

STATE OF NEW YORK

---

THE ONE HUNDRED AND SIXTH  
ANNUAL REPORT

OF THE

# Prison Association of New York

135 East 15th Street, New York

1950



ALBANY  
WILLIAMS PRESS, INC.  
1951

## 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 one hundred and sixth 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 a certain number of 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.

## CONTENTS

	Page
Preface .....	3
Officers for 1950 .....	7
Standing Committees for 1950 .....	8
Letter of Transmittal .....	9
Prisons and Defense Mobilization .....	11
Recommendations to the Legislature .....	11
I. Utilization of Man-Power and Facilities of State Correctional Institutions for Mobilization Needs .....	14
II. Coordinated Correctional Program .....	14
III. Commitment of Prisoners .....	17
IV. Extension of the Youthful Offender Law to Include Offenders 19 and 20 Years of Age .....	18
V. Amendment of the Youthful Offender Law Concerning Determination of Arrest .....	18
VI. Treatment of Narcotic Addicts .....	19
VII. Advisory Committee on Correctional Industries .....	20
VIII. Treatment of the Chronic Alcoholic .....	20
IX. Department of Correction—City of New York .....	21
X. Extending the Power of the State Board of Parole in Certain Cases .....	21
XI. Eligibility for Parole for Certain Prisoners Convicted as Second Offenders on Charges of Robbery and Burglary, First Degree ..	22
XII. Re-Establishment of Central Guard School .....	23
XIII. Civil Service Status to County and Local Penal Institution Personnel .....	24
XIV. Change of Title from Prison Guard to Correction Officer .....	24
XV. Sex Offender Law .....	25
XVI. Miscellaneous .....	25
(1) Aid to the Indigent Offender .....	25
(2) Compensation for Inmates of Napanoch Institution for Male Defective Delinquents, Elmira Reformatory and State Vocational Institution and Equalization of Compen- sation for Inmates of Westfield State Prison for Women .....	25
(3) Provision of Internships within the Division of Parole and the Department of Correction .....	26
(4) Improvement of Probation .....	26
(5) Examination into Sentencing Process .....	26
(6) State Commission of Correction .....	26
Progress Outlook .....	27
Central Harlem Street Clubs Project .....	28
"Wars" Are Ended by 4 Harlem Gangs .....	29
No "Laying Down the Law" .....	30
Ideology Seen Unchanged .....	31
Sex Offender Study .....	31
Prison Labor in Mobilization Effort .....	33
Crime Statistics—New York City .....	33
Drug Addicts—Penitentiary of the City of New York .....	34
Veterans Preference Legislation .....	34

CONTENTS (continued)

	Page
St. Lawrence University Institute—Canton, New York.....	35
Police Department—Increase of Personnel.....	38
Reappointments to the State Commission of Correction.....	39
Escapes.....	39
Youthful Offender Legislation.....	40
Midwinter White House Conference on Children and Youth.....	40
Federal Youth Corrections Act.....	41
Welfare Council of New York City.....	42
National Conference of Social Work.....	42
New York City Youth Board.....	43
Regional Conferences.....	43
New York State Welfare Conference.....	43
New York School of Social Work.....	44
Prisoner Essay Contest.....	44
National Jail Association.....	44
National Chaplains' Association.....	44
Eightieth Annual Congress of Correction.....	45
Homeless Men.....	46
State Board of Parole Hearings.....	46
Cooperation with Editors of Reader's Digest.....	46
Alcoholics Anonymous Program.....	47
Civil Service.....	47
Council of State Governments.....	48
Radio Program Re Parole.....	48
Newspaper Reference to Paroles.....	48
RKO "This Is America" Motion Picture.....	48
Substitute for Benzehrine Inhaler.....	49
Massachusetts Legislative Recess Commission.....	49
Publications.....	49
Affiliation of Japan Prison Association with American Prison Association.....	49
Foreign Visitors.....	49
General Service.....	50
Remarks of Guest Speakers.....	51
Hon. William P. O'Brien, Police Commissioner of the City of New York.....	51
Hon. Miles P. McDonald, District Attorney of Kings County, Brooklyn, New York.....	52
Mr. Edmond FitzGerald, Chief Probation Officer of Kings County Court, Brooklyn, New York.....	53
Major Thomas J. Hanlon, Superintendent, State Institution for Male Defective Delinquents, Napanoch, New York.....	55
Hon. Samuel S. Leibowitz, Judge, Kings County Court, Brooklyn, New York.....	56
Hon. John J. Bennett, Chief Justice, Court of Special Sessions, Manhattan, New York.....	58
The Association's Bureaus of Service.....	60
Employment and Relief Bureau.....	60
Visits to New York City Prison and Sing Sing Prison.....	62
Statistics for Employment and Relief Bureau for 1950.....	63
Family Service Bureau.....	63
Statistics of Family Service Bureau for 1950.....	68
Legislation—1950.....	69
"Here Is No Prison Problem" by James Finnan, Staff Writer, The Reader's Digest.....	76
Financial Statement.....	85
Constitution and By-Laws.....	86

THE PRISON ASSOCIATION OF NEW YORK

OFFICERS FOR 1950

<i>President</i>	<i>Recording Secretary</i>	<i>Treasurer</i>
EDWIN O. HOLTER	WALTER C. TEAGLE, JR.	C. C. AUCHINCLOSS

*Corresponding and General Secretary*

E. R. CASS

*Assistant Secretary*

ROBERTS J. WRIGHT

*Vice Presidents*

HENRY G. GRAY

HAROLD K. HOCHSCHILD

EDWARD P. MULROONEY

*Executive Committee*

EDWIN O. HOLTER, *Chairman*

*Class of 1950*

ARCHIBALD S. ALEXANDER  
REGINALD L. AUCHINCLOSS  
RICHARD C. BAROCK  
BURTON J. LEE, JR.  
RICHARD C. PATTERSON, JR.  
FRANCIS E. POWELL, JR.

*Class of 1952*

JOSEPH E. DAVIS  
C. DOUGLAS DILLON  
MRS. ALLEN W. DULLES  
JOHN L. SCHOENFELD

*Class of 1951*

MRS. JULIUS OCHS ADLER  
CHARLES SUYDAM CUTTING  
FREDRICK M. EASTON  
HENRY A. WILMERDING

*Class of 1953*

GEORGE F. BAKER, JR.  
SAM A. LEWISOHN  
PAUL MOORE, JR.  
G. HOWLAND SHAW

**STANDING COMMITTEES FOR 1950**

**COMMITTEE ON LAW**

GRAY, ALEXANDER, EATON

**COMMITTEE ON FINANCE**

C. C. AUCHINCLOSS, DILLON, HOCHSCHILD, LEE

**COMMITTEE ON DETENTIONS**

SCHOENFELD, R. L. AUCHINCLOSS, MRS. DULLES, MOORE, PATTERSON

**COMMITTEE ON NOMINATIONS**

C. C. AUCHINCLOSS, DAVIS, HOCHSCHILD

**COMMITTEE ON PROBATION AND PAROLE**

LEWISOHN, CUTTING, POWELL, SHAW, WILMERDING

**COMMITTEE ON PRISON ADMINISTRATION**

MULROONEY, MRS. ADLER, BARCOCK, BAKER, LEE, TEAGLE

**ONE HUNDRED AND SIXTH ANNUAL REPORT OF THE  
PRISON ASSOCIATION OF NEW YORK .**

HON. FRANK C. MOORE,

*Lieutenant Governor of New York:*

SIR.—In accordance with Chapter 163 of the Laws of 1846, we have the honor to present the One Hundred and Sixth 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 12, 1951

*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 106th 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. HOLTER, *President*

E. R. CASS, *General Secretary*

### PRISONS AND DEFENSE MOBILIZATION

Observing the scene of correctional progress over the past ten years it would seem to be an alarming coincidence that in writing our report of ten years ago—the Ninety-Sixth Annual Report for 1940—we gave major emphasis to the need for using the idle man-power in correctional institutions in the defense effort.<sup>1</sup> This, it will be immediately noted, was well in advance of the bombs of Pearl Harbor.

Ten years ago we noted that there need be no discussion as to the value of a defense program, pointing out the potential man-power available within correctional institutions. Now, ten years later, we stress with the greatest of urgency that this same man-power be put to work in the interests of public welfare and the strengthening of the nation's defense.

We are particularly concerned that the Legislature of New York State give this matter its close attention and record itself with appropriate authorities as approving the use of prison man-power *before* we get to the stage where our production problem is critical and the element of time even more critical than at present. Preparedness means just that, and while we possess no magical powers in the way of crystal gazing or radar fingers into the future we do stress the need for action before it is too late.

The Association, in co-operation with its colleague of eighty-one years, The American Prison Association, has already made known

\* These Recommendations were made available to each member of the Senate and Assembly on February 5, 1951.

<sup>1</sup> The Ninety-Sixth Annual Report of the Prison Association of New York for the year 1940—Legislative Document (1941) No. 61, pp. 13 ff.

to the director of the Office of Defense Mobilization the availability of some 150,000 inmates in federal and state penal and correctional institutions who are ready, willing and able to co-operate and do their share in the national emergency.

It was in 1941, again before Pearl Harbor, that a member of the Executive Committee of the Prison Association of New York, Sam A. Lewishon, wrote: ". . . in the prisons of America we have a potential army of defense workers that only needs mobilization to become effective, for with all their faults, most prisoners have the patriotic instinct. Most of our prisoners realize that they themselves have an important stake in the outcome of the world crisis and will co-operate gladly and cheerfully."<sup>2</sup>

The author's use of the phrase "... potential army of defense workers" remains true today, ten years later. Equalling approximately five full army divisions in man-power strength, the prisoners of America are ready to go to work. The record of their accomplishment during the days of World War II is one that needs no detailed repetition here. In fact, the devotion and patriotic spirit shown by prisoners is one that defies verbal description. In terms of dollar and cents productivity, the final War Production Board compilation of the penal industries contribution to the war effort shows a total output by prisoners in state and federal prisons of more than \$136,000,000 worth of war goods ranging from bomb fins to bomb shelters, and submarine chasers to submarine nets.

This total effort, and much more that failed to be recorded, was contributed without strikes, absenteeism and complaints of overtime and wage differences.

The same War Production Board findings show that New York's share in this effort totalled \$1,618,514 placing this State 18th in rank. While this was the most commendable showing, we hold to the opinion that given another opportunity to show its productive ability New York will rank well toward the top. It is to this end that we urge legislative support.

Perhaps the words of a prisoner of 1951 would have more meaning in this instance. "We prisoners of the country feel that we can do something to help insure victory . . . We want to prove that we can redeem ourselves, especially at a time when our country is confronted with the greatest crisis in her glorious history. We may have erred along the way, but we have never turned traitors . . . Like free people, all that we hold dear depends on whether the nation remains unconquered."<sup>3</sup>

<sup>2</sup>The Prison World, November-December 1941, "Gearing Prisoners to the National Defense", Sam A. Lewishon, pp. 6, ff. Official Journal of the American Prison Association.

<sup>3</sup>Excerpt from editorial in *Ohio Penitentiary News*, issue of December 30, 1950.

What, specifically, do we suggest that the Legislature of 1951 do with respect to this problem of utilizing available man-power in the defense program?

*First*, we recommend that full legislative support be given the plan itself of again putting prisoners to work in the interests of defense and preparedness and the protection of our people.

*Second*, we recommend that legislative direction be given the Commissioner of Correction to immediately make every preparation necessary to make possible momentary shifting of departmental procedures to a war footing. This, we feel, would be true preparedness.

*Third*, we recommend that the Legislature request the Governor to record with appropriate governmental officials, specifically the director of the Office of Defense Mobilization, the availability and readiness of the prisoners in New York's correctional institutions to contribute their labor to the mobilization program.

*Fourth*, we recommend that the Commissioner of Correction be urged to have available for local and national needs an up-to-date inventory of man-power, inmate and civilian, and physical facilities and equipment. If and when the need for utilizing prison labor becomes acute on a national scale, a blueprint of potentialities will be the first order of business.

*Fifth*, where necessary the Legislature should ease the limitations placed upon prison labor to whatever extent required by the plans and operations of the federal government in the present emergency or in event of war. This would seem possible within the limits of the State Constitution as was demonstrated during the last war and with the continuance of the safeguards to avoid exploitation of prison labor for private gain.

*Sixth*, we urge and strongly recommend that the Legislature give close observation to any moves that could be interpreted as curtailing existing prison industries. Competition with free labor continues at the barest minimum, and work programs are mandatory for prisoners unless we want to return to the old and memorable days of stultifying idleness, riots and bloodshed. The preservation of prison industries and their expansion into defense production requires the wholehearted support of the Legislature.

No less a personage than the late President, Franklin D. Roosevelt, stated that "The enthusiasm of both prison authorities and the prisoners in taking part in wartime activity has been most gratifying . . . this improvement of prison production and morale in wartime is an achievement of great moment."

In submitting the following Recommendations to the 1951 Legislature we do so cognizant of the need for even greater economy

in the State government. At the same time we are adhering to the expressed desire of the Governor to hold expenditures to a minimum. In view of this we are not including in detail in this report some of the recommendations that have been made by the Association in past years. This, however, should not be interpreted as meaning that we are abandoning our stand in their favor. It does mean that they do not receive our priority in the light of more urgent considerations by the Legislature required by the national emergency. We feel the Legislature should not be overburdened with time and effort not directly in line with the emergency demands of the times, and for this reason we are restricting our proposals, pointing out at their conclusion those recommendations that should be kept in mind but not requiring immediate action or consideration.

### I. UTILIZATION OF MAN-POWER AND FACILITIES OF STATE CORRECTIONAL INSTITUTIONS FOR MOBILIZATION NEEDS

It is urgently recommended that full legislative support and direction be given the utilization of the man-power and facilities of prisons in the current mobilization and defense effort.

#### Comment:

In light of the full discussion given this situation in the preceding comment nothing further need be stated except to urge that every consideration be given the six specific steps recommended therein.

### II. COORDINATED CORRECTIONAL PROGRAM

For the fifth consecutive year, and with even greater emphasis this year in light of the Governor's urgent appeal for streamlined departmental procedures in the interests of economy and efficiency, we again urge that a thorough review of the State's correctional process be made either by a legislative commission with the aid of technical consultants or by a special professionally qualified committee appointed by the Governor.

#### Comment:

We do not hesitate to repeat and give renewed emphasis to this recommendation for a more coordinated State correctional program. Many aspects of the present system are highly commendable but in our opinion the greatest lack is a well-knit plan of operation. We have the common overall purpose of protecting society and rehabilitating the inmate, but we lack the necessary coordination.

As we have stated previously, there is the necessity of tying up loose ends that have been permitted to fray with the passage of time. This task is not one that can be done overnight. It is, rather, more of a task for experts both within and outside the Department of Correction. The Governor has recently requested the State Youth Commission to make a detailed study of statutory provisions, plans and procedures with regard to the offender between the ages of 16 and 21. We feel that a generally similar study of our existing correctional process not being covered by this survey needs to be made in order that our institutions be truly *correctional*. The everyday demands of operation and maintenance so often postpone the good intentions of those concerned to direct their energies to more long range planning. The aid of a technical committee would be of inestimable value at this point.

During the latter part of 1950 the New York State Citizens Committee of One Hundred for Children and Youth formed various working sub-committees, among them Sub-Committee No. 7, set up "To Study All Institutions For Males, 16-21" with directions to report in the early fall season. This sub-committee, under the chairmanship of the Association's General Secretary, who was also a member of the Governor's Committee of One Hundred, well stated the situation in these words: "Only the intelligent application through teamwork of the best knowledge and skills in all fields having to do with human behavior offers hope of real results." Noting that three basic needs existed within the Department of Correction's program for adolescent offenders, the report indicates them as follows:

- "1) the need for continuous systematic evaluation and coordination of the Reception Center and institutional programs,
- 2) a need for acceptance of the dual role of the Reception Center in, a) developing more effective techniques for determining specific needs and problems for youths, and b) recommending services and facilities to meet their needs and solve their problems irrespective of immediate availability of these resources,
- 3) the need for more rapid and effective incorporation of newly discovered techniques into the programs of the institutions."

It is just this kind of coordination that we have recommended for all offenders for many years.

It is noteworthy to observe at this point the seven basic objectives listed by this sub-committee. *First*, they call for reduced inmate

<sup>1</sup> Report of Sub-Committee No. 7, Protective & Correctional Care Section, New York State Citizen's Committee of One Hundred for Children & Youth, 1950.



populations and smaller institutions, on the premise that huge inmate populations are inconsistent with sound correctional policies. Planning for this objective, according to the report, "... should be based on the results of continuing research into treatment processes." *Second*, the report calls for greater emphasis on "expanded and enriched programs and services aimed at discovering the basic problems of adolescent offenders and helping them solve their problems through appropriate training and treatment." *Third*, diversification and coordination of facilities is called for. Here again this coincides with long-standing recommendations made in previous years to the Legislature by this Association. *Fourth*, personnel development is called for. The provision of more specialized personnel in the treatment category is necessary, together with additional internes in the various sciences. The crying need for resumption of the guard school program and in-service training facilities and programs in general is imperative. *Fifth*, the report of the sub-committee points out the need for a more systematic research program utilizing the resources of universities and colleges and other professional organizations. *Sixth*, realistic planning in the way of public relations is a necessity noted by the sub-committee. This is an important objective too frequently overlooked by correctional departments and institutions. From a public relations standpoint, the correctional field is one of the most misunderstood and yet at the same time one concerning which the public pleads for enlightenment. The *seventh* and final basic objective calls for expanded interdepartmental cooperation in the treatment of offenders. We most heartily commend this report to the attention of those who would foster progress within the Department of Correction.

Had the State heeded our recommendations over the past five years wherein we urged a thorough stock-taking of plans and procedures looking toward a more integrated system, the impact of the independent analysis made by the Community Service Society could have been avoided. Our recommendations over the years have, essentially, been pleas for many of the improvements urged in that report.<sup>3</sup>

A report of this nature requires calm and dispassionate consideration. It should serve as a basis for discussion and action in the greater interests of the public welfare and protection, rather than a springboard for ill-tempered and hostile expression. While we may not agree with the report in its entirety, we do see eye to eye with its author in the general premise that reconsideration of basic correctional policies and procedures, with particular reference to the youthful prisoner, would be highly advantageous. The fact

<sup>3</sup> *Youth Within Walls*, by Bertram M. Beck, Community Service Society, New York, N. Y., 1951.

that the State Youth Commission is now exercising its power under the law to make an examination of the laws and institutions dealing with youth gives support to the sentiment that there is need for clarification and improvement.

We offer our full resources to the end that New York's correctional system will be unsurpassed anywhere in the country.

### III. COMMITMENT OF PRISONERS

It is recommended that all male felony offenders be committed direct to the State Department of Correction rather than to specific institutions on the basis of judicial districts as at present.

#### Comment:

This recommendation, it will be noted, is another of a series which we have been urging for some years.<sup>4</sup> One of the first steps necessary in coordination of the State's correctional program is to provide for direct commitment to the Department of Correction instead of to a few specific institutions. The exception to this is, of course, the present procedure instituted in 1945 whereby all male felony offenders between the ages of 16 and 21 are committed to the Elmira Reception Center. The value of this screening process has been demonstrated with respect to those 16 to 21 years of age and our plea is for its extension to other age groups.

Our recommendation implies commitment not on a geographical basis but instead in accord with a well-defined classification system which does not necessarily mean that prisoners will remain indefinitely in the institution to which they have been committed. The classification system of the United States Bureau of Prisons, for example, arranges its institutions to receive and deal with certain types of offenders regardless finally of their commitment origin. Generally speaking, in New York State the transferring of prisoners at present is dependent upon disciplinary problems, overcrowding and the separation of prisoners for their own protection. In previous reports we have shown the details of the Federal Classification system and have made reference to similar procedures in other states.

In normal times we would urge consideration of the development of new confinement units for specific types of offenders and providing for reduced maximum populations. In this we wholeheartedly agree with Sub-Committee No. 7 referred to above, in their recommendation that present institutional populations must

<sup>4</sup> For a detailed discussion of the background relating to the desirability of a reception or screening center, see Recommendation III, Designation of Reception Institutions, and subsequent comment in our 105th (1949) Annual Report, beginning page 16. The Prison Association of New York, Legislative Document (1950), No. 42.

be substantially reduced. Unfortunately the only way of doing this, short of a general reduction in the crime rate, is to provide more units. This, however, is not a feasible recommendation this year.

#### IV. EXTENSION OF THE YOUTHFUL OFFENDER LAW TO INCLUDE OFFENDERS 19 AND 20 YEARS OF AGE

It is recommended that Title VII, Section 913-e, Code of Criminal Procedure, be amended to provide that offenders 19 and 20 years of age may be eligible for consideration as "Youthful Offenders" under the existing provisions of this Title.

##### Comment:

The existing "Youthful Offender" law provides its facilities to those 16, 17 and 18 years of age. Our recommendation extends the age limits to 19 and 20 years of age. We concur with the recommendation of the District Attorney of New York County in this respect.

#### V. AMENDMENT OF THE YOUTHFUL OFFENDER LAW CONCERNING DETERMINATION OF ARREST

It is recommended that the Youthful Offender law, Title VII, Section 913-n of the Code of Criminal Procedure, be amended to provide that offenders so determined may legally deny the element of being taken into custody, in keeping and in harmony with the present legal basis for denial of conviction.

##### Comment:

It is our opinion that the development of the Youthful Offender Law stands out as one of the most notable advances in the treatment process of adolescent youth brought before the courts. Now that the law has had opportunity for experimentation and extensive usage, and has proven to be a sound and useful technique of treatment, certain revisions appear necessary in order to preserve the original intent of the Legislature at the time the law was enacted in 1943. It would seem that the philosophy of the law is vitiated by the very fact that the taking into custody of a youth later adjudged a youthful offender is noted as an arrest. The original legislative intent was that a cloak of security be thrown around the entire proceedings in order to protect the youthful offender in later life from the stigma of a criminal conviction. Official proceedings in Youthful Offender cases were intended to be, and are kept as sealed transactions. The law now provides that determination as a Youthful Offender is not deemed a conviction. Section 913-n of the Code of Criminal Procedure stipulates that

such a determination does not require a youth "... be denominated a criminal by reason of such determination . . ." If conviction need not be public information certainly the taking into custody on the instant offense should not have to be disclosed. This feature is particularly important in obtaining employment as well as enlistment in the armed forces. Experience shows that many persons not familiar with the workings of criminal law misunderstand the provisions of the unique and unusual Youthful Offender law. Enlistment officers, for example, have been reported to us as observing the element of arrest and denying enrollment in the armed forces on that basis alone, despite the fact that the conviction following the same arrest had been legally nullified by virtue of adjudication as a Youthful Offender. Questioning by interviewers, for example, on the basis of the present arrest factor must of necessity lead to further queries about the offense itself, which in turn is the very point that the Legislature originally intended should be avoided.

The Association recommends that Section 913-n be amended to read: "... and no youth shall be denominated a criminal by reason of such determination, nor shall such determination be deemed a conviction, *nor shall the taking into custody of a youth for an offense for which he is subsequently adjudicated a youthful offender be deemed an arrest.*" The italicized portion of the foregoing sentence constitutes new wording that should be added to the present law.

#### VI. TREATMENT OF NARCOTIC ADDICTS

It is recommended that the Legislature give its close and serious consideration to the problem of narcotic addiction particularly as it may be related to adolescents.

##### Comment:

An alarming increase in the use of narcotics by adolescents has been reported by competent authorities in the metropolitan New York area. This has resulted in the formation of study committees by various organizations. The most all-inclusive is that to be conducted by the Welfare Council of New York City in co-operation with many public and private agencies including those of enforcement, treatment and prevention. For this reason we do not feel in a position to recommend at this time specific legislation preferring to allow sufficient time for the project group to give the matter thorough consideration. It is anticipated that legislative recommendations will be submitted in 1952 at which time we will make our views known. In the meantime we suggest that this matter be kept in mind with the knowledge that a study is in process leading toward specific recommendations.

### VII. ADVISORY COMMITTEE ON CORRECTIONAL INDUSTRIES

It is again recommended that the Legislature authorize the formation of an advisory committee on correctional industries within the Department of Correction to aid in the development of an adequate work program for prisoners.

#### Comment:

We have included this recommendation for some years past and repeat it this year with added urgency for its adoption. We feel such an advisory committee is necessary particularly this year in light of increasing demands for production in the interests of the defense and mobilization program. Anticipating the industrial recruitment of prisoners in this and other states the formation of such a committee appears imperative. Experience in other states and the Federal Government has borne out the contention that professional guidance aids materially in planning an intelligent and productive work program contributing to the rehabilitation of inmates as well as this year aiding in the defense effort. It is our recommendation that such a committee be appointed by the Governor with the Commissioner of Correction as chairman and two persons representing industry, two representing labor, one agriculture, and one the public at large. The committee would serve without salary and in an advisory capacity, and we strongly recommend its formation.

### VIII. TREATMENT OF THE CHRONIC ALCOHOLIC

It is recommended that the State adopt a constructive program for the care and treatment of the chronic alcoholic.

#### Comment:

This recommendation is phrased in a broad manner because the problem itself is one of broad ramifications. We need not repeat here the long history of attempts to meet this problem on the part of local and State interests all of which were without lasting effect. This is not to disparage these experiments because we learned much of what not to do, if nothing else. Experimentation must never be discouraged if we are to progress, and for this reason we again urge continued experimentation. At the present time no formally accepted program operating under State auspices is available to alcoholics. Society has come a long way in relatively short time in its understanding of the problem of alcoholism and this interest and understanding should be fostered.

The Association is glad to join again with the Association of the Bar of the City of New York and the Academy of Medicine in their proposition that a commission be formed to give this problem further study. A state commission on alcoholism would follow the pattern set by other states making progress in this field. A study commission should be directed to report to the Legislature within a given time, and required to submit detailed recommendations for long-range operations and legislation to whatever extent required.

### IX. DEPARTMENT OF CORRECTION—CITY OF NEW YORK

It is recommended that legislation be provided enabling counties to be reimbursed for the maintenance of persons convicted of felonies and sentenced to county penitentiaries.

It is also recommended that legislative approval be given to an increase in the clothing allowance now paid by the State to county penitentiary superintendents for the issue of clothing to discharged prisoners.

It is further recommended that the Correction Law be amended to provide for the reimbursement of counties for the cost of the temporary custody of State parole violators.

#### Comment:

We urge that steps be taken to provide that local municipalities be fully reimbursed for the maintenance of persons convicted of felonies and sentenced to local or county penal institutions. The arguments favoring this proposal are obviously financial and are necessitated by the greatly increased costs of institutional care. The same basic reasoning applies to the need for reimbursement to counties for the temporary care of State parole violators, as well as the need for increasing funds allotted for discharge clothing given felons released from county penitentiaries. Heretofore, and at present, as far as the City of New York is concerned, the cost of housing State parole violators has been assumed by the City as a favor and an accommodation to the State. It is only logical that the State assume its rightful burden.

### X. EXTENDING THE POWER OF THE STATE BOARD OF PAROLE IN CERTAIN CASES

It is recommended that the State Board of Parole be empowered to determine and specify the portion of the remaining maximum term to be served by an offender when the remainder of the previous term is over *five years* in those cases of parolees committing new felonies while on parole.

**Comment:**

Discretionary power should be given the Board of Parole to permit them to determine the amount of time to be served on the original sentence in the cases of those parolees committing new felonies while on parole. This recommendation would apply *only* to those whose remaining time to be served on the original sentence is more than five years. Present procedure makes necessary the service of the full maximum of the original sentence before the second sentence can be served. We hold to the opinion that parole, to be of greatest value, should be administered on an individual basis insofar as possible. This recommendation would further that viewpoint. In the cases of Elmira Reformatory parolees, the Board of Parole now has the power we recommend by virtue of Chapter 678 of the Laws of 1945. Elmira violators are excluded from the mandatory language of Article 8, Section 210, of the Correction Law.

**XI. ELIGIBILITY FOR PAROLE FOR CERTAIN PRISONERS CONVICTED AS SECOND OFFENDERS ON CHARGES OF ROBBERY AND BURGLARY, FIRST DEGREE**

It is recommended that the penal law be amended to permit certain prisoners convicted and sentenced to mandatory definite terms between March 18, 1932 and March 6, 1936 to become eligible for parole consideration.

**Comment:**

The intent of this proposed and recommended legislation is to permit a small group of prisoners sentenced to definite terms between the dates of March 18, 1932 and March 6, 1936 to become eligible for parole consideration as though the sentence had been for an indeterminate term the minimum of which was twenty years and the maximum the same as the term of sentence originally imposed. The existing provisions of the law, to wit, no persons to be released on parole until at least thirteen years and four months have been served, should remain. The desire is to make these definite sentences more flexible in line with the policy of the State to use generally the indeterminate sentence. If this flexibility is permitted some of the approximately 60 prisoners concerned will be eligible for parole consideration. Since their formal release will be for the Parole Board to decide, we are willing to trust to the judgment of that body as presently constituted. The majority of the small group of men affected are now in or beyond their middle age bracket, which fact would tend to have a satisfactory bearing on their parole adjustment.

**XII. RE-ESTABLISHMENT OF CENTRAL GUARD SCHOOL**

It is recommended that legislative support be given to the re-opening of the former Central Guard School of the Department of Correction.

**Comment:**

One of the casualties of the pre-war depression days was the former Central Guard School of the State Department of Correction. Ever since its demise as a result of economy measures, we have urged its re-establishment. It is, of course, a moot question as to whether it was economical in those days to close this valuable training unit. In our opinion it was a case of robbing Peter to pay Paul in that while funds may have been saved at the moment more was lost in the failure of the Department of Correction to keep pace with its training of personnel. Despite the critical times we are again facing, together with the urgent necessity for economy, we feel the expense involved in re-opening a guard training unit would be fully justified. It will be noted that few other of our recommendations call for monetary expenditures but in this instance we make an exception. A competent custodial force can be had only with suitable and adequate professional training. To avoid guards becoming routinized themselves as an inevitable result of institutional life, and to encourage alertness we urge that intensive refresher courses become available through a central training unit. This recommendation has the backing of many uniformed men in the correctional service, and was likewise the recommendation of Sub-Committee No. 9—"Study of Jails, Lockups, and County Penitentiaries With Regard to Their Use for Minors"—conducted for the New York State Citizen's Committee for One Hundred for Children and Youth, in 1950, under the chairmanship of the Assistant Secretary of the Prison Association of New York. Members of this committee represented the interest of sheriffs and jailers throughout the State. Their recommendation follows in full:

"It is recommended that adequate facilities be provided for the custodial personnel of jails and county penitentiaries. The suggestion has been made that the State Department of Correction and other co-operating agencies assist in making available their training resources."

In view of the all around demand for training facilities and program from within the rank-and-file of correctional personnel, and the proven value of such programs in other areas, it is our opinion that the meagre appropriation would be positive assurance of an interested and qualified personnel.

### XIII. CIVIL SERVICE STATUS TO COUNTY AND LOCAL PENAL INSTITUTION PERSONNEL

It is recommended that legislative consideration be given to the proposal that all custodial personnel engaged in the administration of county and local confinement units be under the provisions of civil service.

#### Comment:

Apart from political reasons, which we do not feel to be warranted, there is no logical reason why all correctional personnel in locally administered penal institutions should not hold their positions under the provisions of civil service. The personnel of the institutions of the New York City Department of Correction, and some of the county penitentiaries have long been under civil service with standards approved by the State Civil Service Commission. County jail personnel, in the main, remain outside the advantages of civil service. We hold to the opinion that correctional work is of sufficient importance to require the best possible personnel from the point of view of training, experience and personality considerations. This is not possible when appointments are without the provisions and protection of civil service under the general direction of the State Civil Service Commission. We urge that this matter receive the consideration of the Legislature.

### XIV. CHANGE OF TITLE FROM PRISON GUARD TO CORRECTION OFFICER

It is recommended that legislation be provided to officially change the title of prison guard to correction officer.

#### Comment:

Uniformed employees of correctional institutions have been known by various titles, some more or less traditional and others seemingly based on statute. The term "guard" is referred to frequently in the Correction Law. It is noted that in various sections of the country, and in keeping with professionalization of the assignment of custodial officer, that the term "Correction Officer" is coming into more frequent usage. Likewise prison guards, as such, are out of place in such institutions as vocational institutions, reformatories, etc. Uniformed officers should be considered more than mere guards of prisoners. If our institutions are to be correctional in every sense of the word, then it is logical that the uniformed force be known as "Correction Officers." We heartily endorse the recommended change of title.

### XV. SEX OFFENDER LAW

It is recommended that Section 690, Article 66, of the Penal Law be amended to provide the added discretionary penalty for the crime of sodomy, second degree, of the minimum term of one day to the maximum of life under the provisions of Chapter 525 of the Laws of 1950.

#### Comment:

It will be recalled that one of the major administration bills of the 1950 session related to the sex offender. This legislation, adopted after exhaustive study by a special committee authorized by the Governor, and on which the Prison Association was represented by its general secretary, provided numerous procedures leading toward the care and treatment of the so-called sex offender. It likewise provided certain statutory revisions making it possible for judges to have discretionary power in certain sex crimes to sentence for a minimum term of one day and a maximum term of life imprisonment. Experience with this new law during 1950 has shown that an inconsistency exists relating to the crime of sodomy. This offense in the first degree is punishable with the new indeterminate sentence noted above as is assault in the second degree with intent to commit sodomy, but sodomy in the second degree is not included. It is recommended, therefore, that Section 690, sub-section 5, of the Penal Law be amended to provide the new indeterminate sentence provisions in the event of conviction of sodomy, second degree.

### XVI. MISCELLANEOUS

In keeping with the request of the Governor for the exercise of economy in these days of national emergency, we list below those recommendations that we feel necessary to be kept alive despite the trend of the times. In listing them in this manner we do not in the least detract from their importance to a well-rounded correctional system. When times are more propitious it is our intention to again renew them in a more vigorous manner.

#### 1) Aid to the indigent offender

Legislative authorization eventually needs to be given the Judicial Council to explore the question of adequate representation to indigent offenders. Whether this be in the form of Public Defenders or otherwise is a matter for exploration.

#### 2) Compensation for inmates of Napanoch Institution for Male Defective Delinquents, Elmira Reformatory and State Vocational Institution and equalization of compensation for inmates of Westfield State Prison for Women

Legislative approval needs to be given to budgetary provisions providing for payment of incentive wages to prisoners confined in the units noted above and wages paid inmates of the Westfield State Prison for Women need to be equalized with those paid male prisoners in state prison.

### 3) Provision of internships within the Division of Parole and the Department of Correction

Authorization of the Legislature is recommended for the provision of qualified inmates within the parole and correctional units. The development of professional qualified career personnel is necessary for the leadership of the future. However, the military status of those qualified for appointment to such internships would preclude immediate consideration of this recommendation.

### 4) Improvement of probation

Another recommendation of many years standing concerns the improvement of the various probationary services within the State. This included suggested subsidies by the State for the development of probation in those counties not now utilizing this progressive correctional technique, and extending the authority of the State Probation Commission to the point where its authority will be of greater value than is its present limited advisory powers. Our interest in the matter of probation is particularly noteworthy in the light of the close relationship we have had with probation in this State for nearly 50 years, dating back to the first probation law in this State which was drafted in the office of the Prison Association.

### 5) Examination into sentencing process

We hope eventually to observe action on a long standing recommendation relating to an examination into the sentencing process of the various courts conducted by the Law Revision Commission. The task would be time consuming and legislative authorization would be necessary, and while the Commission agrees with the need for a study on the disparity of sentencing, it appears advisable to postpone the urgency of activation of this recommendation.

### 6) State Commission of Correction

Our recommendation of some years relating to the need for removing certain limitations on the functioning of the State Commission of Correction is another that we list among those not requiring immediate legislative consideration.

## PROGRESS OUTLOOK

The year 1950 marked the one hundred and sixth year of the Association's uninterrupted existence. Well into the first decade of its second century it proceeded with characteristic vitality and alertness reaching into many phases of crime prevention study and treatment. The founders of the Association very wisely prescribed a breadth of interest which, when supplemented by faithful endeavor, could do none other than contribute to the public welfare. The Association has, through the years, served not only as a keen observer but at the same time has given initiative to the translation of thought into action. Many items are contained in the one hundredth annual report which prove the traditional pioneering and spade work of the Association to bring into being institutional practices in harmony with humane treatment and understanding, as well as systems such as probation, the indeterminate sentence, parole, the reformatory idea for young offenders, etc.

The Association has never been content with the *Status quo*. Its attitude has been to strive unceasingly for progress in all phases of crime study and treatment until the time should come when greater success can be claimed for the correctional processes, a more substantial degree of public safety prevail, and a decided reduction in the tremendous cost of crime. The practical thinking of those identified with the Association through the years has not given rise to the thought that the day will come when there will be no more crime. However, the standards which have guided the Association in its thinking strengthen the belief that crime can be substantially reduced through preventive activities and through the enlightenment and more efficient functioning of the various governmental agencies dealing with crime.

In the preceding pages there are some proposals that we believe essential in the direction of progress with no thought of coddling offenders, of condoning crime or of engaging in any sentimentalism. We believe that with the renewal of atrocities and warfare in different parts of the world there needs to be brought more sharply into focus the preservation of the dignity of man and in this connection the prisoner should not be overlooked.

On the following pages there is a brief arrangement of those items holding the attention of the Association during the year just ended. Here again will be noted breadth and diversity of interest. Again referring to our *status quo* attitude, our readers should be reminded that we do not take the position that no progress has been made but the essential point is that not enough has been made in

the public interest. The proof of this is that there is still too much juvenile delinquency and crime in the community, too many adolescents coming into conflict with the law, too many of those who have been in juvenile institutions or have been on probation who later appear in adult institutions; and there are too many of the adult prisoners becoming recidivists. This is not only true of New York State but the country at large, and it is not intended in making this statement to reflect unfavorably upon the success that is being achieved either through probation, institutional functioning, or parole. The national picture regarding crime presents a public menace and its remedy a real challenge.

#### Central Harlem Street Clubs Project

During the summer of 1945, Mr. G. Howland Shaw, a member of the Executive Committee of the Prison Association, and Mr. E. R. Cass, its General Secretary, discussed the seriousness of gang warfare in New York among Teen-ages and the killings and injuries resulting from that warfare. Following this conference, the Association formally referred the problem to the Welfare Council of New York City with the suggestion that a representative committee be appointed to study the problem and formulate, with the least possible delay, a program of action. The Committee on Street Clubs was duly appointed and held its first meeting on September 10, 1945. Its deliberations were characterized by intense interest on the part of the members and by a remarkable objectivity in appraising the results of efforts being made by existing youth serving agencies, public and private, operating in the field. The Committee's report recommended setting up of an experimental Project and was approved by the Board of the Welfare Council on October 19, 1945 on the condition that the necessary funds be raised by a special appeal entirely outside the financial structure of the Council. The success of that appeal, which was made to individuals and foundations and which was without any cost to the Project, is due to the Treasurer of The Prison Association of New York, Mr. Charles C. Auchincloss, without whose undagging interest and enthusiastic support the Project would never have become a reality. Other members of the Executive Committee of the Association, and particularly former Police Commissioner Edward P. Mulrooney, gave valuable backing to the Project from the start.

Certain basic conclusions of the Committee on Street Clubs deserve special emphasis. The first was a strong reaction against the sensational and essentially negative view of the street club and its potentialities which from time to time has been widely publicized; the second was a conviction that existing approaches were not reaching the street club and its members; and the third

was the hypothesis, to be tested by the Project, that, if approached in the right way by the right sort of adult, the street club could be influenced in the direction of socially desirable behavior.

Most of the above wording is taken from the foreword of the report on the Project presented in November 1950, entitled, Working With Teen-Age Gangs. The full import of the Project of course cannot be obtained without consulting the report itself. It is intended at this time to record that this important Project, definitely in the area of crime prevention and social adjustment, was conceived by The Prison Association of New York and that in its fulfillment we played an essential part. It is regarded as an outstanding achievement and a practical approach to the prevention of juvenile delinquency and crime.

On Thursday, November 16, 1950, the report on the three-year Project was formally presented at a luncheon arranged by Mr. Charles C. Auchincloss. The New York Times on Friday, November 17th, reported on the meeting as follows:

#### 'WARS' ARE ENDED BY 4 HARLEM GANGS

Welfare Council Cites Gains  
in Rehabilitation Work, but  
Admits It Is Not Complete

#### 350 BOYS ARE INVOLVED

3-Year Project Said to Have  
Shown That Youths Will  
Accept Indirect Help

Four of New York's most dangerous teen-age gangs, made up of 350 boys, all of whom were involved in serious delinquency, have ceased gang warfare and stopped much of their stealing and truancy as the result of a three-year experimental project in Central Harlem sponsored by the Welfare Council. Their general rehabilitation was far from complete, however.

The conclusions of this project, the first of its kind to be undertaken, were announced yesterday by G. Howland Shaw, chairman of the council's Committee on Street Clubs at a luncheon at the Biltmore Hotel, given by C. C. Auchincloss, treasurer of the Prison Association of New York, which helped procure funds for the project and was instrumental in its development. Foundations and individuals contributed a total of \$163,297.

Gen. Dwight D. Eisenhower, president of Columbia University, praised the project and said it was undertaken by "people a little tired of philosophy and theory, who wanted to do something about delinquency."

The project, which is expected to have profound effects on recreation, group work and crime prevention programs for youth not only in New York but nationally, showed that it was not new buildings or playgrounds that helped the boys, but the new feelings that were built up between them and the trained worker sent in to help them, Mr. Shaw explained.

### No "Laying Down the Law"

It demonstrated that young persons, even those who rebel against society, will try to please and win the approval of someone they feel cares enough about them. The worker accepted the boys as they were, without trying to "lay down the law."

When he won their respect and admiration, he showed them that there was a better way of living than to fight society. All this Mr. Shaw explained.

"We have shown you can get close to the worst boy in New York—which means the worst boy in the United States—if you approach him in the right way," he said.

As one of the boys put it, after learning to know and like the worker: "In a way, when I used to go around and try to be a bully and everything, and you know, when you meet a nice guy and he talks to you and he shows you where he got along without being a bully—say, that's the best way to get along—not being a bully, so when he talked to me, I finally got out of the habit of trying to be a bully too."

The project, known as the Central Harlem Street Clubs Project, began as a result of the serious concern in this city in 1945 over gang warfare and the killings and the injuries that followed. The report of the project traces in 150 pages the development of the program undertaken by six field workers, one of whom was a woman, each one working with a particular gang.

There were four boys' gangs and an additional group of fifty girls involved in the lives of these boys. The young people all lived in slums where "most of the buildings are dilapidated, rat infested, and without proper ventilation and light," according to the report.

Mr. Shaw warned that "this is not a miracle project—this is not a case of 350 boys suddenly sporting wings. They didn't. We must also point out what we failed to

achieve." There was no significant change in the boys' practice of "reefer-smoking, drinking or gambling," according to the report.

### Ideology Seen Unchanged

With the possible exception of several boys, there was no basic change brought about in their "ideology," and while their hostility and aggression diminished and they began to view the future more hopefully and to feel they were "somebody," the report held that "to these boys the world is still a dangerous jungle."

The boys gave up carrying weapons and ceased fighting in gangs (thus, also setting the pattern for other groups, since these four gangs, as the toughest, were the key ones) but they still felt "it is important to be tough," the report continued. They engaged in more organized recreational programs than before and their feelings toward each other and their parents were more harmonious. Too, within the gangs, there developed more democracy.

The report, printed in book form and called "Working With Teenage Gangs," also pointed out that none of the gangs had been organized for anti-social purposes but "developed out of a need for protection from the attacks of other gangs."

The project had no "program" as such. The field workers helped the boys with medical, recreational and personal problems—indirectly, for the most part. The main idea was to help the boys become independent in their search for a constructive solution to their conflicts.

The "war counselor," the member of the gang in charge of procuring weapons, gradually dropped out of the picture as the boys lost their need for weapons. In one instance, a gang actually appointed a committee to get Police Athletic League sports equipment and this committee walked voluntarily into a precinct station to get the equipment.

### Sex Offender Study

It was pointed out in our previous report that Governor Dewey had appointed an informal Committee on the subject of the sex offender. The members of the Committee were: Chairman, Dr. Frederick MacCurdy, Commissioner of the State Department of Mental Hygiene, Commissioner John A. Lyons of the State Department of Correction, Frederick A. Moran, Chairman of the State Board of Parole, Dr. Arthur W. Pence, Deputy Commissioner of Mental Hygiene, Mr. Hickman Powell of the Governor's Staff,



and Mr. Cass representing both the State Commission of Correction and The Prison Association of New York. The project undertaken by the Committee with the cooperation of the New York State Psychiatric Institute actually stems from the efforts of The Prison Association of New York in 1947 to write into law the procedure whereby a better control of sex offenders would result. Our bill was introduced by Senator Thomas C. Desmond, and after passing both Houses, was vetoed by the Governor who, while expressing his concern about the problem also indicated that in his opinion the bill went too far and failed to provide certain safeguards.

The project undertaken by Governor Dewey's Committee was the first of its kind and was quite illuminating in relation to the many aspects of the complicated problem of the sex offender. It showed that the problem is not legal alone but is a combined sociological-medical-psychiatric-legal puzzle. The report entitled, Study of 102 Sex Offenders at Sing Sing Prison, was submitted in March 1950 and on the 15th of the same month, the Governor transmitted it to the Legislature with a special message. Then a bill, Senate Int. No. 2830 Pr. 3372, was introduced, passed, sent to the Governor and signed by him on April 11, 1950; and thus became Chapter 525 of the Laws of 1950.

The Association commends and thanks Governor Dewey for his persistent interest and encouraging support of the Committee in its work; also the Legislature and Members of the Governor's Special Committee. The enactment of this law is gratifying to the Association and we feel that we contributed substantially toward progress in the handling of a difficult subject.

A digest of the law is as follows:

1. It is provided that psychiatric and psychological services within correctional institutions be provided by the Department of Mental Hygiene rather than by the Department of Correction as heretofore. The services are to include psychiatric and psychological study, examination, diagnosis and treatment of prisoners and parolees. This provision places the specialized services in the hands of the department most logically in the position to make them available.

2. The Department of Mental Hygiene assigns personnel trained in psychiatry and psychology to the correctional department to operate psychiatric and diagnostic clinics, and will provide training courses and conduct research into the nature and causes of criminal behavior and methods of therapy for such behavior.

3. The commissioner of correction is empowered to establish psychiatric and diagnostic clinics within institutions under his jurisdiction, with the work to be jointly directed by the commissioners of correction and mental hygiene and the chairman of the parole board.

4. Provision is made for the awarding of an indeterminate sentence the minimum term of which is one day and the maximum term of natural life to certain categories of sex offenders. Provision is also made that within six months following conviction and the awarding of such a sentence, and at least every two years thereafter, the board of parole shall consider the merits of such cases with a view to parole. At the time of such consideration the parole board must have before it a complete report of the physical, mental and psychiatric condition of such prisoner. This report must be prepared within two months of the date of parole consideration.

5. The board of parole may grant conditional or absolute discharges from parole prior to the expiration of the maximum term of offenders sentenced to one day to life, if such action is deemed warranted.

6. Complete psychiatric reports are mandatory prior to the placing of offenders on probation for the indeterminate term noted above, or the suspension of sentence. This requirement is in addition to the usual reports necessary under existing law.

7. Each section of the penal law having to do with specific sex offenses is amended to provide for the new minimum and maximum sentence of one day to life in the discretion of the judge. In no case is the awarding of the new sentence mandatory.

#### Prison Labor in Mobilization Effort

Two weeks prior to the end of the year, the President of the United States announced the appointment of Mr. Charles E. Wilson as Director of the Office of Defense Mobilization. In cooperation with The American Prison Association we went on record immediately by telegram and letter, as well as by personal contact with Mr. Wilson, offering our full resources in mobilizing prison labor in the defense effort. The vast contribution by prisoners during World War II is a matter of official record and has been commended by many in high office from the President of the United States on down. Prisoners in State and Federal prisons during the last war produced war goods amounting to nearly \$136,000,000 in value. The State of New York ranked eighteenth in the list of states and it is anticipated that this record could be considerably exceeded in the present emergency.

#### Crime Statistics—New York City

On September 27th a letter on behalf of the Association was addressed to Police Commissioner Thomas F. Murphy, congratulating him on his appointment and offering our services to whatever extent possible in the public interest.

His attention was directed to the need of improving police statistics on crime. The press had previously revealed the unwill-

ingness of the Federal Bureau of Investigation to accept the bookkeeping on crimes for the New York City area. The Commissioner was urged to give this deficiency his earliest possible attention.

Under date of September 29th, the Commissioner replied as follows:

Dear Mr. Cass:

Thank you very much for the congratulations and good wishes contained in your letter of September 27th.

I am aware of the statistical problem existing in the Department and intend to make a thorough study and take appropriate action on it at the first opportunity.

With many thanks for your interest in the work of the Department and in the welfare of the City of New York, I am,

Sincerely yours,

(Signed) THOMAS F. MURPHY  
Police Commissioner

#### Drug Addicts—Penitentiary of the City of New York

On March 20th Messrs. Shaw, Schoenfeld and Cass visited the penitentiary at Rikers Island and while in the hospital building their attention was directed toward the problem that is created due to the increased number of self-committed drug addicts. These people are sometimes difficult to control; they crowd the hospital quarters to the detriment of the regular patients and there is no fingerprinting or other check to reveal their identity. Their self-commitment is permitted under a comparatively recent law and the wisdom of it is now somewhat in doubt. In a communication on March 22nd to Chief City Magistrate John W. Murtagh the General Secretary made mention of the observations at the hospital on Rikers Island and also commended him on his public denunciation of certain types of bail bondsmen and lawyers operating in the criminal courts. The Chief Magistrate replied under date of March 23rd, stating in part: "I read with interest your observations regarding lawyers and bondsmen. I am also interested in your remarks regarding drug addicts. It was most thoughtful of you to write."

The problem is by no means solved and the increase of the use of narcotics, especially among adolescents, is quite alarming. Some advancement has been made by the admission from the New York City area of addicts to the United States Public Health Service Hospital at Lexington, Kentucky.

#### Veterans Preference Legislation

This law, Chapter 493—Laws of New York 1950, provides needed legislation resulting from the vote of the people at the last general election and relates to changes in the preference given to veterans

in civil service examinations. The Association was active in this respect for many months, and we approved the bill.

Our interest in this form of legislation is based on our knowledge that the existing law has disturbed the morale of the personnel of the State Department of Correction, as well as probation and parole officers and correction officers in other jurisdictions of the state. The old law imposed a discouraging and unfair handicap on those in correction work who, for one reason or another, were not veterans. The Association is not going out of its sphere of interest when it concerns itself about the conditions affecting the personnel of the various branches of correctional service.

We kept a watchful eye on the report that the New York State Department of the American Legion would move for the repeal of the Mitchell Veterans Preference amendment which was adopted last year. However, this resolution did not reach the floor of the convention.

#### St. Lawrence University Institute—Canton, New York

Mr. Cass attended the annual St. Lawrence University Institute on Delinquency and Crime, July 16-22, 1950. He was requested to present a summarization of the various discussions during the week at the final general assembly of student, departmental personnel, and various officials. This Institute was held under the auspices of the New York State Department of Correction, the State Division of Parole, the State Probation Commission, and the State Department of Mental Hygiene, together with St. Lawrence University.

In his summary Mr. Cass commended the gathering as well as the interest of the University and the various State departments. He pointed out that the Institute had some of the elements of the Guard School plus the value of interdepartmental association. It gave the personnel broader knowledge and stimulation and the impression that the departmental top ranks are willing to assist the rank and file employees. The Federal Bureau of Prisons has found the practice of value in its sphere of operation. During the war such gatherings were most helpful in the corrective services of the Army and Navy. The examination feature on the last day of the Institute at Canton was unique and praiseworthy. It had the value of dispelling the thought that the occasion was just for change and recreation. Civil service credits were to be given based on the results of the examination.

Mr. Cass pointed out that unacceptable behavior, whether it is termed delinquency or crime, among juveniles or youths is not a new condition for concern despite varying fluctuations of volume. A good book on this subject, he pointed out, is Dr. Thorsten Sellin's, "Youth in Criminality". The Dutch and the English

noted the large number of youths in the crime picture early in the sixteenth century. There is abundant literature and discussion material on the subject as well as innumerable proposals for a solution of the problem. At this point the speaker related his observations on the previous evening when he visited the St. Lawrence County Jail at Canton, and found five youths awaiting the action of the Grand Jury and two serving sentence. Some of them had previously been in State institutions. He emphasized the fact that the months they will waste in the atmosphere of the County Jail will add to the task of further effort toward rehabilitation. He then reviewed the discussion of one of the Institute groups analyzing the statutes and their operation relating to the processing, through the courts, of youths between the ages of 16-21 who have been accused of crime or who have shown delinquent potentialities. Particular attention had been given to the "Wayward Minor" and "Youthful Offender" Acts; their various applications and the interpretation placed upon them by the courts. The interpretations and the procedures appear to vary to such an extent that the practices are almost as numerous and diversified as are the number of courts concerned. While it is recognized that the problems faced by the courts in New York City are vastly different than those in many upstate counties, there nevertheless appears to be little excuse for the unevenness and variety of application existing in New York City alone. This would seem to indicate one of two things—either the law is inadequate to control the situation or it is not being followed. Mr. J. Stanley Clevenger of the New York State Division of Parole, chairman of the section of the Institute having the subject under examination, proposed several approaches to improve the present unsatisfactory conditions:

1. Utilize the philosophy identified in part in the functioning of the Children's Courts to include youths up to 21 and when necessary establish separate sections for those over 16 and less than 21.
2. Set up a youth part as part of a county court.
3. Develop a plan to include the best workable elements of the Model Youth Correction Act.

This thinking has as its basis the availability of a body to handle throughout the whole responsibility for the care and treatment of youths. California has some of it—also Wisconsin, Minnesota, Michigan, Texas for Juveniles, and the Federal government.

4. Urge the Legislature to provide the necessary funds for the Law Revision Commission or some other qualified body to study the operations of the Wayward Minor Act and the

Youth Offender Act and the sentencing structure generally. It would seem that these proposals especially the third and fourth have considerable merit and open a way to clarify the present jumble.

Mr. Cass further addressed the body with particular reference to students and especially the younger people in the correctional field. He emphasized that correctional work is an honorable occupation and carries a heavy responsibility because it deals with human beings and their behavior as it affects the public welfare. He stressed the need for special training and suitable educational background as a means of gradually raising the work to a professional level. He urged his listeners to know their jobs and give them respect and be on the level with them. The competition in the field now, because of ever increasing specifications regarding civil service, is in the right direction. He pleaded with his listeners not to be enthusiastic about what is called "progressive penology" only when it is to their advantage or when it is felt that it sounds well for a particular occasion. The point was made that those who are to be dealt with in correctional service are not always the nicest people but that nevertheless they should not be held with scorn. The plain fact is they do offer an opportunity for worthwhile service to the community. The need to keep alert was emphasized. It was urged that every opportunity for study and self-improvement be utilized. The value of travel when opportunity offers in order to expand one's outlook and understanding and knowledge regarding problems in other communities, institutions and services, and how they are handled, was held to be of paramount importance. Narrowed experience was referred to as a handicap to progressive thinking and action. In this connection he enlarged upon the way Commissioner Albert Williams of the New York City Department of Correction devoted himself most zealously to the task of learning about the problems throughout his Department and then proceeded to consult with people in other areas about similar problems and how they handled them. In addition he visited their departments and institutions for the purpose of close-up observation. In this way he added considerably to his knowledge and gathered experience and information that enabled him to deal more adequately with his own responsibilities. This action is to be highly commended.

Continuing, the speaker urged that his listeners avoid becoming smug in their various positions of responsibility. He pointed out that there is no room for it in the correctional field and that no one yet has appeared who has all the answers since there remains too many unsolved questions and problems. He stated further that there is need to be tolerant of new ideas and approaches but at the same time avoided being thrown off balance because of the

enthusiasm of the proponents. He stressed that the correctional field has its liberal share of "Doubting Thomases" and that there were those who, for convenience or lack of vision or otherwise, preferred frequently to say "It can't be done!" The need for an open mind and an elastic functioning that allows for experimentation and the application of the trial and error process are most essential for progress. Do not be too easily discouraged—he counseled. As a guide and stimulation to his listeners, a quick review was given of fifteen outstanding achievements in the last twenty-five or thirty years that, at one time, had been regarded as hopeless. A picture was drawn of the improved position of the uniform staff as well as heads of correctional institutions, as contrasted with the days before civil service when so much depended for advancement upon political affiliation. The point was made that progress in the correctional field is slow and requires honesty of purpose and endeavor. The value of wholeness of the personnel was referred to as being most essential and the listeners were encouraged to gear their thinking and conduct in a way that would impress and inspire those in their care. To be worthy of this respect is a cardinal penological principle.

#### Police Department—Increase of Personnel

At the annual meeting of the Association in January 1950, Police Commissioner William P. O'Brien requested the support of the Association in his effort to enlarge the uniform force of his Department. It was voted that the following letter be addressed to the Mayor and the Members of the Board of Estimates:

Hon. William O'Dwyer, Mayor  
City Hall  
New York 7, New York

*Re: Need for Increase in Police Personnel*

Dear Mayor O'Dwyer:

For over 105 years the Prison Association of New York has been vitally interested in the problem of crime and its control in New York. While we have been more concerned with the care and treatment of the offender following commitment to a correctional institution, we have, at the same time, given close observation to the many problems involved in policing a city of this size.

Over the years, and particularly within the thirty-seven years of my personal observation of the crime problem, we have seen the manpower of the Police Department reach low ebbs as well as high, with varying degrees of efficiency.

In view of the increasing population of New York since the war, it is our opinion that adequate police protection cannot be realized with a force of less than 20,000.

We need not review the extremely difficult problems of traffic control, emergency services, together with many other technical services the Police Department is now required to supply. If these services, together with the all-important function of crime prevention, whether it be by the patrolman on the street or the Juvenile Aid Bureau, are to be maintained at a satisfactory level of efficiency, we urge that you, as Mayor of the City of

New York, lend your full support to Police Commissioner O'Brien's request for approximately 1,500 additional men.

It is our carefully considered opinion that the daily administration of the Police Department is in especially capable hands, but in order to continue adequate policing of New York, Commissioner O'Brien requires additional personnel. The costs of this increase to the taxpayers will result in far-reaching dividends of security and service to the people of the city.

Again may we respectfully urge your favorable consideration of the Commissioner's budgetary requests.

Sincerely yours,

(Signed)

E. R. CASS  
General Secretary

#### Reappointments to the State Commission of Correction

On January 23rd Governor Dewey reappointed Messrs. Schoenfeld and Cass to membership on the State Commission of Correction. Commissioner Schoenfeld has been identified with the Commission for eighteen years and Commissioner Cass for fourteen years. The appointments were confirmed by the State Senate on February 1, 1950.

#### Escapes

##### *Suffolk County Jail, Riverhead*

On October 30th Commissioners Schoenfeld and Cass in their dual capacity of representing the State Commission of Correction and The Prison Association of New York investigated the escape of four male prisoners from the Suffolk County Jail.

In was their conclusion that these prisoners escaped under cover of darkness and with ease on the night of October 29th. The investigation revealed weak and indifferent administration of the jail and once more emphasized the need for selecting jail personnel on a firmer basis than political affiliations. It was their opinion that if the guards had been alert, the escape could not have occurred.

##### *Barkley Avenue Police Station, Bronx*

Commissioner Schoenfeld, as chairman of the Association's Committee on Detentions, reported his investigation of a recent escape of a prisoner from the Barkley Avenue Police stationhouse. The escapee was being held for forgery and apparently walked out of the lockup through three unlocked doors. The patrolman responsible for the prisoner's custody was promptly suspended from duty. Commissioner Schoenfeld stated that, in his opinion, negligence made possible the escape. Investigation showed that the barred doors had not been properly secured.

The alertness shown by Commissioner Schoenfeld of our Executive Committee regarding these escapes is another evidence of

the zeal he exercises in discharging his duties, not only as chairman of the Committee on Detentions but also as a member of the State Commission of Correction. It can again be said that his suggestions and recommendations identified with inspections of institutions, particularly in the New York City area, have been of great value to the administrators of the various institutions, the improvement of the handling of prisoners, and the equipment and buildings.

#### Youthful Offender Legislation

In cooperation with the Probation Department of the Court of General Sessions the Association had introduced into the Legislature, with the assistance of Senator Desmond, two bills amending the Youthful Offender Law. Senate Bill Intro. 1535 which would have made possible the denial of an arrest on the part of those offenders subsequently adjudicated as youthful offenders was vetoed by the Governor without comment. It is intended that this bill will be reintroduced at the next session with minor changes that should meet with general approval. The other bill, dealing with records of youthful offenders, failed to be reported.

#### Midcentury White House Conference on Children and Youth

A Citizens' Committee of One Hundred was appointed by Governor Dewey to study the needs of children and youths in New York State and to make recommendations regarding these needs, as the State's contribution to the Midcentury White House Conference on Children and Youth held in Washington, D. C. December 3-7, 1950. Our General Secretary, Mr. Cass, was made a member of this Committee and on May 4th the Governor promised the Committee his enthusiastic support of its efforts. The work of the Committee was divided into eight major sections as follows: child welfare, child health, mental health, youth services, industrial youth, rural youth, education, and protective and correctional care.

The section on Protective and Correctional Care divided its work into ten projects, each headed by a chairman and selected workers. Mr. Cass served as chairman of Sub-committee No. 7 dealing with institutions for those between the ages of 16 and 21. Mr. Wright, our Assistant Secretary, served as chairman of Sub-committee No. 9, to study jails, lockups, and county penitentiaries as they relate to the housing of minors. The work of these two sub-committees was intensive and carried through the summer months and practically up to the dates of the Washington gathering.

The reports of the various projects identified with the eight major sections of the Conference have not, as of this writing, been released to the public. They are being reviewed and further studied as a follow-up of what preliminary material was presented during the days of the Washington meetings. However, it can be

said at this time that both reports, and the reports generally of the various project committees, contain a wealth of information and guidance in the interest of progress. It would be most unfortunate to have this type of material reduce itself into another volume for library safekeeping.

Messrs. Cass and Wright were invited to be delegates to the White House Conference to represent The Prison Association of New York and The American Prison Association. Since the invitations were necessarily restricted, it was pleasing to have the Association thus recognized. Because of a conflicting engagement necessitating travel to the State of Mississippi, it was impossible for Mr. Cass to attend the Conference. However, Mr. Wright attended for the duration of the Meeting. He reported that more than 6,000 persons were in attendance, giving their attention to the overall problems of youth at the midcentury period. Delegates were divided into thirty-two groups and Mr. Wright consulted with the group considering courts and institutions for youthful offenders. The President of the United States addressed the Conference and gave it his personal support. In previous years the conferences were held in the White House but in view of the vast size of the 1950 delegation together with reconstruction of the White House now in process, it was necessary to schedule all meetings at the District of Columbia National Guard Armory.

One of the most significant aspects of the Conference was the gathering together of more than 6,000 persons with but one purpose in mind, namely, to work for a more wholesome life for the children and youth of America. Despite the fact that the Conference discussion was somewhat overshadowed by critical conditions in Korea and elsewhere, one of the outstanding values of the meeting was the consideration given by the delegates to the effect of preparation for possible war on the youth of our time. It is anticipated that the delegates will return to their home states and, on the basis of conference as well as pre-conference findings, direct their efforts to their own local settings.

#### Federal Youth Corrections Act

Public Law 865—of the 81st Congress is known as the Federal Youth Corrections Act. The Act was approved by the President September 30, 1950 and is the culmination of cooperative efforts on the part of the Federal Bureau of Prisons, Mr. James V. Bennett, Director, and numerous agencies over the years to provide a more progressive treatment procedure for federal youth offenders. The Act is based generally on the philosophy of the Model Youth Authority Act and gives added responsibility to the Director of the Federal Bureau of Prisons and the United States Board of Parole. Treatment and classification centers are established and

"youth offender" in the terms of the Act relates to anyone under the age of 22 at the time of conviction.

The Act also creates within the Federal Board of Parole a Youth Correction Division and enlarges the Board of Parole from five to eight members. At the designation of the Attorney General various members of the Board of Parole are appointed as the Youth Correction Division.

We aided in securing the passage of this legislation by communicating with Members of Congress.

#### Welfare Council of New York City

Through the year 1950 the Association continued its long standing membership in the Welfare Council of New York City, and both Mr. Cass and Mr. Wright were official delegates representing the Association. Mr. Shaw of our Executive Committee completed his term of office as president of the Council during the month of May. The official delegates were called upon early in the year to give serious consideration to a revised constitution of the Council and after numerous meetings and much discussion, a revision of the constitution was finally adopted at the annual meeting on May 10th. One of the important changes makes for equal representation on the Board of Directors by the Council and the Greater New York Fund.

The Association continued to be represented on various conference groups, namely, those on correctional and allied services, employment and vocational guidance, and service to families. At the request of the president of the Council, Mr. Wright continued his membership on the committee to plan delegate body meetings. He also continued membership on the steering committee of the Conference Group on Correctional and Allied Services. By election of this steering committee, Mr. Wright was reappointed as representative of the correctional interests on the Council's Central Coordinating Committee. Membership on various other subcommittees are held by Association staff members.

#### National Conference of Social Work

Representing the Prison Association, Mr. Wright attended the Seventy-seventh Annual National Conference of Social Work at Atlantic City, New Jersey, April 24, 25, 26. He addressed the opening session of the Section on Delinquency on April 24th on the topic, "The Relationship of the Community to the Correctional Institution." The chairman of the delinquency section was Ralph W. Whelan, Executive Secretary of the New York City Youth Board, with whom Mr. Wright worked during the year in planning sections of the Conference program.

At another of the delinquency section meetings, Mr. G. Howland Shaw, a member of our Executive Committee, acted as chairman and conducted a panel discussion by two former members of "teen-age" gangs, one from New York and the other from Chicago. The meeting was listed as a marked success largely because of the frank and uninhibited discussion on the part of the youths present.

Some 7,000 persons attended the Conference which in itself consisted of 356 separate meetings. Mr. Cass has held membership in the Conference for thirty-eight years and Mr. Wright for a shorter period.

#### New York City Youth Board

Regular meetings were held during the year of the New York City Youth Board's Advisory Committee on Child Welfare, of which Mr. Wright is a member. Acting in an advisory capacity to the Board's program, the committee has been asked to give its counsel and advice on numerous technical problems involving the Board's attack on juvenile delinquency.

#### Regional Conferences

On behalf of the American Prison Association and at their expense, the General Secretary attended the Southern States Probation, Parole and Prison Conference meeting in Jacksonville, Florida in April. During his visit it was possible for him to observe the state prison at Raiford, Florida and to confer with delegates from many of the fourteen Southern states represented on present conditions in their states. The definite impression obtained is that the South is looking up in prison matters and is alerted to the need for action.

In May Mr. Cass attended for the American Prison Association the Conference of North Central States Wardens Association at Colorado Springs.

In September Mr. Wright attended the annual New England Conference on Crime Prevention held in Fairlee, Vermont.

Attendance at the various regional meetings is on behalf of The Prison Association of New York in cooperation with The American Prison Association. It is felt that the interest and cooperation of this Association with regional groups is necessary to the overall improvement of the correctional situation in the various areas.

#### New York State Welfare Conference

At the request of the chairman of the correctional section, Mr. Wright presented a paper at a sectional meeting of the New York State Welfare Conference (formerly the New York State Conference of Social Work) on the subject of "Community Resources and Parole Planning".

The Conference was held at the Hotel Commodore November 24 to 28, 1950.

#### New York School of Social Work

Mr. Cass has been a member of the Subcommittee on Prevention, Probation, Parole and Correction set up by the New York School of Social Work in an effort to develop a curricula for training purposes for graduate students at the school. In cooperation with other private and official bodies, discussions have been held during the year concerning procedures in advance training in social work as related to the field of correction.

It is anticipated that a course in this connection will be added to the curriculum of the school in the 1951 and 1952 college year.

#### Prisoner Essay Contest

Mr. G. Howland Shaw, a member of our Executive Committee, again made possible a prisoner essay contest sponsored by him and continued through the facilities of The American Prison Association, and in 1950 some 500 entries were submitted. All papers were thoroughly reviewed by Mr. Shaw and a committee including Mr. Wright of our staff, and James V. Bennett, Director of the United States Bureau of Prison.

This generous evidence of interest in the problems of prisoners is another indication of the continuing devotion of Mr. Shaw to the correctional field.

At the close of the year the papers were in process of being judged.

#### National Jail Association

In keeping with a practice of some years, Mr. Wright has continued relationship with the National Jail Association as Executive Secretary of that body. The Association's Fourth Regional Forum on Jail Problems was held at Old Point Comfort, Virginia, April 20th and 21st and was attended by our Assistant Secretary. Approximately sixty-five sheriffs and jailers from the southeastern states were present for the two day meeting, which featured a demonstration by a team of six representatives of the United States Bureau of Prisons. Portraying the right and wrong procedures of admitting inmates, handling insolent prisoners, etc., the demonstration also included the projection of training films for jail personnel.

#### National Chaplains' Association

We continued our identity with this body because of our desire not only to improve the quality of chaplains in correctional institutions but to make religious teaching and influence a more vital

and living factor in the daily life of the inmates. Various meetings were held throughout the year and suggestions put into practice to make for progress in the handling of a delicate problem.

#### Eightieth Annual Congress of Correction

As a part of our service on a national level, we labored substantially in preparation for the Eightieth Annual Congress of Correction, under the auspices of The American Prison Association, held in the City of St. Louis, October 8-13, 1950.

It was gratifying to have 46 states and six foreign countries represented at the Congress. A personal letter was received from President Harry S. Truman, expressing his regret at not being able to attend the meetings and commending the Association for its long years of useful service. The President stated he was proud that our American prisoners do not serve to punish in vengeance or to retaliate for political differences.

A fuller summary of the Congress in action is included in the November-December issue of *The Prison World* and greater detail appears in the full volume of the *Congress Proceedings*. In brief, however, the Congress of Correction returned to the City of St. Louis for the second time in its eighty years of holding annual meetings. Seven hundred delegates attended and were urged to cultivate more public interest in the problems of correction.

Spearheaded by an inspiring address presented by Governor Adlai Stevenson of Illinois, the delegates were told that more and bigger prisons was not the answer to the crime problem. "The utility of such measures in the rehabilitation of an offender has become increasingly clear" the Governor stated. "For the vast majority of offenders" he said, "our security lies in training and education, rather than in thick, high walls."

Close upon the heels of Governor Stevenson's comments, the delegates heard at a subsequent session a suggestion that a national citizens council be formed to lead public participation in the problem of correction. Offered by the Association's recently formed Committee on Citizen Participation, the group said that the Congress of Correction should continue to "pull down the wall between the prisons and the citizens." Giving the layman's point of view, James Finan, a staff writer of *The Reader's Digest*, stressed the point that "it would be hard to name any other development in our communal life that is of more significance to every member of society than the problem to which you are devoting your lives. That is the problem of people in trouble."

Acquainting the delegates with the problems of administering a correctional department in the nation's largest city, Albert Williams, Commissioner of the New York City Department of Correction, reviewed the heavy turnover of prison population, indicating

that nearly eighty-six thousand persons were admitted to the City's correctional institutions last year.

#### Homeless Men

During the year we were in contact with the Commissioner of Correction and the Department of Welfare regarding the plan of the Department of Correction to abandon Harts Island and to relinquish its use to the Welfare Department for development as a facility for homeless men. The problem of financing the project was debated for some months with the State holding to the opinion it would not reimburse municipalities for the maintenance of shelters for homeless men and others. Several days before the close of the year the State served notice to the City that care provided for homeless and indigent persons in a municipal shelter was not reimbursable by the State. As the year closed, this situation remained to be resolved during 1951. In the meantime the project is operating with a relatively small group of homeless men, with encouraging results.

#### State Board of Parole Hearings

Upon the invitation of Frederick A. Moran, chairman of the State Board of Parole, Mr. Wright attended the November meeting of the Board in session at Wallkill Prison. In a follow-up letter to Commissioner Moran various impressions were made known to him dealing in such matters as the wealth of information available to the Board members including investigation material by Board of Parole staff members as well as personnel of the Wallkill Prison Service Unit; the generous time devoted to each of the cases under consideration; and the granting of full opportunity to each prisoner to be heard. The question was raised as to whether or not too much attention was given the details of the offense in which each inmate was involved. Obviously in certain cases full discussion of the nature of the crime is necessary but it appeared questionable as to whether repetition of this information was required again from the inmate. The record in each case contained a full investigation of the offense, and the value of having the prisoner repeat in minute detail all of the aspects of the crime seemed open to question.

Meetings of the Board of Parole will be attended at other institutions from time to time.

#### Cooperation with Editors of Reader's Digest

At various times during the year we were in conference with editors and staff members of "The Reader's Digest", both at their Chappaqua and New York offices. In keeping with their long

established desire for accuracy in their columns, they were anxious to check the validity of certain situations with the Association. It will be recalled that the Digest has long been interested in prisons and prisoners and in addition to carrying a number of articles on the subject, the editors, Mr. and Mrs. DeWitt Wallace, have provided complimentary subscriptions each year to thousands of prisoners. Their latest expression of interest is in providing unsold newstand copies to prison libraries and in this activity the Association assisted with mailing lists and other material. In addition to the free magazines, they are providing at less than cost price copies of their educational supplements for study purposes. These are question and answer leaflets and designed to be used with each issue of their publication. The editor of the Digest very kindly consented to assign Mr. James Finan, one of their top staff writers, to address the Eightieth Annual Congress of Correction at St. Louis in October. Mr. Finan's address dealing with the relationship of correctional institutions to public relations was met with wide acclaim. Mr. Finan is the author of numerous articles appearing in the Digest dealing with various phases of correction. (See page 76.)

#### Alcoholics Anonymous Program

*Westchester County Penitentiary*—It will be recalled that the Association has maintained a long standing interest in the problem of alcoholism and for the past few years we have been interested in the experiment being conducted at the Westchester County Penitentiary by Alcoholics Anonymous, and on the part of Warden Paul R. Brown through group therapy sessions. For the past seven or eight years A. A. groups throughout the county have been holding weekly meetings at the Penitentiary and each year as an expression of appreciation the Penitentiary holds a dinner meeting for county A. A. leaders. On May 17th the annual dinner meeting was held, with some eighty-five persons present, including at least twelve former prisoners and six men now serving terms at the Penitentiary. Mr. Wright extended the greetings of the Association and offered our continuing cooperation.

#### Civil Service

We cooperated with the Missouri Department of Corrections by acting as a test consultant on various examinations relating to correctional positions. These tests were being conducted by the Personnel Division of the State Department of Business and Administration. This is the first time that Missouri has resorted to a civil service procedure for its top correctional positions.

We were also asked to assist in the development of test questions for the New York State Civil Service Commission with regard to



some of their correctional examinations, but were unable to comply because of the pressure of previous commitments.

#### Council of State Governments

During the summer we cooperated with the Council regarding detainers and interstate parole supervision. We also assisted in exploring the possibilities of joint confinement between states, namely, the proposition of setting up one institution for the housing of offenders from two or three states. Also we prepared a statement of policy on the treatment of the criminal insane, calling upon resources within The Prison Association of New York and The American Prison Association.

#### Radio Program Re Parole

The Prison Association, together with The American Prison Association, was approached by certain commercial interests in behalf of a new Friday evening radio program known as "Up for Parole." After several conferences it was decided to withhold further relationship with the program backers pending changes in their personnel. Previous experience with this kind of proposition prompted extreme caution. This attitude was made known in a letter addressed to the National Probation and Parole Association which was also approached. There resulted some changes in the personnel identified with the proposal and also the drawing up of a very careful form of contract. A number of programs were produced in keeping with the wise guidance of experienced workers in the fields of probation and parole. Finally, a demonstration was made that good programs can be produced without too much of a play on dramatization and extraneous material.

#### Newspaper Reference to Parolees

As a follow-up of the suggestion made by Commissioner Schoenfeld, Mr. Cass addressed a letter to the editor of The New York Times. A reply was received from the Managing Editor, Mr. Edwin L. James, explaining that the Times tries to correctly identify the state from which the parolee comes but that to do this they must rely mainly on the records of the New York City Police Department. It was pointed out that in some instances this information is not immediately available.

#### RKO "This Is America" Motion Picture

We were asked by RKO Motion Picture Company to be prepared to preview a two reel documentary film produced as part of the "This is America" series. The film will portray the Ohio Reform-

atory for Women and we will likewise be asked to provide a quotation that can be used in the final narrative.

#### Substitute for Benzdrine Inhaler

We were informed by various institution officials of the production of a nasal inhaler known as Wyamine, produced by the Wyeth Drug Company. The inhaler is said to be as potent as the old benzdrine devices which we were instrumental in removing from the market a year ago. This matter is being followed up.

#### Massachusetts Legislative Recess Commission

At the request of the Chairman of the Massachusetts Youth Service Board, we prepared itineraries for two official visits to this area by Board members and members of a Special Massachusetts-Legislative Recess Commission on Problems of Youth. This has been done on previous occasions and the Youth Service Board looks to this office for guidance when making official visits to New York. A letter was received from Chairman William A. MacCormick of the Youth Service Board expressing appreciation of this service.

#### Publications

In cooperation with The American Prison Association the staff of The Prison Association of New York assisted in the preparation of several publications, namely, the annual Directory of State and National Correctional Institutions; a Library Manual for Correctional Institutions, and a Handbook on Pre-Release Preparation in Correctional Institutions.

In addition we edited and prepared for printing, the Proceedings of both the Seventy-Ninth and Eightieth Annual Congress of Correction, sizeable volumes.

#### Affiliation of Japan Prison Association with American Prison Association

The interesting point is that the Association in Japan is patterned after The Prison Association of New York. They have gained an international relationship through the American Prison Association by vote in St. Louis on October 12, 1950. Many delegates from Japan were at our office during the past year and one-half, and there were a number in attendance at the Congress of Correction in St. Louis.

#### Foreign Visitors

We received during the year numerous foreign visitors. We tried to be of assistance to them by providing various introductions, arranging itineraries and acquainting them generally with

the functioning of our various correctional processes on a national and state level. Most of the delegates are generously supplied with free literature. Quite noticeable is their joy and appreciation at the liberal time given and the wide range of guidance provided.

Many visitors came from Japan under United States Army auspices. Others were from Norway, India, Australia, Germany, Belgium, New Zealand, Denmark, England and Netherlands.

This has been for many decades a well-known service on the part of The Prison Association of New York and it has enabled us to make many friends in foreign lands and to bring them closer to us in a professional relationship. Not infrequent is the expression on the part of these foreign friends that they are "happy to feel that they have an office in New York at the headquarters of our Association."

#### General Service

Again we are glad to report that we continue to receive requests for information and guidance from those in other States who are anxious to correct unsatisfactory conditions and make for progress generally. These requests by letter, telephone or personal visit come from schools, colleges, women's groups, legislative committees, motion picture producers, magazine writers, the press, broadcasting companies, heads of departments and agencies, probation and parole officers, heads of prisons and reformatories, civil service bodies, etc. We consider the handling of these inquiries as a very important service. To give helpful information requires time and in instances where the information cannot be readily given from this office, the interest and co-operation of others must be sought and cultivated. An examination of our files will disclose a surprising volume of such correspondence.

#### REMARKS OF GUEST SPEAKERS

Through the year we continued the practice of inviting a guest speaker at some of the monthly meetings of the Executive Committee of the Association. These public spirited and cooperative leaders spoke briefly of their activities and problems in relation to the discharge of their specialized responsibilities for the public welfare.

At the January meeting the Hon. William P. O'Brien, Police Commissioner of the City of New York, was our guest.

Commissioner O'Brien opened his remarks with an expression of appreciation for the opportunity of meeting with the Committee. He stated that he had not realized that the Association was in its 105th year and likewise had not realized the many contributions which the Association has made during more than a century.

The Commissioner was particularly impressed with the fact that the Association is wholeheartedly in back of the extension of the New York State Youth Commission which is, according to the Commissioner, "one of the most important procedures yet devised in New York State."

Paying his respects to Commissioner Mulrooney, Commissioner O'Brien stated that "every man from the lowest rookie on up respects Ed Mulrooney. He has stood through the years like a 'Rock of Gibraltar' and is the type of police officer that all in our Department are trying to emulate." The Commissioner stated that it was groups such as the Prison Association that are so important to a department such as he directs. The average citizen, the Commissioner indicated, highly respects the police officer. "The police have the affection of the community so long as we meet their approval," he added. He stated further that he would feel free at any time to call on the assistance of the Association.

Specifically, he suggested the Association concern itself with the problem of homeless men, stressing the fact that there has been a marked change in the age and character of the delinquent of today. Today they are frequently young and a by-product of the war. "He is the young strong fellow who commits many of the strong-arm crimes on the fringe of the Bowery," the Commissioner reported. Commissioner O'Brien reviewed briefly the plan of the Department of Welfare to take over the present Branch Penitentiary at Harts Island. This would be an annex of the Municipal Lodging House operating under the auspices of the Welfare Department. A program of rehabilitation would need to be instituted, he pointed out. The Commissioner added that the present Commissioner of Welfare was a "great man" and should have the support of citizens generally. "One thing the Association can do is to insist upon laws and a place where we can give the rehabilitation of

derelicts a real try," he urged. A recently appointed Mayor's Committee on Homeless Men has been organized to give careful consideration to this problem.

In response to the question as to whether or not the Police Department was at present under-manned, Commissioner O'Brien said he would be glad to "settle for 1,500 additional men." He added that "if we had 2,000 more men, we could cover the city like an umbrella" and pointed out that the only reason men are not available is one of finances. More than 20,000 men applied for the last police examination and Commissioner O'Brien indicated that the problem was not one of finding good men. Two thousand additional men would cost approximately \$6,000,000 per year. In response to a further question the Commissioner said that it would help tremendously if the Association would do everything it could to urge the appointment of additional police officers.

It was pointed out that the personnel of the Police Department now approximates 18,000. In previous administrations it has dropped to as low as 14,000 and has been as high as 19,000. During Mr. Mulrooney's administration there were 17,000 members of the Department. Commissioner O'Brien indicated that the population of the city had increased by nearly two million persons in the last few years.

Mr. Holter adjourned the meeting by expressing the thanks and appreciation of the Committee to the Commissioner for joining them and sharing with them some of his problems.

#### REMARKS BY DISTRICT ATTORNEY MILES F. McDONALD

Our guest speaker at the March meeting was the Hon. Miles F. McDonald, District Attorney of Kings County, Brooklyn, New York.

In opening his remarks Mr. McDonald indicated his pleasure at meeting with the Executive Committee and stated that he had reviewed some of the early statutes that were invoked in the year that The Prison Association was founded (1844). He pointed out that in 1846, the year the Association was incorporated, the first City Hall was built in Brooklyn and also that Fordham University was founded in that year. His own predecessor in 1846 was paid at the rate of \$1,500 and had just been removed from the fee basis. The District Attorney reviewed the stated purposes of the Association as they appeared in their original form and stressed the extensive powers that had been granted by virtue of the Act of Incorporation of 1846. He pointed out that the Executive Committee was then empowered to establish a city workhouse and indicated that the Association's charter was one of the first pieces of legislation which emphasized the need for humane treatment of prisoners. He also stressed the fact that there were few rehabilitative measures in operation over a century ago.

Pointing out that there are at the present time some 900,000 persons on probation in the United States, Mr. McDonald emphasized the importance of rehabilitating the offender and returning him to useful life in the community. Commenting on what he termed the Association's 1950 program, the District Attorney endorsed our recommendation to the Legislature which would provide for the commitment of prisoners to the Department of Correction. He said that this procedure was one of the most glaring needs of the day. He said also that he was a strong supporter of the Association's bill aimed at controlling the sex offender which was introduced by Senator Desmond in 1947. Illustrating his comment with numerous official experiences, Mr. McDonald said that the sex pervert was an extremely difficult type of individual to handle. The question of securing adequate proof is difficult because of the extreme youth of many of the children involved. In the case of offenders of this nature he felt that after three or four complaints had been lodged against such individuals that commitment to civil mental hospitals should be mandatory. The District Attorney referred to instances where he had questioned mothers of children who had complained of being molested. These conferences were held frequently in police stations and that because the offenses or crimes could not be corroborated, the offender had to be released. In other words, witnesses to sex crimes are few and far between, and corroboration of the offense is extremely difficult if not frequently impossible.

Mr. McDonald stated that he endorsed our recommendation which would extend the age limit for youthful offenders from 18 to 21. He expressed doubts that this bill would be passed, but Mr. Cass stated later that he was quite hopeful. Mr. McDonald also endorsed the proposal of the Association that the State Board of Parole be given discretionary power to fix or determine the amount of time which a parolee would have to serve on his first sentence if he were brought back for a second felony committed while on parole. The law is now mandatory that the complete sentence of the first offense be served before the offender can commence serving his second sentence.

Following the District Attorney's comments, several members of the Executive Committee raised questions relating to his official duties.

Mr. Holter expressed the gratitude and appreciation of the Executive Committee to Mr. McDonald for his contribution.

#### REMARKS BY CHIEF PROBATION OFFICER EDMOND FITZGERALD

At the meeting in April the guest speaker was Mr. Edmond Fitzgerald, Chief Probation Officer of Kings County Court, Brooklyn, New York.

Mr. FitzGerald mentioned the tact that must be exercised by him in his court because of the demands of the five different judges upon his time, each judge regarding him as his personal probation director. He discussed the inadequacy of personnel and the need for psychiatric service. At the present time he must almost beg co-operation and service from the staff of the Kings County Hospital. A psychiatric personnel, similar to that in the Court of General Sessions, is held to be most desirable. He told of the thoroughness of preparation of probation reports for the information and guidance of the judges and wondered how these reports are received by the administrators of institutions to which some offenders are sentenced. Later, during the discussion period, Mr. Cass assured him that these reports are very highly regarded and that it is a frequent saying among the heads of our state institutions, and those identified with the Division of Parole, that the reports coming from General Sessions, Kings County and Erie County are excellent and of great value. There has been growing emphasis on the superiority of the reports coming from Kings County.

In discussing the number of probationers under the supervision of a probation officer, Mr. FitzGerald said that he hesitated to mention a specific number, his thought being that so much depended upon the type of probation officer and the kind of cases to be assigned. If it were necessary, however, to settle on a quantitative basis, he felt that there should not be more than fifty probationers for each officer.

In referring to his three months in Israel, on invitation of the Government of Israel, he explained the antiquated and terrible condition of the quarters now available for the housing of police prisoners or those sentenced for crime. Some of the conditions, he said, were almost indescribable from the standpoint of American ideals. Darkness and lack of sanitary facilities are quite general. However, steps are being taken to remedy these conditions as speedily as possible.

Speaking of court procedures and penal policies, he stated that it required considerable persuading and enlightenment to have the court and lawyers accept American viewpoints and procedures in the light of their marked difference from those identified with the practices in territories taken over in the formation of Israel. In the matter of probation reports it was difficult to make the judges understand how in the United States the report is considered something confidential for the benefit of the court and can be handled without being an actual embodiment of the open court record in any given case. He emphasized that there was, regardless of the difficulties of persuasion here and there, a general desire to pattern court practices and penal treatment in harmony with American ideals.

Mr. FitzGerald stressed alarm because of the high crime rate, particularly among young people, in Israel. Theft is a frequent crime, and there is grave concern because of homicides. The experiences through which most of the people in Israel have passed, especially the young people, spending long periods in drifting from place to place or in concentration camps, made an impress which sometimes expresses itself in lawlessness.

Commissioner Mulrooney expressed the thanks and appreciation of the Executive Committee for the enlightening and interesting presentation by Mr. FitzGerald.

#### REMARKS BY SUPERINTENDENT MAJOR THOMAS J. HANLON

At the May meeting the guest speaker was Major Thomas J. Hanlon, Superintendent of the Institution for Male Defective Delinquents at Napanoch, New York.

Major Hanlon was the guest of the Executive Committee and presented in most interesting fashion a discussion of the group therapy activity at the Napanoch Institution for Male Defective Delinquents. In introducing Major Hanlon, Mr. Cass reviewed their long standing friendship, going back over the years and covering a good part of Major Hanlon's career in the New York State Department of Correction. Mr. Hanlon has seen service at a number of institutions, including Elmira Reformatory at which unit he was located prior to assuming the superintendency at Napanoch some years ago.

Major Hanlon indicated that a group therapy program was instituted at Napanoch in 1945 and that the group consisted then, as it does at present, of all types of inmates, including reidivists, first offenders, and others. Meeting twice a week—Mondays and Wednesdays—at noon time, the special class assemblies in the auditorium on their own time to discuss mutual problems. Later questioning indicated that the class consists of four hundred inmates. The Major made mention of a number of specific cases showing the favorable results of the experiment. One story in particular referred to a long distance telephone call that he received a short while ago from the American Occupied Zone of Germany. The call came from a former inmate now a member of the occupation forces at Frankfurt. He was particularly anxious that Major Hanlon know of his appreciation for everything that had been done for him while an inmate of Napanoch, and the Major described to the Executive Committee some of the former inmate's early history. He concluded by stating that the inmate had paid \$10.00 for the telephone call to the institution.

Major Hanlon read from a number of letters and memoranda which had been sent to him by inmates and former inmates, all attesting to the value of the group therapy program. He stressed

the fact that they were only scratching the surface and that much remained to be done in the realm of rehabilitation. He also pointed out that a good part of the success of a program of this nature rests upon the shoulders of the rank and file personnel. They are making continuing effort to acquaint the personnel with their plans and policies in order that there will be no misunderstanding on their part.

In response to later questions Major Hanlon indicated that his inmates had I.Q.'s of less than 67. In other words if an inmate had an I.Q. of over 67 it would be likely that he would be transferred to another institution. It can be seen that his inmate body presents a difficult problem from the point of view of administration and rehabilitation.

In adjourning the meeting both Mr. Holter and Mr. Cass paid compliments to Major Hanlon for his energetic approach to the situation. Mr. Cass stated particularly that the Napanoch institution had probably the most active program of any of New York's correctional units and gave credit to Major Hanlon for his alert and vigorous leadership. An invitation was extended by the superintendent to the members of the Executive Committee to visit the institution and inspect its facilities and sit in at any of their meetings and sessions.

#### REMARKS BY JUDGE SAMUEL S. LEIBOWITZ

Our guest speaker at the October meeting was Hon. Samuel S. Leibowitz, Judge, Kings County Court, Brooklyn, New York.

Mr. Cass stated that Judge Leibowitz was widely known for his forth-right approach to problems in the judicial and correctional fields, and assured him of a welcome to the meeting.

He also indicated the Judge's deep interest in probation as a treatment technique, reminding the Judge that the first probation law in New York was written in the office of the Prison Association nearly 50 years ago. He praised the jurist for the excellent standards now maintained by the Kings County Court Probation Department.

Prefacing his remarks with commendation of Mr. FitzGerald, the Chief Probation Officer, Judge Leibowitz said he was honored to be designated by his judicial colleagues with responsibility for the Court's probation system. Stressing that it was his intention to develop the outstanding probation department in the country, Judge Leibowitz reviewed briefly the current salary schedule, pointing out that the staff constituted the highest paid probation personnel in the United States. It is their intention to continue to raise salaries and the Judge indicated this was possible because of the mandatory provisions of the law providing that the City's fiscal authorities may not decrease their request for appropriate

tions. The budget authorities must grant whatever salary schedule is recommended by the judges of the various County Courts and the Court of General Sessions. He praised Mr. FitzGerald as the outstanding probation administrator in the country and gave full credit to him for developing their probation department during the past ten years. The Judge reminded the group that, prior to 1940, Kings County Probation Department was noted because of its low standards and political maneuvering on the part of its employees. It will be recalled that Mr. FiezGerald, at the request of the Government of Israel, conducted a three month study, setting up a probation department in that country.

Judge Leibowitz said he was "disheartened" about prisons and other correctional units "despite the sign on the outside which states they may be prisons or reformatories" or other types of places of confinement. Referring to a great many of those confined as "spiritually consumptive and morally diseased" he raised the pointed question as to "after all, what is the difference between Sing Sing Prison, Great Meadow, Elmira, Attica," etc.

With pointed emphasis he indicated that all prisoners, with few exceptions, were sent to similar institutions and thrown in indiscriminately with others. "We do not have the tools" he said, "and until we get them, judges will be automatons and simply mouthing sentences".

Judge Leibowitz made a special plea for improved treatment procedures within our State correctional institutions. He pointed out that it was necessary that correctional authorities develop a sound treatment philosophy and get a clearer conception of exactly what their responsibilities include.

Pointing to the excellent work performed by the Prison Association, and urging even greater attention to the institutional problem, the Judge said "the average citizen is not much interested in the present problem until some one in the family falls by the wayside or is hit on the head in the course of an assault or robbery". He made a particular plea for improved personnel and for continued emphasis on training of correctional officials. He also pointed out the discrepancy in correctional planning in New York State over the years, as illustrated by the number of maximum security institutions with but one minimum security unit, namely, Wallkill. He used this as a point of emphasis in stressing the great similarity between existing institutions. Speaking on the basis of his many years of experience and intimate personal knowledge of a number of the City's famed public enemies of the past, Judge Leibowitz reminded the Committee that he had visited all the various correctional institutions to which he had sentenced over five hundred persons in his ten years on the Bench.

Inviting questions from his listeners, the Judge made particular reference to the inquiry in which he was now connected concerning the relationship of the underworld to the Police Department. In this connection he was frank and pointed in his comments, and paid particular praise to the bulk of the personnel of the Police Department. He also praised highly the new Police Commissioner, and voiced the hope that "an honest Mayor" be put in City Hall. He said the combination of a Mayor of unquestioned integrity, together with an honest Police Commissioner, could stamp out gambling and crime in the matter of twenty-four hours if they had serious intentions of doing so and provided they had the full support of citizens and civic organizations.

In vivid terminology, he explained exactly how graft and corruption can reach members of the Police Department within a given area. Using as an illustration a ten block area in Brooklyn, he charted for his listeners how bookmakers and others spend at least \$250,000 per year in pay-off money. "Multiply this by many hundreds of similar illustrations and you can see how the situation mounts up" he said. Raising such questions as, who gets the money, why it is paid, etc., the Judge voiced his hope that the new administration would be able to bring about stringent controls of such operations.

In closing he requested the continued cooperation of groups of informed citizens, such as the Executive Committee, and hoped that he could count on the Association for cooperation in the future.

In thanking Judge Leibowitz for his remarks, Mr. Holter reassured him that the Association would stand with him and his efforts to bring about improved conditions in the correctional and law enforcement fields.

#### REMARKS BY CHIEF JUSTICE JOHN J. BENNETT

At the meeting in December our guest speaker was the Hon. John J. Bennett, Chief Justice of the Court of Special Sessions, Manhattan, New York.

Judge Bennett reviewed briefly the general organization and historical background of the Court, noting its origin back in early colonial days. The Court now consists of one chief justice and twenty justices operating within the City of New York, and handles approximately 25,000 cases each year. Breaking this figure down, Judge Bennett indicated that there were 9,274 gambling cases disposed of during the past year with other disposals as follows: assault 3d degree 4,729; petit larceny 1,927; violation of building law 1,188; possession of narcotics 1,141; shoplifting 1,066; illegal possession of fire arms 878; malicious mischief 495. The remainder, or 3,300 cases, were composed of some 50 other categories of offenses. Of 4,651 trials heard by the Court of Special Sessions,

38% were disposed of through conviction and approximately 62% were disposed of through acquittal.

Judge Bennett gave praise to the Criminal Branch of the Legal Aid Society and remarked that he had asked them to provide their service in the Brooklyn Special Sessions Court. Continuing, he underscored his backing of probation as a treatment technique and admitted that it was one of the weakest aspects of his Court. He urged that the Prison Association lend its help and support during budget hearings when requests were made for additional personnel. He claimed that the probation staff were doing, on a numerical basis, at least three times the maximum load suggested as a standard by the State Probation Commission. "Our probation staff is frightfully undermanned" Judge Bennett pointed out.

The Judge indicated that one of his innovations was the assignment of a permanent justice to the Youth Part of the Court of Special Sessions. Heretofore justices were rotated and continuity of service performed in this important part of the Court was lacking. Discussing the problem of narcotics as related to the Court of Special Sessions, Judge Bennett urged his listeners to recognize that his Court could not, by law, handle cases of drug sellers. This is a felony and such cases are heard by the Court of General Sessions. Technically speaking, the Court of Special Sessions can consider only the cases of those who are apprehended as possessing drugs. He recognized that many of those who possessed drugs obviously may use or sell them but basically possession is the determining factor. The Judge said that police officers are questioned closely concerning the selling aspect. He stated quite frankly that he and his colleagues were perplexed as to where to commit drug users and raised the question as to whether or not addicts should be sent to penal and correctional institutions. He made inquiry as to whether or not narcotic addiction should be handled through civil commitment, basing his theory on the premise that narcotic addicts, like alcoholics, should not be punished as such but should be committed to appropriate institutions for treatment. He emphasized that the Court was doing its best with a very difficult and involved problem and urged people generally to be charitable toward the Court when the question of narcotic addiction comes up for discussion. He indicated that he was hopeful that the Welfare Council's new project on narcotic addiction among adolescents would come up with helpful and practical recommendations.

In conclusion, he thanked the members of the Executive Committee for the opportunity to discuss briefly some of the problems of the Court and offered to return at a later time to continue the discussion.

## THE ASSOCIATION'S BUREAUS OF SERVICE

### Employment and Relief Bureau

The present demand for available man-power would be gratifying, were it not shaded by a hovering cloud of insecurity and unsettled conditions throughout the world. Greater employment opportunities seemingly would facilitate the task of The Prison Association of New York and similar organizations. However, there continue to arise, over and over, the self-same problems with which they have to contend. First, there is the employer just dubious enough to reject a prospect whom he feels is being foisted upon him, rather than having selected him according to his own standards. Then there is the second, the employer who dare not afford himself the obligation of reserving placement for the individual being processed for release. Despite these set-backs and many more, the Prison Association of New York strives to increase its efforts to secure placements for parolees, discharged prisoners and those men in various institutions awaiting release.

*Rehabilitation* would seem nothing more important than just a six-syllabled word in the English dictionary, save for that employer happily endowed with honest charity toward his less fortunate fellowman. His ready faith instantly begins to pave the way for the weary wayfarer along the arduous road to rehabilitation. Hence, the ex-inmate feels more sure-footed as he advances in pursuit of his goal at the end of the road—ultimate readjustment to civilian life, with full restoration of privileges as befitting any useful and respected member of a community. We wish to extend our heartfelt gratitude to those employers who do not hesitate to accept ex-prisoners as trusted employees. Each and every individual who seeks rehabilitation, must be prepared to follow a carefully planned pattern which has been set up before him. He will first learn to discharge his duties in the proper fashion, after which he will be qualified to accept his cherished rights and privileges. More important than that, he will have learned that courtesy and respect must be merited! Equipped thusly, our ex-inmate will emerge the self-respecting, lawabiding citizen, as originally intended.

For the past nine years the Employment and Relief Bureau has been under the able supervision of Mr. Harry Schwartz, who is credited with more than thirty-nine years' experience in the field of crime treatment and prevention on New York City. Mr. Schwartz' activities include personal contact with employers, consisting of innumerable visits covering an extensive area and representing equally extensive fields, such as commercial houses, factories, mills, garages, laundries, stores, etc. A note of encourage-

[60]

ment here, is that where no actual placement may have materialized, our representative nonetheless, was accorded heartening cooperation on the part of all those visited.

The Bureau serves as more than an employment agency for its clients. Only a few of the more recurring problems with which our clients find themselves confronted, are financial stress, inadequacy of proper clothing, lack of necessary transportation to job locations, required tools, union dues, fees, etc. In each case, aid is granted when warranted by thorough investigation. Those clients whose channels of self-sustenance either have been temporarily cut off or completely drained by retarded health or advanced years, call upon the Bureau to lend them the necessary financial aid to guide them through the critical period of readjustment. Our program deals further with the contacting of families and friends, augmented by referrals to the proper welfare agencies who designate themselves to more permanent and long-range financial aid and support.

As in the past, the Bureau has been deluged with cases, all worthy of mention here. This, however, would be impossible, due to limitation of space. A few have been selected at random and are presented herewith for the reader's consideration.

L.S.\* had been apprehended by the law upon three different counts, starting with a youthful offense and ending with 3rd degree Robbery. At the time of his last conviction, L.S., who is unmarried, was the sole support of his parents, two sisters and a brother, all of whom were to feel keenly his extended absence. L.S. served his sentence in model fashion, and at the time of his release, through a job offer submitted by the Prison Association, was granted gainful employment at a salary of \$55, to begin. At the last report, our representative was glad to learn that L.S.\* is doing exceptionally well.

As in the above case, R.L.\*, a second offender, likewise had been the sole support of his family, and once again the dependents were to suffer. Sadder, perhaps, was the fact that R.L. had served in the Armed Forces during the last World War, and after months of desperation following his honorable discharge, he ran afoul of the law. During his detention, he served faithfully in the various prison shops. Upon his release R.L. was given a job which the Association obtained for him where he was able to apply the knowledge he had garnered during his Army career, driving and maintenance of trucks.

P.T.\* presented a complex picture. At the time of his last arrest and conviction, he was only 22, married and the father of three children. His experiences with the law received an early start, coming under the heading of "Juvenile Delinquent". Even

\* All names and initials are fictitious.

while on probation, he unwisely violated the given rules and found himself in trouble over and over. After his last conviction when he was sentenced to serve nine months in prison, P.T. finally was released for the job obtained by the Prison Association with a reliable concern where he is doing exceedingly well. The family has been reunited and is enjoying harmony at last.

S.W.\* had been arrested and convicted for the second time in his nineteen years. While serving his sentence he behaved at all times in a most exemplary fashion and won the respect of all who came in contact with him. Upon his release from the job with a rug cleaning concern submitted by our representative, he has been doing his utmost to justify the confidence placed within him.

#### Visits to New York City Prison and Sing Sing Prison

The Association is proud of its long standing practice of making contact with those held in the City Prison, Manhattan, charged with or convicted of crime. Prisoners, troubled and otherwise out of contact with friends and relatives, very often will write and request an interview. In this phase of our work we are glad to acknowledge the excellent cooperation of Warden Herman J. Ruthazer of the City Prison and his staff members.

This form of service has proved invaluable insofar as protecting prisoners from designing persons, and further prevents exploitation in time of trouble. This is particularly true regarding legal services and it has been our privilege to refer to the Voluntary Defender's Committee of the Legal Aid Society, those prisoners who are without funds, and feel secure with the knowledge that they will receive the best kind of legal guidance and service.

Our secretary also makes periodic visits to Sing Sing where he meets various inmates in response to requests for information and advice. We acknowledge, also, the kind cooperation of the institutional officials.

At this point it is our custom to present a few excerpts from letters written to us by clients expressing their appreciation. It is curious to note that while there may be a vast difference in the general appearance and word structure, nevertheless, all the letters share the same thought and heartfelt expression.

From F.P.\* . . . "I was overjoyed to receive your letter of April 24th informing me that you have submitted to the parole authorities suitable employment in my behalf. Your letter pleased me so much, that I am replying at once to let you know that I am very grateful . . . and that I intend to do my very best at the job you have selected for me to repay your faith in me. My wife and I both thank you very much."

\* All names and initials are fictitious.

S.G.\* says in part . . . "thanks a million for getting me a job . . . I was so pleased I can hardly find words enough to express how much I thank you. Your good news to me have done lots of good to my depressed mind . . . please, Sir, accept the assurance of my deep appreciation and my profound respect . . ."

From H.T.\* . . . "I don't know, I can only imagine what it must be like for a man in your position to be the constant recipient of so much praise and exaltation for the work you are doing to restore men to a normal life who have in some way strayed away to associate themselves with a life of crime. It must be equally gratifying too to know that while you have gathered some measure of satisfaction from your great work you are so dutifully engaged in you are always bringing greater happiness to those who have no visible means of helping themselves save the generous efforts of men such as yourself who are devoting their lives to the business of making people happy and therefore good citizens . . ."

The purpose and accomplishments of this Bureau are most constructive and highly valuable as can be attested by those we have helped. Their continued loyalty, trustworthiness, and cooperation is our conclusive proof. Only rarely do we learn that one of our men has failed to fulfill our expectations, thus bringing disappointment to both his employer and the Bureau, but this happens so infrequently that they must be considered negligible. We offer our thanks to the vast number who have remained faithful to the confidence entrusted in them. They shall continue to prove a welcome reward for our combined efforts.

#### Statistics for Employment and Relief Bureau for 1950

Office interviews . . . . .	2,268
Telephone consultations* . . . . .	1,729
Different persons interviewed . . . . .	1,934
Men released from New York City penal institutions . . . . .	1,263
Men released from New York State penal institutions . . . . .	457
Men released from out-of-state penal institutions . . . . .	39
Men released on probation . . . . .	67
Relatives of prisoners concerning employment . . . . .	118
Meals provided . . . . .	1,348
Nights lodgings provided . . . . .	3,771
Employment contacts made by personal visits (approx.) . . . . .	900
Men placed in employment . . . . .	417
Men given cash relief . . . . .	974
Total amount spent solely for relief (includes cash, meals and lodgings) . . . . .	\$4,778.15

\* Includes clients, parole and probation officers, agency and institutional officials.

#### FAMILY SERVICE BUREAU

The mid-century year was an active one for the Family Service Bureau. The increase in the number of new applicants, in com-

\* All names and initials are fictitious.



parison with previous years, indicates the urgent need in the community for an agency such as this to deal with the special problems created by the imprisonment of a father or husband.

The prisoner's family has a special problem in its relationship with society, a problem which does not apply to those families who are deprived of the father through sickness, death or divorce. Overwhelmed by the disgrace which has fallen upon the family, the mother finds a much more appalling situation than the mere securing of the physical necessities of life. She and the children must remain in the same environment with relatives and friends, and face society with this stigma on the family name. As one mother explained, "It is not as hard for Tom as it is for us. I know he is miserable away from home and his children, but his associates for the next few years are those who cannot sit in judgment upon him, as they are as guilty as he. But what can I do to save my children from the taunts of their playmates? How can I explain to the neighbors the reason for my husband's absence." The offender is removed from society to protect that same society, and yet in his segregation the prisoner is afforded a protection which does not apply to his family.

This anxiety is a real problem to most of the mothers and of necessity they have turned to subterfuge and deceit in order to explain the father's absence from home. During the war years, many mothers told the children and the neighbors that the father was in the Army or Navy, and even went so far as to hang a service flag in the window. This explanation, however, soon led to difficulties. The neighbors soon questioned this story because of the visits of the relief investigator, a person well known in the neighborhood, instead of the arrival of the government dependency checks issued to families of service men.

Some mothers explained the father's absence by telling the children he was working in a defense plant a long distance from the city. This story also presented difficulties, not only in regard to the welfare worker's visits, but with the children who wondered why their generous father did not send the bicycle he had promised for their birthday or the roller skates or doll carriage.

Another explanation clients frequently used, was that the husband was ill in a hospital. This presented no difficulty as far as the investigator's visits were concerned, but it led to embarrassing questions as to the nature of his illness, and when he would be well enough to come home. All of these desperate attempts on the part of the family indicate how complicated and disturbed its relationship with society has become, how difficult it is for its members to face life with some modicum of self-respect and pride.

It is these complications, resulting from the imprisonment of the father or husband, that make the work of the Association's Family Service Bureau so needed in the community. The far-

reaching effects can be illustrated by the case of nine year old Anne\* whose father had been sent to prison. The mother came to our office, disturbed by her daughter's school record. Her teacher had complained of the child's lack of attention in the classroom. She was reported as failing in subjects in which, previous to her father's conviction, she had received high grades. In discussing this with the mother, the question was raised as to how much Anne knew of the real situation of the father. She had been present in the home when the detectives came to the house to take her father away. The mother felt, however, that since the daughter was young she might soon forget this incident, and tried by silence and prevarication to save her from knowing the true story. It was suggested that the mother give Anne an opportunity to show how much she really remembered. When the mother opened the way for the girl to express herself, she recalled vividly the entire story, with many details which the mother had forgotten until her daughter mentioned them. The child went on to say that when she was called on to read, to recite, or to take an examination, all she could think of was that night when the men came and took her father away in handcuffs. Anne had never wanted to speak of this to her mother, because she felt that the mother did not want her to do so. Her mother wanted her to believe that her father was ill, but she knew that he was in prison. By talking this over with Anne's mother, the youngster was able to relieve her mind of some of the anxiety and fright associated with this experience. As the tension and repressed emotional content found release through a better relationship with the mother, (through the means of sharing her anxiety with her parent), there was a gradual improvement in her school work, and in her eating and sleeping habits.

Another example of the psychological consequences of the imprisonment of the father, and its bearing on the relationship of parent and child, is brought out in this story. A mother who had tried to spare her child from learning of the father's real situation remarked to her son that Jack, a friend of many years, was no longer coming to the home, and asked what had happened. Her son commented that Jack had made a remark which he resented, and he wasn't speaking to him. "Under normal circumstances", observed the mother, "I would have followed this with a request for more specific information." But fearing that her son might say that Jack had called his father a jail-bird, and not wishing to have her son challenge her on this issue, she remained silent. In this way she lost an opportunity to share her son's confidence, to help him straighten out his estrangement with Jack and recover the lost friendship.

\* All names and initials are fictitious.

Occasionally the mother on her first visit to the office is so torn emotionally by the events following her husband's arrest and commitment to prison that she cannot face the reality of the situation. She is exerting every effort to sidestep the problem, spending all of her energy toward denying or hiding from herself the problem with which she is confronted. Hoping by this means to escape the suffering and guilt, she is unable to plan constructively and deal with the many problems which require her earnest and thoughtful consideration. In cases of this type it often takes many contacts with the agency before a relationship is established which will lead the mother to a more realistic approach to the problem. The various phases can be touched upon only when the emotional conflict has lessened and time has partially healed the wound. There is also the more independent type of mother, well equipped to face facts, and to plan for herself and the children. She is determined not only to make the best adjustment possible for the family, but seizes the opportunity to develop her own resources. In the years since her marriage she has counted on her husband's earnings. She feels that she was leaning on a weak reed. She would like to get back into employment where she was successful before her marriage. She will become the breadwinner for the family and turn her husband's tragedy into her triumph. She needs help in securing employment, and in making arrangements for the children's care during her absence from the home.

There is also the family where the father before his imprisonment contributed but little to the support of the family. The husband, described by his wife as the selfish type, always used his earnings to provide first for his own interests. After he had purchased his clothes, his automobile, and taken care of his own recreation and pleasure, the remainder went to the home to be used for the care of her and the children. She feels that she and the children have been living on "crumbs". Now she welcomes an opportunity to make herself financially independent of her husband. She will provide for herself and the children many of the small luxuries of which they have been deprived. She will consider taking her husband back into the home when the time comes for his release, since the children are fond of him, but she intends never again to be entirely dependent financially upon him.

In just what way can the Family Service Bureau be of aid to these families? The emotionally distraught mother can be led to feel that the situation is not completely hopeless, and that life still has meaning. Feeling so often ostracized by her family and friends, she finds through this contact release for her pent up emotions. Here she can speak freely of her husband, with no need to hide the real situation. Following the first dreaded visit, she finds great solace and help through expressing her sorrow and find-

ing sympathy and understanding. The loss of her husband in some measure is compensated for, a compensation through friendly contact with an agency which symbolically represents him.

The more independent type finds encouragement and help toward the realization of her plans. She will turn a catastrophe into a blessing. These mothers with courage and determination remind one of the soldiers who have lost the use of limbs or sight as a result of the war. Many of these veterans have found a new purpose in life. A physical tragedy has become a spiritual victory, and they have found within themselves the capacity to create a new way of living. So it is with many of these young mothers. As one of them remarked, "I am glad that my husband's offense occurred at a time when I am still young and in good health. My husband's mistake shall not become my undoing. There is still much for me to live for."

One young mother who was eligible for public welfare assistance, requested only temporary funds until she could secure employment. The amount of her salary would not be in excess of the Department of Welfare allowance for herself and three children but to live on "relief" would have shattered her self-confidence. She maintains her own home and provides for her three children. Often after a day's work at her office, and a long subway ride home, she is up until after midnight, washing and ironing school clothes, mending and doing housework. She is always cheerful, never complains and is an inspiration to all whom she meets.

The summer is a particularly busy time for the Family Service Bureau. In addition to all the usual services provided for the families of prisoners, the Bureau director in cooperation with child care agencies, arranges for vacations and camp placements for many children. With the Christmas holidays, the agency brings cheer and laughter to many homes darkened by the father's absence. There were Christmas presents for all the children, with additional funds to provide a real Christmas dinner. For the past eight years, under the experienced guidance and direction of Miss Margaret Murdock, the Family Service Bureau has continued to perform a most necessary service.

So often the question is raised whether the director of the Bureau does not find the work with prisoners' families depressing and futile. It is true that the picture in the beginning is dark and tragic presenting as it does, the failure of an individual to live up to his responsibilities and to cooperate in the building of society. In an overall evaluation, however, it is not the degree to which the family has fallen, but the struggle and the striving to develop and grow that marks the real progress, and the positive accomplishments.

## Statistics of Family Service Bureau for 1950

Families under supervision January 1, 1950.....	268
New cases received.....	148
Cases reopened.....	1
Total number of cases under supervision.....	417
Cases closed.....	139
Families under supervision, December 31, 1950.....	278
Total amount of cash relief given.....	\$8,192.50
* Office interviews, home and agency visits.....	1310
Individuals provided with Christmas dinners and toys.....	1040
Children and mothers sent to summer camps.....	92

\* This does not include innumerable telephone contacts with families and institutions. agencies,

## LEGISLATION—1950

The following is a brief summary of those bills receiving our support or opposition during the 1950 session of the Legislature. We have always regarded as an important phase of our efforts toward fulfillment of the purposes for which the Association was established, the keeping of a watchful eye on the discussions and bills introduced during legislative days and their relation to progress in the correctional field and public protection generally. The Association makes personal representation in Albany, addresses communications to the various committees, and is requested to give its advice concerning legislation to officials and others. It has a legislative service that enables it to know what bills are being introduced and what action is taken on them from day to day during the session. It is gratifying to note throughout the years that the opinions expressed by the Association for or against bills are respected and appreciated by not only members of the Legislature but the Governor's office as well.

## Approved

**NOTIFICATION OF FELONY CONVICTION.** *Senate Int. 18, Assembly Pr. 2319:* Amends the code of criminal procedure, in relation to requiring the clerk of every court in which an attorney and counselor at law is convicted of a felony, to notify the appropriate appellate division of such conviction. *Chapter 296.*

**MARRIAGE OF PRISONERS PAROLED.** *Senate Int. 109, Pr. 109; Assembly Int. 945, Pr. 948:* Amends the penal law and the domestic relations law, in relation to marriage of prisoners paroled upon a sentence to imprisonment for life. *Chapter 144.*

**DISCHARGE OF PAROLEES.** *Senate Int. 441, Pr. 442; Assembly Int. 519, Pr. 519:* Amends the correction law, in relation to the discharge of parolees making satisfactory adjustments. *Failed of passage.*

**UNIFORM & NARCOTIC DRUG ACT.** *Senate Int. 455, Pr. 1675; Assembly Int. 447, Pr. 1938:* Amends the public health law, in relation to amending the uniform narcotic drug act, generally. *Failed of passage.*

**PRISONERS AS WITNESSES.** *Senate Int. 765, Pr. 779; Assembly Int. 1119, Pr. 1134:* Amends the code of criminal procedure, in relation to bringing up prisoners to testify as a witness in an action or proceeding. *Chapter 766.*

**JUDGE TO VISIT SCHOOLS OR INSTITUTIONS.** *Senate Int. 779, Pr. 2235; Assembly Int. 909, Pr. 912:* Amends the children's court act of the state of New York, in relation to power of judge to visit schools or institutions. *Chapter 620.*

**REIMBURSEMENT COUNTIES COST PAROLE VIOLATORS.** *Senate Int. 934, Pr. 956; Assembly Int. 1170, Pr. 1187:* Amends the correction law, in relation to reimbursement of counties for the cost of temporary custody of prisoners retaken for violation of parole. *Vetoed.*

**SECOND AND THIRD FELONY OFFENDERS.** *Senate Int. 935, Pr. 957; Assembly Int. 979, Pr. 983:* Amends the penal law, in relation to second and third felony offenders. *Chapter 300.*

**REIMBURSEMENT COUNTIES TRANSPORTATION PRISONERS.** *Senate Int. 1230, Pr. 1277; Assembly Int. 1541, Pr. 1583:* Amends the correction law, in relation to state reimbursement of expenses incurred by counties and cities in conveying prisoners to state prisons. *Failed of passage.*

**REIMBURSEMENT COST CLOTHING, PENITENTIARY INMATES.** *Senate Int. 1257, Pr. 1304; Assembly Int. 1539, Pr. 1581:* Amends the correction law, in relation to reimbursement by the state for the cost of clothing furnished to felons upon discharge from penitentiaries. *Failed of passage.*

**APPORTIONMENT COST CERTAIN PRISONERS IN WORKHOUSES.** *Senate Int. 1258, Pr. 1305; Assembly Int. 1537, Pr. 1579:* Amends correction law, in relation to the apportionment of the cost of maintaining certain prisoners serving indeterminate sentences in penitentiaries, workhouses or reformatories. *Failed of passage.*

**ESTABLISHMENT OF YOUTH BUREAUS.** *Senate Int. 1345, Pr. 1392; Assembly Int. 1724, Pr. 3427:* Amends chapter five hundred fifty-six of the laws of nineteen hundred forty-five, entitled "An act authorizing the establishment, operation and maintenance of youth bureaus. . ." *Chapter 318.*

**FINGERPRINTS OF YOUTHFUL OFFENDERS.** *Senate Int. 1534, Pr. 1627:* Amends the code of criminal procedure, in relation to deletion of record and destruction of fingerprints of youthful offenders. *Failed of passage.*

**ARREST YOUTHFUL OFFENDERS.** *Senate Int. 1535, Pr. 1628:* Amends the code of criminal procedure, in relation to providing that adjudication as youthful offender shall not be deemed arrest. *Vetoed.*

**MISDEMEANORS AND OFFENSES NOT BAILABLE.** *Senate Int. 1678, Pr. 2018; Assembly Int. 2326, Pr. 2456:* Amends the code of crim-

inal procedure, in relation to certain misdemeanors and offenses not bailable, records, fingerprints and photographs. *Chapter 606.*

**REPORTING PRISONERS IN JAIL.** *Senate 1880, Pr. 2027; Assembly Int. 2265, Pr. 2395:* Amends the code of criminal procedure, in relation to reporting list of prisoners in jail to the court. *Chapter 698.*

**CORRECTION LAW IN RELATION COUNTY JAILS.** *Senate Int. 1889, Pr. 2036; Assembly Int. 2264, Pr. 2294:* Amends the correction law, in relation to county jails and other institutions maintained by counties for the correction and detention of prisoners. *Chapter 695.*

**CORRECTION LAW IN RELATION PAROLE VIOLATORS.** *Senate Int. 1898, Pr. 2963; Assembly Int. 2273, Pr. 2403:* Amends the correction law, in relation to parole violators. *Failed of passage.*

**QUALIFICATIONS APPOINTMENT CORRECTION OFFICERS.** *Senate Int. 1983, Pr. 2334; Assembly Int. 2387, Pr. 2520:* Amends the correction law, in relation to the qualifications to be required for appointment as guard, keeper, or correction officer in penitentiaries or departments of correction of municipalities. *Failed of passage.*

**PRISON OFFICER TRAINING SCHOOLS.** *Senate Int. 1984, Pr. 2135; Assembly Int. 2391, Pr. 2524:* Amends the correction law, in relation to the establishment of prison officer training schools. *Failed of passage.*

**RE-SENTENCE OF REFORMATORY WOMEN.** *Senate Int. 2023, Pr. 2174; Assembly Int. 2460, Pr. 2597:* Amends the New York city criminal courts act, in relation to the resentence of prisoners committed to reformatories for women. *Failed of passage.*

**COMMITMENTS WOMEN STATE REFORMATORY.** *Senate Int. 2029, Pr. 2180; Assembly Int. 2437, Pr. 2574:* Amends the correction law, in relation to commitments to the state reformatory for women. *Failed of passage.*

**PROBATION OFFICERS NASSAU COUNTY.** *Senate Int. 2079, Pr. 2256; Assembly Int. 2638, Pr. 2788:* Amends the code of criminal procedure, in relation to probation officers in the county of Nassau. *Chapter 753.*

**CIVIL SERVICE CREDIT WAR VETERANS.** *Senate Int. 2199, Pr. 2376; Assembly Int. 2563, Pr. 3573:* Amends the civil service law, in relation to additional credit to war veterans in competitive examinations for original appointment and promotion. *Chapter 493.*

CIVIL SERVICE FOR SHERIFFS. *Senate Int.* 2357, *Pr.* 2567; *Assembly Int.* 2813, *Pr.* 2965; PROPOSES AN AMENDMENT TO SECTION five of article nine of the constitution, in relation to placing the office of sheriff in certain counties in the competitive class of civil service. *Failed of passage.*

NARCOTIC DRUGS. *Senate Int.* 2573, *Pr.* 2783; *Assembly Int.* 3183, *Pr.* 3358: Amends the penal law, in relation to narcotic drugs. *Chapter* 346.

GIRLS' COURT. *Senate Int.* 2575, *Pr.* 2785; *Assembly Int.* 3173, *Pr.* 3348: Establishes in and for the city of New York a court for girls sixteen to twenty-one years of age. *Vetoed.*

SENTENCE, STUDY, DIAGNOSIS, TREATMENT, SEX OFFENDERS. *Senate Int.* 2830, *Pr.* 3372; *Assembly Int.* 3286, *Pr.* 3728: Amends the mental hygiene law, the correction law, the penal law and the code of criminal procedure, in relation to the sentence, study, diagnosis and treatment of persons convicted of certain crimes. *Chapter* 525.

ADJUDGED YOUTHFUL OFFENDERS. *Senate Int.* 874, *Pr.* 895; *Assembly Int.* 386, *Pr.* 386: Amends the code of criminal procedure, in relation to the ages of youths who may be adjudged "youthful offenders." *Failed of passage.*

PRODUCTION IN COURT DEFECTIVE DELINQUENTS. *Senate Int.* 443, *Pr.* 444; *Assembly Int.* 518, *Pr.* 518: Amends the correction law, in relation to the production in court of certain inmates from the institution for defective delinquents at Napanoch. *Chapter* 160.

CHANGE IN NAME WOODBOURNE INSTITUTION. *Senate Int.* 444, *Pr.* 445; *Assembly Int.* 520, *Pr.* 1336: Amends the correction law and the mental hygiene law, in relation to changing the name of the Woodbourne institution for defective delinquents to the Woodbourne correctional institution. *Chapter* 161.

TRANSFER PRISONERS DANMEMORA STATE HOSPITAL. *Senate Int.* 442, *Pr.* 443; *Assembly Int.* 421, *Pr.* 521: Amends the correction law, in relation to the transfer to Danmemora state hospital of prisoners committed to or retained by the institution for male defective delinquents. *Chapter* 229.

COMPENSATION PROBATION OFFICERS WESTCHESTER COUNTY. *Senate Int.* 559, *Pr.* 567; *Assembly Int.* 703, *Pr.* 703: Amends the code of criminal procedure, in relation to compensation of probation officers. *Chapter* 46.

YOUTH CORRECTION AUTHORITY LAW. *Assembly Int.* 1045, *Pr.* 1058: Relates to the correction and rehabilitation of persons

between the ages of sixteen and twenty-one convicted of violations of law, constituting chapter sixty-seven-a of the consolidated laws. *Failed of passage.*

REDUCTION DEFINITE SENTENCES BURGLARY OR ROBBERY FIRST DEGREE. *Assembly Int.* 1580, *Pr.* 1622: Amends the penal law, in relation to eligibility for parole and discretionary reduction of definite sentences for certain prisoners convicted of burglary or robbery in the first degree, or attempts to commit such crimes, as second or third offenders. *Vetoed.*

COLONIES AND CLINICS FOR INEBRIATES. *Assembly Int.* 2093, *Pr.* 2199: Amends the general municipal law, in relation to the establishment of colonies and clinics for inebriates. *Failed of passage.*

CREATION STATE REHABILITATION BUREAU FOR ALCOHOLICS. *Senate Int.* 1518, *Pr.* 1611; *Assembly Int.* 2107, *Pr.* 2216: Amends the mental hygiene law, in relation to authorizing the creation of a state rehabilitation bureau for alcoholics. *Failed of passage.*

CERTAIN PRISONERS SUBJECT TO PAROLE. *Senate Int.* 1899, *Pr.* 2046; *Assembly Int.* 2272, *Pr.* 2402: Amends the correction law, in relation to prisoners subject to parole. *Vetoed.*

OFFICE OF PUBLIC DEFENDER. *Assembly Int.* 2443, *Pr.* 2580: Amends the judiciary law, in relation to the office of public defender. *Failed of passage.*

TRAINING SCHOOL, PRISON OFFICERS. *Assembly Int.* 2625, *Pr.* 2775: Amends the correction law, in relation to the establishment of prison officer training schools. *Failed of passage.*

CERTIFICATES OF GOOD CONDUCT. *Senate Int.* 2714, *Pr.* 2953; *Assembly Int.* 3191, *Pr.* 3366: Amends the executive law, in relation to certificates of good conduct. *Chapter* 523.

### Opposed

RESTRICTION BRUSH-MAKING IN PRISON. *Senate Int.* 253, *Pr.* 253; *Assembly Int.* 38, *Pr.* 1037: Amends the correction law, in relation to brush-making. *Failed of passage.*

POWERS AND DUTIES OF BOARD OF PAROLE. *Senate Int.* 784, *Pr.* 795; *Assembly Int.* 1016, *Pr.* 1020: Amends the executive law, in relation to powers and duties of the board of parole. *Failed of passage.*

REMISSION OF FINES. *Senate Int.* 1881, *Pr.* 2987; *Assembly Int.* 2064, *Pr.* 2170: Amends the code of criminal procedure, in relation to remission of fines. *Vetoed.*

APPOINTMENT ATTENDANTS GENERAL SESSIONS COURT, NEW YORK. *Senate Int.* 2742, *Pr.* 3076: Amends the code of criminal procedure, in relation to appointment of attendants by judges of a court of general sessions of the county of New York. *Vetoed.*

CITY MAGISTRATES TO ADMIT CERTAIN PERSONS TO BAIL. *Senate Int.* 2208, *Pr.* 2385; *Assembly Int.* 3122, *Pr.* 3297: Amends the code of criminal procedure, in relation to power of city magistrates to admit certain persons to bail upon the consent of the district attorney. *Failed of passage.*

CONVICTED SEX OFFENDERS. *Assembly Int.* 106, *Pr.* 106: Providing for the registration and psychiatric examination of persons convicted of sex offenses. *Failed of passage.*

PUNISHMENT SECOND OR THIRD OFFENDERS FELONY. *Assembly Int.* 239, *Pr.* 239: Amends the penal law, in relation to punishment for second or third offense of felony. *Failed of passage.*

DEFINITION OF YOUTHFUL OFFENDER. *Assembly Int.* 385, *Pr.* 1924: Amends the code of criminal procedure, in relation to the definition of the term "youthful offender." *Failed of passage.*

ESTABLISHMENT CENTRAL YOUTH TERM MAGISTRATES' COURTS. *Senate Int.* 639, *Pr.* 647; *Assembly Int.* 388, *Pr.* 388: Amends the New York city criminal courts act, in relation to authorizing and providing for the establishment of a central youth term of the city magistrates' courts with jurisdiction over youthful offenders. *Failed of passage.*

HAZARD APPOINTMENT PRISON OFFICERS. *Senate Int.* 1775, *Pr.* 1903; *Assembly Int.* 573, *Pr.* 573: Amends the general municipal law to provide certain standards for the limitation of hazard, and the appointment of prison officers in departments of correction in cities of the state. *Failed of passage.*

ACCEPTANCE PLEA OF GUILTY LESSER CRIME. *Assembly Int.* 927, *Pr.* 930: Amends the code of criminal procedure, in relation to the power of the court to accept a plea of guilty to a crime of a lesser degree than that included in the crime charged. *Failed of passage.*

DISCRETIONARY REDUCTION OF SENTENCE. *Assembly Int.* 1003, *Pr.* 1007: Amends the correction law, in relation to discretionary reduction of sentence. *Failed of passage.*

SUPPORT OF WAYWARD MINORS. *Senate Int.* 985, *Pr.* 1011; *Assembly Int.* 1206, *Pr.* 1223: Amends the code of criminal procedure, the penal law and the children's court act, in relation to support of wayward minors, youthful offenders and juvenile delinquents. *Vetoed.*

ESTABLISHMENT YOUTH COURT. *Senate Int.* 2259, *Pr.* 2436; *Assembly Int.* 1280, *Pr.* 1301: Establishes a youth court in the state of New York for the disposition of cases involving minors between the ages of sixteen and nineteen, defining the jurisdiction, power and duties of such court and regulating procedure therein. *Failed of passage.*

REHABILITATION CONVICTED FELONS. *Assembly Int.* 1398, *Pr.* 1429: Amends the civil rights law, in relation to the rehabilitation of certain persons convicted of felonies or misdemeanors in the state of New York. *Failed of passage.*

LICENSE TO CARRY WEAPONS. *Assembly Int.* 1861, *Pr.* 1946: Amends the penal law, in relation to the issuance of licenses to carry and possess weapons. *Vetoed.*

## "THERE IS NO PRISON PROBLEM!"

BY JAMES FINAN

Staff Writer, *The Reader's Digest*

It is unusual for a layman to find himself addressing the country's outstanding penologists on matters pertaining to their own speciality. 'It is just this point that offers the only intelligent reason for my being here at all. You people have ample opportunity of listening to other specialists who know a good deal about your own speciality, but you don't often get the chance of listening to a person who knows very little about it. When I speak of myself, I am speaking of the public at large. Because, in my job as a magazine reporter and editor, I am so to speak, or try to be, a professional member of the public. We live by trying to sense the interests of the rest of the public and to supply its healthy ceaseless demands for information on the significant trends in life which affect itself. It would be hard to name any other development in our communal life that is of more significance to every member of our society than the problem which you, ladies and gentlemen, are devoting your lives. That is the problem of people in trouble. There is scarcely a more universal theme. There is no one alive who does not get into trouble, either outside or inside himself. We know that all human beings have the same motivations inside themselves. We marvel that these same motivations when turned outward can result in such an infinite variety of conduct. A modern marvel which is especially wonderful in itself is a fact which has been discovered largely as the result of your work. This fact is that the infinite variety of human behavior may indeed range all the way from admirable to damnable—but it can always be understandable! "Criminal behavior is learned, not predestined," says Professor Sutherland. "It grows out of the same motives (wrongly applied) as does non-criminal behavior." A third wonderful fact which can just barely be seen emerging over the horizon of correctional work is the dawning revelation, potentially as bright with hope as the rising sun, is that these universal motivations of all people,—of all of us—and which whether they

\* Through the courtesy of the Editors of *The Reader's Digest*, staff writer James Finan presented one of the major addresses at the 80th Annual Congress of Correction, sponsored by The American Prison Association, held at St. Louis, Missouri, October 8-13, 1950. Mr. Finan's paper was presented at the evening general session on October 10, under the auspices of the Association's Committee on Citizen Participation. Because of its wide acclamation and applicability to the public at large, we feel justified and pleased to be able to present this paper in its entirety.

## "THERE IS NO PRISON PROBLEM!"

result in actions admirable or damnable can be capable of being understood, very likely can also be controlled. Isn't that potentially one of the greatest discoveries of our times?

We know how concerned the public is about physical health. You and I cannot read a newspaper, tune in the radio, or inspect the placards in a public bus without seeing some mention made of cancer, without seeing some appeal made to the public for help in realizing the common hope that cancer one day can be controlled. It's a desirable goal, of course. But once it is realized and that knowledge put in the hands of all physicians—who are, of course, merely correctional workers in the field of medicine, what can such a physician tell us? He can only say to his patient, "You are not going to die of cancer, but I can assure you that you are going to die of something else." Those who work in the field of delinquency are striving for a much more constructive goal. They want to be able to say some day in effect to a person who, because of his wrongly applied motivations has been making his life a burden to himself and to the rest of us, "Look, Joe, instead of being in trouble all the time because of these motivations which we all have, we can make it possible for you to hitch those motivations of yours to the proper wagons. They can take you to places where you'd like to go, instead of back to prison again. You're going to have to live your life anyway—so you might as well make it a good one." When the great day comes that you people can say that, you will have lifted a burden heavier than cancer from mankind, and the rest of us will salute you as greater far than Walter Reid, Paul Ehrlich, Koch, Sir Alexander Fleming, or Pasteur.

That certainly is a noble prospect. Well, what's the holding it up! Isn't it a fact that there are a half-dozen centers in this country concentrating on finding and perfecting a means of controlling cancer? And that these centers have full control of their materials they work with and enormous endowments with which to facilitate their work?

Isn't it a fact that there are dozens of great research foundations in this country, fully endowed, in which qualified workers are given full control of all the materials necessary for their work? And isn't it a fact that you penologists and correctional workers, whose field is so complex that it embraces all the inter-relationships of our society are given control of only a small fragment—the detached delinquent fragment—of our society, and given that control only for a temporary time? Aren't you given these frayed, tattered, irregular threads of our social fabric—and told to reconstruct these threads so that they can be woven back into the warp and woof of the fabric of society—while you are not given any control whatever over the broad social tapestry into which you are supposed to weave these rehabilitated threads?

That is why I think that you correctional people, more than almost any other type of workers for the common good, must, by the very nature of your goals, cultivate the public interest as much as you can. You cannot work in a vacuum. It seems to me that our greatest opportunity lies in including the public, increasingly and increasingly, in the work you do. Only in this sense, by getting more and more people into prison, will you succeed in getting more and more of your inmates permanently out.

There is no more gripping story in the world than the story you have to tell.

There is no aspect of the story that is not replete with human interest than with humanity. To tell that story you must not be efficient only in the barred cloisters of your institutions, concentrating your days and nights in the interest of your charges, but you must be level-headed missionaries, educating the public to the work you are doing and to the part they must take in it themselves.

Your task, although it offers wonderful opportunities, is far more difficult than it would sound. I don't know how anyone would write the equation to the left-hand side of the equal sign which results on the righthand side with the product—of a man in prison. But I think some of the factors would be these:

Parents, family, environment, education, opportunity, crime; and then: police, arrest, prosecution; . . . and then: laws, court, judge, sentencing. . . .

The ignorance of the public on these matters is balanced only by our eagerness and willingness to learn about them. We all possess the virtue of curiosity. And after prison there is probation and parole, the classification of people for these, parole prediction, pre-release procedures, job security, community adjustment. Just as with a great musician whose urge to communicate and his power to express himself is limited only by his human energy, you people who deal every day of your lives with people in trouble need never run out of themes. Just as you are not likely to run out of material in the near future.

But it takes two people to tell a story—the teller and a listener. The teller is limited by the amount of information which the hearer brings to the story. I spent years as a police reporter without knowing more than any other layman knows about criminals. To me a criminal was the man on the back end of the gun or at the receiving end of a policeman's nightstick, or in the passengers' compartment of the paddy wagon or at the defendant's end of the counsel table in court. Once he was convicted and sent off to prison the story for me was told. That's how it is I think with a great deal of the rest of the public. Naturally, I'd be fascinated by knowing how the man got that way and what was going to happen with him next, but nobody told me. Isn't

that how it is with most of the public with whom you have to deal—outside prison? Everybody leads a busy life and doesn't know much about the other fellow's job. But that doesn't mean he doesn't want to know if somebody will only tell him. Circulations of our large magazines is proof that these busy readers are eager to learn what everyone else in the world is doing and to share thoughtfully in the problems involved.

But to most of us the criminal is a man who has taken a bad bargain. For reasons we don't attempt to understand, we think he has chosen to commit acts which bear on their face 99% punishment to perhaps 1% of satisfaction. We feel that each crime is a concrete entity and our laws often confirm us in this unreal conception, of how things are. We find that the law is equal to all. As Anatole France once put it, "In its majestic impartiality the law forbids the rich and the poor alike to sleep under bridges." If we look a little farther, however—which means, if somebody who knows will only tell us—we find that crimes carry prietags, so to speak. But that objects on the same crime counter may carry far different prietags. The armed robbery of a truck may carry the prietag of 18 months in prison but what seems to be the same act, if the truck happens to be a mail truck, carries a mandatory sentence of 18 years in prison.

Another thing I didn't know was that different judges can sentence similar people to differing sentences for identical acts. Then in Atlanta penitentiary some years ago I learned of a prisoner who was in for whiskey-making. He was serving a rather heavy sentence and the severe judge who sentenced him had tacked 30 days in a local jail at the end of his sentence to make sure that he would have to serve his full time. A neighbor of this inmate showed up in Atlanta for a similar violation which he committed at about the same time. His trial had been postponed a couple of weeks, however. This second man had been sentenced to only about a third of the time which his neighbor had to serve in prison. Why? Because the severe judge had been taken sick and his place on the bench had been filled by a judge less strongly disposed to hand out maximum sentences. That is small consolation, I think, for the man who was a detainee case and I wonder what his attitude toward justice is today.

It seems to me that those two men, in prison for identical crimes, might well represent different problems in adjustment both to prison life and to society upon their return.

But most laymen don't think of prison as being a problem to the inmate as well as to the staff. We assume that the prisoner deserves what he is getting—two years or five years of confinement out of his life. Occasionally we may see figures telling how much it costs to keep a man in prison for a day or a year.



Nobody adds on for us the yearly figure of perhaps \$1,500 that we pay in support of his destitute family. We think of prison as a quid pro quo, a Mosaic retribution.

And if we're too kindhearted to think of punishment we think of prison then in a vague way as a period in which a man somehow becomes reformed. But Abraham Flexner said: "The citizen in a democracy may delegate power, but he cannot absolve himself of responsibility." But I think it's more because a citizen assumes that other people, far more qualified than he, are taking care of the problem that he ignores it. Once he realized fully that our penal institutions, including federal and state prisons, reformatories, workhouses, farms, chain gangs, county and city jails, number more than 3,000 and that nearly 700,000 human beings passed through the gates of these institutions each year, and that the annual cost of administering these large institutions is nearly \$30,000,000, and that the actual investment in buildings, land, and equipment is more than \$100,000,000, he would soon realize that there is no way of avoiding the responsibility because this responsibility is his.

Sensational crime stories can and do make readers assume that parole is a sentimental and dangerous thing. But if you explain to a citizen that the prisoner who leaves prison after serving his full flat time enters society an embittered man and enters it with no controls upon his movements and attitudes until he may be arrested again, any sensible citizen will immediately change his mind about parole. And when beyond that we understand that parole is a means not merely of keeping a man in orderly behavior within prison, but a means of keeping him in orderly behavior outside of prison under supervision and control while he pays by his own work for his own correction and supports the family which the community otherwise would have to support for him, the citizen will be solidly behind you in the matter of a well-administered parole system.

Forward-looking workers in correction know that the laymen can make contributions toward the rehabilitation of delinquents which the professional personnel of institutions and parole services cannot make.

Probably a good many of you are familiar with SOS—The Society of Sponsors—which is going forward under the direction of Mr. G. Howland Shaw in Washington, D. C. It is true that this SOS is exceptional and not typical of what's being done around the country. But instead of exceptional, call it a pilot operation and at once you see how important this development is.

Only when this movement spreads to envelop interested laypeople throughout the country in fact will the movement achieve its true value. In Washington we have a special combination of a

progressive prisons bureau, interested laymen of the service clubs carefully selected for this work, and the delinquent boys of the federal training school for boys. The sponsors of SOS can prepare a boy for release and improve his attitudes. These trustworthy citizens visit a boy while he is in jail and, after establishing relationships with the boy, take a kid out of the institution to a ball game, to dinner, or even for a weekend. The sponsor also assists in release plans. These sponsors can prepare a boy for release and improve his attitudes. If he happens to be a Washington boy the scheme can work satisfactorily because both he and the sponsor are on the scene to cooperate in making it a continuing success. If the inmate of the federal training school comes from Brooklyn or Cleveland, however, he goes back to the scene of his difficulties without further benefit of SOS when he needs it most.

To weed out well-meaning but misfitting sponsors can be a most delicate job, of course. No person is happy to be told that he is not fit to take part in the character influencing of a convicted delinquent. But such organization if led by a permanently-employed competent professional, can step in fearlessly where publicly-employed penologists quite rightly hesitate to tread.

This very SOS idea can obviously be applied to the older convict too. Many points spring to mind wherein it could be applied practically to older men where it couldn't to young lads. Many successful businessmen sponsoring older convicts whom they got to know would find, either in their own business or in that of an acquaintance, an appropriate job for a released convict. Thus a man might start off not only with an understanding friend on the outside, but a job situation and the sympathetic supervision of a friend to whom his bonds are voluntary.

Such things are far from being pipe-dreams, as the Alcoholics Anonymous in prisons already shows. AA has chapters in most prisons and in its way is a society of sponsors itself. Furthermore, the AA is not merely local but a nationwide organization of local chapters. An example of how AA can work in prison points the way to illustrate how sponsorship could work similarly if it had a nationwide organization of local groups participating.

Out of the Federal penitentiary in Atlanta comes a convict at the end of his term. He is a member of AA. Some law-abiding Atlanta citizen who is himself an AA member and has participated in chapter meetings within the prison during the man's stay, is waiting with his car in the long driveway outside the gate of Atlanta. This layman takes his friend to the depot and sees him on a train. If the released man is going to Chicago, an AA member is waiting for him there. If he is going on from Chicago to Omaha, let's say, an AA member meets him in Chicago, to be with him during his three-hour layover between trains. Another member

will be waiting for him at the station in Omaha. The lay person concentrating himself on whatever he can give to the appropriate inmate in a prison does in a very completely literal way bring that much of the community into the prison which in every other way has been shut off from the prisoner. Even while he is locked up the prisoner is not entirely cut off from membership in the outside world. He is not completely "prisonized." For the unfortunate inmate who gets no visitors such a lay-sponsor is a godsend.

There are other pre-release procedures in which lay citizens do and can participate—but most of us unfortunately don't know about them. Ten years ago Joseph Sanford used to invite leading Atlanta businessmen to visit the prison and speak to the inmates about his business and job opportunities within that field. Today in some institutions men close to release are housed in a sort of pre-release wing where furnishings donated by townspeople are installed—floor lamps, common chairs, and things of that sort and the discipline is much relaxed. The town bankers, labor leaders, clergymen and businessmen sit around and chat with these fellows in the evening over doughnuts and coffee to get them accustomed to talking with people from the outside world. In one prison parole officers come to some of these gatherings so that the inmates can realize that these men with whom they are going to have to deal on the outside are not paid bloodhounds waiting to pounce on them and send them back to prison at the first pretext but regular men who are glad to see them make good.

Atlanta in fact is a good illustration of the truth that there is no prison problem—unless you tell people about it. Years ago, the authorities were worried about their prison industries and concerned about possible opposition by both manufacturers and labor leaders if they expanded the industries. Seizing the bull by the horns they called in the leading textile people of the South. They were gratified to find the interest these people showed in the cotton mill. Instead of opposition they got cooperation—and a good deal of enthusiastic practical advice.

Out at Chino, California the same thing happened when union tile-setters were invited to the prison to give some pointers in the teaching of this trade to inmates. Then tile manufacturers got wind of this activity—and they gave 20 tons of assorted tiles to the prison. Today both manufacturers and union leaders are ardent Chino fans and make \$100 contributions each year to the Christmas fund.

Many of us cut our philosophical teeth in school years with that old philosophical puzzle. It goes to the effect that if in the middle of a vast forest a great tree falls with nobody to hear it fall, did it make any noise when it crashed to the ground? Some said that it

did, some said that it did not. The same thing applies to the prison problem—people in prison have problems, God knows, whether anybody else knows it or not. Certainly the inmates have problems, and those problems are the burden also of the staff. But the whole fact of prisons and of delinquency of people in trouble is a problem for all of society. If society does not hear about it, you have made no significant sound. That is the only reason for saying there is no prison problem—just as the only reason for saying that the tree made no noise when it fell is that there was nobody there to hear it fall. It's only when the laymen also realize that there is a prison problem that we can, as the military men say "Appreciate our objective," and then work together to achieve it.

As a professional journalist, it's only natural for me to try to keep my nose to my own grindstone. In thinking of prison and prison problems I naturally think of what can be written about them. The press is important but it is by no means the only way by which people can be brought into your prisons. In cultivating public relations, it is indispensable. It is routine public relations with any enterprise whether it's a factory, a moving picture company, or a prison to cultivate relations with the press and those relations should always be honest ones—candid ones. Invite your local editors to the prison and spend time with them. See that your staff gives enough time to a visiting reporter to ensure that he appreciates the reasons and problems and limits of your institution. I don't think you can make good friends out of good reporters unless you are willing to tell them the whole score. That goes also for the general public, with whom that reporter has to play fair. If you get such relations with a writer and then, if something goes wrong in an institution, he won't hold back from telling it—he can't—and in the long run it wouldn't be desirable. But he will interpret that in a way that is fair to the prison.

The press is only one way of reaching the general public though. If I were a warden—well, I realize it would take me a lifetime to learn how to fill such a job—but once I had learned that I would do a few other things as well. I would get a list of all the house organs and specialized magazines in the entire country,—the plumbing journals, carpenters' journals, nursing publications, medical and hospital journals, electricians', architects'; and I would have an article written for each one of those submitted to them by the person on my staff who was a specialist in that field.

Then I would take the classified part of my telephone book and I'd make up a list of the different professions. And systematically I would cultivate, week by week, and month by month people from those various groups.

In a year I would see that I had had clergymen, university teachers, and university students, industrialists, farmers, labor union leaders and labor union members visit my prison.

When they arrived I would tell them what they were going to see. Then I would let them freely see it. Before they left I would make sure that they knew what they saw and answer all their questions.

And then, when my roof leaked, or a barn caught fire, or an inmate working on outside duty walked away, I'd find that the story was treated differently in the press and that no matter how it be treated in the press I'd know that a good deal of the public understood it.

This would result in better cooperation for your inmates while they were in prison and the easing of their reception into civilian life. You might be surprised how much it would help also in getting support before the legislature in your plans and appropriations for the future.

Just as there is, I think, a problem for the penologist in putting himself before the layman, it is also a problem for this layman in presuming to put himself before penologists. I couldn't face that problem without saying how much I admire the work you people are doing and the burden you people are carrying for all the rest of us. But I feel very strongly, however, that we, on the outside, should be made to carry our part of that common burden. Criminology is a special science but criminality is a general misfortune. The problem of people in trouble is a family matter. You must not let the rest of us wash our hands of it.

## FINANCIAL STATEMENT

### THE PRISON ASSOCIATION OF NEW YORK GENERAL FUND STATEMENT OF INCOME AND EXPENSES YEAR ENDED DECEMBER 31, 1950

#### INCOME

Donations—special purposes		
The Greater New York Fund	\$2,668 00	
Other funds	5,474 34	
		\$8,142 34
Donations—unrestricted		25,112 86
		<b>\$33,255 20</b>
Endowment income		
Interest on mortgage	1 30	
Interest on bonds	1,495 00	
Dividends on stocks	21,231 12	
		<b>22,727 42</b>
Total Income		<b>55,982 62</b>

#### EXPENSES

General administration	22,861 48
Relief—prisoners and families (cash, food, clothing, etc.)	12,958 65
Relief—administration	4,238 00
Employment—administration	4,506 00
Appeal—administration	4,094 00
Traveling expenses	132 76
Printing and stationery	844 42
Postage	541 79
Telephone and telegraph	310 26
Auditing, legal and legislative services	500 00
Periodicals, custodian fees and miscellaneous	924 80
House maintenance	2,921 12
Total Expenses	<b>54,583 28</b>
NET GAIN FOR THE YEAR	<b>\$1,399 34</b>

#### 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, 1950. In our opinion the statement of income and expenses shown above presents fairly the results of the operation for that year.

(Signed) WEBSTER, HORNE & ELSDON  
Certified Public Accountants

New York, N. Y.  
May 10, 1951

## 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 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.

[86]

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

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

† 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.

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.

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 employment bureaus of the association, and, from time to time, to make recommendations in respect thereto.

It shall be the duty of the committee on prison administration to consider the internal organization and management of county jails, penitentiaries, reformatories and State prisons, and the welfare of persons confined therein.

X. The committee on finance shall be charged with the duty of raising and caring for the funds.