiment was started, 70 per cent were "thought to be employable, although the majority of these were over forty years of age," Mr. Gertner stated. A follow-up study after a period of four months revealed 80 per cent of these men still at work. The remaining twenty per cent, while eager for work, were not prepared for it, he said, and it was necessary for them to return for "additional temporary care and such services as would make them employable."

"Thirty per cent of the original group was not employable," Mr. Gertner told the conference, "because of their need of many varied services, and it is this group, who became and should continue to be the focus of a special kind of attention by social agencies." He said the group could be divided into the temporarily unemployable and those who are permanently unemployable. For the former, medical care, short-term convalescence and retraining would put many on their feet; of the latter, many were sent to City Home or Farm Colony.

Civil Service and Ex-Prisoners

The U. S. Civil Service Commission will now accept applications from persons convicted of felonies in State courts as well as Federal Courts. In 1942 it was reported that the regulations had been changed to apply only to convictions in Federal Courts (see page 54, 98th Annual Report). The change in policy to include State prisoners is a decided advance. In the application of the regulations various safeguards have been set up to avoid abuse of the discretionary power permitted. Our

Association has always held, and from time to time has urged the Civil Service authorities to agree, that there should be some opportunity for the consideration of the suitability of those who have committed a crime to compete for Civil Service jobs.

Legislation

As has been our practice for many years, we again followed the introduction and progress of bills during the 1943 Session relating to crime prevention, treatment of youthful offenders, court procedures, probation and parole, institutions, the Penal Law and the Code of Criminal Procedure.

Our special attention was directed toward the attempt to reorganize the State Commission of Correction as proposed in Senate Int. 1330, Pr. 1971 and Assembly Int. 1627, Pr. 2295. The Association took the lead in opposing the plan to eliminate the lay members of the Commission and place in their stead the State Commissioner of Correction, the Commissioner of the Department of Health, the Superintendent of Public Works and the Chairman of the Parole Board. The Association circularized the entire State in opposing the change, making the strong point that the proposed setup established a kind of closed corporation of Department heads, making likely the development of a spirit of camaraderie. Further, the powers and duties of the Commission would be subject to the direction and control of the Chairman, making possible a one man commission. We held that the proposed change further impaired the idea of independent authority and operation which was the basic principle for the establishment during the Constitutional Convention of 1894 of the State Commission of Prisons, known since 1926 as the State Commission of Correction.

The bill was not reported out of committee in the Senate or the Assembly.

For further details regarding our interest in various bills appearing during the 1943 Session, see page 74.

Correctional Congress

It was finally decided to hold the 73rd Annual Congress of Correction, sponsored by the American Prison Association, in New York City with headquarters at the Hotel Pennsylvania, beginning Saturday morning, November 20th and ending Monday evening, November 22nd. The chief responsibility of preparing the Congress program and the making of all local arrangements evolved upon the General Secretary and the staff of the Prison Association of New York. This represents another contribution on the part of the local organization toward the continuance of its faith in the value of its offspring, the American Prison Association, a national body concerned with crime study and treatment. The delegates, representing all allied and affiliated groups of the American Prison Associa-

tion, came from thirty-eight States, the District of Columbia, Canada, Hawaii, and Panama. All meetings the first two days were conducted according to pre-arranged panel discussions embracing philosophy and practice in correctional treatment in a modern state, practical problems of administration projected by the war, and preparation for the post-war period. The third day was set aside for meetings of affiliated groups and the Congress dinner where highly laudatory statements were read from President Roosevelt, the War and Navy Departments and the War Production Board on the achievement by prisoners for the war effort. (see page 27).

The November-December issue of *The Prison World*, the official publication of the American Prison Association, is devoted entirely to a brief story of the Congress. A fuller report of the valuable discussion and conclusions will appear in the printed Proceedings of the Congress. This volume can be purchased from the American Prison Association at a cost of \$3.00, or may be found in most municipal, state and college libraries.

Some of the conclusions of the discussion during the Congress are reflected in the following Resolutions:

War Effort in Prisons

WHEREAS, The American Prison Association meeting as a Congress of Correction has taken note of significant accomplishments on the part of prison administrators in many activities which have aided the war effort, and

WHEREAS, These activities have demonstrated the patriotism and resourcefulness of inmates in penal and correctional institutions throughout the country, and

WHEREAS, The productive and constructive aspects of this national prison program are an evidence of the possibilities under a progressive and enlightened public policy in the field of correctional treatment, and the practical social values of the effective use of the manpower of the correctional institutions, and

WHEREAS, The administrators, industrial supervisors and management groups have been greatly aided by the Prison Industries Branch of the War Production Board, and the continuing cooperation of the Federal Bureau of Prisons, and our own American Prison Association Executives,

Therefore, *Be it Resolved*, That we heartily commend the work of the prisoners who have given loyal evidence of their eagerness to cooperate in the National War program, and

Be it Further Resolved, That we commend the Warden, Industrial Supervisors and others charged with administering the correctional and penal institutions, and that special recognition be given to the helpfulness of the Attorney General, the Director of the Federal Bureau of Prisons, the Chairman of the War Production Board and his associates, the Director of the Governmental Division and the Chief of its Prison Industries Branch for their special assistance. Without the cooperation of all these agencies and individuals this nationwide program would not have been possible.

Further, *Be it Resolved*, That the Congress express to the Secretary of War and to the Secretary of the Navy its appreciation of their action in allotting to the various prison industries, State and Federal, contracts for the manufacture of goods necessary to the war effort.

Arthur St. Germain

WHEREAS, Thousands of prisoners in our penal and correctional institutions have repeatedly contributed to the Red Cross Blood Bank, and thousands have voluntarily submitted to medical experiments of great value in the war effort at risks to their health and even to their lives,

WHEREAS, Arthur St. Germain, a Massachusetts prisoner who died as the result of such a test may well be taken as a symbol of the spirit of patriotism and self-sacrifice which has inspired the national service of prisoners throughout the country,

Therefore, *Be it Resolved*, That this Congress record its unstinting praise of these men and women who serve their country though denied the opportunity for full service, and

Be it Further Resolved, That a copy of this resolution be sent to the mother of Arthur St. Germain with an expression of our sympathy to her in the loss of a son who died that others might live.

Special Committee on Post-War Planning of Correctional Institutions

Resolved, That the President and Executive Committee of the American Prison Association be authorized and directed to establish a Special Committee on Post-War Planning of Correctional Institutions to assist in the wise use of such funds as are likely to become available for institutional construction and expansion in the correctional field during the post-war period.

Induction of Former Offenders in the Army

WHEREAS, The American Prison Association has cooperated with the War Department and the Selective Service System in the steps that have been taken to accomplish a long desired revision of War Department regulations which formerly excluded all men with criminal records, and

WHEREAS, Under new regulations carefully selected men meeting Army physical and other requirements may be inducted into military service,

Therefore, *Be it Resolved*, That the Congress express to the Secretary of War and the Director of Selective Service the appreciation of the Association for their foresight and understanding of the possibilities for such national service on the part of these individuals.

Army Rehabilitation Program

Resolved, That the American Prison Association commend the War Department for its policy of rehabilitating and restoring to duty as many as possible of the men convicted by courts-martial, for the establishment of rehabilitation centers in the various Service Commands with that end in view, and for its efforts to organize and operate its military prisons so that they will conserve manpower for the Army and prepare those men who cannot be restored to duty for return to civilian life. The members of the Congress have noted with satisfaction the attendance at its sessions of several Army officers who are assigned to rehabilitation work and extends to the War Department a proffer of whatever aid we can give in carrying out this noteworthy program.

Appeal to the Navy

WHEREAS, A survey of the cases of thousands of men with criminal records now serving in the Army reveals the fact that such men can and do make acceptable members of the armed forces,

Therefore, *Be it Resolved*, That the American Prison Association, meeting as the 73rd Annual Congress of Correction, appeal to the U. S. Secretary of the Navy to bring about a relaxation of the existing restrictions governing induction into naval service so that it may be possible for such men, carefully chosen and in all respects meeting the Navy requirements, to serve in the U. S. Navy, the U. S. Marine Corps, U. S. Coast Guard, and the U. S. Merchant Marine, and

Be It Further Resolved, That the officers of this Association be hereby authorized and directed to follow through with the proper officials of the U. S. Navy the purpose of this Resolution.

Study of the Sentencing Process *

WHEREAS, American sentencing procedures are not based upon any consistent theories, and such procedures are a confusing amalgam of traditional sentencing techniques requiring punishment for specific crimes rather than progressive methods based on the individualization of treatment, and

WHEREAS, Serious disparities exist in each state in the application of present sentencing provisions,

Be it Resolved, That the American Prison Association request the American Law Institute or some other appropriate organization to undertake a nationwide survey of sentencing provisions with a view to formulating a model sentencing code as a basis for legislation in the various states.

Manual of Crime Prevention

Be it Resolved, That the American Prison Association enter into a joint project with the Society for the Prevention of Crime in order to implement the resolution passed at the 72nd Annual Congress of Correction in 1942 that a survey of crime prevention techniques be undertaken and a Manual of Crime Prevention be prepared and published.

Religion in Institutions

WHEREAS, The world as never before has need at this time to preserve its hold on enduring spiritual values, and in our correctional institutions we need to erect new and strong bulwarks against cynicism and disbelief,

Be it Resolved, That this Congress express its appreciation to the religious leaders and chaplains who have participated in our meetings and who through the years have given a service of helpful counseling and inspiration not only to the inmates of our institutions but also to the workers in the correctional field.

Georgia Prison System

Resolved, That the Congress of Correction express its commendation of Governor Ellis Arnall of Georgia for his declara-

* See Appendix B, page 60.

tion of purpose, backed by specific and constructive action, to raise the Georgia Prison System to standards worthy of his great State, and to abolish practices which the American Prison Association condemned unsparingly at its 1935 meeting in Atlanta.

This Congress congratulates the forward-looking citizens, civic groups, and newspapers in Georgia whose steadfast fight over a term of many years has promise now of fruition.

The member organizations of the Congress will watch with keen interest the future development of the program so auspiciously begun and offer their aid and encouragement in the task of making promise into reality.

Child Offenders

WHEREAS, Children as young as thirteen years of age have been tried in recent years in a number of states in adult Criminal Courts and sentenced to long terms of imprisonment in prisons as convicted criminals, and

WHEREAS, It is a generally accepted principle of modern penal policy that child offenders should be regarded as wards, not enemies, of the State and should be subjected to constructive treatment as children, through the juvenile court rather than to public trial, conviction and sentence as though they were adults,

Therefore, *Be it Resolved*, That the 73rd Annual Congress of the American Prison Association record its faith in the validity of this principle and earnestly recommend to the people of every State that they take speedy action to remove from law and practice every obstacle that prevents all child offenders being brought within the exclusive jurisdiction of a properly constituted juvenile court.

Declaration of Principles

WHEREAS, The American Prison Association meeting at the time when its constituent members are working under heavy handicaps, stresses and strains incident to the War, and when they may well feel tempted at times to limit their aim, and their efforts to accomplish that aim,

Therefore, *Be it Resolved*, That we take this occasion to reaffirm our Declaration of Principles as originally adopted in 1870 and revised and reaffirmed at the 60th Annual Congress in 1930, and especially our declaration that "the supreme aim of prison discipline is reformation."

Consultation Service

A service long identified with this Association is that of giving information and guidance.

This requires considerable time for interviews, conferences and letter writing; yet it is a service that cannot be neglected. It is sought by and made available to members of the Association and other interested persons, comprising heads of departments, bureaus, boards, commissions, special investigating bodies, legislators, members of the staffs of universities and colleges, judges, lawyers, medical doctors, psychiatrists, probation and parole officers, architects, social workers and students.

Interviews City Prison, Manhattan

During the 99 years of its existence, the Prison Association of New York has never lost touch with the City Prison, Manhattan, better known as the "Tombs." This contact has been maintained through official inspection or visitation to individual prisoners.

Many of these prisoners write for an interview. They are in trouble and are in need of the guidance of an experienced and responsible person. Their needs are many; often they include that of legal service, and in such instances when the request seems deserving, personal referral is made to the Voluntary Defenders' Committee. This body, a branch of the Legal Aid Society of the City, through its staff of attorneys under the leadership of Edward T. Tighe, Esq. gives friendly and free service to indigent prisoners. This form of service is particularly valuable in saving prisoners and members of their families from the grasping desires of certain types of lawyers. The Prison Association of New York and the Voluntary Defenders' Committee do not seek compensation for such services, but are interested only in helping those who are deserving of aid and are unable to help themselves.

Other prisoners are in need of opportunity to talk with someone who can be wisely sympathetic and understanding of their problems, who can put them in touch with friends or relatives, or ease the shock of their arrest on family life.

We desire on this occasion to thank the Warden of the City Prison, William A. Adams, and the members of his staff for their fine spirit of cooperation in aiding the Association to conduct this valuable form of service.

Employment and Relief Bureau

As employment opportunities have increased generally during the past year, so too have the placements secured by our Employment and Relief Bureau for men in the various institutions awaiting release on parole, or for those who have already been released.

It has been gratifying to witness the gradual if somewhat belated change in general public opinion toward offering to ex-inmates the chance to secure gainful employment which will aid them toward completing their adjustment to civilian life and establish them as useful, respected members of the community. Of course, not all employers have reached the stage where they will examine what the man is and what he can potentially be rather than what he has been, and on a fair basis offer the necessary opportunity which these discharged and paroled men in countless instances have shown they so highly value and appreciate. It is quite possibly true that the tremendous demands of the war effort and other concurrent factors have been responsible in large measure for the perceptible breakdown of the formerly almost insuperable barrier which was raised to our efforts and those of similar agencies to secure placements for these unfortunates of our population. It is to be hoped that the splendid record established by the men who have been employed will be remembered by the various employers after the present labor stringency has passed, and that the public at large will acknowledge and realize that because a man has served a sentence in a penal institution, that episode does not per se make him unfit for employment in civilian occupations on the same plane as other humans.

All rehabilitative efforts are footless unless they have their base in the establishment within the particular individual of the essence of self-respect, and the knowledge that he is entitled to, by virtue of his own lawful efforts, a place in the community. There can be no self respect without the incentive of gainful, respected employment. Our various institutions are to be congratulated on the splendid occupational training course which they have introduced into their curricula, training which so very greatly aids in adjusting the various skills of the individuals to the requirements of the jobs secured.

The Prison Association of New York has been foremost over the last century in aiding the parolee and discharged prisoner, not only in securing employment but also with financial assistance and helpful aid in the solution of personal problems.

For the past eighteen months the Employment and Relief Bureau has been under the guidance and direction of Harry Schwartz, who has been active and recognized in the field of crime treatment, prevention and avoidance for more than thirty years. Mr. Schwartz's varied activities may be more generally understood when we consider that during the past calendar year 1,703 placements in employment have been secured. These placements were based on 1,500 individual visits made by our representative to various business houses, factories, mills, stores, etc. Gratifying enough, even where no placements could be established, our repre-

sentative found generally an attitude of helpful cooperation on the part of those visited.

Aside from actual employment placements secured, the resources of the Bureau have also been made available to those who find themselves in need of financial or other help in securing needed work clothes, transportation to prospective job locations, tools, union dues, fees, etc. And then of course there have been many instances (particularly in cases of discharges in metropolitan New York) where the individual either because of health or age is unable to engage in employment, and has solicited our assistance for financial aid to tide him over during the period of readjustment to civilian existence. This also entails assistance in making contacts with families and friends, as well as referrals to regular municipal welfare agencies, who can be of more permanent financial support and assistance.

To attempt an enumeration of even a small percentage of the cases which have been presented to the Bureau during the year would require volumes. A few are presented herewith, in order that the reader may secure an understanding of the ramifications of the work of the Bureau.

L. J.,* who had been in prison for quite a few years, was in his younger days a steeple jack and iron worker. Now at fifty-three all hopes of returning to his civilian profession had to be foregone. J., from what we learned of him later, had stuck pretty closely to his chosen work, leading a rather migratory existence traveling from city to city, wherever there was a demand for his services. As a consequence, with his particular line closed to him because of age, he couldn't offer much qualification for any other type of work. At least a great many people seem to have felt that way. A letter from J. written in May reads: "After sending out three hundred and fifty letters trying to get a job, and still being unsuccessful in obtaining one, I am asking your assistance." Within the following month our Bureau representative had been successful in establishing a placement for this man as a factory worker, and a job offer was referred to the Parole Board for approval in the usual way.

Then there is the instance of A. S. S.* who was seventy years of age when he applied to us for employment assistance. His conviction had been on a charge of arson—not a too pleasant selling point to offer to prospective employers. Yet within a very short time, a job was secured as a porter for this ambitious man of three score and ten.

A gratifying placement secured by the Bureau was for N. T.* whose offense had been larceny and who in addition had a parole

* All names and initials are fictitious.

violation against him which he had served. Some months after we had placed him in a job, our Bureau representative in checking on his progress was somewhat surprised but very happy to learn that T.'s employer had so much confidence in his integrity that it was his usual practice to send T. to the bank with the deposits—somewhere around \$1,400 in cash and checks.

L. L.* presented a distinct problem. His adolescent record was ludded with brushes with the law. When we applied to the institution in which he was confined for a synopsis of his work and conduct, the picture was very discouraging as will be noted from the following institutional record. "L. has been enrolled in the commercial course given in this institution. Here he studied bookkeeping, typing and commercial law; he is reported to be unstable; inclined to be angry when corrected; required extremely close supervision; has made indifferent progress. He also spent some time in the Music Class where his instructor reported that inmate was absolutely useless as far as progress was concerned; he consistently failed every test and was unable to grasp even the most simple rudiments. He has also been assigned to the Special Division inasmuch as he is an extreme psychopath and borderline case. During his stay here, he has lost a total of nineteen days."

The end of the story is that L. was placed in a good job less than six months ago and has since had two raises in salary. His employer waxes eloquent in praise of L.'s conduct and work.

Our employment placement files disclose numerous instances where parolees have been eventually established by their employers in positions of trust and responsibility such as cashiers, checkers, etc. Men who were released to jobs paying between \$18 and \$24 a week are now earning with the same employer in excess of \$60 a week, the reward of willingness to work and conduct themselves properly.

F. J.* was a man of 57 years. He had spent one term of eleven years in prison and a subsequent violation of his parole resulted in his being confined for an additional six years. He was released to a job secured by our Bureau with a still lengthy parole to serve. J. had been a miner before he had his first difficulty with the law. The job to which he was released was as a stock assistant in a warehouse. For the first two months of his employment we received glowing reports of J.'s ambition and conduct from his employer. Then one day a report came that J. had absented himself. It didn't take long for us to discover that J. had celebrated a period of overtime work, not wisely but too well. A disturbance

* All names and initials are fictitious.

requiring police intervention eventually resulted in J.'s being again in the custody of the Parole authorities, who in consideration of the fact that he was but recently paroled, after once before having been committed for a parole violation, were not too prone to extend him much sympathy. It seemed for a time that J. would have to be returned to prison. His employer, remembering his splendid work and conduct, personally approached the Parole authorities, offered to restore J. to his former job, no questions asked, if but leniency would be shown in this instance. So impressed were the Parole authorities when faced with J.'s good record while employed that they released him to return to his job. His record since this episode even surpasses the previously excellent one which he had established.

Perhaps excerpts from typical letters recently received by our Bureau more definitely portray the feelings and emotions of parolees or discharged prisoners whom we have been able to assist. P. R. C.* writes: "Again I must thank you a million; and—may you rest well here and hereafter." From W. M.*: "Enclosed you will find a postal money order for \$5 which was loaned to me a couple of months ago by the Prison Association. I appreciate same—came in handy at the time of need. I am still with the K. R. Co.,* the one you recommended me to. I was advanced to a better paying job—\$36 per week, 6 days and meals. Thank you for past assistance."

From employers came the following unsolicited letters. B. J. S.* writes: "At the outset permit me to express to you my thanks for the interest you have shown, and I am happy to report that the man you had recommended has so far proven to be very satisfactory and a most willing worker. I feel at this time that I would be in a position to place several more men." Writes M. R. S.*: "Please be advised that we have put E. W.* to work in our plant today at a salary of \$21 per week to start. G. L. W.* whom you also recommended has been with us for several weeks, and we find him to be a very willing worker and a good man on the job."

It is also gratifying to note the appreciation of Mr. Schwartz's efforts by institution heads, as expressed in a recent letter from one of them: "We have had very gratifying results from our contacts with your organization, particularly with your employment secretary, Mr. Harry Schwartz. Many of our men who would have been otherwise unable to provide suitable parole programs, have the New York Prison Association to thank for securing employment for them."

We know that it is a worthwhile work which we are doing. It has proven itself beyond all doubt. We mentioned previously that

* All names and initials are fictitious.

we had secured employment placements for 1703 men. The men whom we have placed have proven themselves worthy of our efforts by being loyal, trustworthy and efficient. This is evidenced by the fact that as of this writing there have come to our attention only five of this total who have betrayed their employer's trust. Such is our reward.

STATISTICS FOR EMPLOYMENT AND RELIEF BUREAU FOR 1943

Office interviews	1,082
Other interviews*	2,458
Total interviews	4,140
Different men interviewed	1,389
Men released from New York City penal institutions	701
Men released from New York State penal institutions	500
Men released from out-of-state penal institutions	35
Men released on probation	10
Men with no criminal record (special)	143
	1,389
Meals provided	365
Nights lodgings provided	3,645
Employment contacts made by personal visit	1,560
Men placed in employment	1,703
Men given cash relief	700
Total amount spent solely for relief (includes cash, meals and lodgings)	\$3,319.24

* Includes personal and telephone interviews with clients, parole and probation officers and agency officials.

Family Service Bureau

Throughout the year the Association has kept faith with one of its oldest interests, namely, that of being a friend to the families of men in prison. These people, including old mothers, young mothers and children many times suffer severely from shock and actual want because of the imprisonment of a member of the family. They are in need not only of financial aid for rent, clothing and food, but they require association with those who understand their problems and who can assist them in planning wisely for their future. Frequently old and young mothers are heard to say, "You don't know how comforting it is to me to know that I can talk to you about my troubles."

Our assistance to these families is not flavored with sentimentality nor with the coldness and indifference sometimes encountered by those who must apply for public or private assistance, but instead with an understanding and well balanced attitude, born from experience and seasoned with a realization that our Association was founded to help people in need of a friend. We try to

deal with each family in a neighborly and individual manner to the best of our ability. We cannot always take care of all their financial needs; however, in cases where such assistance is required over a long period, we serve in the interim until funds can be had under some form of public assistance. Even then it is necessary for us many times to continue our financial assistance because of the inadequacy of public aid.

In dealing with our families we endeavor to make an approach in line with case work procedures, embracing the need of considering all matters relating to the well-being of the family as a whole and its individual members. Where medical aid is required, we make contact with competent members of that profession; likewise, dental or psychiatric service. Where better housing is required we bring about whatever change is possible, and in instances where the need is for better nutrition we make contact with specialists in this field. The need of proper nutrition for children, care of their eyes and their general body building is something that continually invites our observation. So-called "problem children," those who require special attention in the schools or in the neighborhood, are directed to sources of specialized guidance. Children who give evidence of high intelligence or unusual aptitude are screened for the kind of referral that will further develop or give proper recognition to these qualities. In short, we are genuinely eager to improve the economic level and health of the family of the man in prison. This service is carried on to maintain normal family life for the welfare of the children to the end that these children will not follow in the footsteps of their parent or parents. This is distinctly a form of health building and preservation and likewise a crime prevention activity. Often we arrange for families to move into better neighborhoods and to provide more wholesome interest for the children, especially during their free time.

During the summer months arrangements are made for mothers and children to go to camps maintained by agencies cooperating with our Bureau. In some instances this cooperation is without cost and in others we pay the required rate.

It is customary in some Annual Reports, and we have frequently followed this course, to reproduce letters sent by our clients indicating the value of our friendship and their warmth of appreciation. However, we are omitting that feature in this section, but will gladly make available for the reader the opportunity to examine our files in order to become acquainted with the extent to which we endeavor to help our families and also learn of their appreciation as expressed by letter.

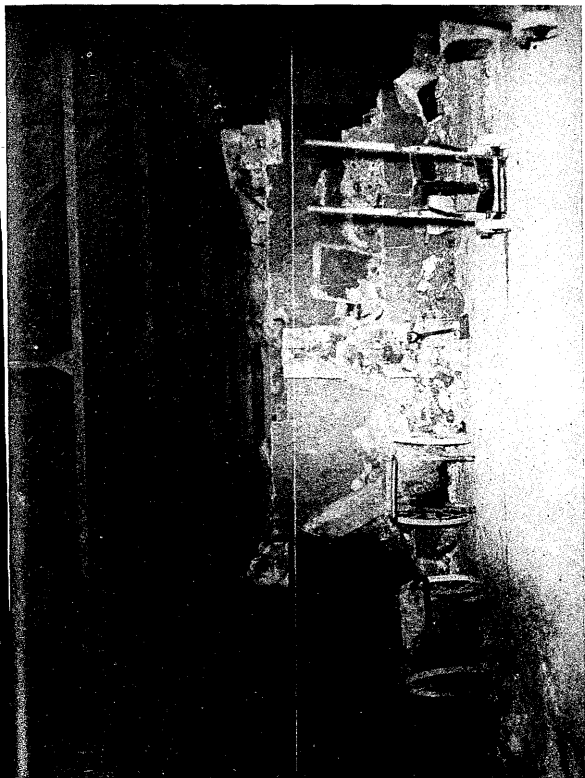
For the direction of the activities of our Bureau, we are fortunate in now having the services of Miss Margaret Murdock who has a background of many years of experience in working with

families, and particularly children. She possesses a keen insight into family situations and has a sympathetic and understanding nature, as well as a realistic approach and good sense.

Statistics of Family Service Bureau for 1943

Conditions brought about by the war have affected the number of cases coming to the attention of our Bureau. More men than usual have been released from prison, thus being available to assist their families. In instances where a man is still in prison, it is easier for the women and other members of the family to obtain employment, thus reducing the need for financial assistance.

Families under care January 1, 1943.....		303
New cases received.....	30	
Old cases reopened.....	5	35
<hr/>		
Total number of cases under care.....		338
Cases closed		191
Families under care December 31, 1943.....		147
Total amount of cash relief given.....	\$4,239.82	
Visits to homes, relatives, social agencies.....		296
Office interviews (involving advice, guidance, giving material aid).....		1127
Individuals provided with Christmas dinners and toys.....		252
Children and mothers sent to summer camps.....		93



DEMOLITION OF OLD CELL BLOCK, SING SING PRISON

View of old cell block, looking south, showing a few cells not as yet taken out on top tier.

CORRECTIONAL INSTITUTIONS AND THE POST-WAR ERA†

By EDWARD R. CASS*

It is, of course, a matter of great satisfaction to administrators, wardens and superintendents of penal institutions and all others interested in modern penological advancements, to witness the recognition which has been accorded on all sides during the past two years to the contribution of our correctional institutions in the furtherance of the war effort. Never before, I venture to say, has the general public of this country eyed with such awareness and understanding the achievements of modern penological purposes. The daily press, Government agencies, and other news transmittal sources have to so great an extent publicized the contributions of the prisoners, individually and collectively, to the national effort, in the manufacture of essential war commodities, increased farm activities, donations of blood, purchases of war bonds and stamps, and enrollment in the Armed Forces upon release, that a reiteration of the totals here would be superfluous. It is just because present day prisons and their populations have so forcefully brought to public attention their established position in the various communities, besides looming large in the national scheme, that we who have the best interests of our particular profession at heart, must needs pour even further effort into establishing modern and post-war penology on an acceptable footing, projecting it as a necessary adjunct of good government.

It is unquestionable that the record of the past few years is directly attributable to the efforts made during the past decades to integrate more closely in the various institutions proper, a desire to understand why certain people have left the path of rectitude; an attempt to teach and inculcate a spirit of good citizenship; and a spirit of willingness to help those who need such assistance. Our modern penal institutions with their intelligently developed program of inmate classification, education, both academic and vocational, modernly equipped industrial shops, vitalized religious personnel and procedure, and well organized medical services, have been in the best position to take advantage of what might be called "boom days" in prison.

* General Secretary, The Prison Association of New York, The American Prison Association; and, Member, New York State Commission of Correction.

† This article appeared also in *The Journal of Criminal Law and Criminology*, Vol. XXXIV, No. 4, 1943, and *The Prison World*, Vol. 6, No. 1, 1944.

How then, especially after the war, shall we hold to our gains and achieve still greater goals? How sustain society's faith in our efforts and increase its understanding of our aims? How shall we in the future bring to the individuals who come under our jurisdiction, a renewal of the spark of desire to return to their communities as useful honest citizens? Certainly, we will not admit that only the holocaust of war can bring forth and sustain the achievements, both personal and impersonal, of which we can today be proud.

In the post-war world the demands on modern penology will undoubtedly be great. If we are to be guided by past trends we may expect an increase in our institutional populations, surpassing our present enrollments, and those of the past few years. We must make our plans now for dealing with the future.

Let us consider the physical properties of the post-war prison. In the expected spurt of post-war building we certainly must not lose sight of the extreme need of replacing old, unsanitary structures which have long outlived their usefulness. I do not intend to enter here on the phases of maximum, intermediate and minimum security types. I am most interested that any modern penal institution, no matter for what type of confinement it may be used, be consonant with architectural progress—be of the greatest utilitarian value—functional rather than ornate. A plentitude of work shops—class rooms—facilities for industries—recreational facilities and wherever possible, tillable ground for cultivation by the inmate population should be within the framework of our modern institution. Of course, in conjunction with this, it is to be expected that actual confinement quarters, will be commodious enough to accommodate in a civilized fashion those who will occupy them. There is certainly no sense in building an inviting facade if the inner structure, the cell blocks, dormitories, etc., are on a standard beneath the whole.

Now, as to our administrative and custodial personnel. We have learned through bitter experience that many of the difficulties of penology in the past have had their root in the incapacities of the personnel of the institutions. Why can't standards, salaries, emoluments and other necessary prerogatives, which will attract the young, capable, honest and energetic part of our population, be established? No matter how fine the physical property, the entire purpose of the institution is lost irrevocably if the personnel are of a strata unable or unwilling to work at or understand the intrinsic purposes and goals of penology. Civil service untouched by political machinations is one answer but it must be a civil service standard which offers a wage and living compatible with positions of similar scope and responsibility in other lines of endeavor.

And then—let us consider institution functions. These, of course, are many and varied, dependent on the size of the particular plant in which they are established. However, just as now, one primary function of the correctional institution of surpassing importance in the post-war period, will be the establishment and continuance of a successful system of individual classification. We have seen how good classification practices have earned the approbation which they so rightfully deserve. An intelligent, sincere approach to classification should be a primary objective. On classification, augmented by medical and psychiatric study, in a very great sense, lies the responsibility of adjusting the individual to his institutional environment. It can be and has been the bulwark to prevent misunderstandings of regulations, breaches of discipline and unsatisfactory technological progress. It can and should establish the stability of institutional progress. It is a procedure unto itself which if placed in competent hands, can return to the institution and the individuals it reaches, untold benefits and accomplishments.

In the industrial progress of the post-war institution, no one feature can be more important than that we have capable, understanding trade teachers and directors. We have had ample proof in the past two years that our inmate populations can be taught to practice trades which are of immediate benefit to the institution, the community and the Nation but are also of immeasurable value in preparing the inmates for their return to civilian life. However, such successful results can be accomplished only if we are careful to place the responsibility for trades teaching in the hands of those best qualified. Again, standards should be promulgated and supported, which will attract competency and ability. We have it within our power to mold the talents and character of many individuals—to teach them gainful, honest trades and occupations. Is it too much to ask that in this important work, we demand and secure the highest and most conscientious type of instructor?

Many of our charges will require further elementary education before they can fit themselves to take their places in society. It is certainly the inherent responsibility of our institutions to utilize every possible method and opportunity to aid those requiring such help. Education within institution walls should not be a haphazard concomitant of a whole program. It should be definitely identified as a very necessary adjunct to the true fulfillment of the scope and diagram of the over-all plan. Intelligence, integrity, and ability of the teaching personnel are prime requisites. But there is also the need of understanding the inmate mind, background and desires. The greatest of pedagogues would fail miserably in such a scheme unless he could probe into the minds and hearts of his charges—unless he could instill in the individual a

faith in the worthiness of learning—and an understanding of its benefits.

As I have indicated before, wherever possible, the cultivation of the land represents an influence of great value to the institution and its population. Again, slipshod methods should be discarded. There is no reason why a feeling for agriculture cannot be instilled in receptive minds and hearts. Certainly if we as a nation are for the immediate post-war years to assume the responsibility of feeding most of the civilized world, as seems entirely probable until it can recover from the ravages of war, the need for those individuals in whom there is a deep-grained understanding of the earth, will be limitless.

I personally think that the part played by the institutional chaplains of the various religious denominations should be expanded wherever possible. These men of the cloth have created an excellent record—but a closer integration of their work and efforts with the entire inmate bodies seems to me both highly desirable and possible. The standards of clergymen are of the highest. Well then, why not transmit these standards to the greatest possible number? I don't expect to witness proselytism on behalf of individual religious beliefs—neither would I want it. But I would like in the post-war prison for the Chaplain's position to be on a plane which permits complete exercise of his responsibilities and duties unhampered and unfettered. Needless to say, I hold to the same standards for present day practice. Penology's problems would long since have faded into the shadow if our institutional Chaplains had been successful in instilling in the minds and hearts of their charges the high principles of their respective faiths. That such has not been the case is, of course, not alone the fault of the clergy. I am wondering if the failure may have been caused in some part by restrictions or limitations of one sort or another which have hampered a full exposition by these men, of their duties. The influence of religion cannot be surpassed—we do ourselves less than justice if we do not strive to establish its practices and purposes in all of our institutions.

It is unfortunate but true, that in the post-war years we will receive in our institutions, for one reason or another, an admixture of those of our young people who today are fighting on far-flung fields, the battles of the Nation. We would be remiss in our duties and responsibilities as citizens, if we did not engage every effort and energy to inculcate in their hearts and minds, as in those of all of our charges, a spirit of good citizenship, clean, honest thinking, wholesome initiative and ambition. Whatever else can be said of war, it certainly can never be described as the best elemental classroom for righteous thinking, sincerity, honor, and good will to all men. It is admitted by all, particularly those engaged in the

fighting of it, to be a rotten business. How then are we to overcome its brutish effects on those upon whom its worst influences have borne too heavily, resulting in their coming into conflict with the civilian code of conduct. We of a certainty, owe to these young people on whom we now lavish praise, no less attention in the days to come, when they will need our guidance and help in ways immeasurable.

Penology has taken mighty strides towards the goal of individual rehabilitation and restoration of understanding to the individual of his responsibility to self and community. To recede from the high objectives into the slough of inadequate institutional housing, poorly planned and executed programs of training and development, acceptance of old forms of brutish punishments with all the commate degradation of mind and spirit, would be a greater crime to all of the citizenry, than the sum total of the offenses perpetrated by the maladjusted committed to our charge.

In the post-war era we shall have to tap frequently the reservoir of public good will which our inmates and institutions have erected during these war days. I express the sincere hope that in our plans for the future that reservoir will be of an abundance which will permit of the fulfillment of many of our ideals. It would be tragic to the whole progress of America if we did not now and in the future receive the whole-hearted support of all of our citizenry in establishing the highest plane as our goal.

LEGISLATION — 1943

To combat crime there must be attack on many fronts, since there is no specific cause or cure. The making of laws for the improved administration of criminal justice, as it relates to court procedure, probation, parole and institutional administration is of basic importance. Therefore, the Association has through almost its entire career concerned itself with bills before the Legislature. Set forth below is a brief summary of those bills receiving our support or opposition during the 1943 session.

Approved

Senate Int. 333, Pr. 344: Provides that a psychiatrist in a criminal action to determine whether or not defendant is sane, shall be entitled to reasonable traveling expenses if psychiatrist is employee of state. *Chapter 289.*

Senate Int. 543, Pr. 590; Assembly Int. 684, Pr. 723: Provides that any person on eligible list, not appointed as member of uniformed police or fire force or of correction department because he is in classification I-A of Federal Selective Service Act or in reserve military or naval forces, shall retain for two years, instead of one year, from termination of hostilities, all rights and privileges. *Chapter 396.*

Senate Int. 656, Pr. 2057: Creates in New York City Magistrate's Courts a youth court for persons between 16 and 19 years charged with crimes except those punishable by death or life imprisonment; provides for probation until 21st birthday or commitment to religious, charitable or other institutions for training and discipline. *Failed of passage. Approval is given to the effort in this and similar bills (S. 1221 and A. 31) to provide special attention for the youthful offender; however, some of the details are questioned.*

Senate Int. 733, Pr. 838; Assembly Int. 1015, Pr. 1109: Makes general changes in state's judicial system, includes provision for assignment to appellate division justices of administrative control over lower courts except surrogate's court, and abolishes New York County General Sessions Court and other County Courts in New York City and transfers their jurisdiction to Supreme Court. *Failed of passage.*

Senate Int. 747, Pr. 852; Assembly Int. 928, Pr. 1010: Provides when date of release from imprisonment of civil prisoners falls on Sunday or legal holiday, it shall be deemed to fall on preceding day. *Chapter 144.*

Senate Int. 748, Pr. 853; Assembly Int. 927, Pr. 1009: Provides civil prisoner who escapes from custody, shall upon voluntary return or recapture be imprisoned for term equal to portion of original term which remains unexpired at time of escape. *Chapter 143.*

Senate Int. 770, Pr. 1509: Provides sheriff or other person conveying prisoner to penitentiary, reformatory, state hospital, vocational institution, training school or institution for defective delinquents from prison or other county or municipal penal institution shall be reimbursed for expenses and maintenance; repeals provision for payment by county. *Vetoed.*

Senate Int. 780, Pr. 894; Assembly Int. 970, Pr. 1062: Provides prohibition of fingerprinting of employees shall not apply to state and municipal employees. *Chapter 457.*

Senate Int. 819, Pr. 1891: Provides procedure for examination as to sanity of defendant who appears to be insane or mentally defective and incapable of understanding charge or proceedings or making his defense. *Chapter 402.*

Senate Int. 867, Pr. 1000; Assembly Int. 1074, Pr. 1172: Enlarges definition of larceny to include the wrongful taking as well as obtaining or withholding of property from another. *Chapter 224.*

Senate Int. 1030, Pr. 1187: Establishes in Executive Department a Youth Correction Division and Authority to determine manner in which young offenders committed to it shall be supervised and when they shall be made free; three members of authority are to be appointed by Governor; it may establish institutions and facilities, include training schools, hostels or boarding homes, farms, forestry and other camps for correctional treatment; act to be known as Youth Correction Authority Law. *Approved in principle. Failed of Passage.*

Senate Int. 1291, Pr. 1488: Establishes a probation department for criminal courts in New York City and abolishes present court departments or divisions of probation. *Failed of passage.*

Senate Int. 1359, Pr. 1579; Assembly Int. 1661, Pr. 1885, and Assembly Int. 1718, Pr. 1968: Continues to July 1, 1944, adolescent courts in Kings and Queens Counties and authorizes court with consent of district attorney to dismiss information or complaint against defendant between 16 and 19 years and deal with him as wayward minor. *Chapter 552.*

Senate Int. 1454, Pr. 1706; Assembly Int. 1729, Pr. 1981: Creates in Department of State a division of civil fingerprint records for taking and filing fingerprints of children of school and pre-

school age and all other persons, in the order named; strikes out provision for division of port wardens of N. Y. Port and of Hell Gate pilots. *Approved in principle. Failed of passage.*

Senate Int. 1582, Pr. 2047: Provides after indictment by Grand Jury of defendant between 16 and 19, Grand Jury or District Attorney may recommend to court that defendant be examined to determine whether he should be adjudged youthful offender, if defendant consents to examination and trial without jury; person may be committed to an institution for not to exceed three years; all proceedings shall be separate from other parts of court used for trial of adults. *Chapter 549.*

Senate Int. 1583, Pr. 1839: Authorizes New York City magistrate to parole defendant who is charged with crime or offense for which Magistrate is authorized to admit to bail. *Chapter 550.*

Senate Int. 1584, Pr. 2048: Provides in New York City criminal courts, defendant between 16 and 19 years, on recommendation of District Attorney may be examined and tried to determine whether he should be adjudged a youthful offender, if defendant consents to examination; proceedings shall be separate from part of court held for trial of adults and youthful offenders may be committed to an institution for not to exceed three years. *Chapter 551.*

Assembly Int. 44, Pr. 44: Creates in Executive Department a division of crime and delinquency prevention with power to organize local councils in various communities, a director and advisory council of ten members to be appointed by Governor as head of division; \$100,000 appropriated. *Approved in principle. Failed of passage.*

Assembly Int. 95, Pr. 489; Senate Int. 115, Pr. 573: Suspends until July 1, 1944 provisions prohibiting purchase of butterine or oleomargarine by certain state institutions. *Chapter 540.*

Assembly Int. 225, Pr. 2407: Abolishes on June 30, 1943, existing Court of Special Sessions and Magistrate's Courts of New York City and establishes in place thereof the New York City Court of Special Sessions, defines its powers and jurisdiction and provides for its officers and employees. *Approved in principle. Failed of passage.*

Assembly Int. 313, Pr. 317: Creates in State Correction Department, Youth Correction Authority of three members appointed by Governor for administering corrective preventive training and treatment for persons committed to it by judges of criminal courts, and to establish and supervise places for detention, confinement and instruction. *Approved in principle. Failed of passage.*

Assembly Int. 314, Pr. 318: Directs State Correction Commissioner to establish Division of Classification with advisory board to develop system for classifying prisoners. *Failed of passage.*

Assembly Int. 524, Pr. 539: Authorizes State or any of its agencies, subject to approval of Governor, to contract for production or repair of goods, materials or equipment necessary for prosecution of war effort; contract may be made only with U. S. or an agency thereof or with private industry engaged in production therefor. *Chapter 4.*

Assembly Int. 537, Pr. 556; Senate Int. 447, Pr. 485: Makes deficiency appropriation for support of government. *Chapter 51.*

Assembly Int. 544, Pr. 563: Provides that crime of sexual intercourse with person in U. S. military service by one infected with venereal disease shall be punishable by imprisonment for not less than one and one-half years nor more than three years. *Chapter 343.*

Assembly Int. 756, Pr. 805; Senate Int. 595, Pr. 656; Assembly Int. 764, Pr. 813: Provides first offenders received in state prison prior to June 1, 1940 for receiving stolen property, with minimum sentence of more than five years may be paroled as if sentence had been for indeterminate term with five years minimum, and second and third offenders with minimum sentence of more than ten years may be paroled as if sentence had been for indeterminate term with ten years minimum. *Chapter 139.*

Assembly Int. 925, Pr. 1007; Senate Int. 746, Pr. 851: Provides penalty for failure of officer to obey order to produce civil prisoner shall not apply where refusal or neglect is due to failure to tender or pay fees, traveling and other expenses allowed by law, unless they are waived by court or judge granting order. *Chapter 606.*

Assembly Int. 1002, Pr. 1294: Provides no person shall be imprisoned as civil prisoner for more than three months to enforce recovery of less than \$500; term of imprisonment of civil prisoner to include time spent within jail liberties. *Chapter 229.*

Assembly Int. 1050, Pr. 1147; Senate Int. 738, Pr. 843: Makes it a misdemeanor to escape from lawful custody on civil arrest or to aid such escape or to rescue a civil prisoner. *Chapter 134.*

Assembly Int. 1051, Pr. 1148; Senate Int. 739, Pr. 844: Gives sheriff or other custodial officer same defenses to action for escape of civil prisoner as are now available for bail forfeiture. *Chapter 148.*

Assembly Int. 1069, Pr. 1167; Senate Int. 866, Pr. 999: Makes buyer or receiver of stolen goods guilty of a misdemeanor instead

of a felony if value of property is not more than \$100, and a felony if property regardless of value is purchased for resale or by dealer or if defendant has been previously convicted of buying or receiving stolen goods; prohibits purchase of machinery or equipment by junk or second hand dealer and makes dealer in second hand books liable only if he fails to make reasonable inquiry as to legal right of seller. *Chapter 180.*

Assembly Int. 1071, Pr. 1169; Senate Int. 1082, Pr. 1250: Provides on trial of person charged with criminally buying, receiving, concealing or withholding stolen goods, one who has sold, offered or delivered such goods or one to whom person charged has sold, offered or delivered such goods shall not be deemed an accomplice of receiver and jury may consider their testimony. *Chapter 248.*

Assembly Int. 1075, Pr. 1173; Senate Int. 895, Pr. 1030: Provides prosecution for crime of conspiracy to commit felony must be commenced within five instead of two years after its commission except where less time is prescribed by statute. *Chapter 247.*

Assembly Int. 1255, Senate Pr. 2016: Provides for payment to State Comptroller of personal property belonging or credited to inmate of state social welfare, health, mental hygiene or correctional institution who has been discharged or has died or escaped, and property remains unclaimed for six months. *Chapter 698.*

Assembly Int. 1337, Pr. 1497: Provides Putnam County Sheriff shall receive annual salary of \$3,000 instead of \$1,800. *Failed of passage.*

Assembly Int. 1472, Pr. 1651: Requires State Correction Commissioner to segregate first offenders from other prisoners in State Prisons. *Failed of passage.*

Opposed

Senate Int. 1, Pr. 1995; Assembly Int. 509, Pr. 2260: Provides for disposition of cases in New York City Domestic Relations Court involving minors over 16 and under 19 years of age by youth court which may be established in each county with probation and psychiatric bureaus and separate detention facilities. *Failed of passage.*

Senate Int. 685, Pr. 767; Assembly Int. 832, Pr. 892: Provides if ten years intervene between suspension of sentence or expiration of parole or probation or imprisonment for first felony and commission of second felony and if defendant has not been convicted of misdemeanor in such period, court may sentence defendant to indeterminate term either as first or second offender. *Vetoed.*

Senate Int. 1272, Pr. 1469; Assembly Int. 1608, Pr. 1832: Provides State Parole Board shall issue to any prisoner who has served in U. S. armed forces since December 7, 1941, or who shall hereafter serve therein, an absolute release and discharge from imprisonment upon proof that prisoner received honorable discharge from armed service. *Vetoed.*

Senate Int. 1330, Pr. 1971; Assembly Int. 1627, Pr. 2295: Changes membership of Commission of Correction to consist of State Correction and Health Commissioners, Public Works Superintendent and Chairman of Parole Board, instead of Correction Commissioner and seven persons appointed by Governor, and provides for meetings at least every two months instead of every month. *Failed of passage.*

Assembly Int. 78, Pr. 78: Provides if defendant in criminal case is certified to be in state of idiocy, imbecility or insanity and court concurs, state shall pay cost of maintenance during commitment pending trial. *Vetoed.*

Assembly Int. 304, Pr. 308; Senate Int. 284, Pr. 287: Authorizes magistrates with jurisdiction of wayward minor cases to permit district attorney to file information charging persons between 16 and 19 years as wayward minors after admission of guilt of crime charged not punishable by death or life imprisonment; magistrate shall have before him reports of probation officer, and of physical, mental and psychiatric examinations. *Failed of passage.*

Assembly Int. 561, Pr. 580: Provides additional penalty for a felony committed while on parole, may be portion of term of sentence on which he was released calculated from time of commission of felony instead of time of release on parole. *Failed of passage.*

Assembly Int. 782, Pr. 835: Provides that appointment by New York City Mayor of Children's Court justices and Criminal Court justices must be with advice and consent of Board of Estimate. *Failed of passage.*

Assembly Int. 946, Pr. 1032: Provides prisoner received in State Prison prior to December 7, 1936, as first offender and continually confined on December 7, 1941, and is still confined, for crime other than murder, 1st degree, may be released on parole as though sentence had been for indeterminate term with ten year minimum. *Failed of passage.*

Assembly Int. 947, Pr. 1033: Increases from ten to fifteen days for each month of term served by prisoner in State Prison, time

which may be allowed for discretionary reduction of sentence and increases from four to six months per year maximum reduction allowable. *Failed of passage.*

Assembly Int. 988, Pr. 1080; Senate Int. 771, Pr. 879: Authorizes court in case of idioey, imbecility or insanity of defendant, to commit to state school for mental defectives in mental hygiene department and provides for transfer of a defendant from one to other of state hospital or mental defective institution. *Vetoed.*

Assembly Int. 1141, Pr. 1251: Prohibits brush-making in State Prisons, Penitentiaries or Reformatories except as required for use in State Correctional and charitable institutions. *Failed of passage.*

Assembly Int. 1181, Pr. 1323: Provides until July 1, 1944, prisoner in state prison or penitentiary may receive reduction of sentence for good conduct, not to exceed fifteen instead of ten days for each month of minimum term with maximum reduction allowable of six instead of four months a year. *Failed of passage.*

Assembly Int. 1566, Pr. 1784; Senate Int. 1214, Pr. 1400: Changes provision for commitment of insane prisoners to Matteawan State Hospital. *Chapter 382.*

Assembly Int. 1677, Pr. 1914; Senate Int. 1328, Pr. 1548: Permits Parole Board until July 1, 1944, to suspend sentence and release well-behaved convicts on condition that they enter military service or engage in essential war work including war industry or agriculture or other occupation essential to prosecution of war, convict to remain at all times under jurisdiction of Parole Board. *Vetoed.*

Assembly Int. 1798, Pr. 2099; Senate Int. 1483, Pr. 1739: Provides for return for re-sentence, of persons in New York House of Refuge or State Vocational Institution, to Court which made the commitment; strikes out provision that Correction Commissioner may transfer persons to other institutions. *Vetoed.*

APPENDIX A

REPORT OF THE COMMITTEE ON CRIME PREVENTION OF THE AMERICAN PRISON ASSOCIATION

The American Prison Association has recognized that the range of its activities cannot be circumscribed by institutional walls; that the prison receives the failures of society and that it is of the utmost importance that social effort be organized to reduce the number of such failures. Such effort must take as its premise the fact that criminal careers, whether of the habitual pattern or of the professional variety, usually begin in childhood or in early adolescence. Generally, long before a boy or girl reaches manhood or womanhood, he or she manifests those characteristic symptoms of personal, social and familial maladjustments which are the prelude to a career of crime. It becomes obvious then that efforts directed toward amelioration of these maladjustments can do much more to prevent crime and the development of criminal careers than anything done in a prison. By the time an offender reaches a prison, his behavior patterns, social attitudes and way of life are so deep-rooted and well-formulated that they become very difficult to modify.

The basic problem in the field of crime prevention, however, is one of technique. Crime Prevention should be based upon sound and valid knowledge of crime causation. But social scientists have failed to isolate any single universal cause of crime. Crime may be due to any one of a large number of factors present in a particular case. The interrelation of these factors and their specific force and influence vary with particular individuals and with particular crimes. Indeed there is no assurance that, given the presence of a large number of factors that have come to be recognized as predisposing to crime, the inevitable result will be a criminal career. Over and over again social scientists are confounded by the fact that where two individuals are exposed to similar crime-breeding influences, one emerges as a law-abiding citizen who is a credit to his community whereas the other takes the familiar treadmill of arrest, institutional confinement, parole and re-arrest.

Delinquency prevention, however, cannot wait upon perfect data on the causes of crime. Even imperfect instruments, approaches and techniques may be useful in dealing with crime and delinquency. It is necessary in the field of crime prevention to proceed empirically and pragmatically and to try out methods and approaches which promise to be successful in curbing delinquency

careers or in reducing the amount of crime and delinquency. These methods and approaches may be based upon concepts of crime causation "about which there ought to be very little disagreement even among experts of extremist points of view; and it is upon an attack on these that we shall have to place our faith in the efficacy of crime prevention programs in our time."

In our last report we summarized these concepts as follows:

"(1) That in a very high proportion of instances, adult criminals are persons who had been maladjusted and delinquent children;

"(2) That at least a small percentage of children who become delinquents, are mentally defective;

"(3) That a larger percentage of them suffer from personality distortion, mental tensions and conflicts, and faulty habits;

"(4) That an appreciable proportion of them come from either definitely broken homes, or those in which the parents, by virtue of their mental makeup or conduct, are hardly competent to carry out successfully the duties of parenthood in modern society;

"(5) That many delinquent children are to be found among those who had left school at a too early age, and had achieved neither sufficient academic education nor training in honest and useful trades or occupations;

"(6) That in correctional institutions it is usually discovered that large proportions of young-adult offenders have never established even rudimentary habits of continuous and efficient work, correlated with periods of constructive or healthily relaxing recreation;

"(7) That the highest proportion of delinquent children spring from communities in which processes of deterioration and disintegration are marked, manifesting themselves (a) in certain cultural standards different from and in conflict with the standards followed by the majority of persons; (b) in conditions of poverty, under-employment, overcrowding and squalor; (c) in inadequate social provision for wholesome (or at least not anti-social) recreational outlets; (d) in the presence of centers of anti-social attitude and behavior, such as gambling joints, poolrooms, improperly supervised dance halls and movie theatres, and the like;

"(8) That the failure of the legitimate world to lend an understanding mind, a sympathetic heart and a helping hand to ex-prisoners from the 'half-world' and the underworld has much to do with their recidivism;

"(9) That inadequate therapeutic programs—in probation, parole and institutional treatment—also have much to do with recidivism."

The need for developing thoroughgoing community programs of crime prevention has increased as we have become more deeply involved in the war. It has generally been asserted that the war has brought in its wake a considerable increase in juvenile delinquency. Eleanor T. Glueck, for example, states:

"There seems to be no need at this time to press home the fact that juvenile delinquency has been increasing since Pearl Harbor. On every hand evidence to this effect is pouring in.

* * *

"The situation in this country is rapidly paralleling that in England where in the first year of war the number of children under 14 convicted of offenses was 41 per cent larger than in the previous year. Although indices of increasing juvenile crime vary in different parts of our country from 20 to 60 per cent, and exact estimates are impossible, there is no doubt that the trend is upward." ("Coping with Wartime Delinquency," *The Journal of Educational Sociology*, October 1942, pp. 86, 87.)

Documentary support for such assertions of an increase in juvenile delinquency during the war emergency can be had from such studies as that made by the U. S. Children's Bureau. Elsa Castendyck has summarized the findings of the Children's Bureau study as follows:

"An increase in cases disposed of from 1940 to 1941 was reported by twenty-two courts, and a decrease by eight courts. Similar increases were seen when the 1941 figures were compared with the 1939 figures; twenty-one courts reported an increase and eight a decrease (one court did not report for 1939). In the twenty-two courts that reported an increase from 1940 to 1941, the per cent of increase ranged from two to one hundred and ten. In eleven of the courts the per cent of increase was twenty or more. The courts included in this preliminary tabulation were those whose reports for the year 1941 were known to be, or believed to be, complete." (Elsa Castendyck, "Juvenile Delinquency in Wartime," *Federal Probation*, 6:45-48, July-Sept. 1942, p. 46.)

A survey of the National Probation Association covering 153 juvenile courts reveals that the number of delinquency cases increased 7.5 per cent in 1941 over the preceding year and 8.5 per cent in 1942 over 1941. The increase in 1942 over 1941 was greater in girls' cases than in boys' cases, 23.4 per cent and 5.2 per cent respectively. In fact, according to this report, "in many courts the chief problem developed by war conditions appears to be the increase in girls' cases." (Probation, June 1943, pp. 130-1.)

In a recent survey of 39 Pennsylvania courts made by Leon T. Stern, 20 of the 39 courts had an increase of approximately 17.1 per cent for the first six months of 1942 as compared with the first six months of 1941. On the whole, the increases were registered in courts "in the industrial, mining, manufacturing, shipping and

commercial counties of the state and in counties that are for the most part urbanized . . ." (Cited in the *Annals of the American Academy of Political and Social Science*, p. 158.)

In New York City, a report of the Mayor's Committee on Juvenile Delinquency states that during the first six months of 1943 the New York City Children's Court handled 4206 cases of alleged delinquency as compared with 3250 cases during the first six months of 1942.¹

An analysis of data similar to that above caused Professor Sellin to conclude:

"If we were to summarize the impressions gained from a variety of sources, we would say that taking juvenile courts as our guide, these courts had become busier even before we entered the war, and that in our larger city communities the trend of their case loads has continued to rise since war was declared. The rise appears somewhat larger for girls than for boys. We must recall, however, that all figures cited are very crude. Most of our large centers have shown an enormous influx of industrial workers. The child population of these cities has grown considerably as a result. The increase in court cases might in many communities prove to be slight or non-existent if it could be related to changes in the number of children, i.e. potential delinquents, in the community. It is not unlikely that the decline in delinquency cases reported from rural areas is chiefly the result of migration to industrial centers." (Thorsten Sellin, "Child Delinquency," *The Annals of the American Academy of Political and Social Science*, Sept. 1943, p. 159.)

The soundness of Professors Sellin's citations with respect to the use of such juvenile delinquency statistics as we have noted are evident to any careful student of the problem. We cannot therefore give any authoritative answers to the question of how much of an increase has actually occurred in juvenile delinquency during the war period.² It is wise, nevertheless to recognize that war accentuates the pressure of certain factors which tend to crime. Basically,

¹ Report of the Mayor's Committee on Juvenile Delinquency, p. 5.

² The Committee surveyed Chicago agencies with reference to the specific issue of a quantitative change in delinquency during the present wartime period. The results demonstrate considerable divergence of opinion on the part of the agencies. A typical report from one of the leading agencies was as follows:

"Delinquency is increasing according to reports from representatives of youth organizations. Statistics do not substantiate significant increase in delinquency. Skeptical of present data."

All are agreed in an increase in sex delinquency. Where agencies made definite statements, the latter were not supported by conclusive criteria.

the pattern of delinquency in wartime is the same as in peacetime. Delinquents in the main continue to be drawn from the same under-privileged groups of the population that have always furnished their contingents to the courts. The same types of children presenting problems of personal, familial, social and economic maladjustment tend to be brought into the courts. The war has brought about new pressures, new problems and new conditions which, unless they are met, are bound to bring more juveniles and adolescents into conflict with the law and to start many boys and girls upon the unpromising paths of crime and delinquency. A conspicuous example of this is to be found in a recognized increase in sex delinquency.

The family is the first line of defense against crime, for it is in the family that the child receives its primary lessons in social behavior. The traditional family with its dramatis personae of father, mother, brother and sister serves as a sort of sieve through which societal pressures, tensions, ideologies, emotions, drives and impressions filter through from the outside to the member of the family. If this filter is either broken or damaged significant personality changes will result within the family. Anything which makes a sound wholesome family life difficult is bound to undermine the role of the family as an educator of its children in socially approved patterns of behavior. In our modern disorganized society there are already operating strong centripetal forces tending to disrupt family unity. The war has brought increasing strains upon the American family. Large numbers of families have had to establish themselves in new communities close to centers of war industries under the most unsatisfactory physical conditions of housing and sanitation. This is noted by Bacon in his article on "Wartime Housing."

"For families arriving in communities already saturated, the first problem was the establishment of elementary means of shelter. Makeshift shacks were built, cellars were dug and occupied on the hope that the house would some day be finished, garages were occupied as homes.

* * *

"Trailer camps multiplied, often under grossly exploitive and insanitary conditions. A survey of trailer camp occupants in Delaware County, Pennsylvania, showed that the majority of the parents were pretty well satisfied with living conditions there, and enjoyed the low rent, but specific experience with some of the children indicated that they were ashamed of their homes and tried subterfuge to avoid being associated with trailer colonies.

* * *

"Less dramatic but no less important is the effect of worker influx on metropolitan areas. Here the problem is expressed

not by peripheral developments of shack towns, but by overcrowding and deplorable conditions in old areas. In-migrant families have been forced to find accommodations in areas and under circumstances which they ordinarily would not tolerate. There are particularly tragic cases where parents have brought their children to live in surroundings of degradation and immorality. Overcrowding, particularly where older children must sleep together, often in the same room with their parents, contributes directly to the creation of individual and family problems. The necessity for quiet during the day where the father works on the night shift inhibits family life.

• • •

"Especially marked is the effect of this phenomenon on minority groups, particularly Negroes. The demand for white housing reduced the impetus toward changeover of peripheral blocks from white to Negro occupancy, and rent control, by removing profits from the procedure, virtually stopped it. Practically none of the new private housing was for Negroes, and the number of units available in public housing fell far short of the number of in-migrant Negro families. The result was a static housing supply and rapidly growing demand, which inevitably created pressures and conflicts at the margin of the Negro areas. This is generally considered to be one of the contributing factors to the recent race riots in Detroit." (*The Annals of the American Academy of Political and Social Science*, Sept. 1943, pp. 128, 129, 130.)

• • •

Children from broken homes appear in undue proportion among delinquents. It is therefore to be deplored that the war has accentuated the break-up of families. Since adequate housing accommodations close to war industry are frequently unobtainable, many fathers have had to leave their families behind when they obtained war jobs. Thousands of fathers are already in the armed services and the "father draft" threatens to take many more. Older brothers frequently have a decisive influence in molding the behavior patterns of younger members of the family. But older brothers in increasing numbers have been called into the armed forces. With both parents working and older brothers in the armed forces, children are only too often left to the chance influence of the streets.

Community facilities have simply been inadequate to cope with the strain of wartime conditions. Thousands of school teachers have been taken by the armed forces or have left teaching for more lucrative jobs in war industry. The result is an increasing shortage of teachers. This has come at a time in many communities when the influx of new pupils in centers of war industry has placed an unprecedented strain upon school facilities. In Mobile, Alabama, it is

reported that 3,000 children of families that migrated into the city to look for work were without school facilities of any sort.¹

Recreational facilities in parks, playgrounds and private agencies such as Boys Clubs, Y.M.C.A.'s, family case work agencies, clinics, health centers, etc., have been subject to the same pressures as the school systems. In few communities are such agencies adequate to meet even normal needs. The abnormal demands of the wartime emergency have merely pointed up their inadequacies and deficiencies.

The increase in child labor as a result of the abnormal demands of industry and commerce for manpower is another of the pressures which must be reckoned with in planning programs of delinquency prevention. The Children's Bureau has pointed out that a million more children between 14 and 17 were employed in 1942 than in 1941 and that information obtained from State labor departments showed that "more and more children were illegally employed." These facts caused Professor Sellin to state:

"We are already beginning to hear of children earning good wages, rebelling against parental restrictions, insisting on their right to act like adults if they earn their livelihood like adults. While this is not specifically a wartime phenomenon, the war has made it more extensive and important. The moral hazards facing such children are bound to bring many of them into conflict with the authorities." ("Child Delinquency," op. cit. p. 162.)

These are some of the factors with which wartime programs designed to reduce crime and delinquency must cope. None of them are new. They are merely an accentuation of problems and difficulties that have always existed. They will continue with us in the post-war period. It is highly desirable that each community face its problems frankly and courageously. They cannot be eliminated through the mere process of ignoring their existence. It is evident that there can be no single or simple answer to the manifold problems presented by them, nor can one devise a simple scheme of delinquency prevention which will meet present day needs. The pressures conducive to delinquency are too deeprooted, too much a part of the community organization of present day America.

A comprehensive program of delinquency prevention adapted to wartime needs must be conceived in terms of the community as a whole. Each community should therefore attempt a careful analysis of its own delinquency problems. The volume and types of delinquency should be analyzed; their concentration in particular

¹ Annals, p. 129. Donald Du Shane has estimated that 2,000,000 children were receiving an education below standards considered acceptable a year before. (Annals, p. 110)

neighborhoods should be studied; the racial, religious and nationality factors in delinquency and the familial and environmental situations of delinquents should be taken into account. This delimitation of the size and scope of the delinquency problem should be followed by a careful evaluation of the work of the various social agencies in the community in meeting these problems. This evaluation should be able to answer such questions as, the extent to which existing school, recreational and social agency programs are contributing toward a reduction in delinquency; are sufficient agencies in the community available to take care of the children of working mothers; what is being done for leisure time activities of the youngest recruits in the ranks of labor; is the church doing all it can to prevent delinquency; are the police utilizing all their opportunities in the field of delinquency prevention; to what extent the different agency programs overlap; where are the areas of greatest community need in the field of delinquency?

Surveys of this character, it would appear to your Committee, could have inestimable value in compelling each community to face its problems and to recognize the limitations of its agencies in dealing with them. These surveys could avoid the tendency to formulate delinquency prevention programs in terms of the work of a single social agency. They could provide for a coordinated attack of all the different agencies in the community upon the problem of delinquency. Such surveys might be the indispensable step in the creation of Coordinating Councils in which all social agencies could collaborate and in which all efforts could be pooled in a common program of delinquency prevention. These surveys might also provide the basic data for utilizing for particular neighborhoods delinquency prevention programs and community organizational approaches as a "means of bringing about that greater understanding, unity and wholesomeness of community life that are needed to strengthen the sinews of Uncle Sam not only in wartime but in normal periods." (Report, p. 10)

Your Committee will do what it can to aid, assist and encourage the above type of community examination and will give any group studying delinquency problems in a community the benefits of its advice and counsel. However, it must repeat what we noted last year. The job of an effective crime prevention committee cannot be adequately done by the part-time efforts of "very busy people who are already overloaded." We renew our recommendation for the establishment by the Association of "a Bureau of Crime Prevention, in charge of a full-time, trained executive; that he be assisted by at least one full-time field investigator and a secretary; that the job of this staff should be, first, to establish a clearinghouse of information on crime prevention activities throughout the country; secondly, to make field investigations to check up on the methods

and efficacy of the most promising crime prevention enterprises; thirdly, to prepare a biennial directory of crime preventive agencies; fourthly, to prepare a handbook of instructions regarding the establishment of different types of crime preventive organizations." Fifthly, we might add, that such a Bureau could assist cities and towns throughout the country in planning and executing surveys of crime and delinquency problems which will be indispensable for the planning of effective programs of prevention.

SAUL ALINSKY, *Chairman*
 ELEANOR T. GLUECK
 SHELDON GLUECK
 LEONARD V. HARRISON
 E. L. JOHNSTONE
 DAVID M. LEVY
 MORRIS PLOSCOWE
 FREDERIC M. THRASHER
 AUGUST VOLLMER

APPENDIX B

AN EVALUATION OF THE INDETERMINATE SENTENCE*

BY MORRIS PLOSOWE

The American sentencing process is enmeshed in contradictions. The sentencing provisions of the criminal law have not been formulated according to any consistent theory, and are a confusing amalgam of the traditional and the progressive.

Most of our sentencing provisions stem from the 19th Century. The approach of this century in matters of dealing with offenders was relatively simple. It was one of attaching a specific penalty to a particular crime graduated according to the seriousness of the crime and the culpability of the individual offender in committing the crime. Crimes were classified into felonies and misdemeanors and to each crime was attached the appropriate penalty. Generally, the judge could, after an offender was convicted, sentence the offender up to the maximum fixed by the legislature for the crime. The sentence, when it was to imprisonment, was for a fixed or definite term of years although, occasionally, specific punishments, such as in capital cases, were provided. Where the judge imposed a sentence of imprisonment for a specified number of years, the defendant had to be released at the end of that term, irrespective of how dangerous he still may have been to the community and no matter how certain it was that he would again relapse into criminality.

Under such a system of sentencing offenders, the primary consideration was the criminal act committed. Only secondarily was the individual who committed the crime considered. In fixing the exact number of years of imprisonment, the judge might, of course, take into account the personality of the offender or the degree of the offender's culpability in committing the particular crime. But the judge had no machinery for pre-sentence investigation of the offender's personality or culpability. He had to rely upon facts brought out at the trial or upon statements made to him in court. Nor did he have any legal guides as to how he should evaluate culpability or the offender's personality.

* At the 73rd Annual Congress of Correction the Indeterminate Sentence was an important subject for discussion. There follows a report of the Committee on Sentencing Process, by its Chairman. The author of this article is the Chief Clerk of the Court of Special Sessions of the City of New York, and a Member of the Bar.

It is evident that, under these circumstances, sentences for similar crimes and for similar types of offenses would vary widely. These variations in sentence were increased by serious differences of opinion among judges with respect to the philosophy of sentencing offenders. Some judges believed that the best means of controlling crime was the imposition of severe punishments upon offenders. This would tend to deter others who were likely to commit crimes as well as to intimidate the individual offender who had to suffer the punishment. Other judges, however, were less sanguine about the deterrent powers of punishment. They were more likely to give the offender another chance. These variations in the individual philosophies of judges inevitably increased the variation of sentences for similar crimes.

In the latter part of the 19th century and in the 20th century, new conceptions arose in the field of sentencing. Attention was directed to the individual offender rather than to the crime committed. It was recognized that crime was the work of individuals, that penalties imposed as a result of crime must be directed to eliminating from the individual the disposition to commit more crimes. Reformation and rehabilitation of offenders became catchwords of the new era in penology. One heard much of the necessity of individualizing punishment, of making the punishment fit the offender rather than the crime. The medical analogy was frequently invoked, namely, that doctors did not treat diseases as such but individual patients. Criminal law must therefore look to its patients, namely, the offenders, rather than the specific diseases, namely, the crimes of which they were guilty.

This trend toward the individualization of punishment, toward making the offender rather than the crime the central factor in post-conviction processes, resulted in the adoption of a wide variety of measures. In the institutional field it led progressive states to a complete reorientation of prison techniques. The creation of reformatories and other specialized institutions for particular classes of offenders, of classification methods in institutions, of vocational and academic training procedures, of medical and psychiatric services, of methods of institutional self-government, all stem from the notion that a sentence for crime should provide a mode of treatment geared to the needs of the offender rather than a punishment for his infraction of the law.

The notion of individualized punishment also resulted in profound modification of the penal law. It was felt that some offenders need not be sent to prison to make them refrain from committing future crimes and that it was possible to rehabilitate them under the supervision of probation officers. The law was therefore changed in many states to make possible suspension of sentence and probation for convicted offenders. It was also recognized that no one

could foretell how long it would be necessary to keep an offender subject to institutional treatment till he showed proof of reformation and rehabilitation. The logic of reformatory or rehabilitative methods required indeterminate rather than definite sentences.¹ To a greater or lesser degree, therefore, indeterminate sentences became a part of the law in most states.

But if indefinite or indeterminate sentences were to be imposed, some authority had to decide when offenders were sufficiently rehabilitated so that they could be released. Thus parole boards came into being, whose function it was to decide at what point in the offender's sentence it was sufficiently safe to return him to the community.

These are some of the progressive measures based on individualization of treatment which have been adopted by the criminal law. But legislatures in providing for such measures have not abandoned traditional sentencing procedures and traditional sentencing philosophies. Not only have large areas of the criminal law remained untouched by the new approach toward sentencing offenders, but the new provisions themselves represent compromises with traditional philosophies of punishment and traditional sentencing techniques. The indeterminate sentence law, for example, has been adopted in only 36 states. Thus, where prison sentences are imposed, 12 states still employ the definite sentence as the means of disposing of convicted offenders. But even in the 36 states which do have indeterminate sentence laws, the definite sentence is still a widely used procedure.

In Arkansas, Nebraska, North Dakota, South Dakota, Tennessee, Texas and West Virginia, definite sentences accounted for more than 80% of the commitments in 1936. Many states exclude specific types of crimes from their indeterminate sentencing provisions. Nebraska does not permit indeterminate sentences to be imposed in cases of crimes of violence. Oregon laws deny offenders the benefit of the indeterminate sentence laws in cases of murder, treason, rape, burglary, and assault. Louisiana excludes treason, arson, rape, burglary, crimes against nature, incest, robbery, misuse of depositors' funds by bank officials, defalcations of notaries public, train wrecking, and dynamiting. In such states, offenders guilty of crimes to which the indeterminate sentence laws are not applicable, are sentenced by the traditional techniques of the definite sentence.

Similarly, many states exclude specific types of offenders from the benefit of the indeterminate sentence. Georgia and Wisconsin exclude second offenders. Washington excludes "habitual crim-

¹ This was pointed out by the American Prison Association in 1870. "Peremptory sentences should be replaced by those of indeterminate length. Sentences limited by satisfactory proof of reformation should be substituted for those measured by mere lapse of time."

inals." Some states, such as Arkansas, Texas, Nebraska, and West Virginia, give the court an option to impose a definite sentence or an indeterminate sentence. The courts in these states have usually imposed the flat or definite sentence in a majority of the cases. Even where judges must impose indeterminate sentences, legal provisions in some states have made it possible for the minimum and maximum sentences to be so close together as to make the actual sentence imposed in effect a definite one.¹

It might be supposed that parole, which is based on the notion of releasing offenders when it is safe for them to live in the community, would necessarily have to be founded upon an indeterminate sentence. Yet nine jurisdictions of this country, namely, Delaware, Kentucky, Maryland, Missouri, Montana, Oklahoma, Rhode Island, South Carolina, and the Federal Government use parole in connection with definite sentences fixed by the courts. At some time during the course of the definite sentence the executive authority, represented by the parole board, decides when the offender is to be released.

Even where indeterminate sentence laws have been adopted, there is a widespread provision that the offender must serve a minimum sentence before he is eligible for parole, which is either fixed by the court or by the law. This minimum must be served even though the offender may be ready for release long before its expiration and even though additional incarceration may have a deleterious effect upon him.

From the foregoing analysis it is evident that present sentencing provisions of criminal law are a conglomeration of the traditional and progressive, a hodgepodge in which elements of individualization of treatment and expiating punishment are mixed together. Accordingly, a questionnaire was sent to the Committee on the Sentencing Process of the American Prison Association, by Chairman Morris Plosewe, for opinions on certain matters fundamental to any rational organization of sentencing techniques. Information was secured on the following questions:

1. *What means do you suggest for the elimination of the disparity in sentences between different judges and different courts in the same state with respect to similar crimes and similar types of offenders?*

The members of the Committee were in general agreement that new machinery was needed to overcome "the evil of variations in sentences", namely, "the absence among judges of any well established philosophy of punishment or treatment which causes one

¹ See Attorney General's Survey of Release Procedures, Vol. IV, pp. 92 et seq.

judge in the same court, or the same judge on different occasions, to impose penalties which are based on purely personal and quite temporary and accidental considerations, or causes some judges who have one conception of the purpose of punishment to give sentences which are different from those of other judges holding different views."

Dr. Sellin felt that in large communities where criminal cases are heard by a variety of judges, the evil of variations in sentences could be controlled to some extent by the establishment of a sentencing division of the court, composed of one or more judges, but that this solution is inapplicable in the average county and that no general solution is possible except the creation of some central sentencing body.

Professor von Hentig felt that it might be possible to set up an advisory committee for the equalization of sentences which would operate through the pardoning power.

Judge Laws was of the opinion that "an indeterminate sentence system in some form has proven a satisfactory and adequate means for reducing disparity of sentences to a minimum."

2. *Are you in favor of a disposition tribunal or sentencing board which will have the duty of imposing sentence upon convicted offenders?*

In general, the Committee favored the creation of a sentencing tribunal, though there was considerable difference in detail as to the organization of such a tribunal and the exact scope of its functions.

3. *Are you in favor of extending the indeterminate sentence with a maximum fixed by law to all crimes (with the exception of capital crimes) and to all classes of offenders?*

There was also general agreement (with the exception of Professor von Hentig) as to the desirability of extending the indeterminate sentence laws.

4. *If the indeterminate sentence laws are to be extended, should not the penal law be revised so as to provide a single maximum sentence for each type of felony instead of different maximum sentences for degrees of the same felony?*

As far as possible, the elimination of the subdivisions of felonies into various degrees with different maximum punishments for the different degrees of the same felony is also desirable.

5. *How, in your opinion, should recidivist offenders be handled?*

All the members of the Committee were of the opinion that the techniques of dealing with recidivist offenders need to be improved. Mr. Bates, for example, stated:

"Recidivist offenders and in fact all offenders should be handled on the basis of their danger to the community. Certainly men who have demonstrated such danger over repeated intervals should be treated more severely or let us say more protectively than others. Plural offender statutes, however, should permit or lengthen the sentence on a more scientific basis than those provided in the Bammes laws where sentence is dependent wholly upon the number of offenses. The evasion and abuse of the plural offender sentence in New York is alone enough to condemn it."

6. *Are you in favor of placing upon the Department of Correction or the authority controlling the penal and correctional institutions of a state, the duty of deciding the institution in which an offender shall serve his sentence and eliminating the right of a court to designate the particular institution in which the offender must stand committed?*

Generally it was felt by the members of the Committee that the measure of control of departments of correction over commitments to institutions should be increased.

One thing is evident from the answers to the questionnaire. There is dissatisfaction with existing sentencing procedures. Changes are needed, and the above suggestions indicate the lines along which changes should be made. It is, however, impossible to formulate any detailed revision of existing sentencing procedures without exact knowledge of present legal and administrative provisions. It would be highly desirable, therefore, for some organization, such as the American Law Institute, to make a survey of existing sentencing provisions throughout the country. Such a survey should provide the basic data for the formulation of a model sentencing code which could be recommended for adoption in the various states.

In its Youth Correction Authority Act, the American Law Institute has formulated a model plan for dealing with youthful offenders. It is suggested that the American Prison Association take the initiative and invite the American Law Institute to do a job in the wider field of the disposition of adult offenders. If the American Law Institute or some other organization would undertake the detailed work necessary for the creation of a model sentencing code, your Committee is prepared to act in an advisory capacity and assist in the formulation of the code. It is highly

desirable that work on the code start as soon as possible, so that it may be ready before we are overwhelmed by the day to day problems of a post-war criminality.

MORRIS PLOSCOWE, *Chairman*
 SANFORD BATES
 WILLIAM R. BATES
 BOLITHA J. LAWS
 JEROME MICHAEL
 THORSTEN SELLIN
 HANS VON HENTIG

THE PRISON ASSOCIATION OF NEW YORK

GENERAL FUND

STATEMENT OF INCOME AND EXPENSES

YEAR ENDED DECEMBER 31, 1943

Income

Donations—special purpose		
The Greater New York Fund.....	\$371 00	
Other Funds	4,982 34	
Donations—unrestricted	\$5,353 34	
	9,143 00	\$14,496 34
Endowment income		
Interest on Mortgages.....	5,051 93	
Interest on Bonds.....	1,845 00	
Dividends on Stocks.....	8,872 00	
		15,768 93
Total Income		30,265 27

Expenses

General administration	11,451 10
Relief—prisoners and families (cash, food, clothing, etc.)	7,144 51
Relief—administration	1,714 00
Employment—administration	2,852 16
Appeal—administration	1,531 53
Traveling expenses	60 92
Printing and stationery	621 04
Postage	304 14
Telephone and telegraph	280 42
Auditing, legal and legislative services	320 00
Periodicals, custodian fees and miscellaneous	487 56
House maintenance	1,716 48
Total Expenses	28,483 86
Excess of Income Over Expenses	1,781 41
Special Donation—to offset withdrawals from Endowment Fund....	2,000 00
Excess of Income for the Year.....	\$3,781 41

AUDITORS' OPINION

We have audited the books, accounts, minutes, and other records of The Prison Association of New York for the year ended December 31, 1943. In our opinion the statement of income and expenses shown above presents fairly the results of the operations for the year ended at that date.

WEBSTER, HORNE & BLANCHARD,

Certified Public Accountants

New York, N. Y., May 3, 1944.

CONSTITUTION AND BY-LAWS

An Act to Incorporate The Prison Association of New York.
Passed May 9, 1846, by a two-thirds vote. (As subsequently amended.)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All such persons as now are and hereafter shall become members of the said association pursuant to the constitution thereof, shall and are hereby constituted a body corporate by the name of The Prison Association of New York, and by that name have the powers that by the third title, of the eighteenth chapter, of the first part of the Revised Statutes, are declared to belong to every corporation, and shall be capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation, provided that such real estate shall never exceed the yearly value of ten thousand dollars, nor be applied to any other purpose than those for which this corporation is formed.

§ 2. The estate and concerns of said corporation shall be managed and conducted by its executive committee, in conformity to the constitution of the said corporation; and the following articles that now form the constitution of the association shall continue to be the fundamental laws and constitution thereof, subject to alteration in the mode therein prescribed.

ARTICLE FIRST

The objects of the association shall be:

1. The amelioration of the condition of prisoners whether detained for trial, or finally convicted, or as witnesses.
2. The improvement of prison discipline and the government of prisons whether for cities, counties or states.
3. The support and encouragement of reformed convicts after their discharge by affording them the means of obtaining an honest livelihood and sustaining them in their efforts at reform.

ARTICLE SECOND

The officers of the society shall be a president, four vice-presidents, a recording secretary, a corresponding secretary, and a treasurer, and there shall be the following committees, viz.: a finance committee, a committee on detentions, a committee on

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prison discipline, a committee on discharged convicts and an executive committee. The number of the executive committee shall consist of not more than thirty-five, of whom not more than ten shall be officers of the society, and not more than twenty-five shall be persons other than officers.

ARTICLE THIRD

The officers named in the preceding article shall be *ex-officio* members of the executive committee, who shall choose one of their number to be chairman thereof.

ARTICLE FOURTH

The executive committee shall meet once in each month, and keep regular minutes of their proceedings. They shall have a general superintendence and direction of the affairs of the society, and shall annually report to the society all their proceedings, and such other matters as shall be likely to advance the ends of the association.

ARTICLE FIFTH

The society shall meet annually in the city of New York, at such time and place as the executive committee shall appoint, and at such other times as the president, or in his absence, one of the vice-presidents, shall designate.

ARTICLE SIXTH

Any person contributing annually to the funds of the association not less than five dollars shall, owing to such contribution, be a member thereof. A contribution of five hundred dollars shall constitute a life patron; a contribution of one hundred dollars shall constitute an honorary member of the association for life, and a contribution of fifty dollars shall constitute a member of the association for life. Honorary and corresponding members may, from time to time be appointed by the executive committee.

ARTICLE SEVENTH

A female department shall be formed consisting of such females as shall be selected by the executive committee, who shall have charge of the interest and welfare of prisoners of their sex, under such regulations as the executive committee shall adopt.

ARTICLE EIGHTH

The officers of the association shall be chosen annually at the annual meeting, at which time such persons may be elected honorary members as shall have rendered essential service to the cause of prison discipline.

ARTICLE NINTH

Any society having the same objects in view may become auxiliary to this association by contributing to its funds and cooperating with it.

ARTICLE TENTH

The executive committee shall have power to add to any of the standing committees such persons, as, in their opinion, may be likely to promote the objects of the society, and shall have power to fill any vacancy which may occur in any of the offices of the association, intermediate the annual meetings.

ARTICLE ELEVENTH

This constitution may be amended by a vote of the majority of the society at any meeting thereof, provided notice of the amendment has been given at the next preceding meeting.

The officers elected for the current year, under the constitution shall continue to be the officers thereof until others shall be duly chosen in their places.

And it is hereby further enacted that no manager of said society shall receive any compensation for his services.

§ 3. The said executive committee shall have power to establish a workhouse in the county of New York, and in their discretion, to receive and take into the said workhouse all such persons as shall be taken up and committed as vagrants or disorderly persons in said city as the Court of General Sessions of the Peace, or the Court of Special Sessions, or the Court of Oyer and Terminer, in said county, or any police magistrate, or the commissioner of the almshouse may deem proper objects, and the said executive committee shall have the same powers to keep, detain, employ and govern the said persons as are now by law conferred on the keepers of the bridewell or penitentiary in said city.

§ 4. The said executive committee may, from time to time, make by-laws, ordinances and regulations, relative to the management and disposition of the estate, and concerns of said association and the management, government, instruction, discipline, and employment of the persons so as aforesaid committed to the said workhouse, not contrary to law, as they may deem proper and may appoint such officers, agents and servants as they may deem necessary to transact the business of the said association, and may designate their duties. And the said executive committee shall make an annual report to the Legislature and to the corporation of the city of New York, of the number of persons received by them into the said workhouse, the disposition which shall be made of them by instructing or employing them therein, the receipts and

expenditures of said executive committee and generally all such facts and particulars as may exhibit the operations of the said association.

§ 5. The said executive committee shall have power, during the minority of any of the persons so committed to the said workhouse, to bind out the said persons so being minors, as aforesaid, as apprentices or servants, with their consent during their minority, to such persons and at such places, to learn such proper trades and employments as in their judgment will be most conducive to their reformation and amendment and future benefit and advantage of such persons.

§ 6. The said executive committee by such committees as they shall from time to time appoint, shall have power, and it shall be their duties to visit, inspect, and examine, all the prisons in the State and annually report to the Legislature their state and condition and all such other things in regard to them as may enable the Legislature to perfect their government and discipline. And to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that by the twenty-fourth section, of title first, chapter third, part fourth of the Revised Statutes, are invested in inspectors of county prisons and the duties of the keepers of each prison that they may examine shall be the same in relation to them, as in the section aforesaid, are imposed on the keepers of such prisons in relation to the inspectors thereof; provided, that no such examination or inspection of any prison shall be made until an order for that purpose to be granted by the chancellor of this State, or one of the judges of the Supreme Court, or by a vice-chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situate shall first have been had and obtained, which order shall specify the name of the prison to be examined, the name of the persons, members of the said association, by whom the examination is to be made, and the time within which the same must be concluded.

BY-LAWS*

I. There shall be a stated meeting of the executive committee on the third Thursday of each month, and special meeting shall be held on the requisition of the Chairman or any three members of the executive committee. The call for a special meeting shall, in all cases, state the business to be transacted at said meeting. The annual meeting shall be held on the third Thursday of Janu-

* As amended by the Executive Committee of the Association at its monthly meeting on Thursday, December 17, 1931.

ary in each year at an hour and place to be designated by the executive committee.†

The number of members composing the executive committee exclusive of the officers of the association, is hereby fixed at twenty-four, and divided into four groups or classes as follows: At the election held at the annual meeting of the year 1916, there shall be elected, to serve from that date, six members for the term of one year, six for the term of two years, six for the term of three years, six for the term of four years. At each annual meeting thereafter six members shall be elected for the term of four years in place of those whose terms of office then expire. Any vacancies in the membership of the committee by death, resignation or otherwise, may be filled either by the association at any annual meeting or, in interims between the annual meeting, by the executive committee.

II. At every meeting of the executive committee five members shall be necessary to constitute a quorum.

III. The order of business at the annual meeting shall be as follows:

1. Election of chairman and secretary.
2. Reading of minutes of the last meeting.
3. Report of committee on nominations.
4. Election of officers.
5. Report of corresponding secretary on work of year.
6. Annual report of the treasurer.

IV. The order of business at every other stated meeting shall be as follows:

1. The reading and approval of the minutes of the last preceding meeting.
2. Report of treasurer.
3. Reports from standing committees.
4. Report from the corresponding secretary.
5. Reports from special committees.
6. Report from the general agent.
7. Miscellaneous business.

At a special meeting no other business shall be transacted than that for which the said meeting was called.

† At the February, 1928, meeting of the Executive Committee, section 1 of the By-Laws was amended to provide that the monthly meeting of the committee be held on the second Monday of each month, and that the annual meeting of the Association be held on the second Monday in January of each year. However, at the November meeting the By-Laws were again amended to provide that the monthly meeting be held on the third Thursday of each month, as heretofore, and that the annual meeting of the Association be held on the third Thursday in January of each year.

V. The chairman shall appoint all standing and special committees and decide all questions of order, subject to an appeal; and the rules of order shall be those embodied in Cushing's manual so far as they are applicable.

VI. The recording secretary of the association shall be the secretary of the executive committee; and it shall be his duty to keep the minutes of the proceedings of said committee, to record them in a book provided for that purpose, and to give due notice of all meetings of the committee.

VII. The corresponding secretary shall conduct the correspondence of the executive committee and of each of the standing committees; and shall act as the general financial agent of the association, and shall report at each stated meeting of the committee.

VIII. The treasurer shall have charge of the funds of the association, and shall give such security as the executive committee may require. His duties are more fully defined in by-law X.

IX. There shall be at least the following standing committees: executive; finance; law; detentions; nominations; probation and parole; prison administration. Such committees in addition to any powers or duties conferred by these by-laws shall severally possess the power and be subject to the duties designated from time to time by the executive committee. Furthermore, the committee on probation and parole shall function as the committee on discharged convicts mentioned in the constitution, and the committee on prison administration shall function as the committee on prison discipline mentioned in the constitution.

The duties of the above named committees, not otherwise provided for in the constitution or by-laws, are as follows:

It shall be the duty of the committee on detentions to inquire as far as may be practicable or necessary into the causes of commitment of persons held in institutions of the Department of Correction of the City of New York, and, when deemed desirable, to adopt available measures for procuring the discharge or providing for the defense of such as shall appear to be entitled thereto. It shall further be the duty of the committee, when arrangements are made therefor, to extend its work to jails, penitentiaries, reformatories and prisons outside of the City of New York and within the State of New York.

It shall be the duty of the committee on nominations to consider the qualifications of persons available for election as vice-presidents or available for membership on the executive committee of the association, and to make recommendations thereon to the executive committee for final action.

It shall be the duty of the committee on probation and parole to be associated with the operation of the probation, parole and