
STATE OF NEW YORK

THE ONE HUNDRED AND TWENTY-THIRD
ANNUAL REPORT

OF

THE CORRECTIONAL ASSOCIATION
OF NEW YORK

135 EAST 15th STREET, NEW YORK

1967



**ONE HUNDRED AND TWENTY THIRD ANNUAL
REPORT OF THE CORRECTIONAL ASSOCIATION
OF NEW YORK***

February 27, 1968

Hon. Malcolm Wilson
Lieutenant Governor and President of the Senate:

Hon. Anthony J. Travia, Speaker of the Assembly:

Sirs—In accordance with Chapter 163 of the Laws of 1846, we have the honor to present the One Hundred and Twenty-Third Annual Report of The Correctional Association of New York, and to request that you will lay the same before the Legislature.

Respectfully,

THE CORRECTIONAL ASSOCIATION OF NEW YORK

By Melber Chambers, President

Donald H. Goff, General Secretary

*The name of the Association was changed from The Prison Association of New York to The Correctional Association of New York on February 16, 1961 at a special meeting of the members.

PREFACE

This is an official report of The Correctional 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 twenty third of the series.

Paragraph 6 of Article XI of the act incorporating The Correctional Association of New York provides that "the said executive committee" (of The Correctional 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."

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**THE CORRECTIONAL ASSOCIATION'S
RECOMMENDATIONS
TO THE 1968 LEGISLATURE
STATE OF NEW YORK**

CRIME TODAY

Crime is the major domestic concern today. People are afraid. They fear for their property and for the safety of their families and themselves. Fear of being burglarized, fear of being assaulted or even killed, while statistically unfounded, are real fears for many of the 18 million citizens of New York State. These are concerns and fears well known to the elected officials of the State.

The critical question is what can be done to reduce the extent of crime. Markedly increase the maximum penalties for various offenses? Increase the number of police and give to law enforcement greater authority than it now has? The Correctional Association of New York believes that neither of these two proposals will, in and of themselves, bring about a reduction in crime in the streets. The Association contends that the etiology of crime is much more complex and that simple sounding panaceas such as the abolition of parole, increasing the number of capital offense crimes, or relying exclusively upon an increased number of police are futile efforts in crime control. We would not deny that there is need for more, better trained, and better equipped police. We would, however, seriously question any effort at crime control which fails to recognize that the criteria of the criminal law must be the seriousness of the danger to others and not the emotional climate of the times and that one of the most fruitful ways of preventing future crimes is to provide for a system of rehabilitation for those who have shown themselves most vulnerable to a criminal life.

In the City of New York alone, 100 individuals are released to the community from institutions of the New York City Department of Correction each day. These individuals have been convicted of a variety of offenses. They can become recidivists by mugging, assaulting, burglarizing, or raping or they can become law abiding citizens bent upon establishing themselves as assets to the community. The same applies to the New York State Department of Correction which each day releases innumerable individuals either to work along side of the law abiding citizens of the State or to prey upon them.

Of major concern to us is what can be done with these individuals when they are first arrested so that they may become an asset rather than a liability to the community; so that they will be productive, law abiding citizens rather than a potential danger to the average New Yorker.

A reduction in crime is not found exclusively in a program of in-

creased maximums while the process of the administration of justice continues to have what has been called a mediocre judiciary; nor is it found in increased penalties when the county correctional institutions are not equipped to do more than contain an individual during his sentence. It will, likewise, not be found if programs such as work release, halfway houses, vocational educational programs are not introduced into the State's correctional institutions.

Despite all of the problems facing them in their valiant efforts to bring about a reduction in crime in the State, Commissioner Paul McGinnis of the New York State Department of Correction and Commissioner George McGrath of the New York City Department of Correction are attempting to overcome a difficult problem against tremendous odds. They have come forth with major achievements in the past and will continue to do so but need legislative support, understanding, and money to set up adequate rehabilitation programs.

Likewise, Mr. Milton Luger, Director of the Division for Youth; Mr. Lawrence Pierce, Chairman of the State Narcotic Addiction Control Commission; and Mr. Russell Oswald, Chairman of the New York State Parole Board need legislative support and understanding. All of these individuals have made and are making serious efforts to reduce crime in the streets in the State of New York. If they are to continue to be successful with the limited resources and appreciation of their problems, they need positive on-going legislative assistance.

With the aid and support of the Legislature and a continuation of the vigorous manner in which the Temporary Commission on Revision of the Penal Law and Criminal Code and the New York State Crime Council under leadership of Mr. Richard Bartlett have been undertaking their task, New York State can make great strides in reducing the monumental crime problem.

RECOMMENDATIONS TO THE 1968 LEGISLATURE

RECOMMENDATION NO. 1 ORGANIZED CRIME CONTROL

That the legislature enact into law suitable statutes which would authorize law enforcement agencies to use electronic eavesdropping devices under rigid control as a major step toward the control of organized crime, which would authorize district attorneys to grant immunity to witnesses who might testify on behalf of the State against individuals involved in organized crime and will allow police protection to continue for as long as necessary for those individuals who testify on behalf of the State in such cases.

COMMENT: Undoubtedly the single most important tool in combatting organized crime is universally held to be the use of electronic surveillance by wiretaps and bugs. According to the Report of the President's Crime Commission:

"These techniques are indispensable to develop adequate strategic intelligence concerning organized crime, to set up specific investigations, to develop witnesses, to corroborate their testimony, and to serve as substitutes for them—each a necessary step in the evidence-gathering process in organized crime investigations and prosecutions."

While The Correctional Association of New York is fully cognizant of the constitutional issue of privacy of an individual, it feels that legislation can be enacted which will at one and the same time maintain the individual's rights of privacy and be an invaluable tool in the control of organized crime. Required is a law which will guarantee maximum privacy to the individual while authorizing practical and effective use of the technique of electronic surveillance. Such a law would have to be highly discriminating, that is, authorizing use under set limiting conditions.

Such limitations would include: those individuals against whom it could and could not be used; the length of time the surveillance could be carried out; the individuals who could or could not employ such techniques; the justification to be shown in obtaining permission for their use and how and to whom such justification should be made; the kinds of investigations in which they can be used; the uses which could be made of the information obtained; the safeguards to insure the accuracy of that information. There should also be limitations on the disclosure of any information obtained through these methods.

We would propose further that as an added tool to combat that which has been called "the growing cancer in American society" an immunity and protection law be enacted which would permit those involved in the administration of criminal justice (prosecutors with the approval of the courts):

1. To grant immunity from personal criminal prosecution to those individuals who are willing to appear as State's witnesses against members in organized crimes.
2. To permit prosecutors to protect such witnesses and their families from physical assault because of their testimony as long as any such threat exists.

The police approach to "incident crime" is one of starting at the commission of the illegal act and working backwards to find the perpetrator. Organized crime, however, with its identifiable individuals

systematically setting out over long periods of time to accomplish criminal purposes, lends itself to preventive police work with definite hopes of success. Electronic eavesdropping, immunity from criminal prosecution, and protection of witnesses are indispensable in this type of preventive police work. To quote Attorney General Ramsey Clark, "Crime on the streets can only be controlled and reduced. Organized crime can be eliminated."

RECOMMENDATION NO. II COMMUNITY CORRECTIONAL RESIDENTIAL CENTERS

That the Legislature appropriate a minimum of five million dollars for the construction, staffing and program development by the State Commissioner of Correction as authorized by the enactment of Chapter 655 of the laws of 1966 which allows for the opening and operation of multi-purpose community residential facilities.

1. *To provide housing and act as a "halfway out" unit for selected releases from state correctional institutions.*
2. *To act as hostel for parolees who might need temporary residence and more intensive counseling than can now be afforded them.*
3. *To act as the treatment hub for various therapeutic programs being conducted in the community by the State Division of Parole.*

COMMENT: When Chapter 655 of the Laws of 1966 was enacted, the value of community correctional residential centers in helping releasees make a satisfactory adjustment to community living after being institutionalized was clearly recognized by the Legislature. The signing of the bill indicates the Governor's concurrence with the value of such programs. Both the Legislature and the Governor recognized that community correctional residential centers are now considered by many experts in the field of crime and delinquency control to be a most promising program in reducing recidivism.

Despite the urging of many, money was never appropriated for these projects and as a result the State of New York has fallen behind a number of other jurisdictions in developing this type of community correctional resource. As money has not been appropriated to allow for this program there are no facilities to which a prisoner can be transferred to ease the difficult transitional period from the regimentation of institutional life to complete freedom in the community. As a result the State has not been able to avail itself of "one of the most promising programs to enter the field of correction in decades" as stated by the Director of the Federal Bureau of Prisons.

With an increasing crime rate on the streets of the City of New York

and with a realization that many individuals released from correctional institutions return to a life of crime, every effort must be expended through the development of new programs. Research has pointed out two important facts regarding recidivism:

1. The rate of recidivism is highest during the first few months after an offender is released.
2. Motivation for change, if it exists, is strongest in the offender at the moment of release.

Some supportive aid is required at the moment of release to strengthen the determination to "make good" and to bridge the gap back into full community life.

Such community correctional residential centers have several objectives for the "halfway out" individual. They recognize that the transition from the more or less regimented life in prison to freedom in the community represents a drastic change for many releasees. For the releasee not only is there the need to find a job and a suitable place to live; the need for money for support and essentials such as work tools, transportation, union membership fees and the like; but there are also emotional and psychological problems to contend with. The psychological barriers may prevent normal communication and association with others in the community. To some releasees, there are strong feelings of self-consciousness, insecurity, and a belief that the brand of being an "ex-con" is apparent to all. Some have no friends left in the community with whom they can associate except perhaps persons engaged in illegal activity. Even though they may have left the institution with the intention of leading a law-abiding life, when faced with innumerable problems they may rapidly assume a defeatist attitude and return to former criminal associates, or new ones by whom they are accepted.

Community correctional residential centers are intended to provide in every possible way for the reduction of recidivism. They provide a residence—a place in which the individual can live—a setting, and a program in which he may cope with the variety of problems he faces. Gradually, with the assistance of staff, these individuals are able to overcome the psychological barriers and the practical problems of finding employment and accept the responsibility of being a self-supporting law-abiding citizen.

RECOMMENDATION NO. III THE ALCOHOLIC OFFENDER

That the Legislature study the reports submitted by the Interdepartmental Health and Hospital Council in 1967 and its proposals for handling civilly the skidrow alcoholic and consider the desirability

of enacting legislation which will allow the State to civilly intervene in the instance of chronic alcoholics who will not accept voluntary treatment.

COMMENT: Throughout the United States it is estimated that approximately 50% of the individuals committed to local county correctional institutions are alcoholics committed on public intoxication charges. In the State of New York in 1964, of the 7,432 male offenders committed to five county penitentiaries, 3,540 were convicted for public intoxication. A very safe estimate is that 90% of these individuals were ill with alcoholism.

We have already seen two United States Courts of Appeal declare as unconstitutional the conviction and sentencing of these individuals to correctional facilities although these rulings do not apply to New York. The United States Supreme Court in its October 1967 term has agreed to hear an additional case of an individual prosecuted criminally for being publicly intoxicated on the grounds that as an alcoholic he cannot be criminally prosecuted for displaying a symptom of his illness. Should the United States Supreme Court concur with the two Courts of Appeal decisions, New York State will no longer be able to sentence alcoholics to jail for being publicly intoxicated.

The enactment of a civil commitment law, together with the development of appropriate facilities to cope with the esthetic and treatment problem involved with what at the present time constitutes almost half of the jail population of the State of New York, is urgently needed. It would be unfortunate for the State if it should find itself without legal means and facilities to cope with those who in the past have been "serving life sentences on the installment plan" in county jails.

RECOMMENDATION NO. IV PROSTITUTION

That the Legislature re-examine the question of prostitution as a problem of public order, public safety, and public health in the State; and that any resulting legislation recognize the distinction between private morality and public order and public safety and at the same time recognize the present 15-day sentence is unrealistic.

COMMENT: The Correctional Association of New York questions the right of the State to intervene in matters of morality when an impairment of public order, public safety, or public health is not involved. We would propose that an in depth study of prostitution be conducted by the Legislature to determine whether the offense of prostitution with its present jail sentence should continue or whether a better solution can be found.

Such an investigation should examine the problem in all of its aspects including health, participation of organized crime and the more fundamental question of the extent to which the sovereign state should become involved in issues of morality. The Correctional Association of New York believes that such questions of private morality should be handled by religious institutions and individual citizens devoid of governmental regulations. If, however, private behavior threatens public order, public safety or public health, then the State should intervene by both proscriptive and prescriptive statutes.

The American Law Institute in a report issued in 1955 urged reform of the criminal law to eliminate punishment of sexual practices performed in private between consenting adults. The report stated in part ". . . no harm to the secular interests of the community is involved in atypical sex practices in private between consenting adult partners. This area of private morals is the distinctive concern of spiritual authorities. It has been so recognized in a recent report by a group of Anglican clergy with medical and legal advisors calling upon the British government to re-examine its harsh sodomy law. The distinction between civil and religious responsibility in this area is reflected in the penal codes of such predominantly Catholic countries as France, Italy, Mexico and Uruguay, none of which attempt to punish private misbehavior of this sort. The penal codes of Denmark, Sweden and Switzerland also stay out of this area . . .

"As in the case of illicit heterosexual relations existing law is substantially unenforced and there is no prospect of real enforcement except in cases of violence, corruption of minors and public solicitation. Statutes that go beyond that permit capricious selection of a very few cases for prosecution and serve primarily the interests of blackmailers. Existence of the criminal threat probably deters some people from seeking psychiatric or other assistance for their emotional problems; certainly conviction and imprisonment are not conducive to cures. Further, there is the fundamental question of the protection to which every individual is entitled against state interference in his personal affairs when he is not hurting others. Funds and personnel for police work are limited and it would appear to be poor policy to use them to any extent in this area when large areas of atrocious crimes remain unsolved. Even the necessary utilization of police in cases involving minors or public solicitation raises special problems of police morale, because of the entrapment practices that enforcement seems to require and the temptation to bribery and extortion."

While the above statement referred principally to homosexual acts between competent consenting adults, the broader principle of separating private morals as the distinct concern of spiritual authority from the sovereign state's intervention for the maintenance of public order and public safety applies as well to prostitution. The judgment of such conduct, including its morality, is the province of conscience and religion, but is not a matter of invoking the penal statutes of the State.

Aside from the fundamental question of the separation of issues of morality from matters that relate to public order and public safety, there is also the important fact that the energy of law enforcement is being diverted from serious crime control by the very existence of a statute which makes prostitution a crime. In a recent newspaper article on "sexurbia", a police official in a suburban county stated that the arrests made of housewife prostitutes resulted from a month long investigation by officers in his department.

When one considers the serious crimes committed that go un-solved—burglary, robbery, rape and even murder, have a clearance or a solution rate of about 20% (data indicates that homicide solutions are about only 80%)—and when one considers the hue and cry over crime on the streets, it is somewhat difficult to understand why police manpower is being diverted to cope with a matter many individuals including the American Law Institute believe should not be in the realm of public legal concern.

RECOMMENDATION NO. V QUALIFICATIONS OF PERSONNEL IN COUNTY CORRECTIONAL INSTITUTIONS

That legislative support be provided to improve the efficiency and quality of persons employed in county correctional institutions by requiring pre-service and in-service training.

COMMENT: Repeatedly, at national, regional, and state gatherings of professional correctional administrators, the need to improve the quality and training of personnel, particularly in county jails, is sounded and stressed. Without a trained, competent staff, security is breached and the very safety of the community is threatened. Each year incidents occur in local county correctional institutions which point directly to the "inescapable conclusion of the ineptness, poor hiring techniques, lack of proper qualifications and the general dangers to the public health and safety of the people of the county" in the jails as cited by one newspaper article reporting on an investigation of one such untoward incident.

More and more because of such incidents the voting public is moving

toward State control over local detention and sentenced institutions. "The State should administer the county jails" is an oft heard expression. Several states have already done this.

The Correctional Association, which still believes that government should be as close to the people as possible in the United States, reluctantly must acknowledge that lack of training, patronage, and lack of experience on the part of the local elected official can act detrimentally to the operation of local correctional institutions.

RECOMMENDATION NO. VI WORK FURLOUGH PLAN

That the Legislature enact legislation authorizing selected individuals to leave the institution to which they have been sentenced during necessary and reasonable hours to work at their employment, to seek employment, to obtain medical treatment, or to make use of other community facilities and services not available in the institution.

COMMENT: The sentencing of an individual to an institution imposes many hardships in addition to the loss of liberty to the individual not only upon him but upon the community. During the period of incarceration, the community is required to maintain this person providing food, clothing and shelter and the family often becomes a public welfare charge. In addition, during the incarceration, the State and community lose the taxes paid by this individual on the income he was earning.

We feel, that in selected cases, the State Department of Correction should be enabled and encouraged to extend to persons sentenced to them the privilege to continue outside work, attend and make use of other community services not available in the institution.

This type of program is being used successfully by approximately 40 states. In Maryland, as of 30 January 1966, a total of 702 inmates had participated in the work release program, and on that particular day, 131 were in an active capacity. Out of the total of 702 inmates who had participated in the work release program, 109 or 15% were removed because of various rule infractions, which included the drinking of alcoholic beverages, returning to the housing unit late, trying to bring contraband into the institution, or for other institution type of infractions. Out of 702 inmates 31 or 4% absconded with 26 being returned almost immediately. From 1 July 1963 until 31 January 1966, a period of about 2½ years, the inmates on the Maryland release program had net earnings of \$683,439 of which \$230,312 went to the State for board, \$65,059 to dependents, while the remainder, except for about 1% which was used for work expenses, went to the inmates personal account, available to him upon release.

It should be noted that the Maryland law which was originally enacted in 1963, restricted the program to inmates with sentences of not more than 5 years. During the 1964 legislative session, this clause was deleted and at the present time any inmate under the jurisdiction of the Department of Correction may make application for the program.

The State of North Carolina first adopted a work release program in 1957, but the act was modified in 1959, 1961 and 1963 sessions to make it more workable and less restrictive. Since its inception a total of 7,166 men in the program have earned \$5,587,352.00, returning \$1,839,195.00 dollars to the State to pay for their board. \$1,494,368.00 of the money these inmates earned went to the support of their dependents. Reports from judges, employers, inmates and their families, all heap high praise on the program. North Carolina, like Maryland, is a State for which felons are eligible for the plan. However, unlike Maryland, only those inmates serving a term not in excess of five years can be granted the option of being in the work release program without parole board approval.

The Federal government's experience particularly at the Federal Correction Institution at Danbury has been exceptional having been written up many times, the most recent being an article in the *Office* magazine in December of 1967.

Connecticut is the most recent state to enact such work release legislation with the act taking effect July 1, 1968.

The many benefits of such a program are obvious. The experience of those states and the Federal government which have legislation has been extremely favorable.

We would propose that the Commissioner of the Department of Correction be authorized to extend the limits of the place of confinement of any prisoner, by authorizing the prisoner, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to (1) work, or (2) contact prospective employers, or (3) secure suitable residence for when released on parole or upon discharge, or (4) obtain medical services not otherwise available, or (5) to participate in a training program in the community or (6) visit or attend the funeral of a spouse, child or parent.

RECOMMENDATION NO. VII BAIL REFORM— RELEASE ON OWN RECOGNIZANCE

That the Legislature provide funds, on a matching basis, to all counties of the State, to permit the staffing of special units within probation departments to review and recommend to the courts those individuals who should be released prior to trial on their own recognizance without monetary bail.

COMMENT: The Constitutional basis for permitting the posting of bail for an individual arrested for a crime but not yet convicted is to assure his return for trial. The assumption has been that with the posting of a surety, individuals fearful of losing this surety will be available and will not abscond. This system of posting monetary bail has acted to the detriment of those in the lower socio-economic levels and to the advantage of more serious offenders in organized crime (generally in the upper socio-economic levels). In reality, it does not permit equality of justice under the law and does not accomplish its intended purpose. Many individuals accused of a crime are in the lower socio-economic level. Despite the fact that they have not yet been convicted and may be innocent of the charge, they are forced to remain in detention for weeks and months pending their day in court, because they cannot meet the required bail while at the same time more affluent offenders are free to live normal lives in the community.

Irrespective of any abuses of bondsmen or others, there is a broad question of the extent to which the bail bond system is used, its underlying rationale, and its chief beneficiaries. The enlightened research project on the administration of the bail system in New York City began in 1961 by the Vera Foundation with the cooperation of New York University School of Law which has resulted in revolutionary changes in the bail procedure in New York City and in 70 other jurisdictions throughout the United States revealed that "defendants are severely handicapped in preparing their defenses. They are unable to earn money to hire a lawyer and to pay for investigations. They cannot help locate witnesses. The defendant enters the court in the company of a guard, a fact not lost on jurors. If convicted he is unable to point to employment and good conduct while in jail as grounds for probation, if found not guilty he has needlessly suffered the degradation of jail and his family has been punished as well. There are good grounds for suspecting that the outcome of his case, as to both judgement and sentence, is materially influenced by whether he is in jail or on bail".

Further, and of equal importance, is that studies have indicated that there is greater likelihood that those individuals released on their own recognizance after an investigation of their roots in the community are more likely to appear in court than individuals released solely upon monetary surety.

RECOMMENDATION NO. VIII MARIJUANA

That the Legislature provide the authorization and means for a definitive study on marijuana usage for the purpose of determining whether the present penalties for its possession should be re-examined.

COMMENT: Comments on marijuana made by such knowledgeable and important persons as the Director of the Federal Food and Drug Administration to the effect that marijuana may not be more harmful than alcohol should not go overlooked by the State. The present conflicting points of view on the dangerousness of marijuana usage direct that the State of New York examine into the matter and prepare legislation in keeping with the findings. The purported widespread use of marijuana on college campuses and in public and private schools as well as among the "avant garde"; the discussions and arguments on the amount of governmental control needed on marijuana because of possible deleterious personal and social effects all point to the need to review existing efforts to control this hallucinogen.

The Correctional Association neither proposes an increase or decrease in penalties for its possession nor does the Association purport to any special medical or pharmacological expertise on marijuana. It does believe that some agency of state government should be given the responsibility to study all aspects of marijuana and its usage—pharmacological, criminological, sociological, and medical—so that the Legislature is in a better position to decide steps it should take regarding the proscription by State law of marijuana possession and use.

RECOMMENDATION NO. IX EMPLOYMENT OF INMATES OF CORRECTIONAL INSTITUTIONS

That the Legislature take action to meet the need for increased productive employment of prisoners who are being maintained at the expense of the taxpayer.

COMMENT: A serious problem facing correctional administrations and one with far reaching effects upon the public welfare situation in local communities is the full employment of the inmate body in state correctional institutions. Failure to provide sufficient productive employment for inmates not only produces monotony and idleness which creates discontent and is the breeding ground of trouble in prison, but also has a stultifying effect upon human beings. When inmates are held in enforced idleness, engaged in grossly overmanned job assignments or given "made work", a public welfare problem is projected on the local communities upon their release. At the same time prisoners who do not earn at least the cost of their maintenance are an added burden to the taxpayers. The failure to instill proper work habits in incarcerated persons because of lack of employment possibilities within the correctional institutions is bad basic training for the individ-

ual and tends to create this unemployment and "unemployable" problem later on.

Inmates should be required to work while in institutions. This is an economic essential on the part of free law abiding persons. Inmate idleness now is not of their own choosing. It is because the State has failed to provide the work.

To deal with this vacuum we would propose that consideration be given to the creation of a Correctional Industries Advisory Council comprised of representatives from labor and industry to advise on the means of expanding the industrial programs wherever possible to provide work for inmates in keeping with the State's Constitution Article III, Section 24. The well demonstrated Federal Prison Industries Board and those of other states have clearly shown the value of such a council. This, we feel, would be a step toward ameliorating any dependency problem which develops as a result of demoralizing idleness because adequate work outlets are not provided to the institutions.

In spite of the present grave situation of insufficient work for inmates of the correctional institutions, efforts by vested interest groups are constantly being made to curtail even those few employment opportunities now available in the institutions. To these efforts the Legislature must be alert. Already because of the lack of sufficient work, the State and its correctional administrators are facing the serious problem of creating a segment of released offenders who have been made unfit for a productive life by a long period of enforced idleness. Any reduction in the already seriously limited work opportunities for inmates will create an even more serious problem for the administrators, the state and the welfare departments of the local community, and ultimately, to the taxpayer.

We strongly urge, therefore, that the Legislature ward off any attempt on the part of vested interests to curtail existing correctional industries and that efforts be exerted to increase the productive meaningful work available to the inmates in the correctional institutions.

RECOMMENDATION NO. X SELECTION OF JUDGES

That the present procedure of electing judges be abolished and an appointive process as is presently being used by other states and the Federal government instituted to insure the highest level of civil and criminal justice in the State.

COMMENT: The overwhelming defeat of the proposed Constitution by the electorate in November of 1967 clearly showed the feelings

of the people of the State toward the document drafted by the delegates to the Constitutional Convention. The Judicial Article continued the elective process as a means of obtaining judges. While it was only one part of the proposed new charter for the State, we believe that many citizens voted to defeat the proposed Constitution on that ground alone.

The number of outstanding individuals and organizations which call for a new selection process cannot be overlooked. In this group are included: The Committee for Modern Courts—"The judicial article ignores merit selection of judges which is reason enough to reject it"; the Women's City Club of New York—" . . . fails in respect to judicial selection and court reorganization . . ."; the League of Women Voters of the City of New York—"Its serious defects include partisan selection of judges and patronage-rich courts . . ." and The Correctional Association of New York—"The proposed constitution fails to correct the abuses inherent in the present method of the selection of judges. The new provision continued selection by election instead of by properly safeguarded executive appointment. That one failure is deemed serious enough to justify a vote against the entire new Constitution."

An editorial in the New York Times referring to specific "judgeship deals" stated:

"The whole episode reinforces a strong argument for applying to all judgeships a selection process in which nominations would not be made by political cabalists but by screening committees of distinguished lawyers and laymen. If public resentment against the traffic in high judicial posts forces such change, the courts will grow in effectiveness and public respect."

Another editorial appearing in the same newspaper stated:

" . . . and the time has come to give it a new objective; to do away with the election of judges. Popular voting was proved again last November to be a very poor way to pick judges—except as a means to distribute political plums. All judges should be appointed by the Governor or Mayor in light of expert non-partisan advice."

Getting judges by election has not worked to give New York the high quality of judiciary that the State deserves.

For the reason stated above, The Correctional Association of New York strongly urges that the matter of judicial selection be given highest priority by the Legislature and that steps be taken immediately to prepare for submission to the voters a new Judicial Article for the Constitution which would establish an appointive judicial selection process.

RECOMMENDATION NO. XI ADDITIONAL PERSONNEL TRAINED IN THE BEHAVIORAL SCIENCES FOR CORRECTIONAL INSTITUTIONS IN THE STATE

That legislative support be given and funds provided to the State's Department of Correction and the State Commission of Correction to allow for the employment of a sufficient number of personnel trained in the behavioral sciences to work more vigorously to rehabilitate offenders to protect the community. The process of correction requires the accumulated skills and knowledge of many disciplines such as education, psychology, sociology, psychiatry, and social work in addition to custodial specialists.

COMMENT: To assume that incarceration of an individual without training or treatment is an adequate protection for the state is an extremely short-sighted view. Individuals do not develop work habits by being held in enforced idleness because of lack of work available in the institutions, nor do people learn to be self-sufficient and develop vocational skills without adequate vocational training. Inmates do not become educated except along criminal lines unless a sufficient number of teachers are employed both to motivate men toward educational goals and to conduct the instruction.

Inmates with serious psychiatric problems do not have their problems solved and their mental illness cured simply by incarceration. They require diagnosis and intensive treatment by both psychiatric and psychological personnel.

The New York State Department of Correction is responsible for over 15,000 individuals housed in its prisons, reformatories, conservation correction camps and the institutions for the mentally handicapped offender. The State Department of Correction as its name implies, is expected to correct individuals who in every instance have failed in the community. It is dealing with a population of 100% failures. Yet to accomplish the monumental task of correcting, the State Department of Correction is not provided with sufficient teachers, psychiatrists, counselors, and psychiatric social workers. It will only be after a serious and concerned effort has been made to apply the knowledge of human behavior which has been gained in the past decade, to a sufficiently intensive treatment program conducted by trained psychiatrists, psychologists, educators, and social workers that the State will be able to unsharpen the very knotty and serious problem of a dangerous and costly crime rate.

RECOMMENDATION NO. XII ABORTION

That the present abortion law be amended to allow lawful abortions to be performed when there is a substantial risk of a serious impairment of the mother's physical or mental health; when there is grave danger of producing a physically or mentally defective child; and when a pregnancy is the result of statutory or forceful rape or incest.

COMMENT: The Correctional Association of New York does not propose a lifting of all bans on abortion. The Association simply regards the existing statute as too narrow and advocates a broader standard which would add factors in addition to the saving of the life of the mother to justifiable abortion. We would propose that lawful abortions be permitted when there is danger of a serious impairment of the mother's physical or mental health. We would propose that lawful abortions be permitted when there is grave danger of producing a physically or mentally defective child. We would propose that lawful abortions be permitted when a pregnancy is the result of either statutory or forceful rape or incest. All of these matters should be left to the sound discretion of the medical profession with proper legal safeguards.

The Association's position favoring a more realistic approach to abortion is not predicated upon any rights of an individual to terminate an unwanted pregnancy, in spite of the fact that social agencies are advertising in the suburbs for foster home placement of many such unwanted children. "Dial-A-Child" and "Foster Parents Are Desperately Needed" are signs one constantly sees when riding in the buses or subways in New York City.

Nor is the Association's position predicated solely upon the fact that a pregnant woman stricken with German measles during early pregnancy has a much higher probability of giving birth to a deformed or retarded child. Decisions on these matters, the Association believes, should be left to the medical profession with proven legal safeguards.

The Association, likewise, has not predicated its position solely on the fact that the continuation of a pregnancy might gravely impair the physical or mental health of the mother. We do believe that the State is being overly harsh, and on this matter we would again defer to the medical profession and would be guided by professional medical opinion.

Of great concern to us is the fact that a pregnancy resulting from rape or incest cannot be terminated legally under the existing law unless

an abortifacient act is necessary to preserve the life of the woman. To the Association, it is cruel and inhuman to require a woman who has been a victim of a rape or a girl who has been forced to submit to incestuous intercourse, to be further penalized by a statute which prevents an abortion under these circumstances.

One might postulate that women who become pregnant as a result of being raped and who have the financial means, are so distraught that many are forced to seek illegal ways of terminating their pregnancy which cannot be terminated legally unless the life of the mother is in danger.

One has only to examine some of the studies on the "dark number" of criminal abortions and other offenses, such as rape and incest, that escape being reported to public authorities—the hidden criminality—for support of this postulation. Recent studies made on the measurement of delinquency conclude after an intensive analysis of available data that for each offense within a given category known to the courts, a percentage exists indicating the ratio of known offenses to the actual number of offenses committed in the community. Highly reputable studies indicate that less than 1% of the criminal abortions come to the attention of public authorities. Based upon these academic objective studies about 100 unknown criminal abortions occur for every single known criminal abortion.

These same objective academic studies postulate that only about one out of every ten forceful rapes becomes public knowledge through being reported to the police. A talk with anyone knowledgeable in the field of crime and law enforcement will quickly reveal the reticence of women who have been forcefully raped to report the offense. For New York City which has approximately 1,800 forceful rapes known to the police annually, this would mean about 18,000 actually committed. Based upon New York City records indicating approximately one out of every 50 forceful rapes resulting in conception, approximately 360 women conceive each year as a result of being raped.

Unless the life of the rape victim is in danger, the woman must either obtain an illegal abortion or allow the pregnancy to continue.

The combination of an assault, followed by a pregnancy, followed by an "illegal operation", one added to the other, has a tremendous impact. On the other hand, one can only speculate as to which mental institution a person might be in if she goes full term and delivers a child conceived as a result of a rape. One need not speculate, however, about the future life of a mother and of an unwanted child resulting from a rape or incestuous intercourse.

RECOMMENDATION NO. XIII VOCATIONAL AND BASIC EDUCATIONAL PROGRAMS FOR THE PENITENTIARIES AND JAILS

That legislative support be given and funds provided to allow for the development of vocational training programs, basic educational programs and counseling based upon established standards, to raise the educational level of all inmates in county institutions.

COMMENT: Individuals do not become self-sufficient or develop occupational skills without adequate vocational training. Inmates do not become educated except along criminal lines unless a sufficient number of teachers are employed to help motivate them toward educational goals and to conduct instruction. A more serious effort must be made by the state to provide a minimum of education for individuals committed to county penitentiaries and jails. If the high rate of recidivism is to be reduced, every effort must be applied and every resource made available to those who have just started on a criminal career—inmates in county correctional institutions.

It is particularly discouraging to see a young lad in his late teens who might be motivated toward self-improvement by skilled teachers with the advice of trained counselors, spend upward to one year of his life in idleness in a stultifying institution. If any inroad is to be made on the high cost of recidivism, it must be made through the development of programs adequately financed and staffed with trained personnel, knowledgeable in the field of the behavioral sciences and education particularly in local correctional institutions.

RECOMMENDATION NO. XIV GUN CONTROL

That legislation be enacted to require individuals to obtain a permit to possess or purchase a rifle or shotgun in the State and that legislation be enacted to prohibit the possession by private citizens of weapons firing a missile larger than 12 mm.

COMMENT: The Correctional Association of New York believes that the State should have a gun control law similar to the one recently enacted in New York City. We would propose that while no person of good character who is in good repute in the community should be denied a permit to purchase and possess a rifle or shotgun, we feel that it is not an inalienable right of all New York citizens to possess lethal weapons. We would propose that certain classes of individuals, unless they can prove to the contrary, should not be legally authorized to own, possess or purchase a rifle or shotgun.

We further believe that there is no valid reason for a private citizen to have in his possession any weapon capable of firing a projectile larger than 12 mm. Possession of such weapons should be restricted to governmental agencies and should not be available to sportsmen and hunters.

The Correctional Association of New York in considering the matter recognizes that since it is estimated there are approximately 100,000,000 guns in the United States at the present time, any legislation to bring rifles or shotguns under control must be looked at from a long range point of view. It also recognizes that in view of the number of weapons in the United States, an individual with serious criminal intent, regardless of legal controls imposed, could obtain a weapon illegally. It further recognizes that any legislation would not only affect criminals using rifles and shotguns but would also affect sportsmen and hunters.

The Association believes, however, that a simple licensing procedure such as that recently enacted in New York City, would not cause any undue inconvenience to sportsmen or hunters in the State. Our contact with a number of these individuals indicates that they do not feel such legislation would impose any hardship upon them.

While the Correctional Association recognizes that the New York State Legislature cannot control interstate shipment of weapons through mail order catalog purchases, it would urge the Legislature to memorialize the United States Congress supporting a ban on mail order catalog interstate shipment weapons.

**THE CORRECTIONAL ASSOCIATION'S
GENERAL ACTIVITIES
STATE
NATIONAL
INTERNATIONAL**

INTERNATIONAL

ALCOHOLISM

The Correctional Association is looked upon as most knowledgeable on the legal aspects of alcoholism and drug addiction. Papers prepared by the Association on the legal changes in the United States have been presented at International Conferences for the past four years and have been very well received. The papers, in addition, have been instrumental in bringing about an awareness on the part of some western countries of the need to shift orientation from punishing skid row alcoholics to treating them as medical and social problems. This has been an area of interest to the Association since its early inception in the 1800s when repeated efforts were made to have the alcoholics removed from jails and placed in treatment facilities. Pursuing this interest, the Association presented papers at two international conferences on alcoholism in 1967.

13th INTERNATIONAL INSTITUTE ON THE PREVENTION AND TREATMENT OF ALCOHOLISM, ZAGREB, YUGOSLAVIA

The General Secretary prepared a paper for presentation at the 13th International Institute on the Prevention and Treatment of Alcoholism held in Zagreb, Yugoslavia. The paper, entitled, "The Legal Situation on Jailing Alcoholics for Public Intoxication in the United States," contained a resume of the Easter and Driver cases and a brief review of the activity in this country growing out of them.

We were most honored to be asked to prepare a paper for this International Conference which brings together experts from most parts of the world to discuss and study the various aspects of this serious and difficult problem.

THE SECOND INTERNATIONAL CONFERENCE ON ALCOHOL, CARDIFF, WALES

The 2nd International Conference on Alcoholism at which the General Secretary presented a paper was held in Cardiff, Wales under the aegis of the International Council on Alcohol and Alcoholism. The General Secretary presented the Association's view on "Absolving the Intoxicated Alcoholic from Criminal Responsibility."

The topic created so much interest at the formal sessions that a special session devoted to this question was set up at which time the chief medical officer of the Home Office, Prison Department, together with three other prison department doctors, several institutional governors and others concerned about the problem of alcoholics in prisons were present. The responses, not only from the prison authorities, but also from the medical and social professions, were very encouraging. All felt that the issue is something we should be thinking about as members of society as well as in our professional capacities.

It is interesting to note that a working party has been formed by Parliament to study the entire field of alcoholism. We were advised by a member of the working party from the Ministry of Health that as a result of our presentation at the Conference the topic of the jailed alcoholic would be added to other areas of alcoholism to be studied.

ADDICTION SECTION—DEPARTMENT OF PSYCHIATRY, MAUDSLEY HOSPITAL, LONDON

Growing out of our contacts over the past few years on the problem of the drunkenness offender, the Camberwell Council on Alcoholism in London sponsored a one-day meeting on the drunkenness offender to which the General Secretary was invited and asked to speak. The Council, under the professional direction of Dr. Griffith Edwards, Director of the Addiction Section, Department of Psychiatry, Maudsley Hospital, is now planning an International Conference in May of 1968 on the Chronic Police Offender. We spent several hours at a conference with Dr. Edwards, at his request, to help develop the program. We expect to continue to work with Dr. Edwards and Mr. Archer Tongue, Director of the International Council on Alcohol and Alcoholism, in helping to plan this May meeting.

SCOTTISH PRISON DEPARTMENT

Approximately five years ago, the Association was asked to present its views in the United Kingdom on the governments' responsibility for aftercare. At that time we met with a number of probation officers, representatives of the prison department, members of voluntary aftercare agencies and prison governors where we expressed our belief that aftercare is as much a governmental function as is the maintenance of an inmate in a prison. At that time the United Kingdom had no formalized parole program and depended entirely upon voluntary prisoners' aid associations to provide the counsel and assistance needed by releasees from correctional institutions. Since our original meetings with these

individuals, the government has adopted a plan of parole modeled to a great extent after that in existence in the United States. For Scotland the plan will go into effect April 1, 1968, at which time a parole board will begin to release the first inmates on parole.

As this is a new venture, there is some governmental apprehension about the administration of the program. The General Secretary met with the Secretary of this newly created parole board to review tentative procedures and discuss the total concept of governmental aftercare.

Since The Correctional Association of New York was instrumental in helping to introduce the Elmira System into the United States in the 1800s and thereby introducing the indeterminate sentence with parole, we are most pleased to have played a somewhat similar role in the administration of justice in the United Kingdom.

LECTURE AT WORCESTER TECHNICAL UNIVERSITY, ENGLAND

After making a comprehensive tour of various halfway houses operated by the Margery Fry Association and the Langley House Association for ex-offenders, the General Secretary was asked by Worcester Technical University to give a lecture in a course of criminology. The class consisted of senior civil servants in the police, probation, and prison field who were working on advanced degrees. It is interesting to note that this is the first criminology course in the United Kingdom to bring together senior officers from the fields of law enforcement and rehabilitation.

COOPERATION WITH BRITISH GOVERNMENT

Because of the complex paper work involved, the Association has been acting for the last six months as liaison between the British Consulate General in New York and correctional authorities in the northeastern part of the United States.

From time to time, British subjects in this country become involved in violations of the law, are convicted and sentenced. While a formalized procedure has been set up by treaty between our government and the British by which the British government will be informed of the status of British subjects incarcerated in American prisons, from time to time this formalized procedure breaks down. In order to expedite matters, we have been asked by the British government to trace for them some dozen British subjects who are incarcerated. In addition, we have been able to provide the Consulate, at their request, with the status of British nationals who had recently been arrested.

At a recent soiree given by the Consulate General of Britain, the Association was complimented on its work in this type of international cooperation.

FOREIGN VISITORS

Periodically, individuals involved in the administration of criminal justice in other countries visit the United States to see the system in effect here. The Correctional Association has, on many occasions, been called upon to help set up schedules and act as liaison for these individuals. There have been several in the past year.

MINISTER OF JUSTICE, NEW SOUTH WALES, AUSTRALIA

The Honorable John A. Marony, Controllor General of Prisons, New South Wales, advised us that Mr. John C. Maddison, Minister of Justice, would be visiting the United States and asked us to provide a program of visitation and meetings for him.

Arrangements were made for the Minister to visit the Tombs and the detention pens at 100 Centre Street after the General Secretary had breakfasted with him discussing the problems of detention. The Minister was most concerned over the growing number of detainees New South Wales is handling and is looking for ideas for new facilities and programs to cope with the mounting metropolitan custody problem in Sydney.

DR. EMIL EFFENBERG, GERMANY

At the request of the Prosecutor for the Supreme Court of West Germany, the Association arranged a program for Dr. Emil Effenberg, Juvenile Prosecutor for the town of Gotingen and President of the German After-Care Society. Dr. Effenberg was principally interested in obtaining information on halfway houses and voluntary aftercare programs in the United States. We arranged for him to visit the J. Stanley Shepherd Home of the New York State Division for Youth and to meet with representatives of the State Division of Parole and the Federal Bureau of Prisons. He was most impressed at the extent of the cooperation the Correctional Association receives from various public officials and the respect given to the Association's proposals and recommendations by those in government.

DEPUTY COMMISSIONER OF PRISONS, HONG KONG

The United Nations asked the Association to arrange meetings for Deputy Commissioner Roy Pickett of Hong Kong with individuals

knowledgeable in the field of narcotic addiction in the United States. As government offices were closed on one of the two days Commissioner Pickett was in the City, we were only able to have him meet with Dr. Efrén Ramirez, New York City Coordinator of Narcotics.

MRS. GORDON RICHARDSON, ENGLISH MAGISTRATE

At the request of one of its Executive Committee members, the Association arranged to show Mrs. Gordon Richardson, a Magistrate sitting in juvenile matters in London, the various correctional institutions on Rikers Island. Mrs. Richardson also expressed a great deal of interest in narcotics programs here in the States as she is fearful of the alarming increase in the number of illicit narcotic addicts in the United Kingdom. We were pleased to be able to provide Mrs. Richardson with a number of papers and articles on drug addiction.

NATIONAL

ALCOHOLISM

THE UNITED STATES SUPREME COURT CASE

In October 1967, the United States Supreme Court agreed to hear a case emanating from Texas involving Leroy Powell who was appealing his conviction for being found in a state of intoxication in a public place in Travis County, Texas. Two United States Courts of Appeal, ruling in the Easter and Driver cases, have already decided that the conviction of a chronic alcoholic for being publicly intoxicated violated the United States Constitution. Last year the United States Supreme Court refused to grant certiorari on a case similar to Powell's emanating from the State of California. The Correctional Association is most gratified that the United States Supreme Court agreed to hear the Powell case for we feel it is most likely that the Court will not uphold Powell's conviction and will agree with the two previous decisions by the two separate Circuit Courts of Appeal.

The attorney for Powell, Mr. Peter Barton Hutt, who was counsel for DeWitt Easter and filed a writ of certiorari for the Association in the Budd case which was turned down by the Supreme Court last year, is appealing on the grounds that this conviction violates the 8th and 14th Amendments of the United States Constitution. He will argue three main points:

1. In addition to arresting alcoholics for public intoxication, it is "cruel and unusual punishment" to arrest an intoxicated alcoholic on a disorderly conduct, vagrancy or loitering charge.
2. The police in the District of Columbia, despite the Easter decision, are continuing to arrest alcoholics on public intoxication charges, taking them to the court where the charges are dismissed. It is his contention that such arrests should not be made.
3. He will argue that the appropriateness of civil commitment should not be considered but that the court should decide only on the constitutional issue of "cruel and unusual punishment."

This latter point is being made since Mr. Hutt feels that the matter of civil commitment of alcoholics should be kept separate from the constitutional issue.

It is believed that the case will be argued in January or February and that a decision will be forthcoming in early spring of 1968. The Association, as it did in the Easter case, is filing as amicus in the Powell case.

NATIONAL COUNCIL ON ALCOHOLISM

The General Secretary was a member of the faculty of the training course presented by the National Council on Alcoholism for new professionals in the field. The topic assigned was the legal aspect and court decisions related to the jailing of alcoholics. As we had just completed preparing a paper for the 13th International Conference on Alcohol and Alcoholism in Zagreb, Yugoslavia, on the same topic, we were able to use this as a text.

THE NATIONAL COUNCIL OF CHURCHES

COMMITTEE ON THE OFFENDER

The General Secretary, as Chairman of the Committee on the Offender of the National Council of Churches, met with Leon Dickinson, Chairman of the Committee on Correctional Chaplains. This meeting was at the request of the General Secretary of the National Council of Churches to consider the feasibility of a request made by the World Council of Churches for an international conference on ministry in correctional institutions.

The World Council of Churches, at the suggestion of the Reverend E. S. Hoddinott, of New Zealand, is desirous of holding an international conclave on ministry in correctional settings. In view of the United States position of leadership in correction, the National Council of Churches has been asked to host such a meeting.

DEPARTMENT OF PASTORAL CARE

As a Commissioner of the Department of Pastoral Care of the National Council of Churches, the General Secretary met with the Commission at its semi-annual meeting. Items of most interest to the Association were the development of a paper on narcotic addiction to aid local clergymen in understanding this problem; the development of a packet of material on sexuality for use by clergy with particular focus upon homosexuality; and the assigning of the preparation of an article on soft drugs to Howard Clinebell, a nationally known theologian. As background for the soft drug article, the lecture given by the General Secretary at New York University entitled "The Cult of Chemical Comforts?" will be used.

"CHURCH AND SOCIETY"—A NATIONAL CONFERENCE

The General Secretary represented the Association and the Division of Christian Education of the National Council of Churches at a conference on church and society convened to plan the strategy which could be used to help direct the economic and social development of the United States for full opportunity for individuals in a technical age. The focus was on economic and social development within the United States and the problems being brought about by the very rapid changes, particularly in the technical field, as they relate to social planning.

We were asked to participate in the section on privacy, pressure and the political process which focused on computerized information systems, sophisticated bugging devices and numerous other technical innovations which offer unprecedented possibilities for good or evil in the realm of organizational political progress.

It was interesting that some who participated in this section felt that tyranny would be the result of centralized data collecting on individuals, while others looked forward to a purer form of democracy than we have ever enjoyed before. Concern was focused upon the possibilities of intimidation and blackmail with the development of data banks; yet at the same time it was recognized that enforcement control over organized crime could be better than ever if such computerized information systems were utilized.

It was interesting to note that the churches in the United States appeared more willing than ever to look at the ethical as well as practical aspects of the use of eavesdropping devices and computerized data systems which can bring together all that is known about individuals and organizations. From the point of view of combating organized crime, these technical advances when properly controlled would be a

great boon. It was agreed that the concern should not be in holding back technical advances but rather on protecting individualism and human rights.

TESTIMONY BEFORE THE UNITED STATES SENATE

The General Secretary, at the request of Senator Kennedy, testified before the sub-committee on Employment, Manpower and Poverty of the Committee on Labor and Public Welfare of the United States Senate. The Committee was considering a bill introduced by the Senator from New York which would provide a three-year demonstration project operated by the Teachers Corps and VISTA in cooperation with local correctional authorities to provide courses of instruction tailored to individual inmates' educational levels and job aspirations shortly before they were released to the community.

In addition to Mr. Goff, Dr. Lloyd Ohlin of the President's Commission on Crime and the Administration of Justice; Jack Miller of the District of Columbia Crime Commission; Commissioner George F. McGrath; Thomas Adams of the Joint Commission on Correctional Manpower and Training; and E. Preston Sharp of the American Correctional Association also were asked to testify.

This appearance gave us an opportunity to emphasize the principle which was recognized over 123 years ago when the Constitution of the Correctional Association was framed. Because of the belief then, as now, that educational and vocational training programs in institutions are a necessary part of the rehabilitation program and that guidance, encouragement and support of releasees is an important element in the prevention of recidivism, the Constitution of the Association lists as one of the objectives "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."

CONGRESS OF CORRECTION

The 97th Annual Congress of Correction of the American Correctional Association was held in Miami, Florida, August 20-25, 1967. Attendance was not quite as great as that of the previous year, but those who were in attendance were enthusiastic. Increasingly one notes participants at the meetings from fields other than correction. This is a good indication of the broadening interest not only of correctional administrators in persons outside the profession but also of the increasing interest in correctional problems of those in disciplines which in the past have tended to shy away from the field.

One is impressed with the amount of activity which is developing, particularly on a federal level. The most salient programs are the Joint Commission for Correctional Manpower and Training and the President's Commission on Law Enforcement and the Administration of Justice.

Mr. E. R. Cass, former General Secretary of The Correctional Association of New York, is President Emeritus of the American Correctional Association and was a most active participant this 97th Congress.

COUNCIL OF STATE GOVERNMENTS

The Council of State Governments which bi-annually publishes the *Book of the States*—a publication describing major state services throughout the United States—again asked the Association to prepare the chapter on "Correction" for the 1968-1969 edition.

In addition to this chapter, we were asked to write an article on work release laws in the United States for the monthly publication of the Council. It is interesting to note that in the previous chapters on correction in the *Book of the States*, we emphasized the interest and value of a work release program in various states. It would appear that the interest engendered by the earlier publications is the reason why this special article on work release was requested.

We further suggested to the editor that the Council of State Governments might want to alert state officials to the developments in the field of alcoholism as they relate to the "chronic police court offender." We feel that sufficient experience has been obtained in the District of Columbia as a result of the Easter decision to warrant alerting the officials in all of the states of the need to be prepared for a shift in the handling of the chronic police court offender from local county jails and correctional authorities to hospitals under medical welfare auspices. As a result of the Easter decision, the Department of Correction in Washington, D. C. reports that its population in the workhouse has been cut in half causing administrative problems in maintaining the institution. The Health Department which has taken over the control of individuals civilly committed through the District of Columbia health laws has been having a number of problems in dealing with those committed to it owing to a lack of experience with this type of individual.

NATIONAL CONFERENCE OF PUBLIC YOUTH AGENCIES

The Association participated in the National Conference of Public Youth Agencies held in Syracuse on June 6th and 7th. The pur-

pose of this meeting was to review the recommendations for dealing with the problems of delinquent youth proposed by the President's Crime Commission. The Commission Report stated:

"Society's effort to control and combat delinquency may be seen as operating on three levels.

"The first and most basic involved provision of a real opportunity for everyone to participate in the legitimate activities that in our society lead to or constitute a good life: education, recreation, employment and family life.

"The pursuit of these goals is not inconsistent with the need to strengthen the systems of juvenile justice. Some offenders are dangerous repeaters; others while less threatening, have already shown themselves resistant to non-coersive rehabilitative efforts. Dealing with these youths so as to protect society requires custody, adjudication of fact, disposition of sanction. These measures depend upon an effective, efficient system of juvenile justice. Insofar as the juvenile justice system does deal with delinquency, its dealing should be characterized by swift apprehension, thorough investigation, prompt disposition. Further, the system should operate with all the procedural formality necessary to safeguard adequately the rights that any person has when he is subject to the application of coercive power.

"The third level of delinquency control is related to the special problems. They may already have delinquent records; they may be delinquent but not seriously so; they may be law abiding but alienated and uncooperative in making use of education or employment opportunities. Whatever the nature or degree of difficulties, they are all too likely to be excluded by most agencies and institutions, which find these youngsters more than their limited resources can manage. For such youths, it is imperative to furnish help that is particularized enough to deal with their individual needs but does not separate them from their peers and label them for life."

The forum for individuals working directly in the field of youth crime in the United States brought forth a great deal of discussion both pro and con on the recommendations of the President's Crime Commission. The most serious objection to the proposals was that it failed to recognize that the delinquency rate is 15 times greater in ghetto areas than in the suburbs and that no serious attempt is being made to change the isolation of the ghetto from the rest of the community. On the contrary, it was pointed out that the President's Crime Commission's recommendations tended to perpetuate this isolation and thereby continue high crime rates there.

AMERICAN PUBLIC WELFARE ASSOCIATION REGIONAL MEETINGS

The Association was represented at the Regional Meeting of the American Public Welfare Association called to consider the problems of public and private organizations in the welfare field. Of major concern was the future of private organizations in the light of recent massive government activities in welfare.

It is the contention of the Correctional Association that there are certain functions which should and of necessity must come under the jurisdiction of the government. The responsibility for maintenance programs is one that rightly rests with governmental agencies rather than private ones. Relieved of this responsibility, private organizations can then be free to establish experimental and supplemental projects for which there is no government subsidy.

It was decided at the conference that the future of private organizations and welfare work should be geared not only to public and professional education but more importantly to overall far sighted planning on the state and regional level encompassing all of the agencies, private and public, which would be involved.

AMERICAN CORRECTIONAL CHAPLAINS' ASSOCIATION CONFERENCE

The Association participated in the Eastern Regional Conference of the American Correctional Chaplains' Association. The program was designed to better acquaint chaplains with some of the legal problems with which inmates are concerned. The three subjects chosen for discussion were the ramifications of the Escobido-Miranda decisions, habeas corpus and legal appeals and drug legislation.

The discussion on legal appeals was especially helpful to the chaplains in that it outlined all the legal avenues to which inmates may have recourse. The session on the Supreme Court decisions on confessions gave rise to an extensive discussion of the process of "bargaining". Many of the chaplains were concerned with the inequality of sentencing resulting from this process and the resultant maladministration of justice. They also expressed some concern over the moral aspects of the bargaining process. In our Annual Report to the Legislature of last year we stated:

"In the criminal courts of New York City, out of every 100 indicted, only about seven stand trial. In the overwhelming majority of remaining cases, they plead guilty to a lesser offense than that for which they were originally indicted. This process, known as "bargaining", involves the district attorney, defense counsel

and the judge. These three principles agree that the defendant will plead guilty, generally to a lesser offense than the one to which he was indicted, and the court promises that the sentence will be markedly less than the maximum for which he might have been sentenced had he gone to trial and been found guilty. Such a practice has been questioned for many years, yet no practical substitute has been found which will speed the judicial process. On the surface everyone profits by this practice. The prosecutor obtains a conviction; the defendant is assured a lesser penalty; and the state does not have to stand the expense of a prolonged trial. Yet, instinctively, one feels that there is a distortion of the fundamental concepts of justice in such a procedure."

While the three topics presented at the morning and luncheon sessions were well chosen, it was unfortunate that the afternoon workshop sessions were divided along denominational rather than topical lines.

AMERICAN SOCIETY OF CRIMINOLOGY

This two day Annual Meeting of the American Society of Criminology brought together the major academic criminologists in the United States to discuss among other items ways for enhancing the scientific basis for correctional decisions. Sizeable discussion was given to the possibilities of using computers to assist judges in meting out dispositions. All that is known about an individual appearing for sentencing would be fed into a computer which would analyze the various personality factors, work history, education, marital history, etc., and would report the prognosis for various dispositions which might be made. Similarly, computers could be used to determine probabilities of parole success or failure for individuals. This would be a refinement of the parole prediction tables which have been used fairly extensively in some states.

It was interesting to note that during the discussion on the use of computers to aid in making correctional decisions, there was slight uneasiness on the part of the audience at the thought that the human aspect of an individual being considered for sentencing or parole might be lost. There seems to be acceptance of the use of computers for aiding in making decisions on material matters but not on decisions seriously affecting the future life of an individual.

MASS MEDIA AND PUBLICATIONS

OFF BROADWAY PLAY—FORTUNE AND MEN'S EYES

During the course of the year, the Association gave continuing assistance to an off Broadway play, *Fortune and Men's Eyes*. Prior to

its opening in February, the Association made arrangements for the cast, director and producer to visit the institutions on Riker's Island in order to give them a concrete and realistic feeling of the atmosphere and workings of a prison. We also provided information on the problems and social structure—the prison culture—in United States penal institutions.

The play opened to generally good reviews and has enjoyed a successful run throughout the year. It has stimulated outside interest in the conditions existing within prison and particularly on the effects of incarceration upon youthful offenders. The playwright and members of the cast have appeared on several radio shows discussing these problems.

To develop the social implications of this play of life in a Canadian reformatory to an even greater extent, a panel-audience discussion has been held every Tuesday evening after the final curtain. Individuals who have served time and experts in the field lead a discussion with the audience on the problems and concepts of imprisonment and correction. The Association has obtained several individuals for these panel discussions. Owing to the success of the New York run, one road company opened in Chicago and another in Toronto, later moving to Montreal, where the play stirred great interest in the conditions of Canadian prisons.

PARADE MAGAZINE

Approximately three years ago, the Association began working with *Parade* magazine to develop articles for mass readership on problems of interest to the Association. To date, four such articles have appeared dealing with holding children in jail, using jails to hold mental hospital patients, juvenile training schools for delinquents and an exercise in futility—the jailing of the alcoholic.

The editorial board has become so interested in the topic of correction as a result of reader reaction that they are preparing an article on prisons for the adult offender. Because of our previous cooperation with and assistance to this 12 million reader Sunday supplement, the magazine sought our assistance on this article. Because of the work presently being conducted in New York State, we immediately thought of New York as being the ideal focus of such a study and article.

For background information, we arranged for the staff reporter assigned to this project to meet with the Executive Director of the Governor's Special Committee on the Criminal Offender at the Association's offices. At the time, a general approach was discussed which would focus upon the very broad concept of the *purpose* of imprisonment to society. Whether or not the project will be acceptable to the

state administration is not known. We are hopeful, and are continuing to work to bring such an article about as we feel that this problem is one which must be squarely confronted by the American public.

THE OFFICE MAGAZINE

The Association supplied the magazine *The Office* with information for an article which it published on the use of releasees in various office positions. Because of the tightness of the labor market, new untapped sources of labor are being sought. The publicity generated by the President's Crime Commission and the Commission on Correctional Manpower and Training is beginning to make itself felt. We supplied the magazine with an account of our own multilith training program and with copies of testimony we have presented in the past on work release programs being conducted throughout the United States. Additional background material was provided when the General Secretary met with the author of the article.

RADIO AND TV

The Association has long recognized the important role radio and television play in educating and informing the general public. In light of this, the General Secretary appeared on several interview and documentary shows through the year.

On one of these, he was asked to moderate a radio panel discussion on the Brooklyn House of Detention for Adolescents with Assemblyman Bertram Podell and Commissioner George McGrath. It was our belief that despite the apparent disagreement between the Chairman of this Joint Legislative Committee and the Commissioner of the New York City Department of Correction, there was basic underlying agreement of the panel to the effect that

1. The institution is overcrowded.
2. There is a dirth of physical facilities for activity programs.
3. The institution needs additional social work and counseling personnel.

CBS—"EYE ON NEW YORK"

In preparation for a documentary on the New York City Department of Correction, the Association was contacted by CBS TV for our proposals to bring about improvements in the system. Basically we focused on such programs as work release, increase in the amount of vocational training, the development of more intensive programs for alcoholics who commit crimes other than public intoxication and the increased

use of ROR to reduce the population of detention institutions in the city.

WNEW RADIO

The Association assisted the producer of a radio documentary for radio station WNEW to develop a half hour program entitled "Re-Entry," portraying the difficulties of a person released from a correctional institution in obtaining employment. In addition to spending a good deal of time with him, providing background and taping our point of view, we arranged a visit to the United States Correctional Institution at Danbury so as to include in the documentary the work release program of that institution. In addition, we obtained an employer who has been employing parolees in his factory for 24 years and also provided the show with a released offender who was in our multilith training project. The majority of the taping of this program was done in the office of the Association.

TV SHOW—"NEW YORK, NEW YORK"

Together with Commissioner McGrath, Assemblyman Podell, and Chief Assistant District Attorney Burton Roberts of the Bronx, the General Secretary appeared on the one hour TV show, *New York, New York*, discussing prisons and crime in general. Much of the show was given over to a discussion of the then current publicity given to a rising crime rate in the city and the relationship between it and a decreasing population in state correctional institutions. In addition, the Assistant Prosecutor was highly critical of the operation of the New York State Narcotic Control Commission. Assemblyman Podell was critical of the fact that the state did not have one overall philosophy for dealing with the problems of narcotic addiction. He failed to recognize that the Narcotic Addiction Control Commission has purposely not committed itself to any one approach and is using instead many programs and facilities in an attempt to determine what type of program best fits one type of addict.

The General Secretary vehemently disagreed with a radical proposal made by District Attorney Roberts. He proposed that bail and the pre-conviction detention of an individual should be predicated upon the possible danger to the community of releasing an individual before trial. It is our contention that to take away the liberty of an individual based upon what he *might* do would be a serious erosion of personal liberty in the United States. Such a procedure of keeping an individual in detention before he is given his day in court because he might commit

another crime if released to the community is completely repugnant to the American way of life.

RESEARCH AND EDUCATION

NEW YORK UNIVERSITY'S SPECIAL LECTURE SERIES

From time to time the Association has been instrumental in having topics and speakers appear on the special lecture series of the Division of continuing education of New York University. The General Secretary has in the past twice presented lectures in this series. This year the Association was able to arrange for Dr. Donald B. Louria, Chairman of the Governor's Advisory Committee on Narcotic Addiction and Chairman of the Committee on Drug Addiction of the Medical Society of the County of New York, to give a talk on "LSD: The Uses and Abuses of a Hallucinogen." He discussed the hallucinogens in terms of what they are; why they have achieved such enormous popularity and publicity; what a hallucinogenic experience is; and what the effects are, permanent and transitory, on individuals using these drugs.

Later in the year, the Association also arranged for Lawrence W. Pierce, Commissioner of the New York State Narcotics Commission, to speak on the makeup of his Commission and evaluate its first six months of experience. Both lectures stimulated a great deal of interest as shown by the extremely lively discussion periods which followed them.

SEMINAR ON VIOLENCE

Together with a member of the Executive Committee, the General Secretary attended a Seminar on "The Culture of Violence" conducted by a psychiatric group at Columbia University. This small informal group of psychiatrists and social scientists are attempting to uncover the roots of some of the violence prevalent at the present time in western civilization. This particular lecture focused upon the sociological aspects of the American culture which makes it a "Culture of Violence."

STATE

NARCOTICS

FORD FOUNDATION—NARCOTICS CONTROL PROJECT

At the request of the Ford Foundation, the Association evaluated a project on narcotic addiction control for the central Harlem area. A

"feasibility meeting" was held at which the Vice Chairman of the New York State Narcotics Addiction Control Commission, the Chairman of the Governor's Advisory Council of Narcotic Addiction, Dr. Lonnie MacDonald, the General Secretary and representatives of the Ford Foundation were present.

The project, which in our estimation is worthy of implementation, is in need of a sponsoring organization. Unfortunately, owing to the broad scope of the work of the Association and its limited staff, the Correctional Association was unable to follow up on the suggestion that it be the sponsoring organization.

NEW YORK UNIVERSITY NARCOTICS PROGRAM

The General Secretary met with Raymond Wilburn, Associate Dean of the School of Continuing Education of New York University, to discuss a proposed University project on narcotic addiction. In recognition of the role to be played by an urban university in today's society, the Adult Education Division of New York University has recently begun to develop a series of community oriented programs. One of the first of these is a program designed to educate the community on the problems and causes of drug addiction. Chelsea has been tentatively chosen for the first project.

A planning meeting was held with Doctors Donald B. Louria, Isidore Chien and Henry Brill to further detail the structure of the program.

CITY COUNCIL NARCOTIC BILL

A public hearing was held on a narcotic bill introduced by the President of the City Council, Frank O'Connor, which would authorize the New York City Department of Correction to place any individual who volunteered on a methadone maintenance program while serving his sentence on Riker's Island. The hastily drawn bill which was opposed by the administration was defeated. In its stead, a one-year experimental research program was administratively instituted to deal with limited numbers of individuals in a methadone maintenance program.

NEW YORK STATE NARCOTIC CONTROL COMMISSION

As part of its public education program, the New York State Narcotic Control Commission has developed 13 half-hour radio programs to be played throughout the state. The General Secretary, his assistant and a member of the Executive Committee gave interviews on the problems of narcotic addiction, the New York State program and a comparison of that program with that which is being done in England.

ALCOHOLISM

ROCHESTER DETOXIFICATION CENTER

As part of a discussion of a larger community correctional rehabilitation unit for Rochester, the General Secretary met with Dr. John Norris, Chairman of the Governor's Advisory Committee on Alcoholism, to discuss the development of a detoxification center to be included in the unit.

Despite the fact that it is still legal in the State of New York to arrest an alcoholic on a public intoxication charge—the two Courts of Appeal decisions not affecting this state—we have continued our efforts to remove the skid row alcoholics from penal handling. It has been our contention through the years that alcoholics should not be punished for displaying a symptom of their illness.

AD HOC COMMITTEE ON THE ALCOHOLIC OFFENDER

The Ad Hoc Committee on the Alcoholic Offender, chaired by Mr. R. Brinkley Smithers, met to consider three items:

1. The Committee's recommendation on the position the Association should take on public intoxication laws.
2. The Committee's recommendation on the position the Association should take with regard to absolving an intoxicated alcoholic from criminal responsibility for any crime he commits. This would be similar to absolving an individual from criminal responsibility because of insanity.
3. Whether the Association as a public service should provide the New York City Police Department with 30,000 of our handbooks for police on alcohol and alcoholism.

After discussion and consideration of the various pros and cons of public intoxication laws, it was agreed that public intoxication, per se, should not be considered a crime. There is sufficient protection in disorderly conduct statutes, drunken driving statutes and other laws not to need the addition of a public intoxication prohibition. It was pointed out that effective September 1, 1967, public intoxication has been downgraded in New York State from a misdemeanor with a maximum jail sentence of six months to a violation with a maximum sentence of only fifteen days.

On the second item on the agenda, grave doubts were expressed on the desirability of absolving an intoxicated alcoholic from criminal responsibility. In a discussion, the position Mr. Peter Barton Hutt has taken proposing that intoxicated alcoholics who commit crimes might

use their condition as a defense and therefore should not be criminally prosecuted, was seen as having possible serious social implications. The Committee felt that it wanted to consider this matter in greater depth. It proposed that for the present the Association not take a position in favor of absolving intoxicated alcoholics from criminal responsibility.

While the Committee felt that the idea of distributing 30,000 copies of the police handbook to the New York City Police Department was a good one, they raised the question of the cost of approximately \$2,000.00. It was decided that the matter should be referred to the Finance Committee to determine whether the 1967 expenditure budget should be revised upward by this amount. The financial aspect being solved, the Association anticipated providing each policeman in the New York City Police Department with a free copy of the Handbook in early 1968.

COURT REFORM AND THE PROPOSED NEW YORK STATE CONSTITUTION

In preparation for the State Constitutional Convention held in the summer of 1967, the Association, through its representation by three of its Executive Committee members on the Board of Directors of the Committee of Modern Courts, was extremely active in the field of court reform on which it has been working for the past five years. Several large scale meetings were held during the year, including two in New York City, one in Buffalo and one in Rochester. The Association, together with the Committee for Modern Courts, was supporting a judicial article which it felt would have completed the job of court reform inaugurated with the Constitutional Amendment in 1961.

There were three main proposals. First was that there should be a unified, statewide court system, the lowest court of which would be a District Court. Both the Court of Claims, which is considered an anachronism, and the Surrogates Court, a notorious hotbed of patronage, would be done away with as separate entities and their functions and staffs absorbed by the Supreme Court. The second proposal was that this unified system be financed wholly by the State. The third, and most important, was that which concerned the selection of judges. It was felt that to move the courts out of the realm of politics and to improve the quality of judicial personnel it was necessary to shift the selection of judges from an elective process to an appointive one. It was proposed that a panel of candidates would be chosen by a carefully appointed, non-political, highly select non-governmental body. The appointing officer would then select from this proposed slate. The Asso-

ciation, while not seeing the need for popular ratification, supported the Committee for Modern Courts stand that a full-scale Missouri plan, including a judge running against his own record after a set period of time in office, be adopted.

The proposed judiciary article finally put forth by the State Constitutional Convention chose not to make any changes in the process of selecting a judiciary. For this reason, The Correctional Association of New York along with the Committee for Modern Courts, the League of Women Voters, the Citizens Union, and other private citizens' organizations, voted to oppose passage of the proposed Constitution.

It was felt that the opposition to the Judiciary Article was definitely a contributing factor to the defeat of the entire Constitution.

UNEMPLOYED YOUTH STUDIES

The Association met several times during the year with the Director of Unemployed Youth Studies, a federally financed subdivision of New York University which on a national scale is attempting to assist communities in reducing the out-of-school unemployed, a problem which is inextricably involved with the underlying problem of preventing riots throughout the United States.

The Director was interested in assistance in providing technical consultations on the development of trainee positions in the field of law enforcement and correction. In view of the difficulties being experienced in obtaining sufficient manpower for both of these fields, coupled with the present effort being made to train out-of-school out-of-work youth, the concept of developing trainee positions below the professional level in both law enforcement and correction is sound, providing adequate safeguards are maintained.

The General Secretary also explored the possibility of having the staff of the Unemployed Youth Study evaluate the advantages and disadvantages of a conference of personnel directors from large corporations to discuss the problem of training and employing offenders.

MONROE COUNTY

For several years, the Association has taken an active interest in the problems of Monroe County with particular emphasis on its county penitentiary. At the request of the chairman of a newly formed citizens' committee concerned with the penitentiary, the General Secretary visited Rochester and spoke with several individuals interested in developing a community correction rehabilitation center working

closely with a detoxification unit. The General Secretary also arranged for a meeting of representatives of the Monroe County Legislature and interested citizens with the Executive Director of the Governor's Special Committee on Criminal Offenders, Mr. Peter Preiser, to review the recommendations of a special study committee appointed by the county manager to develop the program for the Monroe County Penitentiary.

Since it appears that money will not be available for the construction of a new penitentiary until after a new jail is constructed, Mr. Preiser and Mr. Goff proposed that the staff develop a pilot intensive training and treatment program which would involve integrating the penitentiary program into the very active community and mental health and rehabilitation program already in operation in the county in order to counteract some of the deleterious aspects of the now existing physical plant.

The proposal was well received by the Director of Public Safety for the County Legislature who assured us it would be given every consideration.

It is interesting to note that a group of approximately 150 citizens have banded together to attempt to replace the Monroe County Penitentiary. The General Secretary met with members of this group several times throughout the year. They expressed an interest in having a more formal relationship with the Correctional Association since they are devoid of any professional penological direction and supervision. The membership has been placed on the mailing list of the Association and the president of that organization has encouraged his members to join The Correctional Association of New York.

Should sufficient local support be obtained through an increase in membership in the Rochester-Monroe County area, we will attempt to extend our direct service work to selected releases from the County Penitentiary. We are cautiously optimistic at this time about the possibilities of increased membership from this part of the state but feel we should attempt to increase our services to local communities.

Meanwhile, concerned because of overcrowding conditions in the jail which has led to housing between 80 and 100 men in a section of the Monroe County Penitentiary completely devoid of activities and programs, the Association suggested to the Bureau of Municipal Research of Rochester that an examination be made of the jail situation and the length of time individuals are held from arraignment to indictment, from indictment to trial and from trial to sentencing. During the summer we worked with the Bureau on such a study which showed the need for greater use of ROR and also the need to shorten the time from

arraignment to indictment. In making this study public, the county manager and president of the county Legislature asked Assemblyman Podell for his assistance in correcting the situation. Assemblyman Podell suggested that the county request technical assistance on a bail program from the Vera Foundation. The General Secretary met with Assemblyman Podell, the County Manager, the President of the Legislature, a representative of the Bureau of Municipal Research and the Vera Foundation to develop such a program for the county.

HOUSE OF DETENTION FOR WOMEN

Because of the publicity that had been focused on the House of Detention for Women in the past, the General Secretary visited the institution after being informed that an arrested peace demonstrator was on a hunger strike. The young lady in question, who had previously been arrested in Boston on disorderly charges for the same reason, had been transferred the night before to the Bellevue Psychiatric Ward for evaluation.

We were informed and shown documents to prove that bail had been offered to this individual but had been refused. We further recognized that the hunger strike was an effort to focus publicity not only on the House of Detention for Women, but more specifically upon the Vietnam War. A review of the medical precautions taken by the Superintendent of the House of Detention for Women as well as the round the clock continual surveillance reassured us that every precaution had been taken to prevent this individual from damaging herself.

During the visit arrangements were completed to have the individual transferred to the Elmhurst Hospital for forced feeding under medical supervision.

It may be recalled that in 1966 a great deal of pressure was exerted to separate civil rights and anti-war demonstrators who violated the law from other law violators. While the Association may be completely sympathetic with both causes, it stands firm on its position that no distinction should be made and can be made among those who violate the laws of the state. It is antithetical to American principles to set up a special category of "political prisoners."

We were most pleased and gratified with the way this particular case was handled by Commissioner McGrath. It was dealt with humanely, firmly, sympathetically, and without publicity.

GROUNDBREAKING FOR NEW WOMEN'S CORRECTIONAL INSTITUTION

On April 11, 1967, the groundbreaking ceremony was held for the new Correctional Institution for Women on Rikers Island. We were

gratified that the principle speaker at this ceremony was Mr. E. R. Cass, who reviewed the detailed history of efforts to provide proper facilities and programs for women convicted of lesser offenses.

INAUGURATION OF PROP

The Association was well represented at the inauguration of the Pre-Release Orientation Program for Adolescents on Rikers Island. Four members of the Executive Committee as well as the General Secretary were present when Mayor Lindsay commended the staff of the adolescent division of Rikers Island, Commissioner McGrath, and the young men themselves who were involved in this latest effort to help offenders return to the community as assets and not liabilities.

PLASTIC SURGERY PROJECT

For the past three years, through a federal grant, a research project on the effectiveness of plastic surgery in changing the behavior of severely scarred offenders has been conducted at the Montefiore Hospital on releasees from the New York City institutions on Rikers Island. The project was terminated this year and the results made public during a small nationwide conference of approximately 50 individuals held in December. Because of our knowledge of professionals in the field, we met with the project director at his request to provide a list of those who should be invited.

While dealing with numbers too small to give significant statistical results, the research project came up with intriguing observations on the differing effect of plastic surgery on addict and non-addict populations and raised many questions for future research.

NEW YORK STATE DIVISION OF PAROLE—IN-SERVICE TRAINING

The General Secretary addressed parole officers in the New York City area district on the work of the Correctional Association. The Association has had a long and friendly relationship with State Parole and we welcomed this opportunity to meet with all of the parole officers at the first in-service training session of the newly combined city and state parole divisions.

MEETING WITH MANHATTAN BOROUGH PRESIDENT

The General Secretary was asked by the Borough President of Manhattan to meet with a group of experts in rehabilitation. This meeting was at the suggestion of Mr. Schulte who is acting as the volunteer

consultant on matters of correction to Mr. Sutton. Those in attendance tentatively agreed to be part of a coordinating body within the Borough President's office to bring about greater coordination among the various public and private agencies working with released offenders.

Among those in attendance at the City Hall meeting were District Attorney Frank Hogan; Commissioner George F. McGrath; Assemblyman Bertram Podell; Director of Probation, John A. Wallace; Borough President, Percy Sutton and Mr. Schulte who chaired the meeting.

COMMITTEE ON REORGANIZATION, CITY OF NEW YORK

The General Secretary and Mr. Schulte met with Councilman Edward L. Sadowsky, Chairman of the Committee on City Reorganization of the New York City Council, to discuss the administration's bill to create a correctional administration for the City. Our major concern over this bill is that it would remove citizen participation from the New York City Department of Correction. The Association has met several times with Commissioner McGrath and has informed the Mayor and members of the City Council of its position on the need to have in existence a Citizens' Advisory Committee created by statute which would act as an advisor on matters relating to correction in the City for the Commissioner, Mayor and City Council.

In the meeting with Councilman Sadowsky we reiterated our previously stated position.

RECOGNITION OF MRS. MARY STEVENS BAIRD

The Association was most pleased to be present when Mrs. Mary Stevens Baird received the first Isaac T. Hopper Award presented by the Women's Prison Association for distinguished citizen volunteer work in the field of correction. Her long and devoted work as a member of the Board of Managers of the New Jersey Reformatory for Women in Clinton, the Board of Control of the State Department of Institutions and Agencies in New Jersey, the Morrow Association on Correction, and the Executive Committee of The Correctional Association of New York were recognized at a gathering of well over a hundred people, many of whom were leaders in the correctional field.

NEWSLETTER

1967 saw the first full year of publication of the Association's quarterly *Newsletter*. Averaging a distribution of 3,000 copies per edition, the *Newsletter* is sent to professionals working in the field, interested citizens, overseas correspondents, and special interest groups at whom

portions of the *Newsletter* are directed. It has been used to explain the New York State Narcotic Control Commission, comparing it with the British system; to précis the New York State Revised Penal Law when it first went into operation; to express the views of the Association on a proposed judicial article for the State Constitution; and to report items of interest in the broad field of the administration of criminal justice. As a result of the *Newsletter*, the Association is slowly building up a mailing list of citizens willing to take an interest in the problems of this field. It has also proved a useful tool for disseminating information within the professional ranks themselves.

ANNUAL REPORT TO THE LEGISLATURE

The 122nd Annual Report of The Correctional Association of New York was formally submitted to the State Legislature on February 16, 1967. Of major importance were those recommendations having to do with the handling of lesser offenders. These included the developments of voluntary and compulsory programs for civil commitment of alcoholics to medical facilities which would provide the indigent alcoholic with medical and social rather than penal treatment. In an attempt to improve county correctional institutions, it was recommended that legislative support be provided to improve the quality, objective selection and impartial appointment of personnel and that funds be provided to develop vocational training and basic educational programs in those institutions. Also recommended were (1) an integrated Department of Correction to consolidate all agencies involved in post convictional handling of offenders; (2) a change in the procedure of selecting judges from elective to appointive; (3) the work furlough program for state penal institutions; (4) modification of the state's abortion law; (5) suggestions for additional correctional personnel trained in the behavioral sciences; (6) expanded camp programs for offenders and non-residential programs for youths who have come to the attention of the law.

MULTILITH TRAINING PROJECT

A significant portion of the time and activities of the Association in the past year were spent on developing a training program in multilith operation for parolees. Started in June of 1966 by conversations with representatives of the Addressograph-Multigraph Corporation, the Association held a series of meetings involving that Corporation, the Division of Parole, and the Adult Training Division of the New York City Board of Education to develop a pilot project to determine the feasibility of training releasees in this particular skill.

The specific questions to be answered by this pilot project were:

1. Whether within a four week period selected parolees could be trained as multilith operators.
2. Whether once trained the individual could be placed in jobs requiring this skill.
3. Whether those trained and placed remained in the occupation with a relatively high degree of personal job satisfaction.

Through referrals from the Division of Parole and screening by the General Secretary, five parolees were chosen to take part in the initial pilot program. Three of these individuals were employed in lesser skilled jobs and two were unemployed. They took part in an intensive all-day one month training program conducted by the Adult Training Division of the New York City Board of Education. During this time the Association provided minimal financial support for their maintenance. With the exception of one individual, who had to drop out due to health reasons, all of the parolees completed the course within the specified period of time and within one week after the completion the Association was notified by the training center that all had been successfully placed.

As a result of this pilot project, it was decided to apply for federal funding under the Manpower Development and Training Act to train 100 carefully selected parolees as multilith operators in a four-month combined classroom and on-the-job training program. As of the end of 1967, the program had received preliminary approval from all offices involved and funding is expected in the early part of 1968.

All three of the governmental agencies who will be involved in providing releaseses for this project—New York State Division of Parole, the New York State Division for Youth and the Federal Bureau of Prisons—have been most enthusiastic.

In addition to training releaseses, there is a serendipitous result of this project. Corporations which in the past have had bars to the employment of ex-offenders now, because of the labor shortage, are willing to consider employing trained multilith operators despite their criminal record.

DEPARTMENT OF LABOR BONDING PROGRAM

As part of its overall concern over the problem of employing individuals with criminal records, the Association became a participating agency in the expanded bonding program conducted by the United States Department of Labor. Originally set up under the Manpower Development and Training Act, the program was established to provide bond coverage for workers whose prospective jobs require bond-

ing but who are unable to obtain bonding through regular channels because of police or criminal records. The program is so oriented that the individual participating agencies have complete control over who will be bonded, requiring no further approval from any governmental agency. The only limitations are those of amount (maximum \$5,000 per month), place of employment, suitability of individuals for the job in question, and inability to obtain bonding through normal channels. The program has been expanded so as to be operative throughout New York State.

PERSONNEL POLICIES

Following the Association's long standing interest in corporate policy toward the hiring of ex-offenders, the General Secretary met with representatives of personnel of a large international corporation including the Manager of Corporate Practices.

The Company, ready to move away from its former position of a complete ban of employment of anyone with a criminal history, has spent the year re-examining its corporate personnel policy. Through a training program already in progress, the Company had already hired several individuals with criminal histories although this was not a primary factor in their being included. There had been no failures among those individuals with previous records.

The Company seems most interested in developing direct programs which will involve ex-offenders. The Association acted as liaison between the Corporation and the New York State Division of Parole in order to supply the corporation with data on the type of manpower which would be available for such a project. An announcement of the change in hiring policy is expected in early 1968.

GOVERNOR'S ADVISORY PANEL TO THE SPECIAL COMMITTEE ON CRIMINAL OFFENDERS

The Advisory Panel to the Governor's Special Committee on Criminal Offenders, of which both the present and past General Secretaries are members, had its first meeting in 1967. Of paramount concern was that the Advisory Panel would have review right over any recommendations for administrative or legislative changes made by outside experts.

It was most gratifying that former Assemblyman Richard Bartlett, Chairman of the Temporary Commission on Revision of the Penal Law and Criminal Code was selected as Chairman of the Advisory Panel.

GOVERNOR'S COUNCIL ON CRIME

The Association was pleased to note that the Governor modified his original proposal to create a super crime control department which would lump together law enforcement such as state police with those departments involved with the rehabilitation of offenders such as the Department of Correction and the Board of Parole. In lieu of such a single super department, which the Association strongly opposed, the Governor asked the Legislature to create a crime control council which would coordinate activities of the several state agencies that combat crime. Further, in line with the Association's recommendation, Governor Rockefeller has asked his special Committee on Criminal Offenders to study the possibility of consolidating all the state's agencies for treating and rehabilitating offenders. Not only was this part of the Association's recommendations to the Legislature for 1967, but the plan was outlined in correspondence with the Governor in December of 1966 at which time we urged him to abandon the idea of merging all state departments involved in crime into one.

HEARINGS ON BAIL

The Association was represented at the hearing of the Joint Committee on Penal Institutions to investigate the bail system. These hearings were occasioned by a suicide in the Tombs of a young man placed there because he was unable to make \$500.00 bail. The hearings centered more on the problems of suicide and the conditions existing in detention institutions than on the bail system itself.

THE CRIMINAL CODE AND BAIL PROCEDURE

The General Secretary met with the Executive Director of the Temporary Commission on Revision of the Penal Law and Criminal Code to review with him the study document presently being prepared of a new code of criminal procedure for the state.

The effect of our long and continuous contact with this Commission can be noted through some of the drastic changes being proposed in the new code. Of great interest is the fact that our continual emphasis upon a review of the philosophy and procedure of bail has brought forward a liberalizing of a hitherto rigid bail system. Under the new code, a more flexible set of sureties may be used as a combination of low cash bail together with sureties being authorized. In addition, for those individuals with roots in the community, a personal bond may be signed entailing no money or surety other than signing that which is comparable to a "judgement note" in civil matters.

JOINT LEGISLATIVE COMMITTEE ON PENAL INSTITUTIONS

As a result of a surprise visit to the Brooklyn House of Detention for Adolescents by Assemblyman Bertram Podell, Chairman of the Joint Legislative Committee on Penal Institutions, and the anguish over what he saw there, a public hearing on the situation was held by this Committee. Members of the Committee who visited the Brooklyn House contended that there was a dearth of activities; that the boys were crowded into day rooms; that recreation was inadequate and that there was an absence of such necessities as toothbrushes and toothpaste.

During the week intervening between the visit by the members of this committee to this institution and the public hearing, the Association visited the institution and was in close contact with Commissioner McGrath and the jail inspection service of the Federal Bureau of Prisons.

At the hearing, a young man, then out on \$2,500 bail on a stolen credit card charge, testified that during his month's stay in the institution he had not showered, that the food was bad and that he received no time in recreation. Testimony of this surprise witness was countered by the warden who pointed out that the young man was in the institution for only 12 days during which time he was under psychiatric observation because of a mental hospital history in the past. Further testimony pointed out that an individual must bathe once every week and can bathe as frequently as he desires during his free time.

The basic problem of the institution, as pointed out by the Association, rests with the overcrowding and the fact that the institution was built for an adult population and not for adolescents. As a result, activity facilities and classrooms are extremely limited. This fact has been recognized for a long time and money appropriated and plans drawn to build a new adolescent remand shelter on Rikers Island.

A seeming disparity between an increasing crime rate and a decrease in prison populations motivated Chairman Podell to hold a two-day public hearing of his committee in the City in the later part of the year. Among those who testified were Commissioner George McGrath; Lester Goodchild, Administrative Director of the Criminal Courts of the City of New York; Council President Frank O'Connor; and a representative of the New York City Police Department.

Undoubtedly the most important point to come out of this public airing of crime in New York City was made by the Administrative Director of the Courts, Lester Goodchild, when he pointed out the very heavy burden the courts were carrying. The average time available for an arraignment in criminal cases is 180 seconds and only 30 seconds in

traffic cases. Added to the regular cases the court hears are the masses of demonstrators who are arrested (some 600 anti-draft demonstrators were processed in one week alone). The need for additional judges in this court is quite obvious.

The disparity between an increasing crime rate and a decreasing state prison population can be accounted for in a number of ways.

1. A greater use being made of probation.
2. The transfer of jurisdiction of narcotics addicts to the narcotics addiction control commission.
3. Shorter sentences.
4. An increased use of parole.

ABORTION LAW REFORM

The Association has been actively involved with a group of organizations interested in reform of the New York State Abortion Law. Some 20 organizations representing a wide spectrum of thought on abortion law reform are involved in a loosely constituted Organization for Abortion Law Reform and Ad Hoc Committee for Abortion Law Reform.

Representing the Association, the General Secretary presented testimony to a joint hearing of the Codes and Health Committees of the Assembly on the proposed revision of the state law. The changes supported by the Association would modify the existing law to allow abortions when

1. Pregnancy is the result of rape or incest;
2. The mental or physical health of the mother would be impaired by the continuation of the pregnancy;
3. There is substantial risk of the child being born mentally or physically abnormal;
4. The woman is unwed or under 15 years of age or mentally ill or mentally defective.

Owing to an unprecedented attack mounted by the Roman Catholic Church in opposition to the bill, it failed to be reported out of committee. However, it should be noted that since that time three states, Colorado, North Carolina and California, have enacted into law bills approximately the same as that which was introduced in this state. Also, England has broadened its abortion law to include not only those provisions proposed in New York but also to include economic and social grounds for terminating a pregnancy. In light of the actions and results of polls taken by members of the State Legislature, abortion law reform is considered to have a better chance in the 1968 Legislature.

The Association shall continue to work with other interested organizations in an effort to bring about a revision in what we feel is an

"overly harsh law." To the Association, it is cruel and inhuman to require a woman who is the victim of a rape, or a girl who has been forced to submit to incestuous intercourse to be further penalized by a statute which prevents an abortion under these circumstances.

AID TO CHILDREN OF VICTIMS OF CRIME

The Association was approached by the President of a private foundation to develop a program to provide financial assistance to the children of the victims of crimes so that they could continue their education. Owing to certain technical difficulties the program was not realized this year, the Association hopes to be able to carry out this project in the future.

PROSTITUTION

In September 1967 the Revised Penal Law for the State of New York took effect including a section which changed prostitution from a misdemeanor with a 6-months maximum sentence to a violation with a penalty of 15-days. In August, immediately before the law took place, the New York City Police Department instituted full scale "sweeps" principally in the Times Square area. The General Secretary met with the newly appointed administrative director of the Criminal Courts of the City of New York to discuss the legal basis of this clean-up of prostitution. It was felt that the mass pick-ups were an attempt on the part of police to off-set the fear that the City would become overrun by prostitutes owing to the reduction in sentence. First the arrests were made on disorderly conduct charges. When the majority of these cases were dismissed because the charges could not be substantiated, the District Attorney instructed the police to arrest on loitering charges. Counsel for the girls so charged argued that since prostitution was not technically a crime under the new penal law, the arrests were illegal. The District Attorney argued that the word "crime" in the loitering statute was generic and not specific. The courts, however, finally decided that the arrests were being made illegally.

The mass arrests caused a great deal of administrative difficulties in the lower courts as well as in the Department of Correction which is responsible for the detention of the girls arrested.

Anticipating activity in the next session of the Legislature to raise the penalty for prostitution, the Association appointed an Ad Hoc Committee to study the entire question, focusing principally upon whether or not prostitution itself should be a crime. A research paper was prepared, drawing heavily on the experience of the American Social

Health Association in this country as well as reports received by the Social Defence Section of the United Nations on conditions in the rest of the world. Of particular interest were the legal approaches to prostitution being practiced by other countries (see Appendix A).

Following several meetings of the Ad Hoc Committee on Prostitution, the General Secretary met with the Executive Director of the Temporary Commission on Revision of the Penal Law and Criminal Code to discuss some tentative thoughts brought out by that Committee. As had been anticipated, there was a great deal of pressure being placed on the Temporary Commission to revise upward the penalty for prostitution. The police, the District Attorney's office, and the hotel industries were pressing to have the penalty for prostitution increased from its present 15-day maximum to at least a 3 months' maximum. The situation is considered so serious that the Temporary Commission was meeting with the Commissioner of Police and the district attorneys for New York county.

The Ad Hoc Committee on Prostitution came to certain preliminary conclusions pending further study. First of these was the agreement that prostitution itself should not be considered a crime. It was felt this fell under the heading of actions between competent consenting adults in private. The importance of separating the field of private morality from considerations of public order, public welfare, and public health was stressed. It was agreed that solicitation, presenting a public annoyance, should be prohibited, however.

THE CORRECTIONAL ASSOCIATION'S DIRECT SERVICES

EMPLOYMENT AND RELIEF BUREAU

In the act of incorporation of The Correctional Association of New York passed by the New York State Legislature in 1846, Article First reads as follows:

"The objects of the Association shall be:

1. The amelioration of the condition of prisoners whether detailed 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 a honest livelihood and sustaining them in their efforts at reform."*

An individual released from a New York State correctional institution receives \$20.00 cash and a suit of clothing appropriate for the season. An individual released from one of the City institutions on Rikers Island is given 25¢. Both may have accumulated some savings if they were lucky enough to have been working at a job for which they got paid. A man so released is free from the confinement of locked doors. He is not free from the fears and anxieties that economic pressure can bring. In a world in which to be free must mean having enough money to allow one to use one's freedom, these men are not free.

Following its 121 year old mandate from the State of New York, the Employment and Relief Bureau of The Correctional Association of New York for the year 1967 offered to 1,076 individuals the "support and encouragement" to help them in their efforts at reform."

Most of the men are newly out of prison. If they have families, they are generally on Welfare. Almost all are unskilled. But their problems are much greater than that of not having a profession. These men do not have the money to buy the subway token to take them to the employment agency. They do not have the money to pay the fee that most agencies require. They do not have the money to buy the clothes and the tools necessary to take on a job. They do not have the money to pay for transportation and food for that first week or two until they receive a pay check. This is the kind of support, encouragement and sustenance which the Employment and Relief Bureau can offer. By far the greatest proportion of monetary help given by the Bureau goes to cover the usually unheeded expense of carfare. The Bureau works with an employment agency which collects its fees on an installment plan, charging sometimes as little as \$5.00. Often the Bureau pays the \$5.00. There is money for tools, clothes, rent for a night or two, and the myriad of small expenses which are essential to the functioning of an individual.

Not all the men who come to the Bureau qualify for direct monetary aid. Some are on Welfare. Some come from out of state institutions and as such do not fall under the province of this Association. Some are relatives concerned with problems such as alcoholism and narcotics addiction. Whenever possible, the individual is referred to the proper organization for his particular problem. The effort is always made to give him the assistance that he needs to bolster his depleted reserve of initiative and independence.

While the Association is routinely providing counsel and financial assistance to innumerable releases from correctional institutions daily, periodically we become involved in some unique cases. The following is one such case:

We were contacted by the State Parole Division which needed help with a 61-year old inmate who had been institutionalized for 34 years for fatally shooting a man he was attempting to rob. This individual, eligible for parole, had been taken from Sing Sing to St. Barnabas Hospital for a neurological examination for Parkinson's disease, a condition he had been suffering with since his middle twenties.

It was determined that neuro-surgery could be helpful. The individual could be paroled but was without funds or relatives. Arrangements for Medicaid and emergency welfare could not be made until the individual was a resident of the City, yet he had no place to stay.

The Association made arrangements with the Sloane House of the YMCA to provide lodging and food which allowed the inmate to be released from Sing Sing on parole.

As soon as the individual arrived in New York City at the Sloane House an application for emergency welfare was submitted and processing for Medicaid started. Within two weeks, working together with the Division of Parole, we had the individual placed on the Welfare roles and completed arrangements with Medicaid. He was admitted to St. Barnabas Hospital on 31 July 1967 to undergo surgery. If the surgical procedure is successful this man will be employed at the Odd-fellows Home in the Bronx as a house painter.

This is but one example of ways in which the direct service phase of the Association is such an important part of the total correctional process of the State.

STATISTICS FOR EMPLOYMENT AND RELIEF BUREAU 1967

Different men interviewed	1,076
New York State parolees	1,029
Probation applicants	24
Out of state institution applicants	12
Relatives of inmates	11
Other interviews	1,415
Applicants provided with employment	373
Total night lodgings provided	208
Applicants given cash for carfare, shelter, food and tools	922
Total relief given for food, shelter, cash and employment	\$12,072.65

FAMILY SERVICE BUREAU

Mrs. P. is five and a half months pregnant. She has a ten year old son at home. Her husband has just been sentenced to five years in a federal

prison. It will be at least two weeks before she will start receiving welfare and the only money she has are the coins in her pocket. She needs direct, immediate, unhesitating help.

There are 6,036 cases in the files of the Family Service Bureau of The Correctional Association of New York. These cases represent 6,036 men in prison, some 24,000 wives, parents, in-laws, relatives—the people whose day to day existence depended upon the now imprisoned men—and approximately 17,500 children.

Mrs. C. never gets out of the house. Because of her three children she cannot take a job. Because her husband is in prison very few people will have anything to do with her. She can go neither to her family nor his with her problems. She comes to the Family Service Bureau to talk, to question, to explain—to shift, for a few minutes a month, some of the responsibilities from her shoulders to someone else's. She needs help and understanding—longlasting, amorphous, intangible, but real.

For the year 1967 the Family Service Bureau had thirty nine active cases. Eight were closed during the course of the year for various reasons, generally because the man of the family had come home. Those thirty nine cases represent 155 people. Most of the families are on Welfare. They are the luckier ones. The less fortunate are those who are attempting to live on the fixed income of pensions or social security in a time when prices are going up seemingly by the day.

Mary Ann is twenty years old. She has one child, a little girl. She was married in May of 1965. Her husband was arrested in September of the same year. She is young, bright, eager—and optimistic. She has borne the slights, snubs and insults of her neighbors. She has accepted being forced to move from her apartment because her husband is "undesirable". She has lived through everything, waiting for her husband to come home so that she can start living the life which she sees in front of her.

Mrs. S. was born in 1900. She has only one living relative, her thirty year old son who is serving a sentence in a New York State Prison. She does not speak English and can only make herself understood when a neighbor will accompany her to serve as interpreter. She lives in a furnished room in someone else's apartment. She is too old to take the twelve hour bus trip to see her son. She does not think about the future—for her the word has no meaning.

The women who come to the Family Service Bureau defy any stereotype. They are young, middle-aged, and old. They are attractive and they are homely. They are all colors and all religions. They are wives, mothers and grandmothers. They are quick, slow, healthy, ill, nervous, calm, understanding or bewildered—but all of them are essentially alone.

The thirty nine active cases of the Family Service Bureau for 1967 represent 112 children, all living a fatherless existence, either not knowing at all what is happening—or knowing too much. They are usually small, pinched, frightened. It is the rare one that knows how to laugh. Almost all are ill, ranging from perpetual colds owing to poor diet, insufficient clothing and almost heatless apartments to congenital heart conditions, rheumatoid arthritis and brain damage. None have gone on to college. For most it is a struggle to finish high school. They are slow in school and disruptive in class. They do not understand the world and the world does not understand them.

The purpose of the Family Service Bureau is to give what assistance it can to families whose men are serving prison sentences in an attempt to hold the family unit together. This help includes direct monetary aid—the woman who needs \$12.00 to redeem her sewing machine from the neighborhood pawn shop; the one who needs \$14.00 immediately to keep her utilities from being disconnected; or the woman who has received money from Welfare only for her transportation to Atlanta to see her husband whom she has not seen for two years: the Family Service Bureau was able to supply the money to buy food for the family during the four days of the trip, money without which the Welfare check would have been useless.

The assistance of the Bureau may be in terms of telephone calls and letters to unravel the twisted skein of Welfare and to release immediately the Welfare check necessary to keep a woman and two children from being evicted.

And finally, the Bureau listens. It listens to all of the things which cannot be said to family, friends, children or husband. It listens to the doubts and fears and anxieties. It attempts to answer the questions. It serves as the one place where the women can cry.

In the 63rd Annual Report of the Association for the year 1907, Samuel J. Barrows, President of the International Prison Commission, wrote: "In spite of the fact that we profess not to punish the family for the acts of its members, that is what we are doing all the time. The prisoner's family not only has to bear the mental suffering which comes from the wrongdoing of a member, but an economic burden is often laid upon the family greater than it can bear. The prisoner himself is sure of plenty of food and shelter: he will not receive any notice to quit because he cannot pay his rent. It is the wife, the mother, the children, who suffer in this way. The family had been living close to the margin of comfort; it has no accumulated resources; it depends upon the labor of husband or father, and when this is withdrawn, it is plunged into poverty and destitution.

"Under our present legal system we are punishing the family in many cases much more than we punish the offender."

The Family Service Bureau attempts to ease that mental and economic burden and to lessen the unsought, unjust punishment.

STATISTICS FOR FAMILY SERVICE BUREAU FOR 1967

Families in active category January 1, 1967	52
New Cases accepted	11
Cases reopened	3
Total number of cases during year	66
Cases closed	39
Families in active category December 31, 1967	27
Total amount of financial assistance	\$5,185.33
Families provided with Christmas dinner and toys (total of 110 persons)	27
Children and mothers sent to summer camps	31
Families visited in the home	31
Office interviews	396
Agency visits	58

**THE CORRECTIONAL ASSOCIATION'S
LEGISLATIVE ACTIVITIES**

LEGISLATION

Throughout its 123 years of existence, the Association has been analyzing and evaluating various bills relating to the administration of justice introduced into the Legislature. 1967 was no exception. Following the objective study of all bills embracing our field of interest, the Association may register support or opposition with the chairman of the various committees to which bills have been referred and with individual members of the Legislature. When a bill has been passed and forwarded to the Governor, the Association continues with written approval or opposition.

On January 4 the 190th Annual Session of the State legislature convened. A number of weeks before this date, the legislative work of the Association had begun, examining the many pre-filed bills which numbered 619 in the Senate and 1,581 in the Assembly.

By the time the session was adjourned 4,645 bills had been introduced into the Senate and 6,090 had been introduced into the Assembly. While the large majority were in areas outside of the interest of the Association, it was necessary to review the summary of every introduced bill in order to determine those which were of interest to the Association. A detailed study was then made of each relevant bill to determine whether or not the Association should include it among those on which a major effort should be exerted.

The following are some of the bills on which the Association focused its attention and took a position during the 1967 Legislature:

SENATE INTRO. 4604

MENTAL DEFECTIVES CONVICTED OF A CRIME

This bill permitted the sentencing of male mental defectives over 16 convicted of a crime with a maximum greater than 90 days to the custody of the State Department of Correction, for confinement in the Eastern Correctional Institution or any other special institution for the care, treatment, training, and custody of mental defectives. It also contained the provision that such an individual would be eligible for parole and conditional release without regard to the fact that he had been confined in a correctional institution for mental defectives. This the Association supported. Now Chapter 477 of the Laws of 1967.

SENATE INTRO. 2494 STATE FUNDS FOR

COUNTY CORRECTIONAL INSTITUTIONS

This bill provided that capital expenditures for new penitentiaries or

rehabilitation institution facilities, approved by the State Commission of Correction, would be financed ½ by state funds and ½ by county funds.

Since the Association continually emphasizes local responsibility for crime and its control, we opposed this bill. Failed of passage.

SENATE INTRO. 851 RELEASE CLOTHING

This bill provided for an increase in the value of clothing provided inmates released from state correctional institutions and county penitentiaries. Since the Association believes that the existing clothing allowance is insufficient, it supported this bill. Failed of passage.

SENATE INTRO. 1584 WORK RELEASE

This bill provided that the Department of Correction should develop a work furlough program under which inmates sentenced for not more than two years could be released during reasonable and necessary hours to work at gainful private employment.

While the Association believes that this bill was much too restrictive, it supported it in principle. Failed of passage.

SENATE INTRO. 4349 CREATION OF A

CRIME CONTROL COUNCIL

This bill created in the Executive Department a Crime Control Council to advise and assist the Governor in developing policy, plans and programs for improving the coordination and effectiveness of the administration of justice. This the Association supported. Now Chapter 167 of the Laws of 1967.

ASSEMBLY INTRO. 5856 LOCAL PAYROLE BOARDS

This bill transferred to the State Parole Board the functions of the only local Parole Commission, namely, that of New York City, created under Article 7A of the correction law. In addition, it increased the number of the members of the State Parole Board from 10 to 12.

This the Association supported. Now Chapter 324 of the Laws of 1967.

ASSEMBLY INTRO. 5759 SEX OFFENDERS

This bill provided that certain sex offenders could not be released on parole except upon the recommendation of a psychiatric clinic. Since the Association believes that the authority to release on parole should be vested in one body and the introduction by statute of an additional group would seriously interfere with proper parole functions, the Association opposed the bill. Failed of passage.

ASSEMBLY INTRO. 160

COST OF MAINTAINING A STATE PRISONER

This bill provided that when a state prisoner is housed in a city of the first class the state should provide the full cost of maintaining the prisoner. Because the Association believes that it is a state responsibility to maintain any state prisoner no matter where housed, we supported this bill. Failed of passage.

ASSEMBLY INTRO. 4305

WORK RELEASE FROM COUNTY INSTITUTIONS

This bill provided that inmates of county correctional institutions could be granted the privilege of leaving their confinement during reasonable hours to pursue gainful private employment.

Since the Association supports the concept of work release it approved this bill. Failed of passage.

ASSEMBLY INTRO. 4572 SEX OFFENDERS

This bill, similar to several others, provided that the State Parole Board could not release on parole certain sex offenders unless their release had been recommended by a psychiatric board. As we believe final and complete responsibility for parole must rest with one body we opposed this bill. Failed of passage.

ASSEMBLY INTRO. 2568 ABORTION

This bill amended the penal law to authorize the State Health Commissioner to approve hospitals for therapeutic abortions which could be performed under certain specified conditions including the endangering of the life of the mother, impairment of the physical or mental health, including abnormalities of a child and if the pregnancy resulted from an act of rape or incest. In keeping with the Association's position to bring about a more realistic abortion law in the state, this the Association supported. Failed of passage.

ASSEMBLY INTRO. 4084 ADULTERY

This bill repealed the provision in the revised penal law making adultery a misdemeanor. In keeping with our previously expressed position on an unenforced statute should not be in the criminal code, this bill we supported. Failed of passage.

ASSEMBLY INTRO. 4085 SODOMY

This bill repealed the provision of the new penal law making it a misdemeanor to engage in homosexual intercourse. The Association

concurring with the American Law Institute believes that the private behavior between competent consenting adults is not a matter for state intervention. This bill we supported. Failed of passage.

ASSEMBLY INTRO. 1989 PROBATION

This bill provided that cities including New York City which had a separate probation service should be subsidized by the state to a 50% payment of the expenses for maintaining and improving this local probation service.

Since the Association believes that probation should be a state function administratively as well as financially we supported this bill. Failed of passage.

ASSEMBLY INTRO. 4287

LOCAL CORRECTIONAL INSTITUTIONS

This bill provided that the state finance 75% for the first \$100,000. and 50% of all money expended above that amount by counties for the rehabilitation services rendered to persons incarcerated in county penitentiaries.

Since the Association believes that government should remain as close to the people as possible, the financial responsibility, likewise, rests with the local authorities. We opposed this bill. Failed of passage.

ASSEMBLY INTRO. 4484 SEX OFFENDERS

This bill provided that certain sexually dangerous persons could be committed to a treatment center under the jurisdiction of the Department of Mental Hygiene and that that Department would make periodic examinations and report annually to the District Attorney of the County from which the individual came. This bill the Association supported. Failed of passage.

APPENDIX "A"

GOVERNMENTAL ATTITUDE AND ACTION TOWARD PROSTITUTION

I—HISTORY

The history of prostitution, both heterosexual and homosexual, goes back as far as recorded history itself. The incidence of prostitution and, especially, the attitudes of a given society and government towards it, is a function of the general sexual conduct of that particular society. It depends, to a great extent, on the position of women within that society and on the way in which it views the institution of marriage. Prostitutes have held all positions on the social scale ranging from slaves through the hetairae of Greece and the courtesans of Renaissance Italy to the demi-goddesses of Babylonia and Lydia.

Social anthropologists—as opposed to sociologists—find no prostitution in primitive societies owing to polygamy, early marriage age and sexual freedom. However, all of the early cultures, both mid- and far-eastern, had their religiously based tradition of prostitution, which very quickly moved outside the precepts of the church.¹

No matter what the popular and religious feelings were toward prostitution, it seems never to have been free from some sort of governmental restriction or regulation. In ancient Rome, all prostitutes were taxed much to the well being of the state's coffers. This arrangement was fought by the early Christians as giving governmental license to sexual immorality. The laws of Theodosius and Justinian made procuring and keeping of brothels illegal, but did not proscribe prostitution. There were, however, limitations placed on the activities of prostitutes, most notably proscribed and proscribed modes of dress. The earliest attempt at rehabilitation of prostitutes dates back to the reign of Justinian. The Empress Theodora, herself an ex-prostitute, set up across the Straights from Constantinople the Convent of Repentance for the involuntary confinement of streetwalkers. There is no statistical evidence from this experiment; however, contemporary reports indicate that it was neither popular nor successful.²

There is a marked change in the attitude toward prostitution in post-Roman Europe. The Middle Ages were ruled almost exclusively by the

¹James, p. 22

²Henriques, pp. 26-30

Church which was unalterably opposed to prostitution. Among all of the medieval peoples, prostitution itself was declared outside of the law and severely punished. Among the Gauls prostitutes were stoned and driven from the community. Penalties meted out by the Goths ranged as far as death. These penalties included imprisonment, fines, shaving the heads of prostitutes, scourging and, for repeated offenses, making the prostitutes the slave of a poor man and forbidding her access to towns.³ Throughout the high Middle Ages, extreme laws were handed down concerning anyone connected with prostitution. Such famous rulers as Charlemagne and Frederick Barbarossa applied themselves to this question. (It might be noted that Barbarossa's concern was primarily with his soldiers on the way to and during the Italian campaign.⁴)

With the end of the Middle Ages and the coming of the Renaissance there is another shift in societal and governmental attitudes toward prostitution. In his classic study on European prostitution, Flexner attributes this change primarily to the growth of cities. During the Middle Ages, European cities were insignificant in size. It is with the revolution in trade that major cities start to mushroom throughout Europe. This is accompanied by a much larger floating population than had heretofore existed and the beginning of the change in the family unit. Medieval prostitution had been limited and definite; modern prostitution was to be huge and vague.⁵ The views of the church also underwent a change. Both Augustine and Aquinas thought of prostitution as an evil necessary to the health and functioning of society.

True government regulation begins in Europe in the 13th and 14th centuries. Louis IX, Saint Louis, had attempted to abolish completely prostitution. The results were so unsuccessful that the law was changed to allow prostitution, but only in certain parts of the city and under the supervision of a special branch of the government which had police powers. In both France and Germany, there were strict dress limitations to mark visibly the profession of prostitutes. This was done not so much to keep honest women from being mistaken for prostitutes but to keep prostitutes from being mistaken for honest women.⁶

Even in 16th century Venice where prostitution was rampant and the courtesan was close to the top of society, there were laws prohibiting the frequenting of certain public places and extremely severe penalties

³*Ibid.*, pp. 33-34

⁴*Ibid.*, pp. 40-41

⁵Flexner, p. 8

⁶Henriques, pp. 42-44

for procurers and owners of brothels.⁷ At the same time as there were penalties against private houses, the states themselves were instituting public ones. Much of this was in an attempt to combat the ubiquitous presence of the streetwalker and to control private vice.⁸ Publicly run brothels were finally economically defeated by the competition of the private individual.

The first large scale attempt to control prostitution comes with the Reformation and the attendant shift in religious attitudes.⁹ The 17th and 18th centuries are marked by these sporadic, and in the main ineffectual, efforts. Public baths in both England and France had become so notorious as hot beds of prostitution that they were closed by Henry VIII and Francis I in their respective countries.¹⁰ In 1770 in France, Restif de la Bretonne, in *La Pornographe*, elucidated the first full system of true government regulation of prostitution, including medical examinations.¹¹ The 1790's saw the first initiation of compulsory medical examinations in Paris and Berlin.¹² By the time of the Bourbon Restoration in France, the administrative system of licensed houses and card carrying prostitutes had been set. It is interesting to note that with the exception of England, all systems pertaining to prostitution in Europe were the result of police regulation, not legislative enactment.¹³

This period of the mid and late 19th century marks the high point of the regulationist system. Even the United States had a brief experiment with it and England instituted compulsory medical examination only to abolish it 20 years later as ineffective.¹⁴ After the turn of the century regulation is abandoned by one government after another, owing primarily to police corruption, disregard for order, and the spread of disease.¹⁵

The formation of the international abolitionist movement was actually given impetus by the passage of the Contagious Diseases Act of 1866 in the United Kingdom. The first success of this movement came with the suspension of this act in 1883 and its ultimate revocation shortly thereafter. For approximately a ten year period following World War I, the trend was definitely away from government regula-

⁷*Ibid.*, p. 85

⁸*Ibid.*, p. 46

⁹Chesser, p. 22

¹⁰Henriques, pp. 61-62

¹¹*Ibid.*, p. 138

¹²Bullough, *History of Prostitution*, p. 167

¹³*Ibid.*, p. 170

¹⁴*Ibid.*, p. 172

¹⁵Flexner

tion. This trend which held steady during the 30's, picked up again after World War II and by the late 1950's, the vast majority of countries in the world had abolished their systems of government regulation.

II—SYSTEMS APPLICABLE TO PROSTITUTION

There are four systems which a government can apply toward prostitution: classical regulation, regulation without tolerated houses, abolitionism and prohibitionism.

In the system of classical regulation, prostitution is regulated by governmental authority. This system includes both open brothels (*maison tolérées*) and licensed prostitutes. An individual running a brothel is subject to various governmental obligations: all women living in the house must be registered; any new woman arriving must be presented to the medical authorities and the police; no woman who is infected with venereal disease can be allowed to practice prostitution; no woman is allowed to leave the house unaccompanied. Neither minors nor inebriated individuals are allowed to patronize the premises, and often the sale of alcoholic beverages in the establishment is prohibited.

In this system, the individual prostitute—one who is not attached to any house—carries a card which is issued by the police. While this card is not supposed to be a permit to solicit, it is in practice the equivalent of that, since the woman who attempts solicitation without it is liable to sanctions from which the woman who possesses the card is exempt. While this system can be established by law, most often it arises from simple administrative regulation whence it derives its name. It has even happened that the system was established by the police in direct opposition to existing legislation.

As of 1959, there were 27 countries and various sub-divisions of three others which practiced government regulation of prostitution.

The second system is that which is called neo-regulation. It is actually a modification of classical regulation, allowing the licensing of individual prostitutes but not of houses. Often this system marks the transition period of a country moving from classical regulation to abolition or prohibition. Generally, the means of licensing prostitutes follows that of the system of regulation, with the important exception that control is more often vested in the health authorities rather than in the police. As of 1959, there were approximately 12 countries in this category.

The abolitionist system is the one that is in greatest use in the world today. It takes its name from the vocabulary of the movement to abolish slavery in this country and is aimed not against prostitution it-

self but against its regulation by a public power. It condemns any governmental regulation of prostitution including tolerated houses and cards.

The basis of abolitionist philosophy has been stated by the International Abolitionist Federation as follows:

"Considering that the simple fact of personal and private prostitution concerns only the conscience and does not constitute a crime, the Federation declares that the intervention of the state in the matter of morals must be limited to the following points:

"Punishment of acts committed or attempted to corrupt the morals of minors.

"Punishment for accomplishing or attempting to corrupt morals by violent or fraudulent means against individuals of all ages and both sexes.

"Punishment of public outrage of decency.

"Punishment of public provocation to debauchery and of procuring.

"Measures taken in this regard must apply to men as well as women.

"In all cases in which soliciting falls under the province of the law, those who pay prostitutes and profit from their industry must be considered as their accomplices.

"The Federation declares that the state must neither impose on a woman any obligatory visit under the pretext of morals nor submit a prostitute to any exceptional system."

As of 1959 there were some 119 countries which had adopted the abolitionist system.

The fourth system which a government can apply to prostitution is that of prohibition. Prohibition, like abolition, condemns tolerated houses and does not issue cards of prostitution, as well as forbidding the exploitation of prostitution of others. However, it is distinguished from the preceding system by the prohibition of prostitution in any form whatever. The prostitute is punished not only for public solicitation, but for the act of prostitution as well. As of ten years ago, there were approximately thirty countries which had adopted the prohibitionist attitude toward prostitution, including the United States.

There are two major objections to the systems of regulation and neo-regulation. In the first one, not only is it difficult to suppress the so-called "white slave trade," but the very existence of recognized houses of prostitution demands the steady flow of women. It is also argued that both of these systems are tantamount to government acceptance and fostering of immorality.¹⁴

¹⁴de Felice. "Situation Abolitionniste."

The arguments against the system of prohibition mainly revolve around the infringement of individual rights. It is claimed that all three systems lead to corruption of police and to furtherance of organized crime. The problem of prohibition of prostitution has at its root the problem of public vs. private morality and the part that the government should play with regard to both.¹⁷

III—VENEREAL DISEASE

The arguments for and against the regulationist system generally concern themselves most with the question of public health. Both sides of this controversy tend to be sophistic and rely on an interpretation of statistics which is highly individualistic.

The percentage of venereal disease spread by prostitutes is a function of the total sexual behavior of a given society. When the majority of sexual intercourse is with prostitutes, then they will accordingly be the source of the majority of infection. This is the case in Africa, Asia and South America where most infections (80 to 97%) do come from contact with prostitutes. In Europe and North America, however, the picture is entirely different. Here, the incidence of infection by prostitutes ranges from 2 to 39%, the low figure being for Canada (2 to 4%) while the high figure is for the United Kingdom (15 to 39%). The United States is in the lower percentage group with an incidence of infection of 5 to 13%. (These figures are as of 1956, and there is some indication that they might be even lower now.) It also should be noted that for the purpose of these statistics, the category of "prostitute" includes the "good time girls" who are paid in goods or social outings rather than money.¹⁸

Even outside of the above considerations, it is generally held that medical examination of women, while it undoubtedly benefits them, has little effect on the spread of disease. It has become a commonplace to note that the woman who is medically checked at 9:30 can be reinfected by 10:00. Obviously the only efficacious method of medical examination is to require compulsory examination of the men and not the women involved. It is interesting to note that at least one authority who argues for licensed houses on the basis of health reasons states his argument in terms of compulsory medication for the client who patronizes the establishment.

A fairly recent occurrence in the medical treatment of venereal disease has been the use of prophylactic doses of penicillin. The dosage

¹⁷Benjamin, pp. 372-373

¹⁸Willcox, pp. 86-88

ranges from twice weekly shots of two milliliters each to 2.4 to 3 million units given monthly. Penicillin prophylaxis has been used most extensively in the Far East. Mexico has also had some experience with it. The results on the females treated are excellent; however, the effect on the male population is extremely difficult to assess since a large percentage of infection does not come from the medically treated professional prostitute. Even in regulated countries, there is such a large group of clandestine prostitutes who do not come before the authorities that compulsory medical treatment is believed to have a minor if not insignificant effect on the spread of venereal disease.¹⁹ The consensus of opinion in this matter seems to have been best stated by Flexner in 1914 who at that time said that the treating of venereal disease is a health matter falling outside the ambit of the police and can be best served by adequate health facilities and an intensive program of public education. In line with this, the United Nations has suggested that there be ample provision for free and confidential treatment for sufferers from venereal diseases. As a compromise between the adherents of voluntary and compulsory notification of venereal disease, it is suggested that there be wide spread antivenereal disease clinics and dispensaries, a far-reaching program of education and public information, improved research studies on the social aspect of the venereal disease problem and adequate statistical records.²⁰

IV—GOVERNMENTAL ATTITUDES

The basic problem regarding governmental attitudes toward prostitution seems to be that of devising an effective system, protecting the rights of both the individual and society, and one which can and will be enforced. The basis of a society's law is generally speaking the preservation of order. "No act of immorality should be made a criminal offense unless it is accompanied by some other feature such as indecency, corruption, or exploitation."²¹ "Sexual acts or activities accomplished *without violence, constraint or fraud* should find no place in our penal codes."²² "Prostitution, like drug addiction, like liquor, is not a police problem, it never has been and never can be solved by policemen—It is first and last, a medical problem."²³ Indeed, prostitution is not in itself an offense in either English or American common law.

¹⁹Willcox, pp. 89-91

²⁰U. N. *Study of Traffic in Persons and Prostitution*, p. 17

²¹Devlin, p. 3

²²René Guyon, "Human Rights and the Denial of Sexual Freedom" in *Sex and Censorship*, Mid Tower, San Francisco, undated, cited in Benjamin, p. 366

²³August Vollmer, *The Police and Modern Society*, cited in Benjamin, p. 366

The offending of public decency—open solicitation or rowdy houses—was the criterion of an offense.²⁴

These considerations form the basis of the conclusions and recommendations made by the Committee on Homosexual Offenses and Prostitution in Great Britain in its report in 1956. The Wolfenden Report, as it is called, stated that the function of the criminal law is “to preserve public order and decency, to protect the citizen from what is offensive and injurious, and to provide sufficient safeguards against exploitation and corruption of others.”²⁵ It went on to state that “we are concerned not with prostitution itself but with the manner in which the activities of prostitutes and those associated with them offend against public order and decency, expose the ordinary citizen to what is offensive or injurious, or involve the exploitation of others.”²⁶

The Report addresses itself mainly to the question of street offenses since this is the most visible area of prostitution and hence the most publicly objectionable. At the time of the report, the law in effect concerning soliciting was the Metropolitan Police Act of 1839. Under the heading of public nuisance, a fine of 40 shillings was levied on any “common prostitute” who frequented a public place for purposes of prostitution or solicitation to the annoyance of inhabitants or passengers.²⁷ A “common prostitute” is defined as “a woman who offers her body commonly for acts of lewdness for payment.”²⁸ Street-walkers were also prosecuted under vagrancy and disorderly conduct statutes. Male solicitation (both for direct homosexual activities and as steering agents for female prostitution) carried with it a penalty of six months or two years depending in which court the charge was brought.

The two main questions with which the Committee was concerned were

1. Should “annoyance” be a specific ingredient of the offense? and
2. Should the “common prostitute” be the subject of express legislation?²⁹

The question of annoyance became the subject of a great deal of discussion at the time of the Committee hearings. It was pointed out that in Scotland annoyance was held to be self-evident and did not have

²⁴Waterman, pp. 11–12

²⁵Wolfenden, p. 23

²⁶*Ibid.*, p. 133

²⁷2 & 3 Victoria, c. 47

²⁸Wolfenden, p. 136

²⁹*Ibid.*, pp. 140–41

to be proven by direct testimony. The Church of England recommended the following wording:

- “It shall be an offence for any person to loiter or solicit in a street or public place for any libidinous purpose:
- a. to the annoyance of the inhabitants, occupiers of nonresidential premises or passengers or
 - b. so as to constitute a nuisance.”³⁰

The Committee suggested that the very presence of prostitutes be considered a self-evident annoyance and no further specific testimony be needed. It was also recommended that the term “common prostitute” be kept. It was stated that such a designation was necessary to “protect innocent women.”³¹ The ambiguity of the term “common prostitute” is met on the police level through the issuance of anywhere from one to three preliminary cautionary warnings before an individual is arrested under the soliciting statute.

The Committee also took up the question of the renting of premises. It was recommended that it not be illegal for an individual to use her own residence for the purpose of prostitution, even though it might evolve that there be a series of prostitutes in one block of flats, so long as each acts *independently of the other*. The Committee stated that “as long as society tolerated the prostitute, it must permit her to carry on her business somewhere.”³² The report also opposed any special “rehabilitation homes” provided solely for prostitutes.³³

In 1959, a new Street Offenses Act was passed by Parliament. It stated that “it shall be an offence for a common prostitute to loiter in a street or public place for the purpose of prostitution.”³⁴ The scale of punishment was also raised with a maximum fine of ten pounds for the first offense, twenty-five pounds for the second, and twenty-five pounds and/or three months imprisonment for the third or repeated offenses.

The other prohibitions with regard to prostitution are included in the Sexual Offenses Act of 1956. This act consolidates for England and Wales (with adoptions to Scotland and Ireland) all laws concerning prostitution and other sexual offenses. It states that “it is an offence for a person to procure a woman to become . . . a common prostitute.” It is likewise an offence for an individual to keep a brothel, live wholly or in

³⁰Church of England, Moral Welfare Council

³¹Wolfenden, pp. 140–46

³²*Ibid.*, pp. 166–69

³³*Ibid.*, p. 154

³⁴7 & 8 Eliz. 2, c. 57

part on earnings of prostitutes (men) and aid or abet prostitution (women). Male solicitation is also outlawed.³⁵

Japan is an example of both an abolitionist country and a country which has just recently changed from a system of governmental regulation of prostitution. The first recording of prostitution in Japan dates from the eighth century. Organized prostitution, brothels and "slavery" are known to have existed as early as the thirteenth century. Traffic in persons generally had been traditionally illegal and in 1872 the structure was applied specifically to prostitutes.

The first efforts of government regulation of prostitution date from 1900. This legislation stated that the prostitute must be over eighteen, must register with the police, must work only within a given area and must submit to a periodic health examination.

The problem of prostitution was greatly intensified during and by the allied occupation of Japan after 1945. The first change in government regulation was brought about by an order from the Supreme Commander. In 1946, the Supreme Commander for the Allied Powers occupying Japan wrote "The maintenance of licensed prostitution in Japan is in contravention of the ideals of democracy and inconsistent with the development of individual freedom throughout the nation." The government was directed to repeal all laws which authorized prostitution. This resulted in the abrogation of the Ordinance of 1900 with a resultant spread and scattering of prostitution. In 1948, prostitution itself was made illegal with little effect. By 1952, at the end of the occupation, there were forty-four local public ordinances for the control of prostitution, twenty against prostitution itself. As of 1956, the figures on prostitution for Japan were as follows:

"Red lamp" districts	49,916
quasi "red lamp" districts	24,904
"gay quarters"	24,357
around U. S. base camps	3,575
	<hr/>
	102,752
call girls and streetwalkers	29,981
	<hr/>
total prostitutes	132,733

[There were 13,100 prostitutes reported in Tokyo. The highest concentration was found in Kanagawa with 18,249 (11,968 streetwalkers and call girls).]

³⁴4 & 5 Eliz. 2, c. 69

The culmination of government activity with regard to prostitution came with the passage of the Anti-Prostitution Law in 1956. This act was considered "the direct outgrowth of United States occupation which gave the vote to women for the first time." "The purpose of the law is, in view of the fact that prostitution is against the dignity of human beings, sex morals, and good manners in the society, to suppress and prevent prostitution by punishing such acts as promotion of prostitution and at the same time by taking measures for the rehabilitation of those females who are prone to prostitute themselves judging from their disposition, behavior and environment."³⁶ The law is made up of six component parts. Public solicitation and public advertising were to be punished by a maximum of six months imprisonment. Procurement could have a maximum sentence of two years; inducement to prostitution, three years; profiting from prostitution, five years; knowingly furnishing a room for prostitution, three years; and keeping a brothel, ten years. All of the offenses had accompanying fines ranging from 10,000 to 3,000,000 yen (approximately \$30.-\$900.). The act also provided for a Rehabilitation Consultation Office to be established in Tokyo and staffed mainly by the Departments of Parole and Probation. Prostitutes are referred to this office by a public prosecutor either before case disposition or on suspended prosecution. The Office makes a study of the individual and her background and works out a suitable rehabilitation program which can include a residential phase, training, education or re-education, employment and resettling.³⁷

Another country which has recently changed from a regulationist to an abolitionist policy is India. Resulting from the United Nations' stand of 1950, the Indian suppression of Immoral Traffic in Women and Girls' Act was passed in 1956 relating to all matters concerning prostitution and traffic in women. The law prohibits brothels, living on earnings of prostitution, aiding and abetting prostitution, and causing to prostitute. Anyone found guilty of attracting attention in any way for the purpose of prostitution or soliciting, loitering, causing obstruction or annoyance or offending against public decency is liable to six months for first offense and one year for second and multiple offenses with an accompanying fine of five hundred rupees. The only prohibition on prostitution itself is that concerning "any woman or girl who carries on prostitution, and the person with whom such prostitution is carried on, in any premises which are in a distance of two hundred yards of any place of public religious worship, educational institution, hostel,

³⁶Japan. Law No. 118, May 24, 1956

³⁷Ministry of Justice. *Material Concerning Prostitution and Control in Japan.*

hospítal, nursing home."³⁸ This law has had no noticeable effect on prostitution in India although the fact that as of the 1961 census there were thirteen million more men than women is considered to be a contributing factor.³⁹

Italy ended its era of legalized prostitution in 1958 as a direct result of post-war agitation by women. The law originally called for an eight day jail sentence and \$3.50 fine for an individual found guilty of soliciting. However, owing to the appalling increase in streetwalkers following the closing of the brothels, the law was amended in 1965 to up the penalty to four months in jail and \$135.00 fine. It was also amended so that police can "invite prostitutes to move on whenever their conduct is considered 'scandalous and vexacious.'" Two week medical checkups are compulsory for women who have been fined for "open enticement to sexual intercourse."⁴⁰

France is one of the few major European countries practicing a neo-regulationist system of prostitution control. In 1946, all brothels were abolished and police legislation was supplanted by the 'fichier sanitaire' of the Ministry of Health. This is a central health and social card index in which all prostitutes must be inscribed. Prostitution, per se, is not illegal but public solicitation by male or female is punishable by a prison term of six months to five years and a fine of \$40. to \$400.⁴¹ Arrests, however, are usually made not for solicitation but for vagrancy and related lesser offenses.⁴²

German history in prostitution is an excellent example of the development of systems by administrative practice rather than by legislation. Brothels have been banned in Germany since 1927 although prostitution is not illegal. In order to cope with the problem of streetwalking the German police have encouraged various procedures, most notably confining prostitution to "whore's quarters" and thereby isolating it from the rest of the community. They have also favored a custom which originated in the 1950s and is peculiar to Germany. A series of hostels of prostitution have been opened in several German cities. The most recent of these, named the "Eros Center," has recently opened in Hamburg with another planned for Munich. Hamburg is generally considered to have the most flourishing and flagrant prostitution trade in all Europe.⁴³ The Stuttgart house, opened in 1958,

³⁸India. Act. No. 104 of 1956.

³⁹Benjamin, p. 422

⁴⁰Newsweek, 8 Nov. 1965.

⁴¹Reports from Governments."

⁴²Benjamin, p. 427

⁴³Sunday News, 22 Oct. 1967, p. 58s.

houses seventy-one girls. The hours are 11:00 A.M. to 11:00 P.M., closed on Sundays and holidays. The Dusseldorf hostel was opened in 1962 and has 228 tenants. There is a system of bi-weekly medical examinations. Statistics show that the Dusseldorf hostel caters to 8,000 customers a day at \$3.75 each. These hostels are considered as normal residence hotels. In actuality, they bear a striking resemblance to the public, government approved brothels which existed in past centuries. In the Hamburg building the women do not live in the rooms for which they pay, but rather share them with other women on a shift basis. Such residence hostels are considered by the various city governments as effective means of moving prostitutes off the streets.⁴⁴

Statistics from Hungary following the closing of brothels and adoption of the abolitionist system in 1950 show no significant change in the numbers of prostitutes coming before the courts or in the incidence of venereal disease. They do indicate an actual decrease in the number of indecent assaults.⁴⁵

Denmark, also an abolitionist country, has the provision that a prostitute may be ordered by the police to seek lawful employment and may be imprisoned for up to one year if she does not do so. It is also law in Denmark that any person who offends public decency by her way of life is liable to imprisonment.⁴⁶

The United States is the leading prohibitionist country in the world. Until World War I, brothels of prostitution flourished in this country. The first activity prohibiting prostitution came in 1917 government legislation which restricted such activity within the area around military camps. State laws soon followed including injunction and abatement laws providing for the closing of houses as public nuisances. By 1919, nineteen states had enacted repressive legislation (including New Jersey but excluding New York.) By 1948, every state in the union had enacted some form of repressive legislation. Prostitution is illegal in all of the states. However, both Nevada and Arizona have local option in the matter. This has resulted in the anomalous condition of having brothels exist in two communities in Nevada while they are outlawed in every other community in the United States. The trend in commercialized prostitution, on the rise during the late 1940s after a low point in 1944, has been steadily declining over the last fifteen years.⁴⁷ (New York City does not reflect the national picture in this case, a fact attributed to the high degree of drug addiction with its close connection

⁴⁴Time, 23 July 1965

⁴⁵Reports from Governments."

⁴⁶Ibid.

⁴⁷Shenehon, pp. 15-17

with flagrant prostitution.) This nationwide drop in prostitution, however, is attributed less to laws and their enforcement than it is to the improvement in the position of women in society as a whole and the greatly lessened rigidity toward sexual behavior resulting in increased extra marital relations and a host of so-called "amateurs" and part-timers who are providing stiff competition for the professionals.⁴⁸

The question in the United States with regard to prostitution is no longer one of government regulation and open houses. It is more a quest for that approach which is legally most sound, most protective of the individual as well as society, and most effective in controlling prostitution as well as the development of effective rehabilitative measures.

⁴⁸Benjamin, p. 377

APPENDIX "B"

POSITION OF THE UNITED NATIONS AS STATED IN STUDY ON TRAFFIC IN PERSONS AND PROSTITUTION

Most of the change in the area of government regulation of prostitution has come about as a result of various international conventions on the subject. All of these were included in the United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others approved by the General Assembly on 2 December 1949. This Convention supports the abolitionist approach towards prostitution, advocating the ending of all government regulation and particularly the closing of licensed or tolerated houses. It is based on the proposition that "prostitution and the accompanying evil of traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community."

The Convention consolidates the following international instruments concerning prostitution:

1. International Agreement of 18 May 1904 for the Suppression of White Slave Traffic.
2. International Convention of 4 May 1910 for the Suppression of White Slave Traffic.
3. International Convention of 30 September 1921 for the Suppression of Traffic in Women and Children.
4. International Convention of 11 October 1933 on the Traffic in Women of Full Age.

The Consolidated Convention also includes a 1937 draft convention prepared by the League of Nations.

The United Nations' position is that prostitution, per se, is not illegal. Rather, the Convention calls for punishment of any third individual who acts as a procurer or exploiter of the prostitution of another. It also calls for repeal of any existing laws dealing with governmental regulation of prostitutes. It is interesting to note that as of 1959 neither France, Germany, the United Kingdom or the United States have become signatories to this Convention.

The four basic principles of the Consolidated Convention are:

1. abolition of any form of the regulation of prostitution;
2. the repression of the third party profiteer;
3. the prevention of prostitution;
4. the rehabilitation of its victims.

The major change in this Convention over those preceding it is that it emphasizes rehabilitation and prevention rather than punishment.

While the abolition of government regulation invariably leads to an increase in both clandestine prostitution and streetwalkers, it is felt that such abolition clears the way for other measures aimed primarily at maintenance of public order, suppression of the exploitation of prostitution of others, prevention of prostitution and rehabilitation of persons so engaged. In answer to the question "as to the extent to which the law should take cognizance of clandestine prostitution and of the public provocation of prostitution," the United Nations states that "to protect minors and to maintain public order, prostitution with and of minors, as well as soliciting for the purpose of prostitution, may be proscribed; adult prostitution should not be singled out from all other moral sins and brought within the realm of the penal law." In order to safeguard public order and decency, loitering and soliciting for the purpose of prostitution should be proscribed. However, such prohibition should be dealt with by law and not by police order and administrative regulation. It is the position of the United Nations that the scope of such a law should cover all acts which constitute a serious nuisance or cause public disturbance, and not be limited to persons known as "common prostitutes" as is done in some countries. Proof should be dependent upon self-evident public nuisance rather than annoyance, and practices of police espionage and entrapment should be discontinued as they invariably lead to graft and corruption. It has been found that fines and prison sentences are considered as a kind of business tax and professional hazard and do not effectively deter individuals from a life of prostitution.

For these reasons, the emphasis of the United Nations' statement is on preventative and rehabilitative measures rather than punitive or deterring ones.

BIBLIOGRAPHY

I BOOKS

- Benjamin, Harry, and Masters, R.E.L. *Prostitution and Morality*. New York: The Julian Press, Inc., 1964.
- Bullough, Vern L. *The History of Prostitution*. New Hyde Park, New York: University Books, 1964.
- Chesser, Eustace. *Live and Let Live; The Moral of the Wolfenden Report*. London: William Heinemann, Ltd., 1958.
- The Church of England. Moral Welfare Council. *The Street Offences Bill*. London: The Church Information Board, 1959.
- Devlin, Patrick. *The Enforcement of Morals*. London: The Oxford University Press, 1965.
- Flexner, Abraham. *Prostitution in Europe*. New York: The Century Co., 1914.
- Henriques, Fernando. *Prostitution in Europe and the Americas*. (Volume II of *Prostitution and Society*.) New York: The Citadel Press, 1965.
- James, T.E. *Prostitution and the Law*. Altrincham, Great Britain: William Heinemann Medical Books, Ltd., 1951.
- Scott, George Ryley. *A History of Prostitution*. London: Torchstream Books, Revised Edition, 1954.
- Waterman, Willoby C. *Prostitution and Its Repression in New York City 1900-1931*. New York: Columbia University Press, 1932.

II PUBLIC DOCUMENTS

- Great Britain. Committee on Homosexual Offenses and Prostitution. *The Wolfenden Report*. New York: Stein and Day, 1963.
- Great Britain. Metropolitan Police Act. *Statutes at Large*. 2 & 3 Victoria (1839).
- Great Britain. Sexual Offenses Act, 1956. *Statutes at Large*. 4 & 5 Elizabeth 2, (1956).
- Great Britain. Street Offenses Act. *Statutes at Large*. 7 & 8 Elizabeth 2 (1959).
- India. Suppression of the Moral Traffic in Women and Girls' Act. Act. No. 104 of 1956. Commentary by Shrinath Prasad Srivastava. Patna-Pahuja Bros., 1960.
- Japan. Ministry of Justice. *Material concerning Prostitution and its control in Japan*. (1957).

United Nations. Economic Council. Periodic Reports on Human Rights. E/CN.4/757, /add 4, /add 5, /add 7, (1958-1959).

United Nations. Dept. of Economic and Social Affairs. *Study on Traffic in Persons and Prostitution*. New York, 1959.

III ARTICLES AND PERIODICALS

Bullough, Vern L. "Streetwalking-Theory and Practice," *Saturday Review* (Sept. 4, 1965), page 52.

International Review of Criminal Policies. No. 13, Oct. 1958.

United Nations, ST/SOA/SER.M/13. sales No: 58.IV.4.:

de Felice, Theodore, "Situation Abolitionniste Mondiale."

"Reports from Governments."

Shenon, Eleanor. "The Prevention and Repression of Prostitution in North America." (Condensed from a paper from the American Social Hygiene Association)

Willcox, R. R. "Prostitution and Venereal Disease."

(prepared on behalf of International Union against Venereal Diseases and the Treponematoses.)

Newsweek. 1945-1967

The New York Times. 1950-1967

Time. 1958-1966

THE CORRECTIONAL ASSOCIATION'S FINANCIAL STATEMENT

THE CORRECTIONAL ASSOCIATION OF NEW YORK
GENERAL FUND
STATEMENT OF INCOME AND EXPENSES
YEAR ENDED DECEMBER 31, 1967

INCOME

Donation—Special Purposes:		
The Greater New York Fund	\$ 3,320.00	
Grand Street Boys Fund	629.64	
Shaw Foundation	7,000.00	
Other Funds	2,354.00	
Total	13,303.64	
Donations—unrestricted	19,280.94	\$32,584.58
Endowment Income		
Dividends	30,909.20	
Interest	23,792.71	54,701.91
Sale of Publications		785.73
Miscellaneous		20.22
TOTAL INCOME		88,092.44

EXPENSES

General Administration		31,188.33
Direct Services		
Financial Aid—Prisoners and Families (cash, food, clothing, etc.)	\$17,667.98	
Family Service Bureau—Administration	8,944.28	
Employment Bureau—Administration	11,080.39	37,692.65
Publications	1,213.79	
Travel Expenses	2,684.42	
Equipment, Supplies, Printing and Stationery	2,873.03	
Postage	818.41	
Telephone and telegraph	1,291.73	
Professional and Legislative Services	882.70	
Investment Custodian Fees	4,033.58	
Membership, Periodicals and Miscellaneous	2,636.60	
House Maintenance	6,786.57	
Pensions	10,924.74	
Employees' Retirement Plan	2,291.00	
U.S. Old Age Benefits Tax	1,892.63	
Disability and Workmen's Compensation	381.35	
TOTAL EXPENSES		107,591.53
EXCESS OF EXPENSES OVER INCOME		<u>\$ 19,499.09</u>

AUDITORS' OPINION

We have audited the books, accounts, minutes and other records of The Correctional Association of New York for the year ended December 31, 1967. In our opinion the statement of income and expenses shown above presents fairly the results of the operation of the General Fund for that year.

New York, New York
April 25, 1968

WEBSTER, HORNE & ELSDON
Certified Public Accountants

CONSTITUTION AND BY-LAWS

An Act to Incorporate The Correctional 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 Correctional 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 prison 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.

*FORMERLY, The Prison Association of New York. At a special meeting of the members, the name was changed on February 1, 1961 to The Correctional Association of New York and this change was duly recorded with the Secretary of State.

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 detention, 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.

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 ordered 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 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 employment 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 fourth 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 fourth Thursday of January in each year at an hour and place to be designated by the executive committee.

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

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

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

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

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

1. The reading and approval of the minutes of the last preceding meeting.
2. Report of treasurer.
3. Report from standing committees.
4. Report from the corresponding secretary.

*As amended by the Executive Committee of the Association, December, 1931, February, 1938, May, 1954 and May, 1961.

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 commit-

*The position of Associate Treasurer was created by the Executive Committee at its meeting in May, 1961.

tee, 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.

The funds of the association shall be divided into two parts to be known as

1. The endowment fund.
2. The general fund.

The Endowment Fund.—The endowment fund shall consist of such contributions as shall be given with the restriction that the income only shall be used for the purpose of the association, and all legacies.

The Endowment and General Funds.—The endowment and general funds shall be under the immediate direction and control of the committee on finance, and all investments of the endowment fund shall be ordered by the committee, of which the treasurer shall be a member and chairman.

The securities belonging to the association shall be kept in a custodian department of an institution selected by the members of the committee on finance.

The executive committee may in their discretion draw upon such portions of the endowment fund as are unrestricted, for the general purposes of the Association.

The General Fund.—The term "general fund" shall cover all receipts of the association not constituting a special fund or specified for the endowment fund, the intention being that all the income, except