

STATE OF NEW YORK

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THE NINETY-EIGHTH ANNUAL REPORT

OF THE

Prison Association of New York

135 East 15th Street, New York

1942



ALBANY  
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1943

## PREFACE

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

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

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

## IN MEMORIAM

### George W. Kirchwey

Dr. George W. Kirchwey, born July 3, 1855, died Tuesday, March 3, 1942. He became a member of the Executive Committee of the Prison Association of New York in 1907 and one of its Vice Presidents in 1916.

Dr. Kirchwey will perhaps be best remembered as a professor and as dean of the Albany and Columbia Law Schools and as a champion of prison reform. He was an admirer of the late Thomas Mott Osborne, and by the appointment of Governor Whitman succeeded him as Warden of Sing Sing Prison. He served as Counsel for the Prison Inquiry Commission of New Jersey in 1917, was a member of the Penal Investigation Commission for Pennsylvania in the following year, and in 1925 lectured on criminology at the University of California. As head of the Criminology Department of the New York School of Social Work he trained hundreds of probation and prison workers.

We shall always recall the fervor of his interest, his being unafraid to stand alone in defense of his convictions as he associated them with progress, his quickness of mind, flavored with a ready sense of humor, and his genuine interest in mankind. These and other enviable qualities enabled Dr. George W. Kirchwey to serve conspicuously in many worthy causes and to be of help to those in high and lowly places.

Therefore, Be it Resolved, that the Executive Committee of the Prison Association of New York records its sorrow at the loss of a true friend in its aims and objectives, and

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

### Alexander M. Hadden

During his nearly eighty years of life, Alexander M. Hadden gave thought and action for the benefit of his fellow man. For forty-three years he was a member of the Executive Committee of the Prison Association of New York. He devoted considerable time to the benefit of the families of men in prison, young men coming from the Elmira Reformatory, men at Sing Sing Prison and inmates of the old City Prison known as the Tombs. He was a familiar figure at Sing Sing for many years and at the Tombs visiting from cell to cell, giving cheer, guidance and hope, and many times material aid, to those who had fallen. His unostentatious ministrations enabled many to take a new hold on life and regain a level of respectability. He was a devoted churchman and

in later years added to his interests by rendering service in behalf of students in this and other countries. He had a charm of manner and a forcefulness of personality as well, evincing a strong desire for the fulfillment of things worth while. His passing on September 2, 1942 deprives the Executive Committee of a valuable member.

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

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

#### THE PRISON ASSOCIATION OF NEW YORK

In the latter part of the year 1844 there appeared in the papers of this city a notice addressed to the public, and signed by the President of the Board of Inspectors,<sup>2</sup> of Sing Sing Prison, inviting "the attention of the benevolent to the destitute condition of discharged prisoners." Soon after the publication of this notice a meeting was held, and that meeting marked the birth of the Prison Association of New York, the first organization of its kind in the State. At the meeting it was decided that the scope of the Association's activities should not be limited solely to the care of the discharged prisoner, but that the Association should concern itself intimately and generally with the treatment of the prisoner, regardless of his place of detention. In other words, at the beginning, the sponsors of the Association recognized the importance and gravity of the crime problem and were not content to confine themselves to one phase of it. By an act of the Legislature the Association was incorporated in 1846 and given authority to visit and inspect the prisons and required to report annually to the Legislature. (See Preface, page 3)

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

<sup>2</sup> The managing body of the prison.



View of Clinton Prison, Dannemora, New York, in 1868. The average number of prisoners in that year was 318. Clinton Prison was established in 1844.

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## THE PRISON ASSOCIATION OF NEW YORK

### OFFICERS FOR 1942

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

*Corresponding and General Secretary*  
 E. R. CASS

*Assistant Secretary*  
 ROBERTS J. WRIGHT

#### *Vice-Presidents*

C. C. AUCHINCLOSS                      GEORGE W. KIRCHWEY\*  
 HAROLD K. HOCHSCHILD                      HERBERT L. PRATT

#### *Executive Committee*

EDWIN O. HOLTER, *Chairman*

#### *Class of 1942*

RICHARD F. BABCOCK†  
 LEWIS E. LAWES  
 RICHARD C. PATTERSON, JR.†  
 FRANCIS E. POWELL, JR.

#### *Class of 1944*

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

#### *Class of 1943*

MRS. JULIUS OCHS ADLER  
 CHARLES SUYDAM CUTTING†  
 DAVID DOWS  
 HENRY G. GRAY

#### *Class of 1945*

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

#### *Consultant*

J. G. WILSON, M.D., *Psychiatrist*

† Granted leave of absence for duration

\* Died March, 1942

\*\* Died September, 1942

**STANDING COMMITTEES FOR 1942**

**COMMITTEE ON LAW**

GRAY, KIRCHWEY, SAGE, LAWES, ALEXANDER

**COMMITTEE ON FINANCE**

AUCHINCLOSS, SAGE, HOCHSCHILD, PRATT, SWAN

**COMMITTEE ON DETENTIONS**

DOWS, PATTERSON, HADDEN, SWAN, MRS. DULLES

**COMMITTEE ON NOMINATIONS**

AUCHINCLOSS, HOCHSCHILD, SAGE

**COMMITTEE ON PROBATION AND PAROLE**

ALEXANDER, POWELL, CUTTING, TAYLOR, MRS. PORTER

**COMMITTEE ON PRISON ADMINISTRATION**

LAWES, BARROWS, NORTON, SHAW, DAVIS, BABCOCK

**NINETY-EIGHTH ANNUAL REPORT OF THE PRISON  
ASSOCIATION OF NEW YORK**

February 4, 1943

HON. THOMAS W. WALLACE,

*Lieutenant-Governor of New York:*

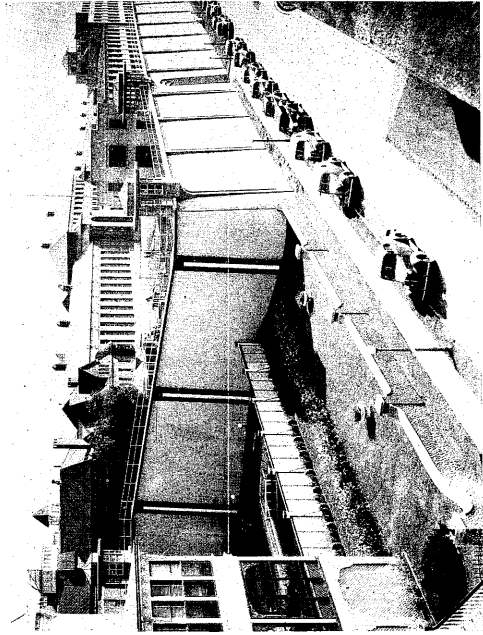
Sir.—In accordance with Chapter 163 of the Laws of 1846, we have the honor to present the Ninety-eighth Annual Report of the Prison Association of New York, and to request that you will lay the same before the Legislature.

Respectfully,

THE PRISON ASSOCIATION OF NEW YORK

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





Exterior view of Clinton Prison, Dannemora, N. Y., showing new buildings and wall.

## RECOMMENDATIONS\*

February 4, 1943

To the Honorable Members of the Senate and Assembly:

In accordance with Chapter 163 of the Laws of 1846, we have the honor to present the following recommendations, as a *part* of the 98th Annual Report of the Prison Association of New York, to the Legislature, and urge that they receive your serious consideration.

Respectfully submitted,

THE PRISON ASSOCIATION OF NEW YORK

E. O. HOLTER, *President*

E. R. CASS, *General Secretary*

### PREFACE

The Prison Association of New York in presenting the following Recommendations to the 1943 Legislature, does so with full cognizance of wartime demands and restrictions. As we indicated to the Legislature one year ago, we are not urging legislative action on any proposal that the Association does not deem of vital and immediate importance to the people of the State in these days of war. We recognize, however, the necessity of keeping certain proposals before the people and their official representatives with the anticipation that these Recommendations will receive the attention of the first peacetime legislative body.

The thought foremost in the daily activity of the Prison Association, as it is with all patriotic bodies, is Victory. As is pointed out in following sections of this ninety-eighth Annual Report for the year 1942, we feel that our contributions to the war effort are highly significant.

\* Each member of the Legislature received a copy of the Recommendations on February 4, 1943.

### ARE WE GETTING VALUE FOR OUR MONEY?

Governor Thomas E. Dewey has, on several occasions, made known his desire to effect a "streamlining" of the State government. The underlying thought behind this plan is obviously one of greater efficiency particularly in these days of war. To date, action has been taken in several branches of the government leading toward study of function and clarification of procedure. We know that taxpayers everywhere will welcome this inquiry into the various outlets of the funds paid to the State by them.

Holding to the point of view that the time is appropriate for a survey of its functions and operations, the Prison Association of New York recommends that the Legislature institute an evaluation of the aims and achievements of the State Department of Correction. The primary thought behind such a survey should be: Are we getting full value for our money, particularly in light of wartime needs? This study should concern itself with an evaluation of the effect of our institutions to determine to what extent they can add to the public welfare. The last such taking of stock, so to speak, was performed in 1930\* and the progress of penology during the intervening thirteen years has been of such importance that it seems desirable that the State's philosophy of correction be measured in terms of this progress. The Federal Bureau of Prisons, for example, was one of the most backward systems in the country but during this thirteen year period it has become an outstanding leader.

This is not suggested as a "head-hunting" expedition but rather the taking of an inventory of what is being accomplished, its value, and the reexamination or the restatement of a program.

The survey suggested should, of course, cover such aspects of correction as personnel, medical and psychiatric service, prison industries, education, methods of administration, classification, employment of prisoners and rehabilitative efforts in general. It would seem that one of the greatest tasks of any correctional system today is to furnish skilled manpower to the total war effort and at the same time protect society from recidivism.

*New York does not need new prison buildings* but there is need for greater progress and more effective leadership that will take new hold of long-standing problems and direct them more speedily toward solution. Physical needs and improvements are not neces-

\*The Commission to Investigate Prison Administration and Construction, created by Legislative authority. The personnel was as follows: Sam A. Lewisohn, Chairman; Julia E. Jeffrey, Secretary; Thomas C. Brown, E. E. Cass, Milan E. Goodrich, Hastings H. Hart, James R. Robinson, Fred J. Slater, Walter N. Thayer, Jr., Ex-Officio; George R. Fearon, John J. Dunnigan, Russell F. Dunmore, Irwin Steingut.

sary at this time but a progressive program and virile leadership is needed.

The Prison Association, therefore, enters the following as its first and most important recommendation:

I. It is recommended that the Legislature institute an evaluation of the aims and achievements of the Department of Correction. This undertaking should evaluate the effort of the institutions to determine to what extent they can further add to the public welfare. This should compare favorably with the thorough and searching study conducted in 1930 by the Commission to Investigate Prison Administration and Construction. *This is not a recommendation for new buildings or post-war construction. It is a recommendation for an improved and revitalized correctional program.*

The Legislature of 1943 should not be overburdened with time and effort not directly in line with the emergency demands of the times and for this reason the Prison Association restricts its remaining wartime recommendations to the following ten proposals; and points out that the additional eight recommendations are of equal importance but of a character requiring exploration and study and consideration as to the appropriate time for action.

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

It is urgently recommended that the Legislature continue to give renewed and unqualified support toward the utilization of the manpower and facilities of prisons to the war needs.

#### Comment:

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

Again in our 97th Annual Report to the Legislature\*\* we urged the full and unqualified legislative support of the Department of Correction in this interest to the end that the labor of prisoners shall

\* Legislative Document (1941) No. 61. 96th Annual Report of Prison Association of New York for year 1940.

\*\* Legislative Document (1942) No. 52. 97th Annual Report of Prison Association of New York for year 1941.

not be lost as a potent possibility toward the fulfillment of war needs.

During the year 1942 the Association in cooperation with the American Prison Association campaigned vigorously to the end that national laws restricting prison labor be terminated for the duration. On May 6, 1942 the Attorney-General of the United States, in response to an inquiry by the President, submitted an opinion indicating that "In my opinion there is no impediment in Federal law to the procurement of war materials by the Federal Government either from Federal or from State prisons." As a result of this opinion President Roosevelt wrote Donald Nelson, Chairman of the War Production Board, to the effect that machinery be set up to put into operation the intent of the opinion.

In summarizing the relationship of New York's prisons to this program it can simply be said that *there is need for more war work*. The green light to proceed has been given, but there are still far too many prisoners idle and in some instances doing unnecessary tasks wholly unrelated to the war effort.

The prison industries of this State are being slowed down and our State Department of Correction should be able to solicit orders for war work without State Defense Council limitations. *They should be allowed to go and get this business*. At a meeting of the 72nd Annual Congress of Correction of the American Prison Association held in Asheville, North Carolina, in October 1942 it was emphasized by representatives of the Penal Industries Section of the War Production Board that war orders are available for prisons but that *they must be sought*. The New York State Department of Correction should be *active and free* to go after this business. *The business won't come to it!*

The road for progress in this direction is clear and there is no real reason why, for example, in these days of need, the prison industries at Sing Sing Prison should be sharply on the decline. It was found recently at Sing Sing that the knit shop is operating at 1/2 of capacity, the shoe shop at 75 per cent, the glove shop at 45 per cent, the sheet metal shop is practically shut down and the brush and mattress shops are nearly shut down. Manufacturing facilities such as may be found at this institution together with the manpower that is available, *should not be idle*. That is quite obvious. War orders are needed and must be solicited without hindrance.

At the same time the Association makes a special plea for increased farm production and for the resumption of road work on the part of prisoners. From a practical point of view, and again in the interests of the war effort, prisoners should be permitted to repair and recondition, for example, dirt and other country roads thus facilitating transportation over the outlying sections of the State. A great many institutions throughout the country are stepping up

*farm production* as their contribution to the war effort. The institutions of New York State should do likewise and if legislative support is necessary in the direction of added funds for this purpose, this should be forthcoming. Governor Dewey, addressing the State Agricultural Society on January 20, 1943, stated in his plea to farmers that "As we fight a global war, one battle may be won and another lost. . . . On the home front, however, there are battles we cannot lose. If one American crop falls short of requirements, that is a battle which is lost and its effects are felt all over the world. . . . In short, we know that food alone cannot win the war, but the lack of food could lose the war."

Every effort should be made to increase the farm production of state institutions to the maximum capacity.

We urge, again, that the Legislature give every consideration to the greater application of the State correctional institutions to the war effort. Present conditions make for a situation that should not exist in these days when the labor of every man and the productive capacity of every machine and every acre of ground should be at work in the cause of Victory!

### III. NEED FOR INCREASED LIBERALITY ON THE PART OF THE BOARD OF PAROLE TO THE END THAT ELIGIBLE MEN WILL MORE RAPIDLY BE PLACED IN EMPLOYMENT

It is recommended that, in the interest of facilitating the induction of parolees in the armed forces and their employment in war industry, Article 8, Section 214 of the Correction Law be amended to permit greater flexibility of determination of fitness for parole on the part of the State Board of Parole.

#### Comment:

Article 8, Section 214 of the Correction Law provides that no prisoner shall be released on parole " . . . unless the Board is satisfied that he will be suitably employed in self-sustaining employment if so released." This section has led to the interpretation that there must be a bona fide job secured for or by the prisoner before he can be released. While this is generally sound we nevertheless believe that at all times there should be entrusted to the Parole Board flexibility of determination and decision. Therefore, a rigid policy such as that adhered to for a long time by the Parole Board holding men two, three or more years overtime should be increasingly altered in wartime.

It is, of course, obvious that the average man in prison cannot find employment unless he is personally available for the demands

of the employer. The Prison Association, for example, has been able to obtain a number of positions for men held in prison under the interpretation of this law, but at the same time we have many more job vacancies than we have available men. This is occasioned by the fact that employers cannot wait indefinite periods pending the decision of the Parole Board and the subsequent mechanics of release. *Employers today need men now!* They will not and cannot wait and further they are not disposed to hire men "sight unseen" as is obviously necessary in submitting a job offer for the release of a prisoner.

This situation has resulted in the detaining of as high as 600 men in the prisons and about 250 boys in Elmira Reformatory otherwise eligible for immediate parole. While this number has been measurably decreased of late the decline is undoubtedly temporary in nature.

It has been and it is now our recommendation to the Legislature that Section 214 be modified so as to allow the Board of Parole discretion in the releasing of a prisoner when it is felt that with the aid of friends, relatives or qualified agencies, in addition to his own efforts and personal appearance, he might be able to secure employment. This release could be conditional and subject to revocation if the Board is not later satisfied that the parolee is exerting every effort to honestly obtain work.

Section 214 of the Correction Law should, therefore, be amended to read as follows: (The italicized phrase is new) "No prisoner shall be released on parole except by the unanimous vote of the Board of Parole nor unless the Board is satisfied that he will (be) *make a conscientious effort to become suitably employed in self-sustaining employment if so released.*"

The Prison Association of New York has too long been identified with the advancement of parole in this State to be a party to any movement that would be detrimental to good parole administration. The record over the years substantiates the fact that the Association was largely responsible for the introduction of parole in New York State and its subsequent progress to the point that the present organization and procedure far surpasses that of any other State.

#### IV. IMPROVED TREATMENT OF YOUNG OFFENDERS

It is recommended that, in the light of a gradually increasing rate of youth crime combined with the urgent need for post-war revision in the judicial process particularly as it pertains to youthful offenders, the Legislature take definite action regarding the various proposals made in recent years to improve the methods of treatment of young offenders.

#### Comment:

In our 1940 recommendations to the Legislature we urged that the plan of the American Law Institute, revised to meet the needs of New York State, be adopted.\* We have not lost appreciation of the meritorious approach of that proposal, and we would be glad to see the plan receive legislative approval. However, if any other proposal, submitted by a committee of the Legislature or any individual member can give promise of more immediate improvement in the study, treatment and general handling of the young offender, we would be happy to give our support.

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

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

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

#### Comment:

It is obvious that penal and correctional institutions, in order to be of lasting value to society, must do more than merely detain offenders for varying periods of time. There can be no intelligent program of treatment without the benefits of psychiatric, psychological, educational and other allied services. We continue to feel that the deletion of these services from the budget in 1939, which was "off the record" later admitted as an error, had a telling effect. Although some of the 238 positions then abolished have since been restored, the previous level has yet to be attained. These services

\* See appendix B, Page 107, 96th Annual Report of Prison Association of New York, 1940. Legislative Document (1941), No. 61. Also bill introduced by Senator Desmond, Senate Introductory 1941; Print 2475, 1941 Session.

are vitally necessary toward the determination of personality and the deficiencies of the individual as well as his capabilities and the determining of any behavior problems. The psychiatric and other professional services perform a valuable function in the prescribing of suitable treatment and effecting its correlation with the whole institutional program. These services have demonstrated their value as a part of the United States Public Health Service Program identified with the Federal Bureau of Prisons.

The Prison Association of New York nearly thirty years ago urged and supported the establishment of the first psychiatric clinic in a correctional institution in this State. Established in 1916, the Sing Sing Psychiatric Clinic was a vision which was never allowed to fully crystallize. Up to the time of its discontinuance, brought about by the mandatory decrease in departmental appropriations it contributed to the total administration of the institution. However, it never had a fair chance and existed as an orphan child.

*The professional services are in need of immediate restoration and revitalization.*

## VI. CLASSIFICATION OF PRISONERS AND COMMITMENT PROCEDURE

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

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

### Comment:

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

*As an aid toward the fulfillment of a classification system we have repeatedly recommended to the Legislature that commitments be made directly to the Department of Correction and not to the various institutions as is now the case. Inmates should be received at one institution as was contemplated when the new Sing Sing was authorized in 1916. (See Page 27 of 72nd Annual Report of the Prison Association of New York for 1916). As an immediate step direct commitments to Elmira Reformatory and the New York State Vocational Institution should be stopped and made instead to the Department of Correction. Studies have shown that the treatment programs of both of these institutions have been severely handicapped and retarded by virtue of the character of some of the prisoners sentenced. The intent and expressed purpose of these institutions is not in keeping with the present commitment procedure. The Greene County Grand Jury report during December 1942, regarding the escape of three inmates from the State Vocational Institution at Coxsackie, called attention to the need of a change in the system of committing to this institution so as to allow for a better selection on the basis of the ability of the inmate to respond to the institutional program of treatment.*

Elmira Reformatory, for example, was established by law for the youthful first offender but recent studies show that approximately one-fourth of the inmates are first offenders and over half are of low average intelligence. These and other factors do not make for the best possible use of the treatment policy and facilities of the institution.

In the light of long range planning in connection with this situation, thought should be given to Recommendation IV entitled, "Improved Treatment of Young Offenders."

## VII. ABOLITION OF OLD SING SING CELLS

It is urgently recommended that the Legislature set a date following which the use of the old Sing Sing cells, built in 1825, will be illegal.

### Comment:

For some decades the Prison Association has been conspicuous in the long and earnest effort to terminate the use of the old Sing Sing cells built in 1825, and several hundred of which remain in use. The slogan in 1916 "Sing Sing Must Go," used by the Prison Association when it conducted a vigorous campaign to bring about the closing of the old cells should, so far as they are concerned, be made a reality. The year 1916 was marked by the passage of several important bills relating to the State prisons. One bill, introduced by Senator Henry Sage of Albany County, a Republi-

can legislator and Chairman of the Senate Finance Committee, provided for the establishment of a new prison at either Wingdale or Beckman, and for the establishment of a receiving and distributing prison at Sing Sing. It further provided for the demolition of the old cell blocks at Sing Sing and for the erection in their place of buildings suitable for a receiving and distributing prison, as already noted. The intervening years have made Sing Sing a prison of irregular design characterized by modern and ancient architecture. *The continued use of the old cells, necessitated by the high prison population of recent years, has been to the detriment of society and inmates alike.* The Legislature has repeatedly been urged to stipulate a date after which time the use of the old cells will be illegal. *Their present use is in direct opposition to the best practice and theory of modern penology.* In view of the decreasing prison population together with the fact that there is considerable idleness in Sing Sing, the time would seem appropriate for the demolition of the old Sing Sing cells through the use of available inmate labor. The new prison at Green Haven, which is said to be 85% complete, will be available as a reserve in the event that the total prison population increases after the war.

#### VIII. STATE COMMISSION OF CORRECTION

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

##### Comment:

The Prison Association is largely responsible for the establishment of the State Commission of Prisons, the successor body of which is the present State Commission of Correction. In urging the establishment of the original body, prior to 1894, the Association held that there should be a state financed, independent, free-handed supervisory body to concern itself with the penal and correctional institutions of the State. Under the present arrangement the Chairman of the State Commission of Correction is the Commissioner of Correction. This was not the case prior to 1926. It is evident that there now exists the *anomalous situation* whereby the head of the Department of Correction is also the Chairman of the Commission (a Constitutional provision which we do not consider sound.) The Commission is required by the Constitution to visit and inspect the institutions of the Department of Correction, as well as others. Under present procedure the Commissioner of Correction is in a position somewhat similar to that of a bank president who would be permitted to audit his own books.

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

#### IX. RESTORATION OF THE CENTRAL GUARD SCHOOL

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

##### Comment:

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

The Central Guard School, when it was previously in operation, brought about a noticeable increase in the efficiency of the unformed force. The School should be revived at the earliest possible opportunity. It was one of the outstanding examples of progress and the cessation of its activities has been detrimental to the advancement of the Department of Correction. *The reopening of the Guard School should include provisions for the training of matrons of the correctional institutions for women.*

#### X. EXTENSION OF FINGERPRINTING

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

**Comment:**

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

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

**XI. CONFLICT OF SENTENCES**

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

**Comment:**

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

The following Recommendations are equally as important as the foregoing and merit consideration at the earliest possible date that war conditions will permit:

**XII. EXTENSION OF AUTHORITY OF THE STATE DIVISION OF PAROLE**

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

**Comment:**

In the interests of greater economy, centralization of authority and procedure, and uniformity of policy and practice, legislative

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

**XIII. ESTABLISHMENT OF EXPERIMENTAL UNITS FOR THE TREATMENT OF TRAMPS, VAGRANTS AND CHRONIC ALCOHOLICS**

It is recommended that appropriate legislative action be taken to assure the establishment of experimental treatment units for tramps, vagrants and alcoholics.

**Comment:**

That the present haphazard manner of handling inebriates and vagrants is a failure, none will deny. Since 1858 various attempts have been made to reach an adequate solution to this problem all without long range success, but some, of brief periods of achievement, were thwarted for varying reasons through the years. As it stands now, each county disposes of this problem as it seems best. Some are doing a much better job of it than others but segregation in itself is not the answer. An intelligent and scientific treatment process is desired based on the findings of a number of professional studies under consideration by national research organizations. This problem can be solved, but not by imprisonment or mere segregation alone. The Legislature is urged to initiate a study of this problem and lend its support throughout.

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

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



**Comment:**

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

#### **XV. EXTENSION OF CIVIL SERVICE TO INCLUDE EMPLOYEES OF COUNTY PENITENTIARIES**

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

**Comment:**

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

It is acknowledged, however, that if Recommendation XIV is adopted the provisions of Recommendation XV will automatically be fulfilled.

#### **XVI. APPOINTMENT OF MATRONS IN COUNTY JAILS AND PENITENTIARIES**

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

**Comment:**

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

**XVII. PROBATION**

*Special Note:* The Prison Association of New York has, through the years, made a number of recommendations relating to the extension and improvement of probation in the State of New York. Probation has improved but it still requires further improvement in the interest of its greatest service to the people. The value of probation depends upon the extent and quality of its administration. We were the pioneer agency identified with probation service in the Court of General Sessions (Manhattan) and stood alone for many years urging improvement of probation work in that Court. The Probation Department of the Court of General Sessions, as it has operated for about fifteen years, reflects our vision, hopes and campaigning. However, we do not believe there should continue the unevenness of probation service in this city as now exists and has prevailed for too long. Probation if good for one court should be good for another and should be maintained on the same high level of organization, personnel and procedure. Therefore, we emphasize the desirability of spreading a high quality of probation service to all courts, and, so far as practicable, the grouping of such services so as to assure uniformity of practice and procedure under qualified leadership. In view of the peculiar function and clientele of the Children's and Domestic Relations Courts it is probably just as well that their probation service be considered an exception to this grouping. In any study of this problem the place of these particular probation services will require special attention.

It is not the intent of probation to be considered the exclusive and privileged complement of any specific court. In too many instances court personnel consider their probation service as exclusive property whereas in broad terms, it is in operation for the good of the people and not necessarily for a particular court.

The recommendations dealing with probation concerning which the Association urges legislative consideration are as follows:

- (a) An administrative grouping, so far as practicable, of the seven different and unrelated probation services now in operation in New York City, exclusive of the Domestic Relations and Children's Courts service, and further, the authorization for the providing of necessary funds to assure a high level of organization, personnel and procedure.
- (b) Extending the authority of the State Probation Commission to the point where its authority will be of greater value to the people of the State than its present limited advisory powers.
- (c) The establishment of a state subsidy for the development of probation in those areas not now utilizing this modern treatment procedure.

### **XVIII. COMPENSATION FOR INJURED PRISONERS**

It is recommended that a system of compensation for prisoners injured while employed in the industries or otherwise in the institutions of the State Department of Correction be installed by legislative action.

#### **Comment:**

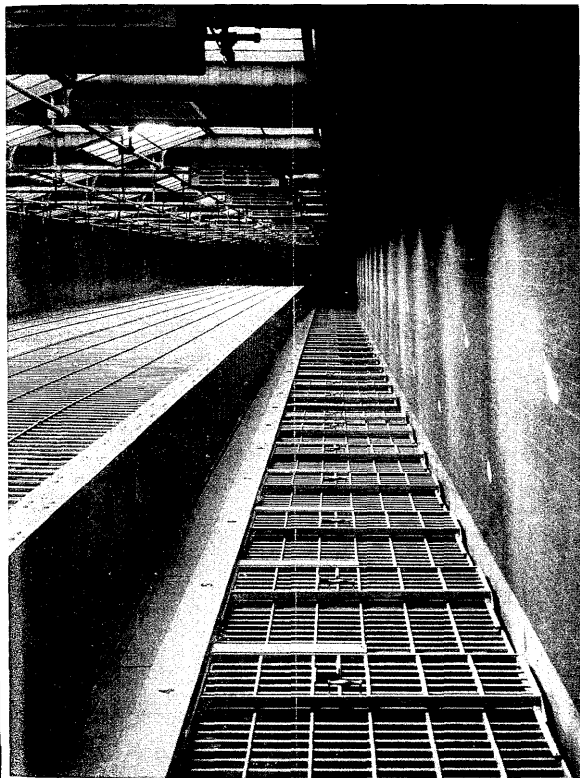
There is no valid reason why compensation should not be paid to prisoners seriously or permanently handicapped through no fault of their own. There are instances where prisoners have been liberally compensated and others where no compensation has been received. This leads to the recommendation providing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

### **XIX. CONSOLIDATION OF COURT OF GENERAL SESSIONS AND COUNTY COURTS INTO THE SUPREME COURT**

It is recommended that the plan of the Judicial Council be adopted by the Legislature. This plan provides for the merger of the Court of General Sessions of Manhattan and the County Courts of Kings, Bronx, Queens and Richmond into the Supreme Court of the State of New York.

#### **Comment:**

The Association urges that in the interests of uniformity and economy of operation the existing criminal courts of Greater New York, listed above, be abolished by title but with a transfer of function to the Supreme Court. The adoption of this plan would permit the assignment of judges to other parts of the Supreme Court thereby making for greater rapidity in the movement of cases; would serve to effect a general economy of operation and would eliminate confusion and overlapping of function.



New cell block of modern design. Clinton Prison, Dannemora, N. Y.

## THE YEAR AFTER PEARL HARBOR

### Penology and a Year of War

The first anniversary of Pearl Harbor—"The date that will live in infamy"—has given opportunity for inventories of achievement in various fields of national endeavor. Likewise the conclusion of the first year of war gives opportunity to plan for the future in the light of past failures. It would, then, seem appropriate to comment on the question: What effect has a year of war had upon the field of correction?

Probably our greatest failure was the Nation's failure at Pearl Harbor on December 7, 1941—*Unpreparedness!* Dive bombers and shell fire brought home to the American people the fact that victories cannot be won by a nation *potentially* prepared against a treacherous enemy whose attack is well planned. We know now as never before that wars are not won by airplanes and battle-ships "on order". No single person or no single fact was to blame for our failure culminated by Pearl Harbor. Our confidence in peace talks, colored by our inherent abhorrence of war, was frankly misplaced. Of that we are now aware and one can safely venture the opinion that the American people will never again find themselves in a similar position.

That fateful December day shook the United States from its somewhat cloudy and lethargic idealism to stark reality.

Every phase of American life was so affected and the fiery reflection of Pearl Harbor upon the field of correction was likewise realistic and brilliant. Prior to the tragedy of that day correction was not attuned to the war effort. Those were the days of a "lend lease" war on the basis of an "all out effort short of war." We were concerned then with "national defense" rather than second fronts—with the propaganda of the isolationists instead of the pleas of the millions of the oppressed—of threatened seven o'clock closings of gas stations rather than the conservation of every last ounce of rubber and the ban of all pleasure driving.

No, no one can be blamed for that; it was a misguided and misinformed natural trend which engulfed the great majority of the people. In fact, it was a prevalent prewar American trait.

The bombs of Pearl Harbor blasted our dilatory mode of life to the past from which it can never return. The guns had hardly ceased firing in Hawaii when a tremendous wave of patriotism undermined prison walls and saturated the atmosphere within.

### The War and the Prison

The war situation has affected the prisons of the nation in three major ways.

First, the personnel of correctional institutions has been depleted by the demands of selective service, enlistment in the armed forces and by the attraction of higher wages of war industry. It is needless to elaborate on the fact that the average low-paid prison guard is influenced by offers of doubled and tripled income. This, obviously, has resulted in the loss of a number of qualified and trained personnel, actual as well as potential. The prison service was, in some respects, enhanced by the period of economic depression in that it attracted a number who might otherwise have chosen other careers. The return of an era of prosperity is correction's loss as far as this is concerned.

The Department of Correction of the City of New York, for example, lost 116 correction officers and 52 civilian employees, or a total of 168 to the armed forces during 1942. Many others resigned to accept war industry jobs at considerably higher pay. The same situation has been noted throughout most of the country's penal institutions as was brought out at the 1942 72nd Annual Congress of Correction of the American Prison Association.

This particular problem will face correctional workers for some time to come and a solution will obviously depend on the war situation as it may relate to the draft of men and the demands of war industry.

Secondly, the prisons of the nation are largely converted to war industries. This fact, however, did not come about without considerable "chore" work by the correctional interests. Reference will be noted particularly to a Recommendation made by the Prison Association of New York to the Legislature in its 1940 Annual Report<sup>1</sup>—made a year in advance of Pearl Harbor—which urged legislative exploration of the use of the manpower and equipment of prisons as an aid to national defense. A renewal of this recommendation was made in the Association's 1941 report. At the outbreak of war in December 1941 prisons were not geared to the war effort and neither were they permitted to manufacture goods for the armed forces. Prison labor legislation of the last decade or so prohibited the utilization of the manpower and facilities of prisons in this direction. A few institutions, here and there, were producing goods for local and state defense councils, for state guard forces, etc., but in most instances this was quite insignificant in comparison to their potentialities. The spirit of coop-

<sup>1</sup> Ninety-sixth Annual Report of the Prison Association of New York for 1940. Legislative Document (1941) No. 61, Page 13.

eration and readiness was apparent but statutory restrictions prohibited definite action.

During the early part of the year a Prison Industries Resources Section of the War Production Board was organized and immediately set out on the task of gathering the facts as to available manpower, equipment, and other significant data on the present status of prison industries. The organization of this Section culminated activity on the part of the American Prison Association, the Federal Bureau of Prisons, the Prison Association of New York, and others. The initial report of the Section<sup>2</sup> indicated that less than 11,000 state prisoners were performing useful work. It was estimated, further that, nearly 100,000 prisoners in state prisons and reformatories were idle. The survey, which covered 26 prison industries considered in relation to the war program, indicated that "their annual productive capacity is valued at \$44,000,000; that prior to the imposition of restrictions on the use of materials, the value of production approximated \$21,000,000 or 48 per cent of capacity and that the imposition of material restrictions has further reduced operations to 35 per cent of capacity." The survey also disclosed that "only 20 per cent of existing capacity is now (August 1942) utilized in producing goods required by state and other governmental departments, that 15 per cent is disposed of in the open market, and that 80 per cent of capacity (including this 15 per cent) is at the disposal of the War Production Board."

It is obvious that this exhaustive report gives an amazing indication of the latent productive capacities of prison industries available for the nation's total war effort, and it is regrettable that more complete use of these facilities has not been made to date. At the close of 1942 the prisons of only 15 states and the District of Columbia were engaged in war production. Of outstanding importance is the contribution of Federal institutions to the war effort through their voluminous and high speed activity. Goods valued at approximately \$15,000,000 were produced by inmates of the Federal institutions in 1942.

On May 6, 1942, Attorney General Biddle rendered an opinion at the request of the President (that he furnish an opinion on the subject) holding that there are no legal impediments to the purchase by the Federal Government of articles produced by state institutions. This opinion gave the official "green light" for state penal and correctional institutions to proceed in the interests of the war effort. Shortly thereafter the President issued an Executive Order<sup>3</sup> suspending a previous order<sup>4</sup> issued by President Theo-

<sup>2</sup> "State Prison Industries" War Production Board, Washington, August 1942.

<sup>3</sup> Executive Order 9196—July 9, 1942.

<sup>4</sup> Executive Order 325A—May 18, 1905.

dore Roosevelt in 1905 and which had further prohibited the utilization of prison facilities.

Subsequently an Institutional Supplies Committee representing the War Production Board, the Department of Justice and the Department of Labor was appointed under the chairmanship of James V. Bennett, Director of the Federal Bureau of Prisons. As a result of this activity, which has been only briefly summarized, the prisons of at least 15 states and the District of Columbia, as previously noted, are now engaged in vital war production. In place of idleness there now exists a growing constructive employment for the war effort.

Thirdly, the first war year has brought about a sharp and continuing decline in the population of the state prisons of New York. A decline is also noted in the population of county penitentiaries and the correctional institutions of New York City. This, however, is not continuous nor is it as sharp in contrast.

The following table summarizes the total prison population from December 1, 1941 to January 1, 1943, inclusive:

	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.
State Inst. <sup>1</sup> ...	17445	17423	17430	17411	17400	17410	17272	17103	17045	16801	16627	16462	16276	15560
County Pen. <sup>2</sup> ...	1866	1804	1771	1179	1294	1330	1275	1384	1276	1248	1271	1268	1254	1136
N. Y. C. Inst. <sup>3</sup> ...	3332	3156	3294	3330	3419	3222	3194	3149	3182	3271	3078	2813	2786	2133

<sup>1</sup> Includes: Attica, Auburn, Clinton, Great Meadow, Sing Sing and Wallkill Prisons, Elmira Reformatory, State Vocational Institution, Westfall State Farm and State Prison Branch, Napanoch and Woodbourne Institutions for Male Defective Delinquents, Albion Training School, Dannemora and Matteawan State Hospitals.

<sup>2</sup> Includes: Albany, Erie, Monroe, Oneonta, and Westchester County Penitentiaries.

It will be noted that the total population of the state institutions decreased 1497 persons from January 1, 1942 to January 1, 1943; the population of county penitentiaries by 168; and the New York City institutions by 1028.

It is of significance to note that crimes of all descriptions, including traffic violations, decreased 34.4 per cent, or 75,490 crimes from January to November 1942 inclusive as compared with 115,032 for the same period in 1941. In 1942 54.7 per cent of the violations reported were offenses involving driving and traffic as compared to 75.6 per cent in 1941.

Major crimes decreased 9.8 per cent in October 1942 over October 1941. Sex offenses increased in 1942 and an increase in offenses involving prostitution undoubtedly accounts for the increase in the female population of institutions.

In the category of minor crimes public intoxication increased 19.3 per cent; disorderly conduct increased 26.3 per cent; malicious mischief decreased 39.2 per cent; vagrancy increased 8.6 per

cent, while gambling decreased 7.2 per cent. It is of particular significance to note the decrease of 37 per cent in convictions for the possession of narcotics. The war has apparently sharply curtailed the narcotic traffic and "old time" addicts attest to the fact that narcotics are not generally available and the price of the small amount that is in evidence is prohibitive.

Obviously numerous other conditions brought about by war confront the correctional field but the three discussed briefly in this statement appear to be the most important in their total effect.

#### The War and the Prisoner

The effect of the war upon the prisoner has been equally as noticeable as it has on the prison itself.

In the first place the episode at Pearl Harbor had immediate reverberations amongst the prisoners of the nation. In a position to speak knowingly of the true value of freedom, prisoners are super-patriotic. This is evidenced by the greatly increased production rate of goods manufactured by the prison industries; by offers to work longer hours; by their amazing purchases of war bonds and stamps; and by their donations of blood to Red Cross blood banks. *The prisoner today is war conscious in every respect.* At the United States Penitentiary at Atlanta, Warden Joseph W. Sanford has advised that:

"The men are working voluntarily 56 hours a week and they'd work on Sunday if we let them. They make less than \$25 a month, yet out of their slender earnings they've subscribed to \$25,000 worth of war bonds and donated more than 400 pints of blood to the Red Cross blood bank. They want to help win the war, too."

Similar instances could be cited pertaining to other institutions.

Censorship regulations will not permit the disclosure of prison production statistics but throughout the nation prisoners are engaged in war manufacture—everything from bomb fins to submarine nets are made by men and women behind the walls. When the full history of the war effort is completed after the victory has been won the contributions of prisoners will have to be accorded high commendation.

A number of institutions, upon the request of prisoners, have organized combat training battalions and other training mediums in preparation for release. While Army regulations will not permit the enlistment or induction of sentenced prisoners, men discharged will be accepted (See detailed statement below) and through the physical training received in these specially organized battalions they are in excellent condition to meet the rigors of army life.

The year of 1942 witnessed a number of changes of official War Department attitude concerning the induction and enlistment of ex-prisoners in the Army. Of the several changes the most significant were the *Revised Standards for Acceptance of Registrants for Induction in the Army* issued November 2, 1942. Summarized, the revised standards, are as follows:

1. Men undergoing confinement will not be considered under any circumstances for induction in the Army. This means that the "Black Legions", "Suicide Squads", "Fighters, Incarcerated" and other similar groups cannot be officially recognized. As long as a man remains in prison the Army will have no interest in him.

2. Parolees, that is, men already released from prison on parole, may be classified by Selective Service Boards and ordered to report for induction if they have lived a law-abiding life in a community for 30 days in the case of first offenders and 90 days if second or subsequent offenders. Requests for waivers of the required test periods in a community may be made in especially meritorious cases.

3. Ex-prisoners who have been completely discharged or who have finished their parole period will be accepted by the Army in all cases the same as anyone else *unless* they were convicted of a heinous offense. No person convicted of a heinous offense (treason, murder, rape, kidnapping, arson, sodomy, pandering, any crime involving sex perversion, illegal dealing in narcotics) will be considered for induction without this person having been in a community for a period of six months or more. In such cases they must then be considered "especially meritorious" and must be specifically approved in each instance by the Commanding General of a Service Command or Department.

4. In any case the Service Commander may, but need not, require that a person with an institutional record remain in a community for a specified test period prior to induction.

5. Persons who technically have only one conviction for a relatively minor offense but who, nevertheless, have long arrest records, or who have been frequently in difficulty with the law, or who for other reasons are wholly undesirable, will not be accepted. This applies particularly to the psychopath, the persistently intractable prisoner, the disciplinary problem, the gangster, or the known prisoner who has managed to escape prosecution except on the occasion that now brings him to prison.

6. No person will be accepted into the Army unless he has been discharged from parole by the parole authorities. Naturally, the Army cannot accept anyone who is subject to the control, retaking or arrest of any court, parole board or civil authority.

7. In all cases the commanding General of a Service Command is the final authority of whether a registrant classified by the

Selective Service Board meets the moral fitness standards of the Army.

In comparison with the past the present policy is lenient and affords wide latitude of discretion. The Navy, however, at this writing, continues to bar ex-prisoners from its service. The relationship of the draft to naval needs is not as yet clarified.

There are thousands of ex-prisoners now serving in the Army and a great number of them have brought honor to their country and themselves by their heroic conduct. Some were on Bataan Peninsula and others have fought in engagements as famed as that of the Philippines.

#### The War and the Parolee

The parolee's status in the community today is probably the most favorable it has been for some time. The past year has witnessed a phenomenal increase in employment and the demand for workers continues unabated. The Federal government has taken certain steps advantageous to the ex-prisoner in industry, one in the form of a joint letter by the respective chairmen of the War Production Board and the War Manpower Commission urging that employers accept those with records providing they are loyal to the country.

This letter, dated June 13, 1942, reads as follows:

WAR PRODUCTION BOARD  
WASHINGTON, D. C.

June 13, 1942

The Honorable  
The Attorney General  
Washington, D. C.  
Dear Mr. Attorney General:

The War Production Drive officially launched by the President on February 27, is now in full swing. Nothing should be permitted to interfere with the steady, forward move of the industrial army which is behind the armed forces of the United States. During the present year, as you know, ten million additional workers must be recruited for war industries. An interesting weight of evidence, however, discloses that capable workmen are being kept from war production employment because they have a prison or court record. In numerous instances such persons have been re-established in their communities for many years and are now being discharged or excluded from war industries. This not only interferes with war production, but impairs the morale of a group of loyal citizens.

Approximately a million persons come into conflict with the law annually. It is clear that a prison or court record standing alone is not conclusive evidence of disloyalty.

It is claimed that these exclusions from employment are due partially to the advice given to employers with war contracts by representatives of various branches of the United States Government. Will you make inquiry into the practices in your agency and use your good offices to

see that trustworthy workmen from this group are utilized on the basis of their individual merits, to the end that the War Production Drive may be speeded!

Sincerely yours,

(signed) DONALD M. NELSON  
Chairman

War Production Board

(signed) PAUL V. McNUTT  
Chairman

War Manpower Commission

A further discussion of this situation is to be found elsewhere in this report (See *Employment and Relief Bureau for Discharged Prisoners*, Page 69) and with few exceptions most parolees and ex-prisoners are being directed to jobs without delay. This is true throughout the country as reports received from other areas indicate. As a matter of fact areas outside of Greater New York—the commonly referred to “Boon Towns”—offer greater employment possibilities. War industries are now calling upon prisons and parole authorities to furnish needed labor whereas less than one year ago the situation was reversed to the extent of the authorities practically begging industry to accept their charges.

In a number of instances employers and personnel managers have voiced their praise of the attitude and conduct of parolees in their employ. In some cases where the parolee has been drafted the employers have promised opportunities of re-employment upon their discharge from the armed forces. To cite but one instance, mention is made of an offender who served a term in one of the state institutions and who was later employed by one of the nation's largest corporations. After many months of highly satisfactory employment this young parolee was drafted. Upon leaving the company he was feted at a special “going away” party and was the recipient of a number of gifts the greatest of which was the promise by one of the company vice-presidents that “there will always be a job for you with us.”

Through care in the placement of parolees the Prison Association of New York is convinced that it is performing both a public service in filling the demands of war industry and in convincing employers that the average parolee is willing and anxious to resume his place in the community.

In New York State the employment picture has resulted in the placement of the vast majority of hundreds of men held beyond their parole eligibility dates for the want of a job. The Association's report for 1941<sup>1</sup> refers to this situation and it will be recalled

<sup>1</sup> The 97th Annual Report of the Prison Association of New York, 1941, Legislative Document (1942), No. 52, Page 36.

that legislation<sup>2</sup> to mitigate these circumstances was introduced in the 1941 Legislature and passed by both houses only to suffer a veto at the hands of the Governor. This we believe to be a situation requiring legislation despite the temporary highly favorable employment picture.

#### The War and Juvenile Crime

Probably the most debatable subject brought about by war conditions as it affects crime and related fields is that concerning the rate of juvenile delinquency.

This subject has been so publicized that it is apparent that many self-termed “experts” have jumped on the band wagon with wholly unjustified statements and predictions. In many instances their statements went unchallenged because of the dearth of factual data available through the year. At best it is quite impossible to secure nation wide statistics on juvenile delinquency because they are simply not available. Statistics are available, however, for specific localities and court areas but despite this fact there have been unwarranted pronouncements during the year.

No one will dispute the contention that war has a decided effect upon juvenile as well as adult crime, but the elusive factor concerns the rate of fluctuation, be it increase, decrease or neither. In the case of adult offenders several national sources of statistical data are available and so far as rates of commitments to New York's institutions are concerned, this has already been discussed in this review.

There is no need to discuss at length the various factors leading to possible increase in delinquency in wartime. Suffice it to say that the psychological reaction of youth to war, the absence from the home of parents caused by military service or the employment of both in war industry, the migration of families resulting from such employment, the depletion of professional personnel in community agencies, and other causal factors have contributed to the fluctuations in the delinquency rate.

The Prison Association of New York in an effort to secure the true picture of juvenile crime in New York in 1942 conducted an inquiry on the subject and certain significant data bear repetition.

In the first place, regardless of whether juvenile crime is increasing or decreasing, it is obvious that war conditions present many vulnerable spots. That extreme danger is present we know without question. From the results of the inquiry it is obvious that we should interpret the trend as a red flag of danger ahead. To consider them otherwise would be nothing short of deplorable negligence.

<sup>2</sup> Senate Int. 1142, Print 1389, by Mr. Desmond.



The great majority of the Children's Court judges whom the Association contacted, indicated that the rate of juvenile delinquency up to November 1942 was a decrease over a comparable period in 1941. However, the rate of delinquency in 1941 over 1940 was increased.

The Division of Probation of the State Department of Correction reports a 10.4 per cent increase in 1941, exclusive of New York City. It should be noted as well that the rate in 1940 was lower by 9.4 per cent than that reported for 1939. Actually, then, the 1941 delinquency rate in this State was approximately that of 1939.

Dutchess County reported a decrease in the first 10 months of 1942 of 5 cases brought before the Court. In 1940, 79 cases appeared; in 1941, 65; and in 1942, 60. Judge George W. Smyth of Westchester County advised that, "no significant increase in juvenile delinquency has been noted." Judge Smyth, who is a recognized authority, voiced a warning that there is an important and growing problem with relation to waywardness of children. What little increase in delinquency has been noted in Westchester has little or no wartime significance because the rate is below that of 1937 and 1939. Judge Bertram L. Newman of Chemung County stated, "We do not feel that there has been any decided increase in juvenile delinquency here, but we have had an increase in neglect and non-support cases."

In Monroe County delinquency has not increased; in fact, the rate for 1942 and 1941 is below that for 1940. Using the 1940 rate as a base, the 1941 rate decreased 23 per cent and the 1942 rate so far is 26 per cent lower than for 1940. Cases of neglect involving insufficient or improper guardianship have correspondingly increased.

Judge Thomas A. MacClary of Broome County reported no apparent increase in delinquency since the beginning of the war. Judge R. A. Egan of Orange County likewise failed to observe an increase during this war year. Judge Vincent Wylegala of Erie County advised that the small increase is by no means alarming at the present time, and much of it may be traceable to the whims of the police. The Erie County Judge expressed the opinion that some of the increase could be charged to greater enforcement of a bicycle ordinance and other local laws.

Judge Leo J. Yehle of Onondaga County reported that the Court observed a decided decrease in new cases of delinquency. On the other hand the Onondaga Children's Court noted an increase in truancy cases among boys of 14 and 15 years of age. Likewise this Court reported a decided increase in cases of neglect. Probably the greatest controversy concerned juvenile crime in New York City. Newspaper serials claimed one thing, city officials

another, private agencies and interested persons still another. And so it was through the year. Responsible officials, such as Judge W. Bruce Cobb, the Acting Chief Justice of the Children's Court, held to the conservative viewpoint and preferred not to acclaim a general increase in delinquency until the complete statistics for 1942 could be secured. For holding to this opinion and refusing to be swayed by unfounded rumors on all sides, Judge Cobb is to be commended.

Following the end of the year Judge Cobb made public figures taken from court records which showed an increase of juvenile crime in New York City of 10.8 per cent. Cases of neglected children increased 11.6 per cent in 1942 over 1941. It is of particular significance to note that the figures do not support the contention that delinquency in Harlem increased. In fact, the number of Negro boys brought before the courts in 1942 decreased by 75 cases. The cases of girls, however, increased by 35. The total number of cases of delinquent Negro children in Harlem was, therefore, forty fewer than in 1941.

The total number of delinquent children brought before the courts in the five boroughs totaled 4,438 in 1941 and 4,904 in 1942, or an increase of 466 cases.

While not in the category of juvenile crime but in youth crime, instead, it is of particular significance to note that figures for the first nine months of 1942 released by the Federal Bureau of Investigation indicate that more persons 18 years of age were arrested in the United States than any other single age group. For a number of years this figure has been 19 but the first war year resulted in this drop in the age level.

#### THE FUTURE

To prophesy in 1943 is frankly a precarious undertaking and a pastime that we are not prone to indulge in. Let us, instead, indicate several trends and opinions that should be given careful thought in future planning.

In the first place it is obvious that the years immediately following the cessation of hostilities will undoubtedly result in increased criminality and lawlessness. Psychological, economic and sociological factors will be involved. Whereas today we are training millions in the fine art of warfare, personal combat, and the "survival of the fittest", tomorrow we may reap some of that which we sow today. It is true that there is no alternative to our present procedure but regardless of this there is bound to be an aftermath. The psychology of war and the task of correction mix as oil and water, but despite the clash of theories the problem must be faced realistically.

Today we pin a medal on Joe Smith who kills twenty of the enemy. Tomorrow we will pin a prison number on his suit of gray if he but injures or threatens just one. Today we feed, clothe and house millions of armed men, but tomorrow they will be left solely on their own resources. Today his day is occupied for the full 24 hours, tomorrow his day may be 24 hours of leisure time. We sincerely hope that this will not be the case, but no one knows.

In view of this situation and to meet present needs as well, community agencies and services must be strengthened. As the President of another war age, Woodrow Wilson, stated, "War must not destroy civic efficiency."

If we desire to prevent delinquency our communities and agencies must be alert to the problems that face them. Fortunately the lessons of Pearl Harbor as costly as they were, served to put us on our guard, and today most communities are more alert than ever before. Many of them, however, are alert only to attack from outside and are not so concerned with sabotage from within. Delinquency is sabotage—it is sabotage of morale—of youth—and of our entire home front. The forces of delinquency proceed quietly and without fanfare, and frequently under cover of more colorful and, shall we say, patriotic events. In these days when we stress economy in all our activities the deletion of community services under this guise may be the most costly of acts. There is such a thing as false economy. There is no earthly reason or justification for the existence of agencies that are dead on their feet, and neither is there justification for needless duplication of effort. We need that type of community whose people and agencies are awake and fully cognizant of the problems ahead.

Our child welfare services need to be preserved and strengthened. *The decrease of the character-building agency is the ally of an increase in delinquency.* Basic services for children must absolutely be strengthened and continued. The pressure of wartime economy must not be allowed to handicap these vitally important services, particularly those that supplement home care during the enforced absence of parents; school guidance programs; leisure-time and recreational programs and facilities; health services, and numerous others we might review if time permitted.

A recent circular from the British Home Office\* indicates that:

"The conclusion of the matter seems to be that one of the best means of checking delinquency in wartime, as in peace, is to provide more, and more varied, social and recreative facilities to meet the needs and tastes

\* "Juvenile Offences", Home Office Circular 807623, Board of Education, June 1941.

of all sections of the youthful community—indeed this has been proven in places where such provisions have been made and a decrease in delinquency has resulted."

It is necessary that our full attention be given the subject of housing, particularly in war industry areas. Unsanitary, crowded living quarters composed of trailers and tents is not insurance against delinquency. It has been estimated that at least 1,600,000 workers will move to other communities from July 1, 1942 to July 1, 1943. Many observers believe the number will be greatly increased. Numerous communities are facing fantastic increases of population and "trouble spots" have arisen as a result of the inability of community resources to keep pace.

Bad housing conditions, as serious as they may be, are just one of the many problems caused by this tremendous move of population. Sanitary problems are multiplied, medical services are heavily taxed, education facilities near the breaking point, vice tends to become rampant. The task of the social worker and the agency is indeed a manifold one during these trying times. True slum clearance programs must be considered of prime importance in the post-war period.

The entire judicial process of the handling and treatment of the juvenile and adolescent offender will require drastic revision and departure from present practice. We need adequate institutions and a correctional system characterized by foresight and intelligent administration.'

As a basis for these and other requirements there is need for reeducation to the ideals of family influence as the basis of American life. No isms—theories—philosophies—dictators—have as yet found an adequate substitute for the home patterned in accord with generally approved standards of American life. The home and the family is the backbone of life itself and through it the child should receive his habit patterns for the rest of his days—physical, mental, moral and spiritual.

More adequate crime control means, basically, one thing—the early detection and proper treatment of behavior disorders in children and youth. To this end our future planning must be directed.

We have not yet been able to patent any cure-all for crime and must still continue our efforts on the basis of that old formula of checking experimentation mixed with vision and hope. In dealing with the question of human conduct we cannot do so as certainly as the physician who, in many cases, is able to bring about desired results through the prescription of specific medicines.

We can, however, adopt the fundamental precepts of the "Children's Charter In Wartime" and vigorously apply them to our efforts of the future:

- "1. Guard children from injury in danger zones.
- "2. Protect children from neglect, exploitation and undue strain in defense areas.
- "3. Strengthen the home life of children whose parents are mobilized for war or war production.
- "4. Conserve, equip, and free children of every race and creed to take their part in democracy."

The children of this nation are its greatest asset. To fail them, we fail ourselves.

## NINETEEN FORTY-TWO IN RETROSPECT

### Juvenile Delinquency and the War

Realizing that one of the most dangerous problems of a nation at war is that of juvenile delinquency, we were alert during the year to make inquiry and observe conditions and trends.

A summary of our findings in New York State appears on page 40 as well as our suggestions for safeguarding youth and preventing an increase in delinquency. These were emphasized at every opportunity.

In an effort to determine the effects of the war on juvenile behavior and the crime rate generally, we naturally were anxious to know something about conditions in England. We had heard on numerous occasions that one of the results of three years of violent warfare was a noticeable rise in juvenile and adolescent crime in England. Inquiry made of reliable sources brought forth the information that while there was a general increase, many of the reports were somewhat exaggerated. In connection with a syndicated newspaper item headlined "Britain Has Big Juvenile Crime Wave," we were advised that the story was "too highly colored" and that "juvenile behavior has taken very much the course it took during the last war." We were advised that there were "too few experienced social workers available to meet the wartime needs, and the Government is compelled to depend upon the voluntary help of the general public. The public responded magnificently to the call, but the knowledge stored in the long experiences of the professional workers was in many directions completely overlooked, and the lessons had to be learned again by the old method of trial and error."

Inquiry made of the Hon. Alexander Paterson, His Majesty's Commissioner of Prisons for England and Wales, brought forth this statement: "In England the problem of crime is the problem of the young offender. It is almost entirely a problem of youth. . . . The most lawless age in this country (England) is 13."

On the heels of that statement the British Home Office released an official circular\* on juvenile offenses, repeating the fact that age 13 represents the peak, and added that the increase in delinquency for the first twelve months of the war as compared with the previous twelve months of peace was 41 per cent. The underlying causes of this sudden increase are, of course, manifold. It appears however, that a breakdown in parental control, brought about by absence from the home of the male parents who have been called to

\* "Juvenile Offences." Home Office Circular 807024.

the colors, and the evacuation of families, have a direct bearing. In addition to this, a fact further revealed is that mothers being employed caused a lessening of parental discipline. During the early months of the war the forced closing of public schools resulted in increased leisure time and subsequent delinquent acts; however, with the readjustment of the school programs a slight decrease in number of offenses resulted.

Adult crime in England was likewise affected by wartime conditions. The report of the Commissioner of Police in London to the British Home Secretary showed that in 1939 the outbreak of war brought about a decrease in crime; however in 1940, following the heavy air raids there was a sudden increase. The month of heaviest raids also was the month of the greatest crime.

It would seem that the lesson learned in England and the one we must learn in our country is that during wartime it is essential that the people back home be kept in a war conscious atmosphere but at the same time in as sane and wholesome a way as is possible. The restrictions and privations of a war-gearred community must be applied with due consideration for youth and adult living and behavior. It is necessary that social relations remain orderly, and that the fight against juvenile delinquency and adult crime be unceasing. The behavior of the population at home tainted with an abnormal crime rate is the kind of disturbance to internal peace that gives aid and comfort to the enemy.

#### **Cooperation—** U. S. Bureau of Narcotics, under the able administration of Commissioner Harry J. Anslinger, produced a report to the Secretary of the Treasury that contained abundant proof

that Japan had defied international commitments by promoting the opium trade. Mr. Anslinger had been in constant touch with both legal and illicit trade in narcotics, and for many years collaborated closely with the late Stuart J. Fuller, the American representative of the League of Nations Opium Advisory Committee, in international discussions. The activities of the Japanese officials, as revealed in the report, had three obvious objectives: To gain revenue, to corrupt Western nations and to weaken and enslave the people of lands already invaded or marked for invasion by Japan. We obtained large numbers of this report and distributed them to individuals and organizations to enhance the Bureau's efforts to acquaint the American public with the diabolical aims of the Japanese officials. Further, the Association was prompt to do everything possible to curb the illicit drug traffic because of its intimate knowledge over a period of many years of the harm wrought upon individuals known as drug users and their threat and danger to normal community life.

Also during the year the Association received the invaluable assistance of the Bureau of Narcotics, both its Washington and New York offices, in investigating the alleged drug selling in the Bronx County Jail, while under the control of the Sheriff of Bronx County. There was revealed the careless handling of drugs placed in charge of the jail physician.

Again with the assistance of the Federal Bureau of Narcotics, information was made available to Dr. Peter F. Amoroso, Commissioner of the New York City Department of Correction, which enabled him to forestall the effort being made through the City Council to revive the so-called *Narcosasa* treatment. A reliable source in showing the doubtful value of lipid treatments was an extract from the CLINICAL STUDIES OF DRUG ADDICTION—III, A Critical Review of the Withdrawal Treatments with Method of Evaluating Abstinence Syndromes, by Lawrence Kolb and C. K. Himmelsbach, Supplement No. 128 to the PUBLIC HEALTH REPORTS, 1938. This is not the first time that an attempt has been made to obtain official approval of the *Narcosasa* treatment, and it is suspected that if such approval could be had there would be a lucrative return for those interested in popularizing or commercializing the treatment.

**Alaskan Highway** A proposal came from several sources that prison labor be used in the construction of the Alaskan Highway outlined by the Alaskan International Highway Commission to extend from Fort St. James to Fairbanks, Alaska. We made inquiry regarding the possibility of using such labor in the construction of at least a portion of the highway, estimated at from 1200 to 1500 miles. During the inquiry we had the benefit of the assistance of Mr. G. Howland Shaw, a member of our Executive Committee, and Mr. James V. Bennett of the Federal Bureau of Prisons. We also had the interest and service of Mrs. George Bodman of this city and New Jersey, for years a friend of the Association. As a result of effort in various directions, the information finally came through that the Army had decided to take the position that the work needed to be done speedily and that best results could be had through the employment of contractors to work in cooperation with the Army.

**Inmate Training** When we learned indirectly that \$100,000,000 for the War had been appropriated to be administered by the U. S. Department of Education for training for war needs, we endeavored to have some of this money directed toward the need of training inmates of institutions for war work, not only within the institutions but following their release. A meeting was held in the New York office of the U. S. Employment Service

to discuss the possibility of Federal aid to train inmates of reformatories and prisons. This was a follow-up of an earlier contact that Mr. Bennett of the U. S. Bureau of Prisons had with Dr. Studebaker, head of the U. S. Office of Education, and Colonel Burnell of the War Production Board. At the New York meeting there were the following: Lt. Col. N. A. Burnell, Chief, Training Branch, War Production Board; Dr. Glenn M. Kendall, Director of Education, New York State Department of Correction; L. S. Hawkins, Director of Defense Training in the U. S. Office of Education; Oakley Furney of the New York State Department of Education; Sanford Bates, Commissioner, New York State Board of Parole; A. Motley, Chief, Field Management Division, U. S. Employment Service; W. J. Hurley, U. S. Employment Service for New York; Walter J. O'Neil, Regional Office, Social Security Board, Assistant Regional Representative of Employment Service; Sam A. Lewisohn, Chairman, Committee on Prisons and National Defense of the American Prison Association, and E. R. Cass, representing the Prison Association of New York and the State Commission of Correction.

All present agreed that something should be done to train the inmates of institutions for war work; however, as the discussion continued it became evident that the appropriation was intended for the training of civilians, most of whom were to be referred by the office of the U. S. Employment Service to plants needing workers. It was stated that this money could not be used for any other purpose. It was also revealed that for civilian training there was difficulty in getting materials, equipment and instructors. Finally, it was decided in accord with a suggestion made by Mr. Cass that the possibility of such training at the Elmira Reformatory be explored by the State Department of Correction together with representatives of the Federal Employment Service, the Defense Training Office and the State Division of Parole. If Federal money could later be made available the study would be of value.

At the call of Dr. Glenn M. Kendall, Director of Education of the New York State Department of Correction, a meeting was held at the Elmira Reformatory regarding the type of training needed in war industries, and again it was agreed that there were great possibilities at the institution. Considerable planning was required and there was needed also certain materials difficult to obtain, added personnel and the assurance that there would be no undue delay in the release of men subsequent to an intensive course of training. During the time since the meeting there have been some improvements, some stepping up of the training and an increase in the number of those released, but there still remains the possibility of pursuing the idea of training inmates for war needs on a much larger scale.

Also during the year we took notice of the rumor that inmates of institutions would be trained through the Office of Civilian Defense. A letter was addressed to Jonathan Daniels, Assistant Director, who succeeded Mrs. Roosevelt in the Office of Civilian Defense, pointing out that the inmates of institutions, whether they be juvenile or adult, should not be overlooked in movements relating to training and production to make for the better protection of our country and the prosecution of the war. The letter pointed out the need for avoiding overlapping and confusion and the desirability of having centralization of approach and purpose. This caution was needed because various proposals were being made to this and that office and bureau at the National Capital. Mr. Daniels replied, indicating that the program of training of men for war production was entirely outside the scope of the program of the Office of Civilian Defense, except insofar as certain prison officials had been trained or were to be trained in War Department Civilian Defense Schools for the protection phase of the O.C.D. program.

#### **Civilian Defense**

As a member of the State Commission of Correction, Mr. Cass urged that sheriffs and jailers throughout the State be informed of the advisability of learning about air raid precautions as related to the administration of their county jails, city prisons or village lockups. At first it was agreed to send a statement of specific suggestions, but on reconsideration it was finally decided, following the advice of the Acting Director of Civilian Protection, State War Council, Albany, that instead a statement be sent to the sheriffs and other officers recommending that a sheriff or member of his staff attend a ten-day training course at the Civilian Protection School conducted by the War Department at Amherst College, Amherst, Massachusetts. Although the exact number has not been determined, it is known, however, that some sheriffs did take advantage of the opportunity to attend the course.

#### **Blackouts in Prison and Air Raid Precautions**

We distributed to administrators of jails, prisons and reformatories in every State air raid and blackout precautions prepared under the direction of Mr. James V. Bennett for the institutions of the Federal Bureau of Prisons. Responses received indicated that this information was needed and appreciated. Letters continued to be received for some time after, requesting further detailed information. Arrangements were also made for some institution administrators to observe the highly developed air raid drills at the Rikers Island Penitentiary in New York City. This is a large institution housing 2500 inmates, and is

included in the New York City Department of Correction under the direction of Dr. Peter F. Amoroso, Commissioner. (See page 82 for more details.)

Confidential information from England was sent to the wardens and superintendents and various commissions and boards in the different States. This information was obtained from the British Information Service in New York City and was given to the Association because of our reputation for reliability and the possibility that the information would be of value to the institutional people of this country. This information was distributed as confidential and not for publication, and it is gratifying to note how enthusiastically it was received by the institution people and how they have adhered to the request for its confidential treatment.

#### Prisoners in Military Service

In our 1941 Report it is made quite clear that the Association is in favor of prisoners entering the armed forces. We were active among others in bringing about a liberalizing of the Army attitude and regulations. During the closing days of the New York State Legislature we cooperated with the Hon. Dutton S. Peterson, Chairman of the Penal Institutions Committee of the New York State Assembly, in the preparation of a resolution empowering a committee, consisting of three assemblymen and three senators, "to make a factual study and survey concerning the question of permitting persons confined in State Penal Institutions under sentence for the commission of crime to enter the armed forces of the United States . . . to include also the study of the possibility of training, both military and industrial, in the Institutions of the State Department of Correction for war service and for war needs." This was intended to step up the movement so far as the State of New York was concerned and with particular reference to the inmates of the State Reformatory at Elmira. The resolution was adopted and subsequently Mr. Peterson wrote the General Secretary: "You have been of untold assistance in securing information relative to the use of prisoners in military service and in the war production effort."

During the year we continued contact and correspondence with Mr. Peterson so as to facilitate the work of his committee. The committee visited the Elmira Reformatory, and Mr. Peterson was active both at the Reformatory and Albany and Washington in an effort to get results; however, certain difficulties arose regarding the attitude of the Army and the State Division of Parole which prevented the induction as speedily as was desired of young men from the institutions. The Army took the position that it would not take a boy straight from the Reformatory, and the Parole Board held that it would not authorize release until it was certain the Army would take the inmate.

The following letter to former Governor Lehman under date of September 25, 1942 shows our interest in this whole matter of getting men from the institutions into the service:

Hon. Herbert S. Lehman  
Governor of the State of New York  
Executive Chamber  
Albany, New York

My dear Governor:

As you will recall, the Legislature appointed a committee at the last session to encourage the induction of inmates of our correctional institutions into military service and also to effect their training for war service while in custody. I had the pleasure of assisting Assemblyman Peterson in drafting that resolution and urging upon members of the Senate and Assembly its adoption.

The commendable efforts of Mr. Peterson are the furtherance of what some of us started in Washington before the war. This required the amending of certain statutes and winning the approval of the Selective Service officials and the Secretary of War and others to the idea of using ex-prisoners in the armed forces.

We were discussing this whole question at the meeting of the State Commission of Correction yesterday, and it is again clear that there are men in institutions who should be allowed to join the Army. To this end it is necessary that there be a little more flexibility of administration and willingness to take a risk on the part of the Parole Board. I have known two members of the Parole Board for many years and have a high respect for them, but I think that in this instance they are a little too cautious and are overlooking the fact that many boys with clear records are being blown to bits on the sea and in the jungles, while able-bodied lads with criminal records are receiving the benefit of safe institutional housing. I have reason to believe that you are fully in accord with the idea that ex-prisoners should be admitted in greater number into the armed services. Those who are out of prison on parole or otherwise are having very little difficulty in getting into the Army now. We know of cases where men with long records are being taken in. Other States, like New Jersey, Michigan, Oklahoma, Texas, and Kentucky, are taking the lead not only in training inmates for military service but in permitting releases so men can go into the service.

Respectfully yours,

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

Under date of October 8, 1942 the Governor replied as follows:

Hon. E. R. Cass,  
General Secretary,  
The Prison Association of New York,  
135 East Fifteenth St.,  
New York, N. Y.

My dear Commissioner Cass:

I am in receipt of your letter of September 25th.

We are working now on a plan to make possible the induction of inmates of our correctional institutions in the military service. Plans are being worked out now in cooperation with the War Department, the

Selective Service System, the Department of Correction and the Parole Board. We have already made possible the induction of a great many men previously on parole. I hope that this number may be materially increased by the induction of men now in our penal institutions.

Thanking you for your interest, I remain,

Very sincerely yours,

(signed) HERBERT H. LEHMAN.

Unfortunately the idea of a Draft Board at the institution did not work out because the Army and the Parole Board could not see eye to eye. A draft board set up at the U. S. Penitentiary at Lewisburg, Pennsylvania seems to be getting better results.

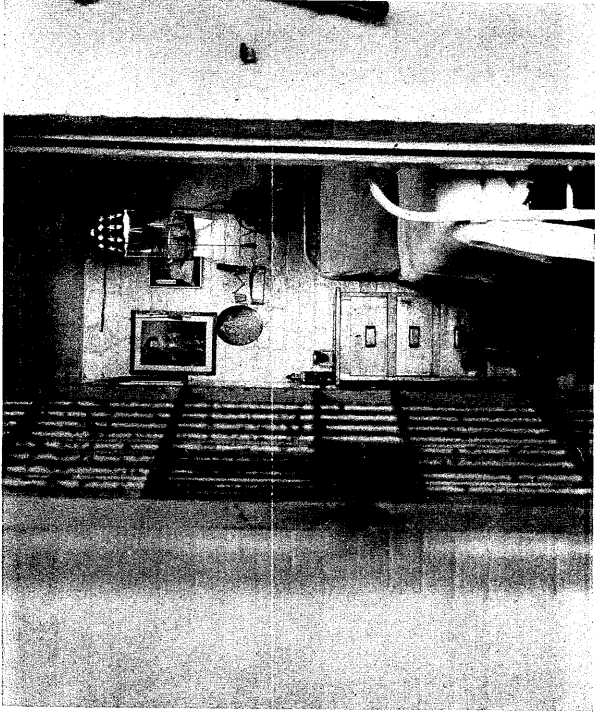
**Gallup Poll** The Association cooperated with the American Institute of Public Opinion which sponsors the Gallup Poll in submitting the question: Should men in the American Prisons who are eligible for parole be released to fight in the armed forces? The results were as follows: In favor, 66 per cent; opposed, 21 per cent; qualified answer, 6 per cent; no opinion, 7 per cent.

**Prison Labor for War Needs** During the year we continued to press for the utilization of the labor of prisoners for the fulfillment of war needs. We have been unceasingly of the opinion that the resources of the State Prison Industries are sufficiently great so as to deserve attention and enlistment in the war effort. These resources include plant and equipment valued in excess of \$50,000,000 with an annual productive capacity valued in excess of \$44,000,000 and at least 27,000 workers trained in the operation of the equipment. The equipment is comparable in diversity of type and general design to that found in similar industries operated by commercial interests, and includes textile manufacturing, metal working, woodworking, paint, soap, concrete products, printing and food processing equipment. It is in satisfactory operating condition, is manned by prison workers and supervised by personnel experienced in its operation and in the management of prison labor.

In contrast to this picture of potential labor and production for war needs we have the startling proof of a decrease in the utilization of these potentialities in line with peacetime needs. This means more idleness in the prisons at a time when the country is asking for more production and daily men are giving their lives in defense of the country. Certainly no one will contend that prisoners should live free board and in the deteriorating atmosphere of idleness in such a crucial time. There is only one answer. Prisoners should work during wartime even more than at any other time.

As pointed out in our 1941 report (page 41) a letter was sent to Vice President Wallace in his capacity as Chairman of the Econo-

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Old narrow stone cell. Clinton Prison, Dannemora, N. Y.

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mic Defense Board, urging that prison labor be used for war needs. This letter was signed by Mr. Sam A. Lewisohn of New York City, long identified with prison work and a friend of this Association, who was Chairman of the Committee on Prisons and National Defense of the American Prison Association. Serving as a starter, this letter opened the way for further effort on the part of Mr. Lewisohn, Mr. James V. Bennett of the Federal Bureau of Prisons, Major W. H. Burke of the Michigan State Industries, and Mr. Cass representing both the Prison Association of New York and the American Prison Association, as well as the New York State Commission of Correction. It finally culminated, with the approval of the President and Mr. Donald Nelson of the War Production Board, in the setting up of a Prison Industries Branch in the Bureau of Governmental Requirements of WPB, headed by Mr. Maury Maverick. Subsequently there was rendered, in reply to the question asked by President Roosevelt, an opinion by Attorney General Biddle which in substance indicated that there were no legal impediments to the purchase of prison made goods by the Federal Government, either from Federal or State prisons. We undertook the wide circulation of this opinion and were commended for our service in this respect.

Mr. Holter, President of our Association, wrote Attorney General Biddle on May 22, 1942, as follows:

My dear Attorney General:

At the regular monthly meeting of the Executive Committee of this Association held yesterday, your recent opinion on the use of prison labor for war needs, a copy of which had previously been sent to all members by this office, was enthusiastically referred to as the means of adjusting an inequitable and impractical factor involved in the furtherance of the whole war program. The hope was expressed that there would be no unnecessary delay in the putting into practice of a consumer-producer relationship between the Federal Government and the State prison industries, and that to this end there would be made available an administrative organization consisting of efficient and qualified personnel. Whatever you can do to bring this about will be a creditable war service.

Respectfully yours,

EDWIN O. HOLTER,  
President.

Under date of May 26, 1942 the following letter was received from Mr. Biddle:

Dear Mr. Holter:

I appreciate your letter of May 22nd about my recent opinion on the use of prison labor for war needs.

This Department is taking and will take every possible step within its power to see that there is no unnecessary delay in translating the opinion into effective action.

Sincerely yours,  
FRANCIS BIDDLE,  
Attorney General.

On July 9, 1942 the President issued Executive Order No. 9196 which removed the one remaining obstacle following the Attorney General's opinion. This order, as previously noted, nullified an earlier restriction issued by President Theodore Roosevelt in 1905.

Thus with the green light showing the way, so to speak, toward the purchase of products from the prison industries of the States for war needs both for the Army and the Navy, there remained the task of acquainting the States with procedure, standards, forms of contracts, needed articles and how to obtain orders. In addition it was necessary to impress upon the Procurement Bureaus of both the Army and the Navy the possibility of obtaining products from the industries of the State Prisons. All this was primarily the work of the Prison Industries Branch of the War Production Board. At the 72nd Annual Congress of the American Prison Association a report was submitted indicating that contracts involving about fifteen States and the District of Columbia had been negotiated for products amounting to approximately \$2,000,000. Thus during the year 1942 a start has been made, but it is our opinion that only the surface has been scratched, and that there still remains the opportunity of showing that the prison industries of the various States can contribute in a large scale fashion to manufacture for war needs. Thereby the taxpayers will benefit, the chances for rehabilitation of prisoners will be enhanced through fruitful labor, and all of this can be done in accord with the formula of having prisoners work for the government or its subdivisions and not for private gain.

It is further our opinion that taking one instance alone, New York State, there was not received during the year sufficient business to begin to occupy the potential capacity of our State prison industries. This situation we hope will be very much improved during the year 1943.

**Employment of Ex-Prisoners** In harmony with the point of view that we have been urging upon naval and military authorities that ex-prisoners should be given some consideration we are happy to announce that this same plea, made to both Federal and State civil service bodies, has met with some success. During the year the U. S. Civil Service Commission waived its traditional regulations relative to the acceptance of applications from men with prison records. This, it is hoped, will have a persuading influence on some of the States where there still exists a restriction allied with criminal history.

**Youth  
Correction  
Authority Plan**

We continue to show our interest in the projection of the Youth Correction Authority Act for further public notice and consideration. Our General Secretary, Mr. Cass, was made a member of the New York State Committee on the Youth Correction Authority Plan. This Committee is headed by Mr. Austin H. MacCormick, former Commissioner of the New York City Department of Correction and now Executive Secretary of the Osborne Association. Included in the membership are those who have long evinced interest and a particular desire to make for more satisfactory results in dealing with the young offender. During the year the Committee published an illuminating pamphlet entitled "Prisons Cost Too Much." Mr. Cass was happy to have the opportunity to review the manuscript of this pamphlet and to make what were acknowledged to be very helpful suggestions. One point he made clear was that he could not go along with the idea that the prisons alone could be held responsible for the high rate of crime among young offenders. This attitude was recognized in a favorable statement in the Foreword by the Chairman, Mr. Austin H. MacCormick. It is anticipated that the Legislature will again have for its consideration a bill, with slight modifications, similar to the one which was first introduced during the 1941 Legislature but with no idea of urging its passage that year. It is expected that during the 1943 session more impetus will develop for favorable consideration.

**Federal  
Corrections  
Act**

We continued our interest in the proposal to establish a Federal Indeterminate Sentence Law. In our 1941 report, page 40, reference is made to the introduction on June 16, 1941 of Senate Bill 1638; however, opposition to the proposed bill developed among Federal Judges. In the fall of 1941 a Committee of Judges was appointed to make a further study of the Indeterminate Sentence, the objections of the District Judges thereto and the general subject of punishment for crime, including the treatment of youthful offenders. In June, 1942, a document captioned, "Report to the Judicial Conference of the Committee on Punishment for Crime," was released. We were requested to make comment on the report. We indicated that in general we were in agreement, and that the recommendations established a milestone in the progress of criminal procedure in the Federal Courts; however, we noted that it was unfortunate that the Committee of Judges did not recommend the establishment of the true indeterminate sentence. The Judges felt that they wanted to retain the power of sentencing as well as the power of granting probation. The Report contained a draft of an act to provide a correctional system for adult and youthful offend-

ers convicted in the Courts of the United States. This embodies some of the features of the proposed Youth Correction Authority Plan.

We consider it worth while to record the conclusions of the Committee as follows:

After prolonged consideration and discussion in which the Committee has had the benefit of the views of the Federal district judges and many other persons experienced in methods of crime prevention and treatment, the Committee has reached the following conclusions which are developed in the report.

1. The Committee recommends that the sentencing function be left in the trial courts.

2. The Committee is of the opinion that in those cases in which the offender is sentenced for more than a year it will be helpful to the court before finally determining the length of imprisonment, to have the fullest information concerning the prisoner and the prospect for his rehabilitation which can be gained during the first months of his treatment in the institution to which he is sent. Consequently the Committee recommends that in the first instance the court shall sentence the offender to imprisonment generally, which shall be for the maximum term prescribed by law, the effect being the imposition of a sentence exceeding 1 year but not more than the maximum term prescribed by law; that the offender shall thereupon begin service of his sentence; that in the first months of his term, a board of corrections, upon the basis of a thorough study of the offender in the institution, shall report to the trial court the sentence which it would regard as most suitable for the offender; that thereupon the trial court giving to the report such weight as it may deem proper shall determine the definite sentence within the maximum prescribed by statute.

3. The Committee is impressed by the large number of youthful offenders. The conclusion seems inescapable that some more effective method than the present of dealing with such offenders is needed. Experience indicates, particularly the experience of England with the Borstal System, that there are constructive ways of treating offenders of an early age that yield good results. Consequently the Committee recommends for offenders under 24 years of age the establishment of a special system more flexible than the present penal system, giving opportunity for the training of offenders for useful life through the learning of trades and experience in living with their fellows under supervision and under more wholesome conditions than are possible in the usual prisons. The court still have an option, if in their judgment best, to commit youthful offenders to such a system, in lieu of the conventional imprisonment.

4. The Committee recognizes that there are serious deficiencies in present provisions for the treatment of offenders, both youthful and adult, sentenced for short terms of a year or less. In this class are many violators on a small scale of the liquor laws. For many of these offenders the only available places of custody are local jails, which are often unsanitary and almost always rife with contaminating associations. The Committee recommends that whenever climatic and other conditions permit provision be made for the treatment of minor offenders in camps with opportunities for exercise and work in place of local jails.

5. In order to lessen the length of confinement in local jails of persons lawfully charged with crime whose cases are awaiting the action of grand

juries, the Committee recommends that provision be made for such accused persons who desire to plead guilty, to waive indictment of a grand jury and consent to be charged by information. This will enable such guilty persons to begin the service of their sentences at once in suitable institutions and save them from lingering in jail.

6. The Committee believes that upon emerging from prison every offender should be under supervision on parole for a substantial period. The change from the completely ordered life of the prison to the freedom outside is normally too great to be bridged without help. Provision is now made for the supervision of persons released on parole and those conditionally released for good time, although the period of parole in the latter cases may be short. Persons released at the end of their terms without good time, who presumably present the most difficult problems, have no parole supervision. The Committee believes that there should be a period of parole of not less than 2 years in all cases. Accordingly it recommends legislation to move in that direction of the present parole provisions. The Committee recognizes the desirability of enlisting the help of volunteers to act as friends of released prisoners and extend the parole service beyond the work of the paid staffs in order to realize the full possibilities of parole.

7. The Committee is convinced that in the treatment of crime a better coordination of the sentencing, institutional, and parole functions than exists at present in the Federal Government is much to be desired. In the changes recommended the Committee has endeavored to move in that direction. The board of corrections to be appointed by the Attorney General, will make the recommendations of definite sentence terms to the courts and will also determine paroles, which will be administered by a chief parole officer. This will tend to bring the sentencing and parole policies into harmony. The administration of the institutions will continue under the Director of the Bureau of Prisons appointed by the Attorney General, who will also appoint the chief parole officer. The board of corrections will have power to lay down the general policies to be followed in the treatment of criminals both within the institutions and on parole. The purpose is to make treatment following conviction as nearly as may be a single continuous process, with care within and without the institutional walls adjusted one to the other and to the common objective, which is the rehabilitation of the offender by all appropriate means.

The report of the Committee following, develops in detail the ideas here only suggested, and the bills recommended provide for carrying them out. The underlying purpose of the Committee is to leave the sentencing function in the courts, but to do everything possible to enable the courts to discharge that function most wisely for the protection of society and the rehabilitation of the offenders. From that standpoint the Committee submits its Report for the considered judgment of all who are interested in improving the administration of criminal justice in the Federal courts.

### Criminal Statistics

We learned early in the year that a threatened reduction in Federal appropriations would prevent the Bureau of the Census from making the annual compilation of criminal statistics. If this happened, an essential service that took years to build up would be destroyed. We promptly became active by sending communications to Washington, especially to the Chairman of the Senate and House Com-

mittee on Appropriations as well as individual members of the Committees. The Director of the Bureau of the Census was made aware of our efforts, and we received the benefit of his suggestions as to the best way to meet the opposition. We urged those known to be in favor of a better system of criminal statistics to voice their objection and to make their appearance at Committee hearings, and this resulted in a very favorable response. Arrangements were finally made to assure the continuance of this important statistical service.

#### Chaplains in Correctional Institutions

Believing that religious teaching and training form an essential part of any forward-looking correctional program, we have seized every opportunity to join in the improving of the chaplaincy service of our reformatories and prisons. We have long held that the work of the chaplain must go far beyond the holding of perhaps one service a week and dusting off the library books during the balance of the time. Spiritual guidance and the wholesome and virile personality of the chaplain should be felt throughout the institution daily. The chaplaincy of an institution, we continue to believe, should be the chance for the young man full of vigor, outlook and desire for useful service rather than an end of the road job for one who is unable to serve as well as in other days. Some of the faiths have taken notice of this challenge for better service in the institutions, and during the year we were favored with the opportunity to assist the Federal Council of Churches of Christ in America in gathering information on the extent of the services of Protestant chaplains in the correctional institutions in the various States. The Catholic Church has been very much alive to the improvement of its chaplaincy service and has not only sought the right kind of personnel, but has held various institutes and has insisted upon a place for the chaplains in the different institutions. We believe that during the last few years fresh ground has been broken and a good start made, and we continue to pledge our interest and efforts toward the fulfillment of an essential need.

#### Medical Care for Prisoners

In his capacity as a member of the State Commission of Correction our General Secretary, Mr. Cass, urged that through the Commission it be impressed upon the sheriffs and chiefs of police in the States that where there is a possibility of a prisoner's being ill a physician be called at once. This action was taken. The need for this caution was occasioned by the indifference on the part of the sheriffs and police officials toward prisoners who are regarded as being just "drunks."

#### Tramps and Vagrants

During the latter part of 1942 there was considerable police activity and publicity regarding the freeing of the Bowery of New York City of so-called "bums." Some of those in official life commented upon the situation. The following correspondence with Chief Magistrate Henry H. Curran of the Magistrates' Courts and Mayor LaGuardia is recorded to show the Association's longstanding interest in a serious problem and its firm belief that it cannot be treated with sentimentality or in a hard-boiled fashion or by jesting.

December 4, 1942

Hon. Henry H. Curran  
Chief Magistrate  
Magistrates' Courts  
100 Centre Street  
New York, N. Y.

Dear Judge Curran:

In conformance with the interest of this Association, and also as a part of my responsibility as a member of the State Commission of Correction, I have been discussing with Dr. Amoroso of the City Department of Correction the condition resulting in the sleeping of as many as 140 men on the floor in the New City Prison and also some men on the floors at the 5th and 7th District Prisons due to the high-pressure corraling of so-called bums or derelicts from the Bowery. Having had to do with the administration of a lodging house on the Bowery more than thirty years ago, and having been in correctional work now for thirty years, and having lived in this City all my life, I know something about the Bowery. As you will note in my letter to Commissioner Amoroso, a copy of which I enclose herewith, I point out that some attempt was made to deal with the problem during the Mitchell administration, and in accord with the vision and courage of the then Commissioner of Correction, Dr. Katharine Bement Davis. Unfortunately the legislation has not been used to the best advantage.

This whole question of the Bowery bums or derelicts or "gentlemen" as you seem to prefer to address them, is a challenge to the best efforts of the courts, the institutions and social agencies. It is a problem that cannot be treated sentimentally or in a hard-boiled fashion or by jesting. I am glad that you have seen fit to address your associates in the Magistrates' Courts by letter number 46 under date of November 30th. Perhaps you are familiar with this, but as far back as 1913 attempts were made to establish in this State a tramp and vagrant colony. That was never brought to a satisfactory conclusion because of various upsets and interruptions; however, the plan has worked in European countries as has been observed by this office in years gone by.

Again allow me to commend you on your letter of November 30th and to express the hope that you and your associates of the Magistrates' Courts will give a long standing problem most serious consideration.

Sincerely yours,

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

December 7, 1942

Mr. E. R. Cass,  
General Secretary,  
The Prison Association of New York,  
135 East 15th Street,  
New York City.

Dear Mr. Cass:

Thank you for your thoughtful note of December 4th concerning the endeavor we are all making to bring about better treatment of defendants from the Bowery.

I wish something could be done about the establishing of a farm or colony to which some of these men could be sent, under sentence, to learn how to do useful work. Instead of just roosting in a jail they ought to work. We should be looking more toward rehabilitation and subsequent usefulness than temporary punishment by imprisonment.

Is your association doing anything about it?

Sincerely,

(signed) HENRY H. CURRAN,  
Chief Magistrate.

December 14, 1942

Hon. Henry H. Curran  
Chief Magistrate  
Magistrates' Courts  
100 Centre Street  
New York, N. Y.

Dear Judge Curran:

Thank you for yours of the 7th in reply to mine of the 4th relative to the treatment of defendants from the Bowery.

Regarding the establishment of a farm or colony and your question, "Is your association doing anything about it," please be advised that we have for years endeavored to interest the Legislature in reviving the idea of a colony for tramps and vagrants. The Board of Inebriety, appointed by Mayor Gaynor in the summer of 1911, sought our cooperation in the development of a plan for a farm colony. The Governor of the State in the same year appointed the then General Secretary of our Association, Dr. O. F. Lewis, a member of the State Industrial Farm Colony Board. This Board came into being through legislation that became effective July 28, 1911 (Chapter 812). Its purpose was to establish a State Industrial Farm Colony for the detention, humane discipline, instruction and reformation of male adults committed thereto as tramps or vagrants. In January, 1913, the State took title to some 825 acres situated in the Town of Beekman, Dutchess County, for the purpose of erecting and maintaining thereon a State Industrial Farm Colony for tramps and vagrants. However, this proposal did not get beyond the erection of a few cottages. This was due to various interruptions of the plan, including the war. Finally the site was taken over by the State Department of Mental Hygiene, and then later the State Department of Correction; we now have constructed on it the Green Haven Prison. This site, incidentally, is about 19 miles southeast of Poughkeepsie on the Western Division of the New York, New Haven and Hartford Railroad.

Although the plan failed of fulfillment, we have each year attempted to arouse interest in Albany to bring about the establishment of another colony for tramps and vagrants. You will find in our Annual Reports,

which are official documents and required to be submitted to the Legislature each year, that we have been consistent in an effort to keep alive the idea and the need for such a farm as you suggest. As an example of our efforts, I send you herewith a copy of Senate Int. 1714, Pr. 2021, introduced at our request by Senator Rogers of Broome County during the 1937 Session. This bill failed of passage.

In 1931 the Committee on Farm Colony for Vagrant and Maladjusted Homeless Men of the Section on Homeless of the Welfare Council in cooperation with us made a study of the need of a labor colony. Interesting statistics and statements of need came forth from that study but nothing in the way of real progress.

We have a rather complete file of what has been urged or attempted in connection with the above problem, not only in this City and State but in foreign countries as well.

In a memorandum submitted to Governor-Elect Dewey regarding legislation in the correctional field we have included the item for the establishment of a tramp and vagrant colony. I hope that Mr. Dewey will be interested, and if there is the slightest chance of getting his support we shall attempt the bill during the 1943 Session. Sometimes at your convenience I would like to discuss the whole situation with you.

Thanking you and with best wishes,

Sincerely yours,

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

December 4, 1942

Hon. Fiorello H. LaGuardia  
Mayor of the City of New York  
City Hall, Manhattan, N. Y.

Dear Mr. Mayor:

There has been considerable said recently about the clearing of the Bowery. There has also been high-pressure corraling and herding of those on the Bowery, commonly referred to as bums, delinquents, vagrants, etc. Those of us who have lived in New York all our lives or who have had to do with the management of a Bowery lodging house know that the presence of bums or delinquents on the Bowery is not a new discovery. These people cannot be dealt with sentimentally or in a hard-boiled fashion. They are the victims of their own wrong living or of misfortunes they have not been able to endure, but nevertheless they present a challenge to the best forces of society through its courts, institutions and social agencies. These people cannot be bulldozed or kicked off the Bowery one night and jammed into institutions like the new City Prison where 140 men were obliged to sleep on the floor on one occasion, and similarly at the 5th and 7th District Prisons, and then allow ourselves to think that the problem has been solved. During the course of a few days 700 of those picked up from the Bowery passed through the courts, were sent to institutions and then released. No one knowing the problem would dare say that any good was accomplished except to keep these people off the Bowery for a few nights.

Commissioner Amoroso, anxious to do a good job, has had the courage to bring to Chief Magistrate Curran's attention the need for the Magistrates to make use of a law on the books since the days of the Mitchell administration, and placed there through the vision and courage of that fine woman and Commissioner of Correction, Dr. Katharine Bement Davis. Chief Magistrate Curran has sent out a letter, number 46 dated November 30th, which is in the right direction, and if any attention is given to it by

the Magistrates it should result in some progress. Herewith I am sending you a copy of a letter addressed to Chief Magistrate Curran and also one addressed to Commissioner Amoroso.

You can be assured that this Association and also the State Commission of Correction, of which I am a member, is anxious to be of whatever help possible in the finding of a better solution to the problem of the so-called Boverly huns, even in wartime.

Respectfully yours,  
(signed) E. R. CASS,  
General Secretary.

December 17, 1942

E. R. Cass, General Secretary  
The Prison Association of New York  
135 E. 19th Street  
New York City

Dear Mr. Cass:

Thank you very much for your letter of December 4th and its enclosure. I appreciate your taking the trouble to write me so fully regarding the matter.

Sincerely yours,  
(signed) F. H. LA GUARDIA,  
Mayor.

**New York City Sheriff** New York City now has only one sheriff for the five counties. The progressive character of this change was referred to in our 1941 report. We were called upon by the newly appointed sheriff, John J. McCloskey, Jr., to give guidance for the setting up of a training course for his personnel, particularly those having contact with prisoners, and also to express an opinion as to the advisability of retaining some of the existing sheriff's jails and looking toward the establishment of one central sheriff's jail. We believe, of course, that the sheriff's personnel should have every advantage of training and that there is no need of having more than one civil jail for the five boroughs of the city.

**National Jail Association** We continue to be active in this body, especially through the efforts of our Assistant Secretary, Mr. Wright. The National Jail Association endeavored, as well as means permitted, during the year to keep alive the need for the reduction in the number of county jails and the improvement of their administration generally.

**American Prison Association** We continue to give considerable service to the American Prison Association. As previously noted, this body had its beginning in 1870 through the efforts of the then General Secretary of the Prison Association of New York. The 72nd Annual Congress was held in Asheville, North Carolina, October 18 to 23, 1942.

under the able leadership of the Honorable G. Howland Shaw, Assistant Secretary of State and a member of the Executive Committee of the Prison Association of New York. There were delegates from 37 States, the District of Columbia, England, Canada and Panama, with a total registration of close to 600. A review of the highlights of the Congress can be found on page 115. An expression of appreciation of the unusual interest and service of Mr. Shaw was recorded by the following resolution:

**RESOLUTION OF APPRECIATION**  
To The Honorable G. HOWLAND SHAW

**WHEREAS:** For the past year, The American Prison Association has enjoyed the valued leadership of G. Howland Shaw—statesman and humanitarian—who, despite the manifold pressures of wartime duties of an exacting nature, has given generously of his time and energy toward a social service that has won his faith and sympathy and who has given great impetus and inspiration to that cause by his benefactions of wisdom, leadership and moral influence.

**AND WHEREAS,** The officers and members of the Association are profoundly grateful for the wise counsel, energetic leadership, and warm fellowship so unstintingly given by one so highly placed in national affairs.

*Therefore, Be It Resolved,* That we, the delegates from thirty-seven states, the Republic of Panama, the United Kingdom and the Dominion of Canada, do hereby elect the Honorable G. Howland Shaw an

**HONORARY LIFE MEMBER OF THE  
AMERICAN PRISON ASSOCIATION**

**IN RECOGNITION** of his activities for our common cause and in grateful acknowledgement of the time and effort he has so liberally expended for our benefit during his term as our President.

**Licensing  
Barbers**

We supported a local law to amend the Administrative Code of the City of New York so as to allow barbers with criminal records to obtain a license at the discretion of the Commissioner of Licenses. We succeeded also in getting the support of the State Division of Parole, and New York City Department of Correction, the Commissioner of Licenses and finally Mayor LaGuardia. Under the present procedure authorized by the amendment, barbers who have been in conflict with the law can continue to work at their trade provided they give sufficient proof of good conduct and non-criminal association.

**Directory of  
Correctional  
Institutions**

We prepared, as a part of our cooperation with the American Prison Association, a Directory of Correctional Institutions in the United States and Canada. As previously noted, this publication has proved to be of real value and is widely sought by those active in the field of crime study and treatment.

**Indeterminate Sentence for Misdemeanants** Upon request we gathered considerable material to assist the Committee on Social Protection of the Louisville, Kentucky, Defense Council to weigh the advisability of setting up an indeterminate sentence to deal with misdemeanor prisoners. This is further evidence of our desire for widespread service and our continued faith in the indeterminate sentence when properly administered.

**Kentucky Institutions and Courts** In response to an urgent appeal from the Louisville Council of Churches a quantity of literature and directional comment was made available for a study of the Kentucky penal institutions and juvenile court.

**Flogging in Prison** Again, similar to that recorded in our 1941 report, we received complaints regarding the treatment of prisoners in Georgia Prison Camps and the prisons of the State of Texas. These complaints were brought to the attention of the authorities in the respective States, the only procedure that could be followed by the Association since it has no authority to conduct investigations outside of the State of New York. Some attention was given in the State of Texas, and we believe that progress is being made. However, the same cannot be said of the State of Georgia.

**New York City Department of Correction** Mayor LaGuardia appointed Dr. Peter F. Amoroso, who had been Acting Commissioner, to be the Commissioner of the Department beginning January 1, 1942. Mr. Cass wrote Dr. Amoroso under date of January 2, 1942, and his reply under date of January 13 is as follows:

"Thank you very much for your kind letter of congratulations on my elevation to the post of Commissioner of Correction in the City of New York.

"I am very pleased at your offer to support me in my administration of this Department. Believe me when I say that I appreciate this very much for with your valuable experience in the field of penology you can be of assistance in the many difficult problems that are bound to face me in my work.

"Allow me to take this occasion to express to you my deep gratitude for your interest and your cooperation in aiding me during the difficult period of reorganization in the last year when I took over the responsibility of heading the Department."

For further mention relative to the New York City Department of Correction see page 77.

**Amen Report** Governor Lehman appointed John Harlan Amen an Assistant Attorney General to conduct a special investigation in Kings County, including the functioning of the New York City Department of Correction in that County. Mr. Amen's work continued from 1938 to 1942. In the preparation of his report we rendered some service, consisting chiefly of acquainting his staff members with the various phases of the law relating to the State Department of Correction, the City Department of Correction and the State Commission of Correction. We also aided in the general discussion and evaluation of criticisms relating to the Raymond Street Jail.

**Foreign Visitors** We continued to have through the year foreign visitors although most of them are refugees. Some of these visitors have been known through correspondence or by actual contact in different countries in peacetimes. There were lawyers, doctors, psychiatrists, criminologists and prison administrators. Visitors also came from South American countries for discussion and materials that would aid them in the cause of better public understanding and more humane administration of prisons in their own country.

**American Parole Association** As can easily be determined from examination of reports of this Association, for many decades we have been intensely interested in parole organization and procedure. We recognize that the subject is still in need of better public interpretation and evaluation and to that end give unstintingly of our services. It was this line of thought that prompted us to urge a national gathering such as the First National Parole Conference held in Washington, D. C., April 17 and 18, 1939. As previously reported one of the outstanding accomplishments of that gathering was the formulation of a Declaration of Principles on Parole, similar to the statement of purpose enunciated at the 1870 Congress of the American Prison Association. A few years ago the American Parole Association was organized, and to the best of its ability endeavored to give a service in keeping with its purpose of organization; however, it needed more strength so that it could be outstandingly articulate in promoting good parole understanding and administration. There arose the question as to whether the Association should be continued or absorbed by another organization. We stood firmly for its continuance as an independent body and rejoiced at the election of Mr. Sanford Bates as its President at the San Francisco Congress in 1941. During 1942 he breathed new life and vision into the American Parole Association and

gave expression of the kind of usefulness that could be expected from it. During the 1942 Congress of the American Prison Association in Asheville it was voted to continue the American Parole Association and to put it on a firmer basis of organization and with some necessary financial support. We are very much gratified to have the final decision.

The field work during 1942 in behalf of the American Parole Association was conducted in a very excellent manner by a special investigator, Mr. Benedict S. Alper of Harvard University, identified with special studies of the Borstal System in England in collaboration with Dr. William Healy of Massachusetts, and also with a study of youth crime in the State of New York as the adviser of a legislative committee. Mr. Alper succeeded in making a thorough canvass of the wishes of the parole people in the various States as to whether or not they wanted a national body.

**Offer of Cooperation to Governor Dewey** Soon after Governor Dewey's election we communicated to him our congratulations and assurance of a desire to cooperate with him in improving the correctional system of this State. A confidential memorandum was sent him reviewing the recommendations made in our recent annual reports to the Legislature. These are very similar to those appearing in this report beginning on page 16. We are hopeful that the Governor, taking a youthful and vigorous grasp on State affairs, will give considerable attention to the need for continued improvement in the correctional system of the State of New York.

**Legislation** Regarding our interest in legislation presented at the 1942 session the reader is referred to summary beginning on page 129.

**Interviews at City Prison, Manhattan** As a part of its service which has been rendered for nearly a century, the Prison Association has continued to assign representatives to interview prisoners held in the City Prison, Manhattan.

The Association's agents visit the institution at least weekly and frequently during the year have been called to the institution on special cases several times in the course of a week. Prisoners are given the opportunity of availing themselves of the services which the Association offers by addressing requests for advice and other assistance direct to the Association or through the medium of requesting correction officers for the opportunity of an interview. Signs are permanently posted on the institution bulletin boards on each tier warning prisoners of accepting advice too

quickly from fellow-prisoners. The prisoners are also warned to beware of lawyers who solicit their defense unless the prisoner is certain of his identification.

Among the varied requests the Association receives are those from inmates who are deeply concerned about the welfare of their relatives and dependents and in such instances the requests are referred to the Association's Family Service Bureau for immediate investigation and action. Probably the greatest number of requests are for legal assistance on the part of those who are penniless and not in a position to retain their own attorneys. Such cases are referred to the Voluntary Defenders' Committee of the Legal Aid Society which agency then conducts an investigation into the financial status of the prisoner. If the prisoner is found to have sufficient funds for the retaining of a private attorney, the case is not accepted by the Voluntary Defenders' Committee. Experience has disclosed, however, that very few if any such requests to the Prison Association for free legal advice are made on the part of those who are attempting to secure "something for nothing." In practically every instance, the prisoner is without funds and usually without friends in a position to help. We desire to take this opportunity of expressing our gratitude to Edward T. Tighe, Esq., Chief Counsel of the Voluntary Defenders' Committee, and his staff, for their cooperative spirit demonstrated throughout the year. We feel that the service which this Association and the Voluntary Defenders' Committee is performing is distinctly a noteworthy contribution to public welfare.

A number of times cases are brought to our attention by Warden William A. Adams of the City Prison and other members of the prison personnel. Opportunity is taken at this point to record our appreciation for the spirit of cooperation shown by Warden Adams, his deputies, and the correction officers assigned to the City Prison.

Through the year the representatives of the Association have been alert to the practices of certain types of lawyers who, unfortunately, are not altogether scrupulous in their dealings with the cases of prisoners to which they have been assigned or by whom they may have been retained. A number of instances were brought to our attention during the year but two particular cases are worthy of review. In one case a lawyer retained by an inmate held on a serious charge was compelled to turn over to his attorney the small sum of money which he had in his account at the City Prison together with certain items of personal jewelry which were then pawned by the attorney for a small sum of money. While the pawn tickets were handed over to the inmate, this practice is certainly not approved by the authorities nor is it in accord with



the ethics of the legal profession. In this particular case, the attorney was strongly reprimanded by the General Secretary and the situation was discussed in detail with the Grievance Committee of the Bar Association. In addition to securing funds in this manner the attorney visited the inmate's mother and other relatives and cajoled them into furnishing additional funds. It was apparent that this was done under some threat of dire result to the inmate in the event that the funds were not forthcoming. Later, through the efforts of the Association, part of this money was refunded to the inmate's mother by the attorney. Eventually the prisoner's case was placed in the hands of the Voluntary Defenders' Committee of the Legal Aid Society where he received the proper type of assistance.

The attorney in an effort to clarify the situation with the Prison Association went to great pains to outline the transactions in detail and supported the statement with photographic copies of envelopes, letters, etc.

During the course of the year a member of the Board of Directors of the American Prison Association, who is located in Mississippi, telephoned concerning an inmate of the City Prison and who was a resident of his State. We were requested to make every effort to assure that the proper type of guidance and counsel be afforded this individual and after interview with the prisoner and investigation of some of the details of his case, it was brought out that he had an attorney assigned by the Court and apparently the only interest the attorney showed was the possibility of securing money. As a scare to the prisoner, he stated "You can get twenty years for this; however, I'll help you if you help me." The prisoner had been arrested on a misdemeanor charge and by law it is not possible to receive a sentence of the severity indicated by his attorney. In further interview with the prisoner we were advised of other dealings he had had with the attorney. It was apparent that the attorney had given the prisoner a number of business cards and suggested that he circulate them to the prisoners on his tier. This he did not do but turned over the supply of cards to our representative. It should be noted that this practice is not in keeping with the proper procedure of attorneys. We were finally successful in having the case of this prisoner referred to the Voluntary Defenders' Committee and later reported the situation in detail to the Grievance Committee of the Bar Association. The situation itself did not contain sufficient specific evidence to warrant a hearing of the attorney's action by the Bar Association but in view of the information already on file with the Bar Association, these further actions by the attorney were added to his folder. Eventually there will be sufficient evidence to have the attorney before the Grievance Committee.

Through the General Secretary a complaint concerning the actions of this attorney was filed with the Hon. Saul Streit of General Sessions Court in view of the fact that the attorney had been originally assigned to the case by Judge Streit. The judge was quick to act upon the unethical activities of this attorney and summoned him to his chambers for a formal hearing. The attorney was reprimanded and advised that if further complaints were brought to the Court's attention more drastic action would be taken. A copy of the Minutes of this hearing was forwarded to the Association and is on file.

These two cases illustrate the type of service performed by the Association through its representation in the City Prison, Manhattan.

This service which the Association has been performing for nearly a century is carried on in the interest of public welfare and safety. The Association has been engaged in the field for too many years to advocate the pampering of prisoners but we do, on the other hand, make every effort to assure them the right of legal representation and a true understanding of their problems. Through our efforts we trust that there will be greater understanding between the community and the prisoner of their obligations to each other.

#### **Employment and Relief Bureau**

The year 1942 has been a most gratifying period insofar as job placements are concerned. This is of marked importance in view of the fact that the very survival of our country is being threatened, and we must, therefore, exert a maximum of effort if we are to preserve it. It is for this that we must utilize our manpower to the utmost!

In this connection we are glad to state that we find the army of men trudging in and out of our penal institutions is no longer a forgotten army, and that these men are taking their places on the battle front as well as on the production front, shoulder to shoulder with other Americans. Time alone will prove that these men who were given another chance have carried on bravely and loyally in the performance of their duties.

Past experience has shown that probably the greatest hindrance to rehabilitation was the inability of the ex-prisoner to get a job. Very often those interested in finding placements for these men generally made the approach on the basis of an appeal to civic interest or even to charity or sentiment. But today, while it is true that the war has created a great demand for workers, and employers are more willing to take on men who have been at odds with the law, it is significant to note that employers are fast growing aware of the splendid institutional occupational training that

inmates receive. It is largely due to this training that these men are able to "fill the groove" easily and smoothly.

The Prison Association, active in the field since 1844, has carried on its work for the rehabilitation of these men and we are happy to report that during this past year, especially since the word *salvage* has taken on a much stronger meaning, we were able to salvage about 50 men monthly, for various kinds of work vital to the war effort.

There is nothing more distressing to a man released from an institution than to find himself without funds, friendless, and without a job. He must not be cast upon society and allowed to drift along with the endless tide and without a destination. He must be sheltered in a snug harbor from which he can once again set sail and chart a safe course that will eventually lead him to a definite port in society. This involves both material assistance and the type of individual advice and guidance that only an organization of long experience in the correctional field is in a position to offer. Obviously the problems of the parolee are peculiar and quite varied from those of the average individual. Particularly is the task of adjustment to a somewhat prejudiced society a difficult one. The parolee, therefore, frequently requires an actual day by day charting of his course in addition to clarifying a number of problems which his imprisonment brought about. It would be extremely difficult if not impossible to determine which type of assistance—material, or what we might term abstract—is of the greatest importance to the parolee. In many cases the problem is a financial one but in many other cases the complexities of his problems as a parolee require clarification through expert counseling.

The Prison Association is a harbor for these men who come to us upon their release from the various penal institutions of the State. Often we are the ones called to set the compass for future direction and guidance.

Most of these applicants come to us almost immediately upon their release. In the majority of cases they are in immediate need of funds for food and shelter and also in need of work. Parolees are provided with funds for maintenance until they are able to find work and in the majority of these cases the applicants were immediately placed in employment by us.

Quite recently, an applicant who had just been released from the New York City Penitentiary and referred to us by his parole officer for financial assistance and a job, was granted this assistance and was immediately placed in employment, in the same line of skilled work he performed prior to his incarceration. When his interview with the Employment Secretary was completed he was loathe to leave and was so completely overcome with emotion that he broke down and wept. The Secretary was somewhat puzzled

and rather embarrassed by this demonstration, and upon questioning the applicant said these significant words: "Here I am just out of prison, without a friend in the world, and when I come here, not only do you help me with money, but I walk right into a job doing the work I know and like. Gee, it's like a dream!"

The Employment and Relief Bureau is under the able and experienced direction of Harry Schwartz, who has been in the field of crime treatment for 31 years.

During the past year 553 applicants were placed in self-sustaining employment. Our representative personally contacted 864 business firms and in nearly every case he received a cordial welcome and noted a sympathetic attitude on the part of the employer toward our purposes and aims. In most cases where no job offer was obtained due to the fact that additional help was not needed at the time, the employer signified his intention to call upon us when he desired help in the future. Many of these employers related the fine and loyal service performed by parolees and the unusual success achieved by many of them.

Many applicants who were fortunate enough to find employment themselves requested financial assistance for items absolutely essential to start work such as transportation, clothing, union dues, seaman's passports, tools, and numerous other items.

Perhaps a review of several cases will outline some of the adjustments and achievements of the Employment and Relief Bureau during 1942.

First consider the case of R. P.\* who came to us from Elmira Reformatory. His admission summary informed us that he was 21 years of age and had been an orphan since the age of 6. His mother passed away at the tender age of 25, a tragedy that was soon doubled by the death of his father who was only 37. His aunt took him and a sister and brother into her home which, though poorly furnished, was immaculately kept. The boy, a native New Yorker, received his schooling in the public schools of this city. At the age of 16 he left school and secured work as an errand boy for a tailor, shortly after which he left home and took up living quarters elsewhere. Within the period of the next three years, during which time he had been a photographer's assistant, clerk, handyman, and counterman, he was arrested three times. His institutional record described him as an inmate requiring rigid supervision. His work record, however, described him as being quite efficient, a fact strengthened by the fine work he produced in the prison tailor shop. When his eligibility for parole drew close he wrote us in the hope of securing a job. Before we had an opportunity to have him placed on the job we had secured for him, we learned that he had

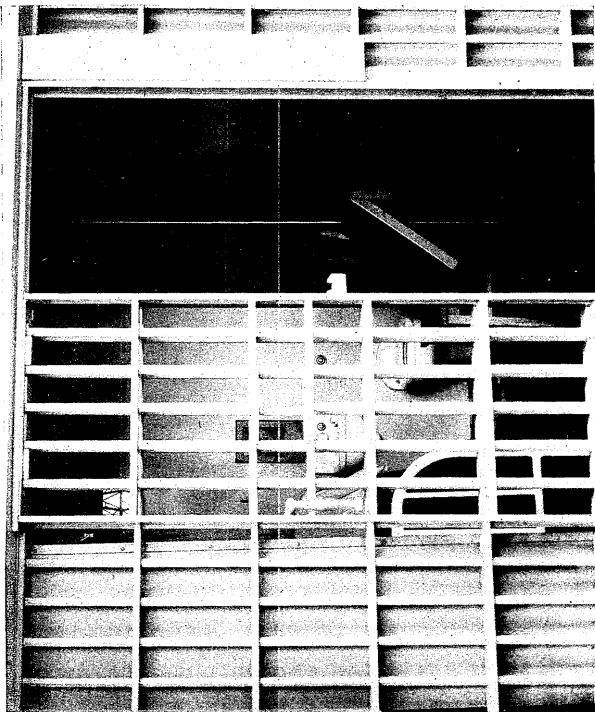
\* All names and initials are fictitious.

previously been accepted for placement through one of his appeals from the institution. He was a porter in the nurses' quarters of a hospital. This job offered very little remuneration however, and certainly no means of diversion, since the hospital was located several miles from town and a great distance from his aunt's home. In a letter to us he described it as "coming out of one prison and entering another". He appealed to us for another job and we were successful in having him placed in a factory where his salary was \$18 a week to start. This was to be increased to \$21 at the end of three weeks and then after three months it was to be \$24. His fine work warranted a \$4 bonus the very first week. Soon after he felt compelled to join our Armed Forces as a gesture of further redeeming himself, and did so. His employer who described him as being most conscientious and loyal has promised to rehire him after the war, and will give him an even better job, paying \$7 per day.

Here we cite another case, that of J. T.\* who had been serving a sentence in an upstate institution. We learned that this man, in his middle twenties, and a native New Yorker, had an education limited to the eighth grade. While at the institution he had worked the full time in the Mess Hall as a waiter and steam table server. Before his incarceration he held jobs as a painter, general repairman and as an ironworker's assistant. When he contacted us his plea was a most urgent one and came as the climax of his *200th unsuccessful attempt* to obtain work of any nature. We succeeded in having him placed as a Marine Painter at a minimum salary of \$35 per week. Incidentally, an interesting note here is the fact that this man is now working side by side with his father and brother, and the man who hired him is his former employer who found renewed faith in J. T.\* !

The third case to be reviewed here exemplifies the co-operation between the employer and the Association. It is the case of A. T.\* a former inmate of Elmira Reformatory. His case record informed us that he was nineteen years of age when committed to that institution, married and the father of one child. His background boasted of a father who deserted his family in 1936 and to date his whereabouts remains unknown. A. T.'s education includes one year of high school and some trade school. Before his commitment the young man worked at several jobs, such as milkman, longshoreman, seaman and handyman. His conduct during his confinement was very unsatisfactory and he was fined 35 days for rule infractions. Despite his rather high I. Q. and favorable test reports by the psychologist, A. T.\* proved a total

\* All names and initials are fictitious.



New cell with modern facilities. Clinton Prison, Dannemora, N. Y.

failure in all his shop assignments. The report of one of his institutional instructors is as follows:

"Assigned to the Machine Class for three (3) months and sheet Metal Class three (3) months—16 days.

"In all his shop assignments he was a total failure. He was finally placed back in Special Division. One Instructor reports 'Would make a better porter than a tradesman. He is only taking up instructors time.' From a trade standpoint this man was a complete failure."

He appealed to us when he was eligible for parole and asked us to secure work of any kind for him. We were successful and despite his very poor work record at the institution, the employer we contacted, after carefully considering all the facts of the case, felt confident of his ability to mould the young man into an efficient worker. To date his strong confidence has been rewarded.

The men whom we have placed, have proven themselves worthy of our efforts by being loyal, trustworthy and efficient. This is evident by the fact that recently the president of a large concern stated, in the course of conversation with the Employment Secretary, that among the hundreds of his employees some of the most conscientious and capable workers are parolees obtained through the Prison Association.

A woodworking concern telephoned us recently asking us to send them another young man "to take Johnnie's place." Johnnie, it developed, was released from Elmira Reformatory several years ago for a job offer secured through us with this employer. Johnnie had a slight knowledge of carpentry upon his release and under the patience and guidance of his employer he became adept at the woodworking trade. He had been with the same employer since his release and his loyalty and efficiency has won him a place in the hearts of the employer and his wife. He is considered as one of the family. Johnnie has recently joined our Armed Forces and now they wanted another Johnnie for the vacant bench. He was receiving \$8 per day when he left. Johnnie will be welcomed home with open arms "when he comes marching home."

We must not overlook the cheerful establishment of social relationship that exists between the Association and numerous employers who feel free to consult us for help and advice concerning letters they receive from inmates. Some of these citizens have expressed their desire to visit various institutions in their further interest in rehabilitation work.

We cite the foregoing cases as illustrative of the satisfactory adjustments obtained and of the varied and extensive services offered by the Employment and Relief Bureau. At the same time we wish to express our appreciation to the citizens who are helping so nobly by their courageous display of faith, to help restore the self-confidence that is so vital to the successful rehabilitation of

innumerable men of all types who come to us seeking a new lease on life. The seriousness and difficulty of our problem will continue to diminish only with the sincere co-operation of the general public.

The following compilation represents a statistical analysis of the work of this Bureau.

#### STATISTICS FOR EMPLOYMENT AND RELIEF BUREAU FOR 1942

Office interviews .....	2,250
Other interviews* .....	2,688
Total interviews .....	4,944
Different men interviewed .....	1,685
Men released from N. Y. City penal institutions .....	937
Men released from N. Y. State penal institutions .....	482
Men released from out-of-state penal institutions .....	70
Men released on probation .....	30
Men with no criminal record (special) .....	166
	1,685
Meals provided .....	1,194
Nights lodgings provided .....	414
Employment contacts made by personal visit .....	864
Men placed in employment .....	553
Men given cash relief .....	1,060
Total amount spent solely for relief (includes cash, meals and lodgings) .....	\$3,923.65

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

**Family Service** That America now faces a serious problem of increasing juvenile delinquency is a foregone conclusion. During the first year of war those engaged day by day in the field of correction were loathe to join with those who proclaimed vast increases in delinquency based on nothing much more than hearsay or superficial inquiry in restricted areas. Now that 1942 is in the past, official records for New York City show an increase in juvenile delinquency of 10.8 per cent, as noted in further detail in the introduction to this Annual Report. Elsewhere in the State, as also noted earlier, there is a marked tendency in the direction of increased delinquency.

This is a situation with which the Family Service Bureau has been concerned through the year. It has always been concerned with crime prevention but more so during the first year of war in view of the fact that some of the causative factors of the increase involved a number of the clients of the Bureau.

Authorities agree that one of the factors making for increased delinquency is the lack of parental influence largely brought about by the absence from the home of both parents. With the majority

of the families seeking the assistance of the Bureau it is the husband or father who is imprisoned. With the remaining few it is a son, brother, or other near relative. Obviously, then, the father of the family is absent from home for a considerable length of time. In days of economic depression the mother was compelled to seek public assistance for the basic needs of food and shelter. Now that the days of depression are passed some mothers are engaged in industry or some other employment. This situation often finds younger children either under the supervision of older brothers or sisters or entirely without supervision during the after school period of the day. One of the most noteworthy contributions that the Association, through its Family Service Bureau, can make to the community in these difficult days, is to assure full and complete supervision of those children not otherwise under watchful eyes.

This situation can be illustrated by a brief resume of a particular case. Mrs. A\*, the wife of a state prison inmate with a good many months more to serve, asked for the opportunity of discussing a problem concerning her five year old son. In view of the prevalence of war industry jobs and the necessity of providing her own support and that of her son, she had obtained a well paying job with a large concern engaged in war work. The problem was to work out a suitable plan for the care of the youngster of pre-school age. After surveying the situation and determining the facts of the case, the Association's worker outlined a plan which seemed best under the circumstances. As a result the child is presently cared for during the daytime by an accredited nursery school and the mother is able to pursue her job without worry over the child. This brief narrative, however, gives no indication of the hours of effort and counselling which this situation consumed. It should be pointed out also that Mrs. A's husband, apprised of the successful solution of this problem, has responded admirably and gives every indication of satisfactory readjustment upon his release.

The double cause of crime prevention and prisoner rehabilitation is materially aided by services such as that outlined.

The special services available for the clients of the Prison Association include a medical guidance service under the direction of volunteer physicians (temporarily suspended because of the shortage of medical authorities) and a psychiatric service under the direction of Dr. J. G. Wilson, Senior Surgeon, U. S. Public Health Service, Retired, and presently Psychiatrist, Mental Hygiene Bureau, State Hospital, Trenton, New Jersey. Dr. Wilson conducts interviews periodically and his services have contributed much to the well-rounded program of the Family Service Bureau.

\* All names and initials are fictitious.

These services are of outstanding value in themselves but beyond this they are practically indispensable in the intelligent handling of some of the more difficult cases and situations.

The Association takes this opportunity of expressing its gratitude and appreciation to Dr. Wilson who has given unstintingly of his services without obligation to the Association.

One of the important functions of the Family Service Bureau is the service it devotes to the children through referral to summer camp placements during the summer. In the summer of 1942, children were given vacations of two weeks duration that would otherwise not have been theirs. A number of mothers were also afforded periods of rest and relaxation.

In a great many instances it was possible to direct children to community houses and settlements and for others plan for constructive use of their leisure time. This, it will be agreed, is true crime prevention.

This service which is available to families of men serving terms of imprisonment has been one of the major functions of the Prison Association for nearly a century. The Association's relationship with the clients is founded on the experience of this long period and continues on a personal and intelligent basis.

#### STATISTICS OF FAMILY SERVICE BUREAU FOR 1942

Families under care Jan. 1, 1942.....	216
New cases received.....	137
Old cases reopened.....	3
	<hr/> 140
Total number of families under care.....	356
Cases closed.....	53
Families under care Dec. 31, 1942.....	303
Total amount of cash relief given.....	\$8,627.30
Visits to homes, relatives, social agencies.....	490
Office interviews (involving advice, guidance, giving material aid; medical, psychometric and psychiatric examination)...	2318
Individuals provided with Christmas dinners and toys.....	429
Children and mothers sent to summer camps.....	289

## DEPARTMENT OF CORRECTION, CITY OF NEW YORK

The effects of war know no limits and the year 1942 witnessed conditions never before known to correction departments. The New York City Department of Correction was, therefore, not alone with its unusual problems. Suffering from the demands of the armed forces and war industry the Department lost 116 correction officers to the services and 52 to industry. The uniformed force, therefore, was depleted by 168 men during 1942. In addition a number of civilian employees were lost.

This situation made unfortunate but unfavorable inroads into the plan and program of the Department.

### Population

The total inmate population on December 31, 1942 was 3,969 as compared to 4,856 one year previously (December 31, 1941.) The decrease of the inmate population is also largely due to the demands of the armed forces and the prevalence of jobs.

### Administrative Personnel

The Department continued under the able and conscientious direction of Dr. Peter F. Amoroso who completed his first full year of administration as Commissioner. Dr. Amoroso was Acting Commissioner for a period prior to his appointment and has been identified with the administration of the Department since 1934.

Henry O. Schleth was First Deputy Commissioner and Pascal Marsico, Secretary of the Department. S. Paul Bochever, formerly Second Deputy Commissioner, resigned to accept a commission in the Naval Reserve and the post remains vacant.

### Budgetary Appropriations

In considering budgetary appropriations it must be kept in mind that the figures apply to the fiscal year operating from July 1st to June 30th.

For the fiscal year ending June 30, 1943 the Department is operating on a total budget of \$4,215,157.79, of which \$2,974,047.79 is for personal service and \$1,241,110.00 is for other than personal service. This appropriation is greater by \$185,180.13 than the \$4,029,977.66 appropriated for the fiscal year 1941-42. The increase is largely accounted for by the increasing cost of food, fuel, and other raw materials, together with the added costs involved in the

maintenance and staffing of additional institutions brought under the Department as of January 1, 1942 as a result of the consolidation of certain units of the city government noted by the people in an earlier general election.

### Capital Budget

The Capital Budget of the City of New York, as far as the Correction Department is concerned, is limited in view of necessary wartime economies. The Department's total appropriation for the current fiscal year amounts to \$163,584.00 and is earmarked for the preliminary planning of such projects as the following:

1. Cell building, infirmary, kitchen and utility building for Harts Island Reformatory Prison.
2. Addition to power plant at the Reformatory at New Hampton.
3. Replacement of City Prison, Brooklyn, the total cost of which is estimated to be \$950,000.
4. Annex to Women's House of Detention, the total cost of which is estimated to be \$1,250,000.
5. Replacement of City Prison, Queens, the total cost of which is estimated to be \$1,200,000.

Other projects are included but some of the more important items are listed above. Obviously, most of the construction will have to await the cessation of the war and the release of raw material. What is probably more important the projects will have to await further appropriations at a time when the fiscal condition is improved.

### Institutions

The following descriptive statements relative to some of the institutions of the Department of Correction are included for the general information of the public. They are not necessarily inspection reports, as such, and should be considered as recordings of observations.

#### Penitentiary of The City of New York

The impact of the war has been noticeable in this institution as it has in most of the penal and correctional institutions throughout the country. This situation was particularly evident in a continuing decline in population and an increase in the number of the personnel joining the armed forces either by draft or enlistment and others resigning for positions in war industries. The loss of personnel would ordinarily result in a number of added problems so far as the treatment and handling of prisoners is concerned. While this

has been serious, the decrease in population has tended to ease the various problems resulting.

The Penitentiary continues to be the largest prison plant within the State of New York, despite the fact that it is operated completely by the Department of Correction of the City of New York. It has no administrative relation to the State Department of Correction. It does house a small number of prisoners sentenced on felony charges, but the vast majority are those sentenced through the courts of Greater New York for the commitment of misdemeanors.

Basically, the institution is a county jail inasmuch as it is operated by a local unit of government and houses short-term prisoners.

Throughout the year the institution was under the able and efficient administration of Acting Warden Harry T. Ashworth, and during his absence on special detail, Acting Deputy Warden Eugene M. Slatery was responsible for the daily administration. Mention should be made here that the very excellent air raid precautions and drill procedure in vogue at this institution were planned and established by Mr. Slatery. The raid precautions stand out as probably one of the best organized of any correctional institution in the country. As of January 1, 1943 Acting Warden Ashworth, who was by title Deputy Warden, was appointed to the position of Warden by Dr. Peter F. Amoroso, Commissioner of Correction of the City of New York. Warden Ashworth headed the Civil Service list of wardens and his appointment to this highly important post is a fitting climax to his career of over thirty years of service in the Department of Correction.

#### Population:

The population of this institution on December 31, 1942 totaled 1,658 and was distributed as follows:

Men sentenced to the Penitentiary.....	1,063
Men sentenced to the Workhouse .....	556
Others including men sentenced to the Reformatory .....	39
Average daily population during the 1941-42 fiscal year .....	2,146

While there is a breakdown in types of prisoners sentenced, from a practical point of view all receive the same treatment and all are housed under the same roof. Some years ago, prior to the opening of the Rikers Island Penitentiary, there was a separate workhouse for workhouse prisoners and a separate penitentiary for penitentiary prisoners; however, the new plant, opened in 1935,



houses all classes of prisoners as noted above. There is not separation by type of sentence. Certain classes of prisoners, however, are segregated, such as those with venereal disease in the infectious stage, sex deviates, and those classed as unfit for labor. The small number of State prisoners housed in the Penitentiary are paid for by the State as provided in Section 212 of the Penal Law.

During part of the year certain dormitories were turned over to the Immigration and Naturalization Service of the Department of Justice for the housing of aliens of countries friendly to the United States. The majority of these persons were seamen for whom there were insufficient accommodations at Ellis Island. Numbering as high as 400 on occasion these persons were under the supervision of U. S. officers and did not mingle with the prison population. During the fall at the special request of the Mayor the plan arranged between the City and the U. S. Government was abrogated, and the prisoners were returned to Ellis Island and other internment centers.

#### *Plant:*

There were few changes in the plant itself during the course of the year. A number of minor improvements were made, such as the installation of ramps, improved storerooms, change of steam and water lines, erection of partitions, etc. In addition, the mess halls were repaired.

#### *Employment:*

There was no problem of employment of prisoners during 1942; in fact, the decrease in population noted previously made for a number of problems difficult of solution. Among these were the maintenance of the prison industries which were operated in increased shifts in view of the added work assigned to them. All able-bodied inmates are assigned to some form of labor. The laundry was operating at full capacity and furnished the laundry for the Departments of Correction, Sanitation, Education, Health, Hospitals and the Municipal Lodging House. The total output of the laundry during the year was 4,152,722 pounds, consisting of 5,819,461 pieces. Inmates assigned to this industry receive a certain amount of vocational training, fitting them for employment in similar work on the outside. The laundry is one of the most modern establishments, either institutional or otherwise, and provides excellent experience for those desiring machine laundry training.

A soap manufacturing plant was established during the year at a cost of approximately \$35,000, and the plant began operating in April, 1942.

Other industries include a bed shop where beds are repaired and mattresses renovated; a carpenter shop; chicken raising; and a tree nursery project under the supervision of the Department of Parks. This latter project is located directly in front of the Administration Building, and some eighty men on the average are employed in this assignment. About twenty-five acres are planted with trees, and it is anticipated that this project will be continued until the full needs of the Department of Parks are met. The project itself is unique as it represents one of the few such projects in operation in any penal institution; furthermore, the trees are planted on soil which is largely composed of waste material deposited on the Island years ago. The bakery continues to supply baked goods for all of the institutions of the Department of Correction and other departments and operated at full capacity during the year. This assignment also provides vocational training for any of those desiring to remain in the industry after release.

#### *Medical Department:*

The American College of Physicians and Surgeons continues to recognize the hospital on its approved list. The plant itself stands out as one of the most modern of its kind. The demand of the armed services for an increasing number of physicians has depleted the professional staff of the hospital. During the year the Resident Physician, Dr. Herman Baxt, was called by the Army and is now a First Lieutenant stationed at one of the large Army Hospitals in the West. Other physicians were lost and the services of the prison hospital were necessarily curtailed; however, the remaining staff has readjusted its schedule so that every possible service is being maintained.

Because of the decrease in the staff only the most urgent operations are being performed; whereas the institution previously had a large number of visiting surgeons and physicians, the demands of wartimes have also caused a decrease in the availability of these men.

#### *Education and Recreation:*

The educational and recreational program is under the direction of the Central Office staff and the work at the institution itself is under the direct charge of correction officers assigned to this project. School sessions are primarily for illiterates and near-illiterates. A small number receive instruction in commercial subjects. Instruction is also given on the grammar school level up to the 8th grade. There are also discussion periods, aided by motion picture films obtained from various agencies of the City Government as well as private sources.

The evening school curriculum includes English, arithmetic, radio and auto mechanics, commercial subjects, mechanical drawing, etc.; in addition to this, cell study courses are available.

#### *Library:*

During 1942 the library operations were under the general supervision of a chief librarian appointed at the end of 1941 for all the Department institutions. Books on hand in the institution library numbered over 13,000 in addition to magazines. Considerable effort is made to increase reading on the part of inmates and so far as possible, this is planned and reading material is selected by those in charge. The record shows that nearly three-fourths of the penitentiary population uses the library. In addition, there is also a collection of professional literature available for the staff members of the institution.

#### *Religious Program:*

Four paid chaplains representing the Catholic, Protestant, Jewish and Negro Protestant faiths conduct regular services in the chapel. In addition a Chinese clergyman, Christian Science Reader and others hold occasional services. Attendance is voluntary.

#### *Air Raid Precaution:*

As previously noted, an elaborate procedure has been developed for use in the event of enemy air raids. This is particularly necessary at this institution in view of its location in a highly vulnerable spot. Within a range of two miles are several highly important bridges, electrical and steam power plants, airports and other centers which might be considered as primary targets. In addition, the institution is located on an island in a narrow stretch of the East River. In view of this, the detailed air raid procedure now in vogue at the institution is significant. Sand mats, sand and water pails, shovels, pumps and all other necessary equipment is located throughout the plant at convenient points. Classes in First Aid have been conducted throughout the year for staff and inmates, and there are at the present time a number of trained inmate First Aid units on call at all hours. Other units include highly trained demolition squads, a fire department, etc. Drills were inaugurated the first of the year and after a month or so of pre-arranged alarms, the procedure is now so organized that it can be put into operation at any moment without previous arrangement. The drills are noteworthy for their realistic atmosphere and numerous observers have commented on the total lack of what might be termed "horse play" on the part of all concerned. Every person down to the last inmate considers the drills highly important and treats them seriously as should be the case.

The institution has been thoroughly prepared for blackouts and operates continuously under the strict dimout regulations imposed on the City by Army authorities. Total blackouts are achieved within the time limit required.

#### *General:*

The Prison Association of New York again reiterates its contention of a number of years standing that as soon as possible the City authorities should consider the necessity of providing prisoners on their release with a sum of money far in excess of the present ten cents allotted to them. It should be noted that penitentiary prisoners receive clothing. Inmates released from the New York City Reformatory receive \$5.00 and despite the fact that this is usually insufficient for a released prisoner's needs, this amount would be of far greater value to a parolee than the ten cents now given. The State of New York gives released prisoners the sum of \$20.00 in addition to clothing, and while this would be rather high for the City to consider, still it should stand as something of a measuring rod. One of the first steps in any carefully planned crime prevention program should include the granting of sufficient funds to ex-prisoners.

Obviously the City is not now in a position to consider such a step, but as soon as possible upon return to normalcy this situation should be given immediate attention.

#### **Branch Penitentiary and Workhouse, Harts Island**

This institution has had a varied career during its days of operation, and recently it served as an overflow institution for the Penitentiary of the City of New York. From a practical point of view, however, considering the reduced population of the Penitentiary it cannot rightfully be termed an overflow institution at the present time. At the close of the year there were 552 inmates.

The inmates of this institution are housed in dormitories, many of them located in the old brick-walled central building. The buildings were erected many years ago and are not in keeping with modern prison design. While there have been a number of improvements made so far as safety facilities are concerned, their very construction makes them hazards in the event of fire or other disaster.

All able-bodied inmates are assigned to work and a number of the elderly prisoners and those with physical defects are assigned to light tasks. The tailor shop employs the greatest number of inmates and inmates' uniforms, parole suits, etc. are manufactured there. The methods and facilities are up-to-date and in addition to clothing used by the Department of Correction, uniforms and other articles

of apparel are manufactured for inmates of institutions operated by the Department of Welfare and other Departments.

Other avenues of employment consist of a farm of about thirty-five acres, shoe shop for the repair of inmates' shoes from all institutions of the Department, a repair shop for wooden office furniture, a print shop where forms for the Department are compiled. Other assignments are available for small numbers of inmates, including work on potter's field employing on the average of 30 men.

Medical service is available but serious surgical cases are transferred to the hospital on Rikers Island.

The educational program, consisting of classroom instruction, has not been resumed. Members of the institution band meet for instruction in music, but otherwise there is no educational program of any importance. There is a library of approximately 3500 books, the greater part of which consists of fiction.

Chaplains representing the Catholic, Jewish and Protestant faiths are available and services are conducted weekly.

The institution has been equipped for blackout and dimout regulations and is equipped also with sand mats, pumps and other facilities necessary in combating bombs and incendiary fires resulting from bombs. Drills are carried out periodically and at one end of the Island the Coast Guard has assumed docking privileges in view of the close proximity of various shipyards. First Aid Classes have been held and groups are fully trained in First Aid procedure.

For a part of the year a class in telegraphy met several days a week. This, however, had to be cancelled on the induction of the instructor.

There has been considerable discussion on the place of this institution in the Department of Correction as a whole, and it is probable that further consideration of this question will be given when opportunity permits. There is the question, of course, as to what will take place after the conclusion of the war, and if conditions follow the trend of the last post-war period, it is possible that this institution may be needed to carry the overflow of those committed to the Penitentiary on Rikers Island. From a theoretical point of view there is a question whether this institution need be continued. Inmates are transferred to Harts Island from Rikers Island, and several days in advance of their release, they are transferred back.

#### New York City Reformatory

This institution is located in New Hampton, New York, near Middletown, and is designed for the treatment of youthful offenders sentenced as the result of the commitment of misdemeanors. The population on December 31, 1942 was 274.

During the year sewage disposal improvements were completed, and a new brick building was made ready for occupancy. This building houses a visitors' waiting room, a tool room and laboratory room and has storage space for other purposes. Other improvements were made through the year, and plans have been outlined for considerable construction following the conclusion of the war.

As is the case with the other institutions of the Department, all able-bodied inmates were assigned to some form of labor. A tailor shop which formerly operated at this institution was transferred to Harts Island, and clothing received at the Reformatory is in rough shape and alterations are made in a small tailor shop.

A large institutional farm is in operation and thousands of cans of produce were put out during the year. In addition poultry and dairy products are available. The farm employs a number of men through the year. This is somewhat decreased during the winter months but resumes during the farm season.

A Classification Division endeavors to develop a program of treatment for each inmate and makes an attempt to study each individual. The activities of this unit have been somewhat curtailed because of the loss of personnel, but the unit is at an advantage in receiving reports and other findings from various courts and clinics through which the inmate has passed on his way to the reformatory. The institution has the services of a visiting psychologist one day weekly, and each inmate is given mental tests on admission. The Classification Board meets periodically for assignment and discussion of inmates.

The decrease in personnel and other factors have somewhat limited the scope and ability of the educational department. One industry, namely, the tailor shop, was transferred to another institution as already noted, and equipment is not available for other vocational pursuits. The State Commission of Correction, of which the General Secretary of the Prison Association is a member, on one occasion recommended that, "Serious thought should be given to vocational shops in terms of equipment and material so as to provide the trade training which should be given the students assigned to those shops."

During the fall of the year the Adjutant General's office of the New York State Guard prepared a training program for the inmates of this institution, and military training is now a part of the routine under the supervision of one of the staff captains who also is a Reserve Army Officer. Most of the training is confined to that of basic drills.

Medical facilities are available, and as is the practice in other institutions, serious cases are transferred to the hospital on Rikers Island.

The staff has been trained in many problems which might be brought about through bombardments, and First Aid units have been organized. The institution is also equipped with pumps and other facilities for the extinguishing of fires, etc. The institution is fully prepared for blackouts and several have been experienced during the year in addition to a number of daytime practice alarms.

The one outstanding need of this institution is the development of an educational program in line with approved standards. This should be done at the earliest opportunity.

#### House of Detention for Women

The House of Detention for Women is a combination sentence and detention prison and houses all female prisoners coming under the jurisdiction of the New York City Department of Correction. Various classes of inmates are housed, such as Federal prisoners, witnesses, those awaiting Court action and those sentenced to either the workhouse or the penitentiary. In view of the restricted facilities of the institution it has been necessary to revert to the practice of "doubling up" as noted in previous reports of the Association. On December 31, 1942 the population was 328, and the daily average population for the 1941-42 fiscal year was 488.

Plans have been discussed off and on through the year for an expansion of the facilities of the institution, either at its present location or through the erection of additional quarters on another site. Expansion will undoubtedly have to be postponed until after the war.

Outside of the fact that portions of the plant were repainted during the year there have been no outstanding physical changes. A number of the sentenced prisoners are employed in the laundry, sewing room and maintenance tasks of the institution. The heavy manual labor necessary in the daily operation of the institution is performed by male sentenced prisoners under the supervision of male correction officers transferred each day from the City Prison, Manhattan, and returned in the evening.

In view of the cessation of the activities of the WPA, the educational program has had to be curtailed. Several classes were discontinued. Lectures are given by a representative of the Board of Health in health and hygiene, and a recreational program is supervised by staff members.

Religious services are conducted by representatives of the Catholic, Protestant and Hebrew faiths, and attendance at all services is voluntary.

The institution has been prepared for blackouts and air raid alarms and facilities are available for use in this connection.

As noted in the section of this report relative to the Penitentiary of the City of New York attention to the problem of providing released prisoners with suitable funds is necessary at the first possible moment as it concerns the release of female prisoners. The discharge of prisoners with but five or ten cents in their possession is tantamount to a written invitation to return to criminal careers.

#### City Prison, Manhattan

With the close of 1942, this institution experienced the completion of its first full year of operation. Opened in November, 1941, the institution has proven to be adequate for present needs. The population has fluctuated from less than 600 to 800 and higher on occasion, and once or twice during the year when the police conducted wholesale arrests of vagrants, the institution exceeded its capacity. The highest population was 1022 and resulted from an extended police round-up. On December 31, 1942 the population was 579; the average population for the 1941-42 fiscal year was 723.

A serious problem resulted from the loss of nearly 35 members of the staff, half of whom were taken into the armed forces and the remainder resigning for positions in war industries. Recently, however, with the closing of the 7th District Prison additional correctional officers were assigned to this institution; however, the personnel has not reached its previous high point. It should be noted that persons leaving the Department for military service do so with a leave of absence, and the City is not able to make appointments in their place. The decrease in personnel necessitated the closing off of one or two of the floors of the prison during the year, but this situation is eased somewhat by the low population.

It does not seem necessary to repeat a description of the physical facilities of this institution, and those interested are referred to the 97th Annual Report of the Prison Association of New York for the year 1941, pages 91 to 94 inclusive.

Soon after the opening of the institution it developed that the locking devices were not functioning properly, and the manufacturer made necessary adjustments. This operation consumed many weeks, but at the present time it is reported that the locking system is in proper working order.

There is no employment at this institution for any except sentenced prisoners transferred from the Penitentiary for this purpose. The laws of this State do not permit court prisoners to work; however, the law provides that if a court prisoner signs an agreement "to perform any work assignment at my own risk while awaiting trial or sentence in the City Prison, Manhattan" he is permitted to do so. The work is on maintenance assignments throughout the institution.

There is a well equipped laundry which is said to be one of the best equipped correctional institution laundries in the State.

First offender minors are segregated from other prisoners, and are given khaki institution uniforms. They receive visual instruction in various educational subjects secured through outside sources, and are permitted to play a variety of games and to use the small library which is available.

The building is equipped with facilities for combating results of air raid and incendiary fires and is fully prepared to cope with blackouts. This is a rather serious problem for this institution because of the prevalence of glass brick throughout the plant. Special arrangements have been provided for the complete elimination of glare visible from the outside.

The Prison Association continues to assign representatives to City Prison, Manhattan, for the purpose of interviewing prisoners. This work brings the Association in close relation with the administration of the institution. Further details of this program are noted in this report under the heading, "Interviews, City Prison, Manhattan."

#### City Prison, Bronx

For the first time in history the Department of Correction of the City of New York has assumed jurisdiction over the former Bronx County Jail. This took place as of midnight, December 31, 1941, as provided for in legislation amending the Charter of the City of New York and discussed in some detail in the Annual Report of the Association for 1941 (see Page 39, 97th Annual Report.)

The population of the City Prison, Bronx, as of December 31, 1942 was 86.

Minors formerly housed in this institution have been transferred to City Prison, Manhattan, where suitable facilities are available.

As is the case in the City Prison, Manhattan, there is no employment in this institution except for prisoners serving terms in the Penitentiary who may be assigned to maintenance detail in this institution.

The institution is of modern construction and is fully prepared to meet any eventuality as a result of air raids. Members of the personnel have taken various in-service training courses in both air raid precautions and general procedure.

#### City Prison, Brooklyn

As was indicated in the Annual Report of the Association for 1941, there continues to be little point in repeating various discussions concerning this institution in relation to its facilities. It continues to be used and undoubtedly will continue to be used for the duration or until such time as replacement can be made. The population was lower in 1942 than it was during the years immedi-

ately preceding, and it has not been necessary to "double up" prisoners. The population as of December 31, 1942 was 262.

The State Commission of Correction, in reiterating its numerous condemnations of this institution, stated in its 1942 inspection report that the prison "is an old structure that does not compare favorably with more recent types of construction and continues to merit condemnation because of its general design, equipment and type of construction, regardless of recent commendable efforts toward improvement. It does not seem, however, that its replacement can be effected in the light of various needs and restrictions necessitated by the War."

Every effort is made to assure cleanliness but this is a difficult task in an institution of this nature. There is no employment for the same reasons that apply in the City's other detention prisons; however, prisoners transferred from Rikers Island perform the usual maintenance tasks.

Exercise facilities are at a premium and the only available space is that on the main floor commonly referred to as the "Flats." There is some segregation of prisoners so far as the crime for which they are charged is concerned, and they exercise at different periods of the day. Recently some groups have been permitted brief exercise periods in the outside prison yard.

Adolescents confined in this institution wear khaki color institution uniforms as is the case in the City Prison, Manhattan. Facilities are available for indoor games and a library of about 1,000 books is open for their use. Lectures with moving pictures are given by the Department of Health and other sources and the outdoor facilities provide for basketball, handball, etc.

This institution is likewise prepared for fires and damage resulting from air raids.

During 1942 the City Prison, Brooklyn, was singled out for particular condemnation and discussion on the part of the official report submitted to former Governor Lehman by John Harlan Amen, Special Assistant Attorney General. The report concerns the Department of Correction as it operates in Kings County and is replete with photographs and testimony concerning the City Prison in particular.

The only comment worth recording so far as this plant is concerned is that joined in by the State Commission of Correction, the Amen Report and numerous other official and semi-official bodies to the effect that a new City Prison is necessary at the first possible moment. It is hoped that the remaining war years may be utilized to some extent so far as planning is concerned. The 1943 Capital Budget provides a sum of money for this purpose, and upon the cessation of hostilities the City should be in a position to proceed with a new plant at the earliest possible moment.

During the latter months of the year court action was brought against the State Commission of Correction to show cause why the Raymond Street Jail should not be closed. This consumed a number of weeks and at present writing is still in the courts. The Commission of Correction, of which the General Secretary of the Prison Association is a member, holds the point of view that despite the fact that the jail has been condemned on numerous occasions by it and other bodies, to close it at this time without an adequate substitute would be more harmful to the people of the area than its continued operation.

## NEW YORK STATE DEPARTMENT OF CORRECTION

The New York State Department of Correction continued during 1942 under the general supervision of John A. Lyons, Commissioner. Commissioner Lyons, who was appointed in 1939, was, prior to his present appointment, Second Deputy Police Commissioner of the City of New York.

The Department was faced with a number of problems resulting from the war effort; however, few, if any, of these problems differed from those faced by other departments of correction in the various states. As has been reiterated on a number of occasions in this report the Department suffered through loss of personnel, both to the armed forces and war industries. To somewhat compensate for this loss of personnel, one might point to the decrease in the general population of the institutions.

The Prison Association has been particularly concerned with the securing of war contracts for the Department. As noted in Recommendation Number II in another section of this report, the Association recommends to the Legislature that more extensive use of the manpower and facilities of the State's correctional institutions for war needs be made. We have frequently referred to the fact that it is now possible for the State prisons to accept war contracts. This was brought about through an opinion of the Attorney General of the United States, rendered on May 5, 1942. Frankly, there is need for more war work on the part of our State institutions. In these days when supplies stand out as one of the major concerns of our war effort, it is not satisfying to note that the industries of some of the prisons are operating at only a small fraction of their potential capacity. This is particularly true at Sing Sing Prison as noted previously in Recommendation II. The outstanding hindrance to the securing of additional orders is the fact that contracts must be approved by the State Defense Council. The Department, on behalf of its institutions, should be permitted to go out and secure war orders direct as is the case with the majority of prisons in other states.

Through the year the Association has given particular emphasis to the securing of employment for the inmates of State prisons and Elmira Reformatory eligible for parole but detained for lack of a job. Special reference to this effort is noted elsewhere in this report under the section "Employment and Relief Bureau". A considerable number of placements have been made for men at Sing Sing Prison and Elmira Reformatory particularly. It should be noted in this respect that no prisoners are released on parole

from State prisons and Elmira Reformatory without a definite guarantee of verified employment sufficient for the individual to support himself. This is in accordance with the Parole Law of this State.

One of the noteworthy additions to the Department's educational program in 1942 was the establishment of a course for inmates entitled, "The Individual in a Democracy at War." This course, designed to drive home to inmates of penal institutions the values of a Democracy, consists of nine units or fifty-six student lessons organized under topics such as, "What will it mean for the United States to win or lose the war?", "Duties and Rights of Americans," "Wartime Community Responsibilities and Opportunities," "Financing World War II," "Combating Propaganda in Wartime," etc. The course was prepared by a committee of teachers under the direction of the Director of the Division of Education, Dr. Glenn M. Kendall. At the present writing 1400 inmates in the various institutions are enrolled in this course.

The following discussion concerning some of the institutions of the Department is included as general information. It will be noted that not all institutions are included, but it is felt that the discussion is illustrative of the general type of program conducted by the Department of Correction.

#### Attica Prison

Attica Prison, located in the northwest section of the State is designated as the receiving prison for that area. It is one of the newer of the State institutions, having been opened in 1931. As of January 1, 1943 the population numbered 2061. A decrease in the population during the year permitted the discontinuance of the use of temporary quarters which were pressed into service as dormitories.

#### Industries:

For the greater part of the year the textile industry was operated at capacity volume. In fact a number of inmates worked overtime voluntarily. The metal shop was handicapped through inability to obtain raw material, and with the exception of occasional government contracts for which the institution receives steel priorities it was not operating at capacity. The shoe and tailor shops provided jobs for a large number of inmates, both through manufacture of new goods and repairs. Space does not permit inclusion of the full details of the prison industries, but it should be noted that the tailor shop produces such products as coats, pants, shirts, bed clothing, towels, and suits and overcoats for prisoners to be released

on parole. The parole suits vary in style and pattern and each inmate is permitted to select his own style and cloth.

An institutional farm employs a small number of inmates, and the produce is used at the institution or in other institutions of the Department. Tomatoes and other products were canned during the year for similar use.

The institution took part in an extensive salvage program and a number of products formerly considered to have no resale value were cleaned and prepared for disposition. Such items as burlap bags, cardboard, paper, magazines, rags, waste material from the tailor shop, etc. are now prepared for salvage use. Other items being salvaged include broom handles, galvanized ware, wringers, etc.

#### Medical Department:

Complete medical facilities are available to all inmates, including dental treatment and the services of an oculist. Inmates in need of considerable dental work are required to pay for work out of the ordinary routine; however, the price charged is said to be much below that prevailing on the outside.

#### Education:

The educational program is headed by an educational supervisor with several civilian teachers and a number of inmate teachers and clerks, the latter being interchangeable if need arises. Well over 200 inmates were enrolled at one time in the cell study courses and a number were enrolled in the vocational section. The vocational training consists of trade mathematics, mechanical drawing, etc. and academic courses include those of grammar school and advanced levels.

#### Library:

A library of about 4,000 volumes is available and includes considerable reference material. The institution is fortunate to secure donations from the Rochester and Buffalo Libraries.

#### Classification Clinic:

An institutional Classification Clinic, headed by the Senior Clinical Psychiatrist, makes special examinations and considers cases and conducts necessary investigations. The Psychiatrist also has charge of cases under observation because of mental or emotional disturbances.

#### Recreation:

A recreational program, under the direction of the Catholic chaplain, is carried on and inmates have the freedom of the yard

for different periods of the day. Motion pictures are presented periodically and the cells are equipped with radio headphones.

#### *Religious Services:*

A fulltime Catholic and a fulltime Protestant chaplain are available at all hours, and a Jewish chaplain is appointed on a part-time basis. Regular services are conducted and the chaplains are available for personal interviews and counselling.

#### *Air Raid Precautions:*

Preparations have been made for possible air raids, and the administration is cognizant of the fact that the location of the institution in a defense area requires it to be constantly on the alert. Every possible step has been taken to safeguard the institution and inmates.

Attica Prison is under the able administration of Warden William Hunt, a man of many years service in the Department. Warden Hunt was assigned to the new Green Haven Prison, but in view of the fact that this institution will not be available until after the war, he was reassigned to his former position at Attica.

### **Auburn Prison**

Auburn Prison, located in the City of Auburn, is an institution of historic significance. Opened in 1816 it was the center of a worldwide conflict of penological opinion, competing in a sense with the Pennsylvania System exemplified by the Eastern State Penitentiary in Philadelphia. At one time it was considered the model institution of the country and was the last word in design and construction. Through the years, however, numerous changes have been made.

The institution receives inmates only on transfer from other institutions. Prisoners, therefore, are not committed direct to Auburn. The population as of January 1, 1943 was 1495.

On January 27, 1942 a new cell block, known as Cell Block E, was opened for use, and the old dormitories previously in use in the shop buildings were discontinued. With the opening of this new cell block, the institution has been practically rebuilt with the exception of one or two small structures. It would not be recognized by any who served sentences a century ago were they in a position to observe the institution in its present form. The new cell block contains 260 cells and is of modern construction.

#### *Industries:*

As noted in the introduction to this section, prison industries in some of the institutions were operated at only a portion of their capacity. This is the case at Auburn; the clothing shop, for

example, was operating at only 50 per cent capacity, with no immediate orders on hand. Further, the amount of raw material was limited by governmental restriction. The broom and basket shop was operating at only about 60 per cent capacity, and the bed shop, normally employing about 60 men, was closed for lack of orders. This situation was that observed in the fall of the year.

In view of the restrictions on steel the automobile license plate shop was operating on a considerably reduced basis. For various periods during the year it was closed completely. The situation in this shop will undoubtedly become worse rather than better in view of the recent restrictions on driving. It is observed that the Department of Motor Vehicles is registering considerably fewer cars in the early part of 1943 than was previously the case. For example, in one of the largest counties, namely Westchester, only some 12,000 automobiles were registered for 1943 as compared to 140,000 at the same time one year ago. This was the situation about the middle of January, 1943 with but two weeks left for registration.

Idleness was also apparent in the sheet metal shop where road signs are constructed, and the same was true so far as the cabinet shop was concerned. There were one or two orders on hand during the visit conducted in the fall of the year, but priority complications precluded immediate work. A small farm is operated, but it is difficult to secure sufficient workers acquainted with farm operations in view of the fact that most of those transferred to Auburn are from metropolitan areas. In addition to this it is not always possible to assign qualified inmates to outside positions because of the custodial risk involved.

The clothing and shoe shops are conducted as part of the maintenance operations and a considerable volume of goods is produced.

#### *Medical Department:*

A complete medical program is available for inmates with resident physicians, pharmacist and nurses available at all times. A dentist visits the prison daily and likewise an optometrist visits usually once a week.

#### *Education:*

Educational courses conducted by civilian and inmate teachers are available, and classes are held five days a week throughout the year. Inmates are assigned on the basis of their individual needs and abilities and enrollment is voluntary. As is the case at other institutions, cell study courses are available covering a considerable number of advanced subjects. Vocational training courses are given throughout the year and include subjects both elementary and advanced.



**Library:**

A library consisting of about 6,000 books is available for the inmates, and it is unfortunate that many of them are out of date and considerably worn. The vast majority of the inmates make use of the library, and it is hoped that some means may be found to expand its present catalog.

**Recreational and Religious Program:**

The usual recreational program is available, much of it consisting of indoor games and motion pictures, radio, etc.

The usual religious services are held under fulltime chaplains and attendance at services is voluntary.

**Air Raid and Accident Precautions:**

The institution is fully organized to meet the results of air raids. Organized three years ago, a Safety Committee of staff members is charged with the elimination of accident hazards. Regular meetings are held and every possible step is taken to promote safety.

Auburn Prison is under the efficient administration of Warden Joseph H. Brophy.

**Clinton Prison**

Opened in 1845 and located in the northern region of the State at Dannemora, Clinton Prison is one of the maximum security institutions of the Department. Headed by Dr. Walter B. Martin, a physician and psychiatrist of considerable reputation, the institution is the reception prison for the northern area. The population as of January 1, 1943 was 1924.

A new cell block known as F and G is nearing completion. There has been considerable delay in view of wartime restrictions and priorities but it is anticipated that it will be available immediately after the first of the year. The new block is vitally necessary and it is hoped that it will be available for use this winter.

**Industries:**

Certain of the shops, including the tailor and clothing shops, operate at full capacity with orders on hand for several months of activity. The textile shop was working on a large war order for a special type of cloth and in order to meet the demands, a double shift was instituted, operating from early morning to about 10:30 p. m. or a total of about 65 hours per week. It is anticipated that this order will occupy this particular shop for a number of months. The material produced is known as Osnaburg cloth and is considered a substitute for burlap which is unobtainable in large quantities due to war restrictions. A lumber camp is located several miles

from the prison and roughly some 25 men are employed in cutting firewood for winter use. This assignment requires that the prisoners so assigned be good custodial risks.

**Discipline:**

Disciplinary cases are considered by the Principal Keeper and the offender, if found guilty, may be punished by a reprimand, loss of good time, or segregation for varying periods.

**Medical Department:**

This institution operates a complete medical department as is the case with the other State prisons with fulltime physicians, pharmacists, nurses and part-time dentist and ophthalmologist. The medical department has worked out extensive plans relative to civilian defense, and in case of disaster it is anticipated that the civilian members will be called upon to give service to the surrounding community.

Employees have been enrolled in First Aid courses and the institution is staffed by air wardens and auxiliary firemen.

**Education:**

The educational staff consists of the supervisor, two institution teachers, five guards assigned as teachers and 28 inmate teachers. Classes are held daily five and one-half days a week, and consist of the usual academic, vocational and commercial courses. In addition, cell study courses are available.

At the time of a recent inspection conducted by the General Secretary in November, 1942, a total of 577 inmates were enrolled in some form of educational pursuit. Scale model airplanes are being produced for the U. S. Navy and a number have already been delivered.

**Library:**

A library consisting of nearly 5800 books is available for all inmates, and a small number of books are sent to the lumber camp for the use of the men assigned to that project. It is anticipated that during 1943 an effort will be made to institute individual reading courses in an attempt to guide the reading of inmates.

**Religious Program:**

Religious services are conducted by fulltime Catholic and Protestant chaplains and a part-time Jewish chaplain. This institution stands out as far as its religious program is concerned because of the unusual chapel built by a number of inmates a year or two ago

for use by those of the Catholic faith. It is known as the "Church of the Good Thief."

#### *Accident and Air Raid Precautions:*

Similar to the committee organized at Auburn Prison, a Safety Committee meets regularly at this institution consisting of the construction foreman as chairman and other civilian employees. Reports are submitted regularly to the State Insurance Fund and every effort is made to prevent casualties resulting from accidents.

In cooperation with the Air Warning Service, the wall towers and a post at the lumber camp are equipped as air observation posts and officers assigned to the towers are also spotters.

There have been a number of institutional drills to familiarize inmates and staff with the routine established for blackouts and air raid alarms, and groups of employees have received the regular Red Cross First Aid course and selected groups of inmates have also been trained.

#### **Great Meadow Prison**

Great Meadow Prison is one of the medium security institutions and is located in the town of Comstock. Opened in 1911, the population of the institution on January 1, 1943 was 1087. During the year a change was made in the administration of the prison due to the retirement of former Warden Joseph H. Wilson. Vernon A. Morhous was appointed as Warden from a regularly established Civil Service list. Warden Morhous has had considerable experience in the Department of Correction.

During the year the decrease in population made it possible for the administration to discontinue the use of a dormitory located in a shop building, and at the present time all prisoners are assigned to regular cell blocks. The year saw no important structural changes or additions to the plant, but following the appointment of the present Warden a number of surveys were conducted to determine the status of various steam and water lines and other facilities.

#### *Industries:*

A number of prisoners were idle at the end of the year for lack of work, and again in this instance we reiterate the desirability of the State's being permitted to solicit war orders without the handicaps that now exist. For example, the chair shop was operating at less than 20 per cent capacity. The mat shop was at a standstill. Activities at the institution quarry had practically ceased. A farm operates as an industry and yields dairy products and other produce, but only a small number of men are assigned to this operation. It is planned to expand the acreage in 1943.

As noted in the last report of the State Commission of Correction, "lack of orders to keep the industries operating is to be deplored, not only because of the economic aspects of the situation where salary overhead exceeds receipts from sales, but also because of debilitating effects on the inmates of continued idleness over months and perhaps years. Men who spend most of their waking hours each day loafing cannot help but deteriorate and become less suitable for employment in the highly competitive life outside of prison to which most of them eventually will return."

#### *Educational and Religious Program:*

The educational staff is augmented with a number of inmate instructors and the usual variety of academic, commercial and vocational courses are available and are under the supervision of the educational supervisor. Fulltime Catholic and Protestant chaplains and a part-time Jewish chaplain conduct services for the inmates in the auditorium-chapel.

#### *Air Raid Precautions:*

As is true with other institutions, Comstock Prison is equipped to face the results of air raids, and a system of procedure has been developed. In addition the institution is prepared to meet blackouts and sand, shovels, etc. are distributed at strategic points. Groups have been instructed in First Aid, and one group has been given instruction in the use of the acetylene torch.

#### **Sing Sing Prison**

Sing Sing Prison, located at Ossining, was opened in 1825 and is under the administration of Warden Robert J. Kirby who succeeded former Warden Lewis E. Lawes in 1941. The institution is the reception prison for the metropolitan area of New York and surrounding counties. As of January 1, 1943 there were 2147 prisoners. The staff consists of approximately 275 guards in addition to seven sergeants, two lieutenants, one captain and the Warden, Principal Keeper and Assistant Principal Keeper. In addition there are approximately 100 civilian employees. Over thirty members of the uniformed staff have entered the armed services and ten civilians have done likewise. So far as possible the positions have been filled by temporary appointments.

#### *Old Cell Block:*

Use of the old cell block, built in 1825, continues, and nearly 500 men are housed in these quarters. Previous reports of the Prison Association have repeatedly urged that the Legislature designate a

date after which the continued use of the old cell block would be illegal. The Association repeats this recommendation in this report. The old cell block is contrary to modern penological practice in every respect and is a carry-over from the original prison. It was anticipated that the opening of Green Haven would make it possible to discontinue use of the old stone cells, but in view of the fact that Green Haven will not be available until after the war, other steps should be taken to discontinue the use of the old cell. A report of the Commission of Correction relative to the old cell blocks, written by the General Secretary of the Prison Association as a member of the Commission, indicates that: "The structure was not fit for human habitation in cold weather. . . . The wooden frames (of the windows) are so decayed from age as to be almost useless and there is no safety scaffold for use in climbing to the windows."

#### Industries:

The situation regarding the industries at Sing Sing is particularly critical in view of the fact that work is not available for a great many of the inmates. Figures indicate that nearly one-fourth of the population is assigned to industries, but in practice a great many of this group are idle for lack of work. For example, the knit goods department operates at about one-third of its capacity and the inability to secure raw material has slowed production. Operating at about 75 per cent of capacity, the shoe manufacturing unit was hopeful of securing additional orders in the near future. The glove manufacturing unit operated at 45 per cent capacity and the sheet metal shop was practically closed down.

The paint brush shop, with no orders in sight was operating at about 45 per cent capacity. The brush and mattress shop had practically ceased operations. Likewise, the print shop was operating at about 20 per cent capacity, and all in all the orders were dropping off at a rather alarming rate.

Rather than reiterate previous statements relative to the prison industries in this State, the reader is referred to the introduction to this section and also to other sections of this report where this condition is outlined. The only remedy is that the State Department of Correction be permitted to solicit war orders without the handicaps that exist at the present time.

A practice of long standing at this institution involves a section known as the "Cook House" where it is possible for inmates with sufficient funds to purchase their own food and cook and prepare meals to their individual tastes. This situation, while it may appear simple on the surface, is difficult to adjust from the point of view of the daily administration of the institution. There is the distinct problem of inmate psychology involved in that to remove this facility

would be to retract a privilege given inmates some years previous. The Association has been concerned with this situation for some time and has recommended to the authorities on a number of occasions that the "Cook House" and its facilities be discontinued. In a report signed by the General Secretary as a member of the State Commission of Correction it is stated: "There is no other prison in the State, or very likely in the country, that has a system such as this. It is sometimes stated that about 200 cooking gas burners are in use. . . . In addition there are cooking stoves here and there in different nooks and corners throughout the institution. . . . The institution should feed scientifically and in sufficient quantity and variety so as to make the unusual arrangement identified with this institution unnecessary. . . . this condition has been referred to in previous reports and the statement has been made from time to time in reply to such complaints that the condition would be gradually done away with. However, the indications are that there has been no improvement in this regard. Despite the still overcrowded condition of the prison and the difficulty of suddenly eradicating a long-established practice, administrative ingenuity should find some method of solving this problem."

This arrangement makes it impossible for the administration to plan scientifically for the various meals served. It is possible, for example, for 100 prisoners to use the "Cook House" facilities for one meal and 200 for the next meal. The difficulty, of course, is that it means so many more or less partaking of the meal given the remainder of the inmates in the institution mess hall. As a result there was considerable complaint concerning the wastage of food although there was some reluctance on the part of the Department of Correction to admit this wastage. It is apparent there is waste that could be avoided. Belated efforts are being made to control the situation and the Warden has been in touch with the inmates on several occasions through the interdepartmental communication system. In one of these appeals to the inmates the Warden stated that: "I want all of you men to have what you want to eat, but I do not like to see things wasted. I have noticed that there has been enough bread wasted to feed several hundred men, and when taken over a span of a week or a month it amounts to considerable. . . . Frankly and honestly, this waste must stop."

#### Medical Department:

The medical staff of this institution is unusually complete and consists of a number of visiting physicians and consultants, in addition to the regular resident staff. The inmates' nursing class, conducted a year or so ago, resulted in several inmates' being trained in the duties of regular nurses and their services are uti-

lized whenever possible. The Prison Hospital continues to receive the recognition of the American College of Physicians and Surgeons. It is fully equipped and a number of special studies are conducted from time to time. As is the case in other institutions the hospital was used as a training center for a unit of civilians giving courses in First Aid, and at the last report inmates were to be trained in similar courses. Up to November 12, 302 pints of blood had been donated by inmates to the Westchester County Blood Bank.

#### *Education:*

The staff of the educational division consists of a supervisor, two institution teachers and one vocational instructor. In addition, some 39 inmates have been appointed as inmate teachers. In the vocational school printing, auto mechanics, electric welding, radio and drafting classes were held, but at the close of the year it was necessary to discontinue the welding class because of the shortage of welding rods. The class in aviation engine mechanics has been practically discontinued for want of teachers. This is regrettable, because this course provided excellent training for those desiring to pursue this work in the outside community. Some of the aircraft companies had contributed engines and on the occasion of one inspection during the year, observers of the Association noted this class operating at near capacity. One or two small training planes were available for students; these were regulation models except for having the wings removed. The new course, "The Individual in a Democracy at War," discussed in the introduction to this section, is scheduled for three days a week and a total of 97 inmates, in charge of a civilian teacher, are enrolled. Cell study courses are available, covering nearly 40 different subjects. The total enrollment in all educational activities in November, 1942, was approximately 730, with some of the inmates enrolled in more than one course.

#### *Library:*

An open stack library is available for the use of inmates and they are permitted to visit the library and draw books as they would on the outside.

#### *Religious Services:*

Religious services of the major faiths are conducted, and it is interesting to observe that a Community Church in New Jersey donated to the Protestant Chaplain a communion service. It was dedicated on November 22nd when for the first time in some years the Sacrament of Communion for Protestant inmates was observed.

#### *Recreation:*

At this institution a teacher is in charge of recreational activities. Facilities at Sing Sing surpass those at other institutions, particularly in view of the gymnasium and large outdoor field. Some 400 men actively participate in a total of approximately 175 baseball games during the summer. Outdoor basketball is possible as is volleyball. Handball courts are available for inmates, and during the winter season the gymnasium is utilized for basketball games between inmate and visiting teams. Motion pictures, radio programs, etc., complete the recreational program.

#### *Air Raid Precautions:*

Sing Sing Prison is authorized to cooperate with the local defense councils and the prison siren is used for air raid alarms. The institution is located in the dimout area prescribed by Army authorities for New York City and vicinity, and it is in the section of the State where numerous blackout drills are held. It has been the custom to hold at least one drill monthly, and on some occasions several have been held in a month's time.

#### *Recommendations:*

In considering the immediate future of this institution several important recommendations should be noted. First, the use of the old cell block, opened in 1825, should be discontinued as soon as possible as noted in last year's report.

Second, it is vitally important that every effort be made as soon as possible to assure increased production on the part of prison industries. This should be done for two reasons: First, to assure that every man and every machine possible be applied to the war effort, and second, that the idleness now prevalent among prisoners be reduced without delay. Idleness constitutes a serious situation and should not be tolerated any longer than is absolutely necessary.

Third, as outlined in this report, the "Cook House" and its equipment should be discontinued. In making this recommendation we do not lose sight of the difficulties involved in this action, but from the point of view of justice and fair play to all concerned, this situation should not be continued. There is no logical argument for its continuation.

#### **Wallkill Prison**

Wallkill is the latest addition to the number of adult institutions operated by the State Department of Correction. It was opened in 1932. Wallkill is under the capable direction of Dr. Walter M. Wallack, former Director of Education for the State Department

of Correction. The institution stands as a model, and was the result of one of the recommendations of the Commission to Investigate Prison Administration and Construction, formed by legislative action in 1930. The institution is a minimum security type and is located in the town of Walkill, some fifteen miles northwest of Newburgh. Walkill is exclusively a transfer institution and no inmates are sentenced direct. It is not, basically, an industrial prison, but on the other hand more of a vocational training institution. To this end the educational program is given particular importance and the inmates transferred are a highly select group. On January 1, 1943 the population of Walkill was 399.

#### *Program Committee:*

A Program Committee meets weekly. In most institutions this group is referred to as the Classification Board. The Committee is composed of the Warden, Principal Keeper, physician, educational director and other professional members of the staff. The group studies, analyzes and formulates programs for inmates who appear before it. Reports are secured from institution officers, and with the advantage of probation and parole investigations and reports, the service unit prepares a detailed summary. The inmate's total experience at the institution is considered, and special cases requiring unusual assistance are assigned various officers for personal counsel. The function and scope of the Program Committee is unique so far as the institutions of this State are concerned, and to the best of our knowledge it stands out as one of the most progressive phases of correctional treatment in the country.

Particular attention is given to the need for placement of prospective parolees, and in this instance the Prison Association of New York has cooperated with the service unit in furnishing employment wherever possible. For the greater part of the year we have been successful in placing practically every inmate referred by the Walkill authorities. One of the prisoners so released during a ten month period was able to triple his original weekly salary.

#### *Education:*

Every possible effort has been made at Walkill to correlate the educational vocational training program with the trend and demand of the times. Considerable reorganization of the educational program has taken place in view of the present emergency and surveys have been made of the institutional facilities to determine how they can best be correlated with the war effort. Approximately 82 per cent of the population are enrolled in educational pursuits. A visual aids program has been inaugurated and sound motion picture projection equipment has been provided. Upon an average of

twice a week pictures are shown which include vocational, academic and other subjects. In June of last year, 27 men were prepared to take the regular Regents Examinations prescribed by the University of the State of New York. In keeping with the trend of the times the vocational supervisor, under the direction of the Warden, is now responsible for each shop and each job involved. This unifies the procedure and makes for a more orderly schedule of jobs.

In addition to the number of courses available to inmates a course in Methods of Teaching Shop Subjects was started in January, 1942 for some 18 employees. It is a course sponsored by the State Department of Education and is instructed by the supervisor of vocational education.

#### *Library:*

An extensive library which is used by approximately 98 per cent of the inmates is in charge of a civilian librarian. It is interesting to note that this library, as well as those of other State institutions, has observed a decrease in the number of books donated during the year and this is directly traceable to the campaigns of war agencies such as the USO and others requesting donations of books for those in the armed services. The library compares favorably with those of many small cities.

#### *Employment:*

In view of the fact that this is not an industrial institution industries are greatly curtailed. The cabinet shop is the only industry as such.

#### *Farm:*

Out of a total area of 855 acres nearly 600 acres are under production. At the close of the fiscal year, June 30, 1942, garden produce consisted of 518,795 pounds. In addition, there were fruit, dairy and meat products in considerable quantity.

#### *Recreation:*

Extensive recreation facilities are available and make-shift quarters have been completed for indoor use. During the summer the swimming pool attracts considerable interest and classes are held for those unable to swim. The pool was constructed by inmates and is carefully supervised. Voluntary military drill was suggested by a group of inmates, and in response to their request this drill was started shortly after the first of the year. In this respect it should be noted that many former inmates have been inducted into the armed services.

**War Activities:**

For four months prior to December 7, 1941 the institution operated a part-time air warning post, and as of the date of Pearl Harbor the warning post went on 24 hour service. Under the supervision of Warden Wallack, who acts as chief observer, the post is manned entirely by inmates whereas it was formerly manned by employees. The post is situated on the roof of the Administration Building and the men serve watches of four hours each. Considerable rivalry exists to establish individual time service records. High commendation has been bestowed by the Army on the personnel of the post, and approximately 4,000 messages have been relayed to headquarters at the close of the year. This is said to be the first institution of the Department to erect and man an Army observation post. Instruction has been given in fire fighting, evacuation procedure, the handling of poison gas, etc. In addition, inmates have constructed a number of model airplanes for the U. S. Navy.

The following survey is appended to this statement concerning Walkill Prison in view of its designation by the institution administration as a "valid criteria for evaluating the effectiveness of the penal treatment program," and because of the Association's appreciation of its value.

**Release Study of Population**

With the establishment of the Service Unit as a coordinating agency participated in jointly by the Department of Correction and the Division of Parole, consideration has been given to setting up the mechanics necessary to accumulate information as to the adjustment of inmates released to parole supervision.

Through this cooperative agreement, Walkill has been receiving information on those inmates on parole, discharged by maximum expiration of their sentence, discharged by death, returned to prison as technical parole violators, declared delinquent or returned to prison on a new sentence prior to the expiration of their parole period.

The figures presented indicate trends that, in the opinion of the administration, are the only valid criteria for evaluating the effectiveness of the penal treatment program. These figures refer to a total of 1883 inmates released from the institution of which 1866 were released to a period of parole supervision. Of particular significance are the results mentioned under comment #6 which specifically refers to those inmates selected for transfer to Walkill under General Order #2, Series of 1940, whereas the table as a whole refers to all inmates transferred to Walkill since its establishment in 1932.

*Status of Releases as of January 1, 1942*

Released on parole.....	1923	1923	1924	1925	1926	1927	1928	1929	1940	1941	Total
Committed by Governor.....	36	113	303	223	211	201	182	180	192	214	1854
Released maximum expiration.....	.....	5	3	.....	.....	1	.....	.....	.....	2	12
Total released.....	36	118	306	223	213	203	186	186	197	216	1883
Discharged from parole Maximum expiration.....	19	65	159	101	81	92	79	37	20	3	656
Discharged from parole by death.....	1	2	2	1	.....	4	.....	.....	2	.....	13
Declared delinquent.....	13	29	50	72	62	55	49	49	23	13	473
Violator returned on original sentence.....	10	29	73	63	48	40	38	39	28	5	378
Violator returned on new sentence.....	3	1	12	8	10	9	4	2	2	1	52
Total on parole.....	3	22	46	48	68	51	54	92	141	198	723
Transfers.....	38	48	45	49	26	27	44	22	42	24	385
Escapes.....	4	2	4	1	1	1	4	.....	3	1	24
Died - Institution.....	.....	.....	1	.....	1	.....	.....	.....	1	.....	3
Discharged, court order.....	.....	.....	1	.....	1	.....	1	.....	.....	.....	6

*Comments — 1. 2,718 inmates received from 1932 to 1941.*

- Of the 1,883 inmates released from the institution during the period of 1932-1941 inclusive, 1,866 were released to parole supervision, 17 were released after having served their maximum terms.
- 19 cases have been released through action by the Governor on their applications for executive clemency.
- Of the 473 cases declared delinquent, 373 or 20% of those released to parole supervision have been returned for a technical violation; 52 cases or 2.7% were returned with new sentences to be served after the maximum of their original sentence has expired; 48 cases or 2.6% have either absconded from supervision or are in custody pending final disposition.
- 24 cases or 9/10 of 1% have escaped from the institution.
- Under the provisions of General Order No. 2, Series of 1940, 467 inmates have been transferred there up to Jan. 1, 1942; 80 of these cases have been released to parole supervision; 2 cases have been declared delinquent but no disposition has been made of them; none have been returned to prison; it was found necessary to transfer back to maximum security prisons 16 of these cases, and two cases were transferred to Dannemora State Hospital.
- Of the 1,866 inmates released to parole supervision, a total of 425 inmates have been returned to prison as parole violators. The percentage of inmates returned is therefore 22%.

The following summary analyzes the 313 cases transferred to Walkill under General Order No. 2 during the fiscal year 1940-1941.

*Crimes of Conviction*

The analysis shows 80 cases convicted of Robbery, 59 of Burglary and 52 of Grand Larceny. Thus, a total of 191 cases or 61% of those received under this order have been convicted under the legal category of either Robbery, Burglary or Grand Larceny in their varying degrees:

Abandonment.....	8	Grand Larceny.....	52
Abduction.....	1	Manslaughter.....	26
Arson.....	6	Murder 2nd.....	2
Assault.....	24	Robbery.....	80
Bigamy.....	4	Rape.....	20
Burglary.....	59	Crim. Negligence.....	9
C. R. S. P.....	4	Others.....	5
Forgery.....	13	Total.....	313

*Previous Criminal Record*

The following figures indicate that of the 313 inmates transferred, 275 cases or 88% have not been convicted of a felony before the instant offense.

The second and third felony offenders recorded have been those convicted who had not previously served time in prison on such a conviction.

103 cases or 33% of the group transferred have never been in conflict with the law that resulted in any kind of a conviction.

All of the figures have been compiled from the criminal history reports made available by the Federal Bureau of Investigation and the Division of Criminal Identification, N. Y. State Department of Correction.

1st offense recorded.....	103
1st Felony offense.....	172
2nd Felony offense.....	37
3rd Felony offense.....	1
Total.....	313

*Age on Reception*

278 cases or 90% of the group transferred were 35 years of age or under. 213 cases are 30 years or under. Only 9 cases were over 40 years of age. The median age is approximately 27 years.

16-20 years.....	21
21-25 years.....	96
26-30 years.....	96
31-35 years.....	65
36-40 years.....	26
41-45 years.....	6
46-50 years.....	3

313

*Marital Status*

141 cases or 45% of the group are single. 89 cases or 28% are married. 13 cases admitted to meretricious relationship before imprisonment.

Single.....	141
Married.....	89
Married-Sep.....	47
Divorced.....	14
Common-law.....	13
Widower.....	6
Annulled.....	3

313

*Education Claimed*

265 cases or 85% of the group claim to have attained at least the equivalent of a 7th grade education or better. 96 cases or 30% claim to have an educational achievement level of first year high

school or better. Two cases claim entrance in college but neither completed the course.

Ungraded.....	3	1st H. S.....	35
None.....	5	2nd H. S.....	24
1st grade.....	1	3rd H. S.....	17
2nd grade.....	3	4th H. S.....	16
3rd grade.....	6	1st College.....	0
4th grade.....	9	2nd College.....	1
5th grade.....	10	3rd College.....	1
6th grade.....	21	4th College.....	0
7th grade.....	38	Spec. Voc. High.....	2
8th grade.....	121		

313

*Religious Status*

With rare exceptions the religious affiliation claimed by inmates is said to be either Catholic, Protestant, or Hebrew. 159 cases or 50% claim to be members of the Catholic faith, 133 cases or 43% claim the Protestant faith and 21 cases or 7% are members of the Hebrew religion.

*Color*

262 cases or 84% of the total transferred were members of the white race and 51 or 16% were of the colored race.

*Training Interests Expressed on Reception*

278 cases out of the total of 313 or 89% expressed a desire to enroll in one of the vocational trade courses available in the institution. Another 13 cases expressed a wish to enroll in academic courses of instruction in an effort to elevate their educational level. 22 cases or 7% merely desired a maintenance assignment and the opportunity of partaking in recreational activities.

Because of the publicity on the shortage of skilled workers in the metal trades there has been a decided increase in the number of applications for training in machine shop practice and welding. Despite this situation, however, the major interest expressed was enrollment in the various phases of vocational agriculture.

Agriculture.....	58	Refrigeration.....	7
Auto Shop.....	26	Sheet Metal.....	2
Barbering.....	3	Tailoring.....	8
Bricklaying.....	13	Welding.....	22
Carpentry.....	15	Const. Machinery.....	1
Clerical.....	24	Blacksmith shop.....	2
Electrical.....	16	Food Preparation.....	9
Furniture Making-Finishing	10	Baking.....	8
Machine shop.....	21	Laundry.....	4
Painting.....	8	Boiler room.....	8
Plumbing.....	12	Academic.....	13
Radio.....	1	Maintenance.....	22

313

On the occasion of a previous inspection, reference was made in the report (of the State Commission of Correction) to the comparatively "short time to serve" of inmates transferred to this institution.

The Warden stated that due consideration had been given to this criticism and that efforts had been made to recommend for transfer inmates with longer time to serve but he called attention to the fact that statistics previously compiled on the subject of "Time to Serve to Initial Board Appearance" have given an inaccurate picture of this problem because, under this type of compilation, no consideration was given to those inmates who appeared before the Board of Parole and were denied for various reasons.

The following table shows a study of those inmates received on transfer from July 1941 to June 2, 1942:

*Time to Serve to Minimum Release Date*

6-8 months.....	16
9-12 months.....	69
13-18 months.....	62
19-23 months.....	15
2-3 years.....	41
3-4 years.....	32
Over 4 years.....	11
Total.....	246

There are 43 cases with 3 or more years to serve.

There are 84 cases with 2 years or more to serve.

39 cases have 18 months or more to serve.

Out of the total of 246 cases, 191 or 65% have at least one year or more to serve.

The median time to serve for the total group is 17 months.

To clarify the conception of "Time Actually Served" a study has been made of the inmates received on transfer during the calendar year 1939, a total of 240 inmates. At the time the study was made, the status of this group was:

Released.....	174
Still there.....	33
Trans. out.....	33
	<hr/>
	240

The following figures are concerned with the time served by the 174 inmates released. It should be noted that the 33 inmates still at the institution at the time of the study had served  $2\frac{1}{2}$  to 3 years there.

*The 174 Released (Rec. on Trans. during 1939)*

6-8 months.....	5
9-12 months.....	33
12-18 months.....	63
19-24 months.....	33
2-3 years.....	45
Over 3 years.....	5

174

Median time served of those released is 18 months.

146 inmates out of 174 or 84% served more than a year.

83, or 48% served more than 18 months.

50, or 30% served more than two years.

It is gratifying to note that the length of time to be served at this institution has been increased from 10 months last year to 17 months this year, thus exposing the inmates to the benefits of the institutional program for a longer period.

**Elmira Reformatory**

Several significant incidents have occurred to affect the Elmira program during 1942, all of them based on the results arising from the nation at war. Before discussion of these incidents is made, it should be kept in mind that Elmira Reformatory was the original institution of its kind in this country. Authorized in 1869 as a result of considerable effort by the Prison Association of New York and opened in 1876, the Reformatory has had its outstanding days as well as its poor days from the point of view of its administration and results of its program. The institution, designed to accommodate first offenders from the age of 16 to 30 inclusive, had a population on January 1, 1943 of 1162.

Recent studies of the population, however, have indicated that the institution and its facilities are not being put to their greatest possible use. Studies mentioned in previous reports of the Association indicate that only approximately one-fourth of the inmates are first offenders and over half are of low average intelligence. In view of this the intent and express purpose of this institution is not being fulfilled. This wide and marked departure from the original thought needs to be adjusted at the earliest possible moment, and in this connection the Association repeats in this report a recommendation of previous years to the effect that commitments should be made direct to the Department of Correction and not to the Reformatory itself as is now the case. In few words, the fact of the matter is that many judges throughout the State are violating the law establishing Elmira and obviously do so unintentionally. However, this continued abuse does not result in the greatest possible good from the program which the institution is equipped to offer.



The institution, located in the City of Elmira, is under the superintendency of Dr. Leo J. Palmer, a physician and psychiatrist of considerable experience within the State Department of Correction.

One of the outstanding changes occurring in the institution in 1942 was the closing of the Placement Service, brought about as the result of the great number of employment offers open to parolees. During the first part of the year the Prison Association's Employment Bureau concentrated particularly on securing jobs for Elmira inmates. In fact, the vast majority of releases, authorized as a result of our employment placements, were from this institution. During the middle of the year the demand for employees increased to such an extent that the Elmira Placement Service had no need to continue functioning. At the close of the year the Association had no applications on file from Elmira inmates.

Another fact should be kept in mind in this respect. The Selective Service Act was amended in 1942 to include those in the 18-19 year age group. Furthermore, the draft regulations provided that first offenders could be inducted into the armed services. Also, the Selective Service Act made it possible for these individuals to be inducted without undue delay, and no time was lost in bringing about induction of inmates. Consequently, the two factors of increased employment opportunities plus the greater need for men in the armed services eliminated the employment problem which plagued this institution for a number of years. It is understood that there are few if any inmates remaining who had been held over their parole eligibility date merely for lack of employment.

In view of the decline in population it was not necessary to resort to the "doubling up" practice noted on previous occasions. There was no new construction of major significance during the year, but there were minor changes—repainting, installation of mechanical equipment, etc. Plans have been outlined for post-war construction and these include a new kitchen, bakery and mess hall.

#### *Classification:*

Reports received from this institution give further rise to the belief that a number of inmates sentenced here are not of the type suitable for the institution's program of treatment. For example, it was found that as a result of intelligence and other special tests, there has been a noticeable decline in the intelligence level. It is understood that of 66 new men received and tested prior to September 30, 16.6 per cent were feeble-minded and only a few had reached the 7th grade education level. A situation such as this is to be deplored and could be eliminated if the Department of Correction had the responsibility of assignment of inmates to this institution.

The Classification Board meets weekly and prepares programs of treatment and examines and conducts tests of new inmates. It has been observed that there has been a general reduction in the length of time an inmate must serve before meeting the Parole Board. Inmates are broken down into groups, A-B-C-D, depending on the inmate's institutional record, attitude, conduct, etc. Those in A group may meet the Parole Board at the end of six months, B six and one-half, C nine, D eleven and one-half and E fifteen months. Obviously the Classification of an inmate may be changed from time to time. All able-bodied inmates are assigned to some form of activity despite the fact that there are no industries except one or two small ones which produce products for sale in the State-use system. The physical training company, farm work and other pursuits occupy the full time of the inmates. Maintenance shops such as the tailor shop, the shoe shop and others are conducted to meet the requirements of the institution.

#### *Medical Department:*

A modern hospital building provides a center of activity for an up-to-date medical program, staffed by the usual professional members.

#### *Education:*

Particular emphasis is given to the educational program at Elmira in keeping with its basic philosophy of treatment, and the educational staff consists of 3 administrators, 11 qualified teachers, 22 qualified instructors and 26 guards and other personnel. Several positions were vacant in view of staff members entering military service. The new study course previously mentioned entitled, "The Individual in a Democracy at War," is part of the curriculum at this institution. Courses in elementary subjects are available for those in need of this level of education, and it is agreed when an inmate is assigned to a class that becomes his fulltime assignment. A modern school building and shop facilities are available, and inmates are trained in a variety of operations. Unfortunately some of the equipment is old, but present conditions make it impossible to secure modern equipment.

A class in agriculture is open only to those having previously had farm experience and who indicate an intention of returning to a similar pursuit after release.

#### *Library:*

The library operates as part of the Educational Department and nearly 7,000 books and magazines, not including textbooks, are available. The library is the scene of continual activity.

**Military Program:**

The military program at this institution dates back to the original law setting up this institution. Men assigned to the military training unit accept this as their fulltime assignment. The course today has assumed major importance. Dress parades several afternoons a week are held and particular attention is now being given to the assignment of men to this company who will apparently be classified I-A in the draft when they leave the institution. This intensive course will harden them for service which they will be called upon to perform for their country. The routine consists of special drills, calisthenics, guard mount, a Commando course, knowledge of the manual of arms as well as classroom lectures.

**Religious Services:**

The Catholic and Protestant chaplains are engaged on a fulltime basis and the Jewish chaplain is on part-time. The chaplains are available every day for consultation, and classes in ethics are available, one for Catholics and one for Protestants, under the direction of the respective chaplains.

**A WARTIME PRISON CONGRESS****A Report of the 72nd Annual Congress of Correction of the American Prison Association and Some Impressions**

Asheville, North Carolina—October 18-23, 1942

By ROBERT PATTERSON

(NOTE: *We believe it is important to include resumes of the various Congresses of Correction held annually by the American Prison Association. Frequently in the past we have written these reviews but on the other hand we think it is well to have some outside expression occasionally and, therefore, we are pleased to present this statement by Robert Patterson appearing in the October-November 1942 issue of the ATLANTIAN, edited and published at the Atlanta Penitentiary, Atlanta, Georgia.*)

With war very much on their minds, the correctional chiefs, wardens, parole officials and penologists of the federal government and the 48 states met last month in Asheville, N. C., for the 72d annual conclave. The predominant wartime motif was keyed by the discussion of such issues as the use of prisoners in industry and as soldiers, the growing scarcity of adequate personnel, the contemporary outbreak of youthful delinquency and the patriotic response of prisoners in terms of industrial production. All of the wardens who attended, spoke in glowing terms of the fine attitude being displayed by the men in their respective institutions.

Particularly noteworthy was the supplanting of penal-psychiatric topics with discussions more acutely attuned to the realistic factors of 1942's war-crushed world. Recently past conventions have been strongly redolent of psychiatric panaceas to all problems penological. This year the Nation's prison men discussed their problems and possibilities in the hard, cold, material terms of working or fighting and the standards of selectivity for such functions.

The only major subjects unrelated to the war effort which were dealt with were the indeterminate sentence legislation, the socially injurious techniques of a certain type of prosecuting attorney, and the need for less of the wrong kind and more of the right kind of publicity on what goes on in the prisons. Despite the exigencies of wartime conditions, a very considerable representation of the field was present and most of those who spoke, either before the general assembly or to the various panel groups, expressed ideas and suggestions or told of experiments that, in the aggregate, bespoke a very high standard of liberalism, perception and professional attainment.

One of the outstanding figures of the Congress was James V. Bennett, Director of the Bureau of Prisons, whose vigorous personal effort in behalf of prisoner opportunities for military service is penaldom's major contribution to the contemporary social scene. Mr. Bennett's report on the results of his effort to obtain opportunities for military service for prisoners created the greatest interest among his listeners, stimulated wide-spread discussion of the project, and—as the most important event of the convention—was one of the few statements to obtain widespread circulation over the press wire services.

Always in the forefront, Mr. Bennett has waged a vigorous war against official ignorance and entrenched prejudice. With the weapons of logic and fact, he has fought the prisoner's fight and obtained gains that are partial victories for fairness and equity in regard to prisoner-war-service. For his efforts, the Director of the Bureau of Prisons has been able to secure for the men in state and federal institutions a system of special selective service boards, the formulation of which has received the assistance and sanction of General Louis B. Hershey, head of the Nation's selective service organization.

Under the plan, prisoners will be considered by boards especially created for each of the institutions. Each board will consist of three members; one chosen from the administrative staff of the institution, one from the ranks of the leading citizens in the local community, and one from one of the local selective service boards in the area. The appointment of the board would be in the jurisdiction and authority of the governor of the state in which institutions are located and final acceptance of selectees would be up to the local area commander.

"The Army has already indicated a willingness to be liberal with regard to men who have prison records," said Mr. Bennett, in relating his progress with the plan, "but they are depending on prison wardens, parole and probation officers of the country to warn them of undesirable individuals.

"Prisoners guilty of heinous crimes, which include rape, murder, kidnapping, arson, sodomy, pandering, and crimes involving sex perversion and the use of narcotics, should not be considered unless a special waiver is present (after release) showing that such a man has lived in good standing in a community for six months or more."

Under the plan, prisoners selected for service would be inducted into the service from *their own communities, and their own selective service boards*, rather than from the community in which the prison is located. Such selectees pass immediately into the jurisdiction of

the Army and the Department of Justice abandons its custody and rights immediately upon induction.

Mr. Bennett reported to the delegates that the Navy has been slow to take former prisoners but "should the Navy go under selective service, the restrictions would be modified as they have been in the Army." The Coast Guard, on the other hand, readily accepts men whose records and crimes are not too offensive. The Merchant Marine, standing badly in need of men, will not only accept men from the prisons but is officially interested in encouraging applications from those holding Department of Commerce licenses for qualified seaman'ship (colloquially known as "A. B. tickets").

Unfortunately for female federal felons, there is as yet no provision for their enlistment in the WAACS or the WAVES but it is thought that "restrictions might be taken out in the future."

The foregoing procedures apply, of course, to prisoners ordinarily eligible for parole and they constitute a splendid and encouraging departure from the freeze-out conditions that have heretofore existed. There is no means, as yet, whereby militarily-eligible prisoners may be considered no matter how little or much of their sentence has been completed (a consummation dear to the hearts and hopes of many prisoners) but Mr. Bennett's plan is a tremendous stride in an important direction and an attainment which must earn him the gratitude of all thinking, patriotic prisoners.

It is interesting to speculate on the potentialities of the proposed special selective service boards in the light of recent authoritative opinions to the effect that if industrial manpower is conscripted (a reasonably foregone conclusion if present conditions continue) the selective service system will be the means by which such conscriptions will be obtained. Perhaps, then, Mr. Bennett's system will mean jobs as well as uniforms for qualified prisoners.

Of the many other prison men who spoke before the Congress, the speeches of the following were outstanding:

Allen L. Shank (Associate Warden at the U. S. Reformatory, Chillicothe, Ohio) told of the "gratifying reports" that have been received upon former prisoners of Chillicothe, trained as aviation mechanics in the institution and now working in the aircraft service.

"The entrance of ex-prisoners into one of the most vital of our defense industries," he said, "marks a real step toward revising the attitude of the public toward the men behind walls. By placing these men in positions of utmost responsibility and trust, it may be possible to bring before society the fact that many imprisoned men are still loyal Americans, ready and willing—if trained—to do their part to meet the emergency confronting our country."

Sam A. Lewisohn (prominent copper magnate and a director of the Federal Prison Industries, Inc.) discussed the work being done by prisoners inside of prisons.

"The prisons of at least 15 states are engaged today in war production and it has been established by authorities in Washington that there are 100 state prisons with industries and facilities potentially in the picture for war production in the future."

Dan W. Turner (Chief of the prison industries section of the War Production Board) told of the Nation's pressing need of the products which are being and could be turned out in the industrial plants of the prisons throughout the country; asked for greater use of such facilities.

Benedict S. Alper (field secretary of the American Parole Association) opined that the same qualities of youth which commend the 18 and 19 year olds to the Army are responsible for the volume and type of criminal offenses committed by this age group in peacetime.

"But this irresponsibility and even recklessness of youth will not be so easily channelled into . . . constructive activity when this war is over. We are all too likely to have on our hands again a serious problem of adolescent criminality when peace returns."

Dr. Marshall Clinard (U. S. Bureau of Census) warned the delegates that they might expect a great increase in the prison populations after the war.

Warden Thomas P. Gore (Tennessee State Prison) in an extraordinary exercise in forensic eloquence, painted a dramatic picture of the wartime responsibilities of America's prisons and prisoners.

"The work we are doing is a work of encouragement. It should help develop good men, strong men, able men, patriotic men. It is a work that should bear good fruit. Our program, if intelligently applied, should prove of immense value to the Nation.

"Our work should teach people the important lesson of self-reliance . . . of learning how to help themselves and, therefore, of helping others. We love the man who can smile in trouble, who meets every disaster with renewed determination, who can gather strength from distress, who can bring order out of chaos, and grow brave by reflection."

There was a great deal more in that vein.

Wendell Berge (Assistant U. S. Attorney General) leveled a scathing attack at—we report with pleasure—"prosecutors who would rather see their names in print than justice done." His two-fold exhortation was for district attorneys who play up to the less

savory elements of public opinion, who subordinate justice and humanity to political or career expediency, and who feed the newspapers with material and suggestions which lead to sensational journalism.

"We must assume," said Mr. Berge, "that the prosecutor is practicing law, not playing politics. I put this first because it is closer to the root of the trouble than any other factor. For some lawyers, high achievement in the courts properly brings public attention, and the legal career naturally serves as a stepping stone to public leadership. Fortune finds them out. They do not spend their energies tugging at her sleeve, or their voices shouting in her ear. These men become statesmen.

"But for others more generously gifted with ambition than ability or devotion to the law, the trial court is no more than a sounding board by which they attempt to enhance their own careers. They are too busy seeing that their names and the cases that they are trying are kept before the public, to make certain that justice is done. These men sometimes become politicians. That is their goal."

Mr. Berge said that the prosecutor, both before and during the trial, should avoid making premature disclosures that may have a bearing on the sentiment of the public or the reasoning of the jurors.

"When public hysteria is created, acceptable jurors are hard to find. When prejudice and vindictiveness are built up through weeks or months of carefully slanted news and feature stories, the confidence of the courts themselves in their own ability to mete out even-handed justice is sometimes shaken."

On the other hand, Mr. Berge warned of the danger of the other extreme, "the mistake of becoming secretive in matters that a free press is entitled to know about." At the outset of his splendidly unconventional and courageous speech, Mr. Berge (who exonerated the press in general of the usual charges of sensationalizing criminal proceedings and placed the blame as indicated in the foregoing paragraphs) said:

"I shall not preface my remarks, as novelists do, by the statement that any names or places used herein are fictitious and no identification with real persons is intended, but I do say that wherever the shoe fits, the kick goes with it."

Warden James A. Johnston (U. S. Penitentiary, Alcatraz Island) presented an excellent follow-up to Mr. Berge's speech. Under the title "What Does the Public Know About Prisons and How

Do They Get To Know," Warden Johnston discussed the vital matter of penal publicity.

"The press," Warden Johnston said, "is the light that shows up dark and dirty places . . . it is the goblin that will get you if you don't watch out. It should be our concern, therefore, to be on guard—not against publicity, but against being vulnerable to destructive publicity. False reports do not hurt, but the truth does, moreover, a true report of a bad situation hurts because it may give the color of truth to a whole page of lies, exaggerations and distortions with which it is associated."

Stating that regardless of the attitude taken against publicity by prison authorities there is bound to be publicity about prisons, Warden Johnston said, "the sordid, sensational, distasteful, may be deplored by the conservative element in the community, it may be heartily disliked by the newspapermen themselves, but it is better for the public to be informed, whether the facts are pleasant or shocking, than to remain ignorant."

Judge Bolitha J. Laws (U. S. District Court, Washington, D. C.) discussed "the shocking disparities" in the sentencing of men for criminal offenses. He advocated the much mooted indeterminate sentence legislation as the best means whereby contemporary inequities of justice might be corrected. Judge Laws asked for special consideration for all offenders under the age of 24, suggesting that "dangerous criminals" in this age bracket should be segregated from other inmates, both from the same age group and those older. This is an interesting reversal of the conventional credo that all younger offenders should be protected from older ones; a reversal substantiated by statistics showing that youths of the 17-to-24-year-old age group, commit more crimes than men from any other age group.\*

These are the newly elected officers of the American Prison Association: President: Richard A. McGee, *Supervisor of Institutions, State of Washington.*

*Vice-Presidents:* Joseph W. Sanford, of Atlanta, Ga.; Clinton T. Duffy, of San Quentin, Calif.; Thurman A. Gottschalk, of Indianapolis, Ind.; Sidney M. Lister, of Houston, Texas; Miss Franklin R. Wilson, of Muncy, Pa.

*General Secretary:* E. R. Cass, of New York.

*Treasurer:* George C. Erskine, of Cheshire, Conn.

*Assistant Secretary:* Roberts J. Wright, of New York.

(The Executive Committee was re-elected with one exception; Monsignor John O'Grady of Washington, D. C. replaced Arthur T. Lyman of Boston. Few changes were made in the Board of Directors, the only new members being Miss Helen Hironimus of West Virginia, M. R. King of Maryland, and Milton Summers of Illinois.)

\* It appears that men under 24 commit 26 percent of all robberies, 40 percent of all burglaries and 50 percent of all automobile thefts.

Barnett Farroll (Chicago business man, Director of the National Prisoner's Aid Association and veteran lay penologist) praised the patriotism of prisoners, citing many instances of hardships undergone and sacrifices made in the service of the war effort.

"It has been our experience in working with prisoners for over 41 years, that if given the opportunity to express themselves, they (the prisoners) are—for the most part—more conscious of what is at stake than the average free American citizen. The reason is simple to all of you . . . they know the meaning of the loss of freedom."

Harvey L. Long (Illinois State Department of Public Welfare) contributed to the general praise of the patriotism of America's prisoners, particularly of the youthful ones.

"The present war has shown again the high quality of courage, honor and loyalty possessed by many delinquent youths. It is the task of all who work with youth on whatever level to capitalize upon these assets and to find, among other things, a moral equivalent of war in peacetime."

Morris Ploscowe (Chief Clerk of the Court of General Sessions, N. Y. C.) offered some new and unusual facts and suggestions on the treatment of sex offenders. Urging a re-examination of the penal law, he stated that present sentencing is wrong ("in some cases too severe, in some cases too lenient") pointing out that serious sex crimes are usually committed by first offenders and that 26 percent of such crimes are committed by men who are married at the time of the crime.

Mrs. W. T. Bost (Commissioner of Charities and Public Welfare, State of North Carolina) discussed the problem of military "camp followers," stating that the number of otherwise "nice" girls who are being attracted to the regions around military camps is now developing into a major problem. Professional women are no part of this problem, nor is jail the solution, said Mrs. Bost.

"I believe it is safe to say that many of these girls . . . have come by their lot not with deliberation but by misadventure or lack of guidance."

Rabbi Rudolph I. Coffee (Chaplain of California State Prisons and prominent San Francisco prison worker) told the delegates that religious work in prisons could no longer be a matter of mere moralizing.

"The one thing he (the prisoner) does not want is sermons. Every day behind bars carries its own punishment. Instead, the understanding chaplain delivers heart-to-heart talks which start

with Bible heroes, but end with modern heroes, such as Douglas MacArthur or Colin Kelly."

Edwin Gill (N. C. State Revenue Commissioner and former Commissioner of Paroles) stated his belief that the current emergency provided the right-minded prisoner with his "opportunity of a lifetime."

"I believe that this Nation will now look upon him with a more tolerant eye. I believe he has an excellent chance to get a job, and I am betting that, in most instances, he will do his part well."

There are difficulties and complications however, Mr. Gill pointed out.

"The world to which the released prisoner returns today is vastly different from the one from which he came or to which he might have returned a year ago. The war has fanned a deep-rooted spirit of revenge in the entire Nation and the individual prisoner may find it difficult in such an atmosphere to forgive and forget.

"Of necessity, if the prisoner is to find adjustment in this restless and violent world, he must find it in the picture of total war. He must find a part to play in the war effort; a part commensurate with his abilities. This will help society and may be the salvation of the prisoner. In short, the returning prisoner must be given a place somewhere in our fight for freedom. If he is given a part to play, either in industry or on the farm or on actual combat duty, he may find a solvent for many dangerous tendencies, for many disturbing fears and doubts."

Speaking of those physically or mentally incapable of contributing to the war effort, Mr. Gill contrasted the New Deal with the New Order.

"In Nazi philosophy, weaklings are to be eliminated with poison gas. The aged and afflicted are to have their lives snuffed out with the cold efficiency of the New Order. When we throw a protecting arm about the shoulders of the helpless and afflicted, we justify our right to survive as a great Nation."

Austin H. MacCormick (Executive Director of the Osborne Association, former prison official and leading penologist) discussed the importance of alcoholism as a factor in delinquency, saying that there are more inmates in long-term prisons whose criminal careers have been predicated upon excess drinking than even prison officials realize.

"Judge Joseph T. Zottoli of the municipal court of Boston" said Mr. MacCormick, "has compiled statistics . . . showing

that alcoholism is responsible for about fifty per cent of the population of Massachusetts prisons and that there is a definite correlation, year by year, between arrests for drunkenness and the populations of penal institutions, not only for misdemeanants but also those for felons."

Mr. MacCormick does not consider the ordinary prison or the ordinary prison sentence as proper treatment for those whose offenses are based upon alcoholism.

"Colonies, where outdoor work is available, are suggested because so many alcoholics need physical rehabilitation and because less restraint is necessary in a rural colony than in an urban institution."

Mr. MacCormick also excoriated the county jail system as "a disgrace . . . held fast in the clutch of local politics and staffed by political henchmen."

Eliot Ness (Director of Social Protection, Office of Defense Health and Welfare Services, Washington, D. C.) called attention to the alarming spread of venereal disease throughout the country.

"Selective service boards of the country were compelled to defer 100,000 men out of the first two million examined due to syphilis. The extent of the national problem is that 45.2 percent out of every thousand men have syphilis."

More than fifty-five percent of the 400 women in the North Carolina prison, Mr. Ness stated, suffer from venereal disease. Because of the menace to the war effort constituted by this condition, the government is taking recourse to the little used May Act which invokes federal control over health and vice conditions in areas of activity vital to the security of the nation.

Douglas H. McNeill (Assistant Director, Division of Statistics and Research, Department of Institutes, State of New Jersey) told delegates that teen-age delinquency has taken an alarming up-swing. Pointing out the conventional causes (home break-ups because of war work or the induction of fathers, the closing down of playgrounds and other activities and general psychological trends), Mr. McNeill stated that "youth finds it increasingly difficult to follow the even tenor of their ways when little thought has been given to the part they might play in the nation at war." He pointed out that the worst may be still to come, that "the real explosion" in juvenile delinquency, like a delayed action bomb, may occur later.

Judge Arthur D. Wood (Chairman of the U. S. Board of Parole) suggested an immediate liberalization of parole standards and release procedures.

"We are all in agreement that a large quota of the manpower now in the servitude of state and federal penal institutions is suitable for military service and that they should be accorded an opportunity to participate in the defense of the allied cause. I feel certain that, by and large, the people of this country support that contention."

An extremely significant and portentous statement in view of the fact that Judge Wood is one of the men most able to make available to the war effort large numbers of qualified men.

Dr. Ralph S. Banay (Director of the Psychiatric Clinic at Sing Sing Prison) gave enthusiastic approval to Judge Wood's statement and discussed the problem of educating regular army personnel and rank and file toward the acceptance "in the proper spirit" of former prisoners. (*Editor's Note:* In his address to the Congress, Mr. Bennett stated that former prisoners released to Army service "should not have their records broadcast.") Dr. Banay thought that ex-prisoners would make good soldiers.

"Paradoxically, many of the factors that make men good prisoners also make them good soldiers potentially. These factors include a spirit of daring, the ability to withstand physical and mental punishment, patience and the will to win."

Lewis E. Lawes (Former Warden of Sing Sing Prison) put in a lusty plea for military service for prisoners.

"If this is total war, and God knows that it is, then why should the man who has served a prison sentence be forbidden to fight in it if he is physically, mentally and morally healthy. To my personal knowledge, hundreds of ex-inmates served overseas in the last war, some of them with distinction. The right to fight and the obligation to do so should be granted convicted men who have the right personality makeup and who have been approved by intelligent Americans whose recommendations are based on common sense and not on maudlin sentimentality."

The author of "Life and Death in Sing Sing" also opined that prisoners should be given a place in defense industry.

"There is a grave national shortage of skilled mechanics, while there are many capable inmates of prisons who could safely be released under parole supervision to help in this work, were it not for the timidity of public officials, adherents to tradition and, in some cases, because of antiquated laws."

Mr. Lawes was enthusiastically in favor of war-attuned industrial training programs such as those now being instituted by the federal government throughout its institutions.

Warden Clinton Duffy (San Quentin Prison) related some of the details of California's new penal program, particularly those which have developed to meet wartime needs.

"The attitude of the men at San Quentin is excellent," Warden Duffy said. "They are willing and anxious to cooperate in any way to help win this war. This is very gratifying and will, with the proper direction, I am sure, continue. Some of our men have been classified for service by the Selective Service System and are now in the armed forces. Those still in prison have gone out to help harvest crops, fight forest fires, build roads and do many other jobs toward the war effort, both inside and outside prison walls. I happened to be in the Big Yard when the news came over the radio about the bombing of Pearl Harbor. I was almost swarmed over by hundreds of men who requested that they be permitted to do something . . . anything in order that they might help in the newly created national emergency. They wanted to join the services, they offered to manufacture defense articles, work longer hours, anything."

Mr. Duffy said that subsequent attainments on the part of his men have borne out their earlier promises.

Dr. Leo Pasvolsky (Special Assistant to the Secretary of State) whose appearance was obviously in the nature of a "special added attraction," delivered a well informed address on the war and international affairs and made no mention of matters penal. He told of the needs of the post-war world, stressing the vital necessity of a strong, conscientious leadership which should have the confidence and understanding of the people and emphasizing the importance of social consciousness, social responsibility and an informed public.

He stated that the principle of isolationism has been discredited for all time.

"The Japanese attack on Pearl Harbor shattered some dangerous notions that we have indulged in too long; one of them that by withdrawing from the world and relying on our good behavior and potential strength, we would be safe. We have learned that great potential strength offers no protection against inferior strength if the inferior is assembled and ready for war."

G. Howland Shaw (President of The American Prison Association and Assistant Secretary of State) devoted his speech to

the more general relationship between the war and the penal situation, stressing the loss of key personnel to the armed forces, the increasing need of a public understanding of the correctional system and the considerable increase of juvenile delinquency. Mr. Shaw allotted much of his speech to a consideration of juvenile delinquency.

"Obviously," he said, "the improperly handled juvenile of today has an excellent chance of becoming the inmate of an adult correctional institution five or six years hence, at precisely the time when those adult institutions, if past experience has any meaning, will be receiving an increased number of adult offenders on account of the inevitable readjustment and disorganization occasioned by demobilization and by post-war conditions generally."

In brief, Mr. Shaw believes that the prisons will be full after the war. So that the needs of the situation may be met, he called for "care and patience . . . and a greater and wiser effort on our part."

As in his speech before the San Francisco Congress in 1941, Mr. Shaw emphasized the importance of a change in social conditions, decrying in rather general terms the abuses of the past and reminding his listeners that America must "adjust its institutions and way of life to the new world (that is to come after the war) and fashion, at least in outline, that larger more universal measure of democracy which our soldiers and our sailors will demand by way of just compensation for the sacrifices which they have made during the years of the war." Like Dr. Pasvolsky, Mr. Shaw was more concerned with the broader aspects of world affairs than with the minutiae of penal administration.

He found prisoner patriotism very encouraging.

"The inmate of our penal institutions has been thought of as ostracized from our national life. He is now demonstrating a capacity for participating in that life at a time of major crisis."

Others who spoke before the Congress included Governor J. M. Broughton of North Carolina, Miss Helen Hironimus (Warden of the U. S. Reformatory for Women at Alderson, W. Va.), Donald Clemmer (Illinois State Prison sociologist and author of "The Prison Community," Judge Wilson Warlick (North Carolina Superior Courts), Dr. Justin K. Fuller, (Medical Director of the War Shipping Administration and formerly Medical Director of the Bureau of Prisons) and Miss Margery Fry (juvenile delinquency expert of London, England) who told the delegates that Britain's prison population has been reduced from 10,000 to 5,000 since the outbreak of the war.

Samuel J. Battle, Negro member of New York City's Parole Commission addressed the Congress on the subject of crime among his own people. He told them that employment discrimination was responsible for much of the delinquency among Negroes, urged that economic reforms be effected and climaxed his speech with the claim that

" . . . we are Americans, too; when you see a black face, you do not have to worry about our loyalty."

Dr. Oliver C. Short, of the U. S. Civil Service Commission, reported on the growing shortage of qualified personnel, stating that more attention should be paid to the attitudes of professional workers, that instead of paying undue attention to the results of paper tests more weight should be given to such intangibles as leadership, the ability to get along with people, sobriety and honesty. Dr. Short affirmed that the guard force is the "backbone of a prison" and stated that a high school education should be the prerequisite for such service. Speaking on the same program, Warden E. B. Swope (U. S. Penitentiary at Terre Haute, Ind.) said that all wardens wanted their men better trained, but asked, "better trained for what?" He felt that the place of the guard in prison work must be redefined in newer, better terms and indicated that "the failure of a progressive program is definitely certain unless the guard comprehends the object" of the program. Mr. W. T. Hammaek, Assistant Director of the Bureau of Prisons (in charge of personnel training) said that there was no intention "of stuffing prisons with college graduates but that . . . now was the time to begin work on the professionalization of prison work" and Mr. James V. Bennett, Director of the Bureau of Prisons, contributed the realistic observation that it was a little Utopian to speak of college educated guards for the state prisons of the nation when median salaries are a little over \$1,400 and the average work week is fifty-five hours. He advised prison administrators to go to their legislatures with requests for conditions that will invite better equipped officer-material into their respective prison services. It was thereupon suggested that the American Prison Association should set up standards of professional qualification for prison officers.

The National Jail Association (a subsidiary of the American Prison Association) heard Austin MacCormick and others decry conditions in the nation's jails, which have become "places of punishment instead of places of detention, as they were intended." Miss Nina Kinsella, Executive Assistant to the Director of the Bureau of Prisons, was elected a vice-president of this organization. Miss Kinsella is the Bureau's authority on jails.

Other miscellaneous occurrences included the participation (under the chaperonage of Howard Gill of the Bureau of Prisons;



recently returned from a penal mission to Central America) of a delegation of prison and welfare administrators from Panama, the showing of an excellent technicolor film taken at the Michigan State Prison at Jackson, and the reading of a prison written essay which won first prize in a contest sponsored by the Bureau of Prisons (title: "Is Rehabilitation The Bunk?").

Despite a considerable amount of pleomasm and a certain amount of digression, the Prison Congress was an effective success, if for no other reason than for the speeches of Mr. Bennett, Mr. Berge and Judge Laws. Many other sincere gestures in the direction of a better utilization of the nation's imprisoned men and women have undoubtedly laid the foundation for important changes of policy and procedure during the year to come; changes of a compellingly vital nature. Throughout the proceedings there was to be observed the fine spirit of idealism, the genuine desire to do better things for and with prisoners in the name of a better society that is so significant of the country's penal leaders gathered under the banner of the American Prison Association. Better still, all who participated in this congress seemed well aware that there was a war, and that something should be done about it . . . in their own institutions. Not least important is the effect that such a meeting has upon the lay public. This effect is best summarized in words evoked from the columns of the Asheville Times:

"The composite picture of constructive prison activities painted by the speakers . . . is a heartening one of pride, patriotism and desire for clean citizenship. It is a little known picture to the general public, which hears mostly of prison breaks on the gangster side of the column."

The American Prison Association passed resolutions:

Leaving the time and the place of the next Prison Congress to the discretion of the Association's Executive Committee; directing a study of the sentencing provisions of the penal laws; pledging itself to maintain precautions against the exploitation of prison labor; authorizing officers of the Association to cooperate in obtaining enactment of the federal indeterminate sentence law; thanking federal officials for "efforts to make available to the Nation the services of former offenders on the basis of their individual merits and willingness to meet the obligations of military service;" taking "appreciative cognizance of the contributions of prison inmates to the war effort;" urging deferment from military service of a sufficient number of trained persons in every penal and correctional institution "to maintain minimum standards of security and welfare;" and expressing the usual gratitude to all agencies and persons who have contributed to the success of the institution's program.

## LEGISLATION—1942

Herewith is a list of 76 bills which held the interest of the Prison Association of New York during the 1942 Session of the Legislature. Of this number, 25 bills approved by the Association were written into law, 1 bill opposed by the Association was written into law, 30 bills opposed by the Association failed of passage and 20 bills approved by the Association failed of passage.

*Senate Int. 38, A. Pr. 2068, by Mr. Phelps:* Authorizes Court of Claims to determine claim of person convicted of crime and who after confinement in state prison receives pardon from governor stating it is issued on ground of innocence of crime. *Approved. Chapter 442.*

*Senate Int. 60, Pr. 60, by Mr. Gutman:* Creates in State Department of Correction a Youth Correction Authority to consist of three members appointed by Governor, to provide and administer corrective preventive training and treatment for persons committed to it by judges of criminal courts, and to establish and supervise places for their detention, confinement and instruction. *Opposed. Failed of passage.*

*Senate Int. 80, Pr. 1594, by Mr. Johnson:* Requires that grand juries after July 1, 1942, shall inquire annually into status of indictments remaining undisposed of for more than one year prior to convening of grand jury and to report thereon to court. *Approved. Failed of passage.*

*Senate Int. 90, Pr. 308, by Mr. Feinberg:* Makes general changes in state's judicial system, includes provision for assignment to Appellate Division justices of administrative control over lower courts, except surrogate's court, and abolishes New York County General Sessions Court and County Courts in New York City and transfers their jurisdiction to the Supreme Court, judges of such courts to be justices of Supreme Court for balance of term; officers and employees are also transferred. *Approved. Failed of passage.*

*Senate Int. 202, Pr. 202, by Mr. Marasco:* Creates in Executive Department a division of crime and delinquency prevention with power to organize local councils in various communities a director and advisory council of ten members to be appointed by Governor to head the division. *Opposed. Failed of passage.*

*Senate Int. 214, Pr. 218, by Mr. Gutman:* Provides that Adolescent Courts in Kings and Queens Counties shall have jurisdiction over both male and female minors until 19th birthday. *Approved. Chapter 394.*

*Senate Int. 307, Pr. 326, by Mr. Mahoney:* Prohibits rating of oral examination as part of competitive promotion examination but allows use only for personal interview. *Opposed. Failed of passage.*

*Senate Int. 324, Pr. 346, by Mr. Bechtold:* Provides that a prisoner escaping from a prison may be convicted of misdemeanor if confinement was for an offense, traffic infraction or violation of an ordinance. *Approved. Chapter 142.*

*Senate Int. 367, Pr. 393, by Mr. Desmond:* Enacts Youth Correction Authority Law, authority to determine manner in which young offenders committed to it shall be supervised and when they shall be made free; Youth Correction Division is created in Executive Department with members appointed by Governor. *Approved in principle. Failed of passage.*

*Senate Int. 373, Pr. 400, by Mr. Marasco:* Provides any male between 16 and 30, after conviction in New York City of crime other than felony, whether or not it is first offense, shall be proper subject for reformatory treatment. *Opposed. Failed of passage.*

*Senate Int. 451, Pr. 2524, by Mr. James:* Provides minimum term for 2nd and 3rd felony offenders shall not be less than one-half longest term prescribed for 1st conviction and maximum shall be not longer than twice the longest term, except that minimum shall not be less than five years and if maximum is five years or less the minimum shall be not less than two years; applies only to crimes committed on or after effective date. *Opposed. Chapter 700.*

*Senate Int. 452, Pr. 1539, by Mr. James:* Defines conviction and convicted, in criminal cases to include a determination of guilt resulting from plea of guilty, decision of court or magistrate or verdict of jury irrespective of pronouncement of judgment or its suspension. *Approved. Vetoed.*

*Senate Int. 482, Pr. 538, by Mr. Young:* Provides psychiatric bureau may be established by supervisors as adjunct of Children's Court in any county for physical, mental and psychiatric examination. *Approved. Failed of passage.*

*Senate Int. 483, Pr. 539, by Mr. Young:* Authorizes Chief Probation Officers in Children's Courts to formulate uniform methods

for probation work and develop processes in technique of case work. *Approved. Chapter 809.*

*Senate Int. 485, A. Pr. 2852, by Mr. Young:* Provides for disposition of cases in New York City Domestic Relations Court involving minors over fifteen and under nineteen years of age by youth court which may be established in each county. *Opposed. Failed of passage.*

*Senate Int. 681, Pr. 1987, by Mr. Johnson:* Provides that appeals from conviction by New York City magistrate holding Court of Special Sessions shall be taken to Appellate Part of Special Sessions Court, and appeals from such Court may be taken to Court of Appeals on question of law. *Approved. Vetoed.*

*Senate Int. 766, Pr. 1143, by Mr. Mahoney:* Strikes out provision that warrant for retaking of paroled prisoner of reformatory for violation of parole must contain statement of time within which prisoner must be retaken and that prisoner may be retaken at any time prior to absolute discharge. *Approved. Chapter 382.*

*Senate Int. 795, Pr. 941, by Mr. Young:* Creates in New York City Magistrates' Courts a youth court for persons between sixteen and nineteen years charged with crimes except those punishable by death or life imprisonment, provides for probation until twenty-first birthday or commitment to religious, charitable or other institutions for training and discipline. *Approved. Failed of passage.*

*Senate Int. 843, A. Pr. 2819, by Mr. Bechtold:* Provides until July 1, 1943, it shall be a felony to steal an automobile or other motor vehicle under circumstances not amounting to 1st degree grand larceny, or to steal or appropriate an automobile tire or tube. *Approved. Vetoed.*

*Senate Int. 918, Pr. 1100, by Mr. Coudert:* Combines in one definition all forms of larceny and provides that manner of obtaining possession or title to property with consent of owner shall be no defense if it was induced by false or fraudulent representation, and makes changes as to pleadings, proof and sufficiency of indictment. *Approved. Chapter 732.*

*Senate Int. 1112, Pr. 1352, by Mr. Perry:* Prohibits manufacture or use of knife having blade which opens automatically by hand pressure, spring or other device whether known as switch blade knife or otherwise; all such knives must be surrendered to police within 30 days after act takes effect. *Approved. Failed of passage.*

*Senate Int. 1133, Pr. 1373, by Mr. Mahoney:* Provides Erie County sheriff and under sheriff shall receive annual salary fixed by supervisors; all fees shall belong to county, sheriff to file bond in penal sum of \$50,000; deputy sheriffs and employees shall be appointed by sheriff. *Approved. Chapter 230.*

*Senate Int. 1173, A. Pr. 2762, by Mr. Riley:* Provides first offenders received in state prison prior to June 1, 1940 for receiving stolen property with minimum sentence of more than five years may be released on parole as if sentence had been for indeterminate term with five years minimum, and every other prisoner received prior to that time with minimum sentence of more than ten years, may be released on parole as if sentence had been for indeterminate term with ten year minimum. *Approved. Vetoed.*

*Senate Int. 1332, Pr. 1867, by Mr. Farrell:* Creates office of public defender in New York City and permits supervisors in other counties of more than 200,000 to establish office, for persons charged with crime and without means to employ counsel. *Approved in principle. Failed of passage.*

*Senate Int. 1423, A. Pr. 2795, by Mr. Young:* Authorizes youth court division of Children's Courts in counties outside of New York City to dispose of cases of youthful offenders over 15 and under 19. *Opposed. Failed of passage.*

*Senate Int. 1482, Pr. 2051, by Mr. Wicks:* Requires superintendents of mental hygiene and correction institutions to submit periodic estimates of expenditures and provides for purchase of supplies on orders approved by Standards and Purchase Department. *Approved. Vetoed.*

*Senate Int. 1582, Pr. 1943, by Mr. Wicks:* Provides report of investigation by Commission of Correction relative to construction, management and care of inmates of penal institutions filed in Correction Department may be published with approval of Correction Commissioner. (Assembly Int. 1602). *Opposed. Failed of passage.*

*Senate Int. 1647, Pr. 2059, by Mr. Farrell:* Creates in New York City Magistrates' Court a youth court for persons between 16 and 19 years charged with crimes except those punishable by death or life imprisonment; provides for probation until 21st birthday or commitment to religious, charitable or other institution for training and discipline; if person is incapable of benefiting, institution head may return him to court for other disposition. (See S. 795). *Approved. Failed of passage.*

*Senate Int. 1704, Pr. 2151, by Mr. Mahoney:* Strikes out amounts fixed as salaries for certain employees of Parole Division in Executive Department and gives board power to fix such salaries. *Opposed. Failed of passage.*

*Senate Int. 1717, Pr. 2267, by Mr. Mahoney:* Provides for examination of defendant in criminal case as to insanity or mental deficiency instead of as to sanity, for transfer during commitment to state institution in accordance with mental hygiene or correction law provisions and for dismissal of indictment and discharge of defendant or commitment to institution when defendant is no longer dangerous but is incapable of understanding charges against him or making his defense. *Approved. Vetoed.*

*Senate Int. 1744, Pr. 2226, by Mr. Coudert:* Provides for detention of defendants in New York City Municipal Court cases in civil jails under jurisdiction of city sheriff. *Approved. Chapter 737.*

*Senate Int. 1749, Pr. 2234, by Mr. Coudert:* Provides printing or publication of annual report by officer or agency at expense of New York City may be omitted during present war if public inspection is provided for at principal office and notice of hours for inspection is published in City Record. *Opposed. Vetoed.*

*Senate Int. 1818, Pr. 2335, by Mr. Young:* Continues to July 1, 1943, Adolescent Courts in Kings and Queens Counties and authorizes such courts with consent of district attorney to dismiss information or complaint against defendant between 16 and 19 years and deal with him. (Same as S. 1648). *Approved. Chapter 861.*

*Senate Int. 1821, Pr. 2344, by Mr. Gutman:* Establishes youth court division of county courts and New York County General Sessions Court for disposition of cases involving minors between ages of 16 and 19, jurisdiction of court to continue until 21st birthday; youth may be examined by psychologist or psychiatrist for mental condition and may be committed if found mentally defective. *Opposed. Failed of passage.*

*Senate Int. 1867, Pr. 2410, by Mr. Muzzicato:* Creates in Correction Department a corrective authority of three members for supervision and corrective and preventive training and treatment for persons guilty of sex crimes, members to be appointed by governor and receive salary of \$8,000; \$50,000 is appropriated. *Opposed. Failed of passage.*

*Senate Int. 1868, Pr. 2411, by Mr. Muzzicato:* Provides certificate for discharge of drug addict in New York City shall be made by Chief Medical Officer of Correction Department. *Approved. Chapter 748.*

*Senate Int. 1890, Pr. 2433, by Mr. Mahoney:* Provides where jury finds person guilty of murder, 1st degree, and recommends life imprisonment, court must instead of may so sentence defendant. *Opposed. Failed of passage.*

*Senate Int. 1921, Pr. 2502, by Mr. Hampton:* Provides for \$100 annual increase in salaries of full time employees in institutions under jurisdiction of Mental Hygiene, Correction, Health, Social Welfare and Education Departments, for employees receiving \$1,500 or less exclusive of maintenance allowances and appropriates \$1,520,000. *Approved. Chapter 721.*

*Senate Int. 1922, Pr. 2542, by Mr. Condon:* Provides court in judicial district in which person is sentenced to life imprisonment may direct committee of person to sell real or personal property and to do whatever is necessary in management of his property in manner prescribed by Civil Practice Act. *Approved. Chapter 912.*

*Senate Int. 1929, Pr. 2549, by Mr. Dunnigan:* Provides when grand jury indicts or information is filed by district attorney against defendant between 16 and 19 years, for crime not punishable by death or life sentence, as first offender, court, after examination and investigation, may direct that defendant be tried as youthful offender and placed on probation for not to exceed two years or committed to religious, charitable or other reformatory institution for not to exceed three years. *Approved in principle. Failed of passage.*

*Assembly Int. 158, Pr. 158, by Mr. Kreinheider:* Provides that persons promoted to competitive civil service positions after examinations, shall not be required to serve probationary period and shall be permanent employees immediately. *Opposed. Vetoed.*

*Assembly Int. 437, Pr. 2000. Budget Bill:* Makes appropriation for support of government. This is the main budget bill. *Approved. Chapter 90.*

*Assembly Int. 457, Pr. 2594, by Mr. Archinal:* Prohibits brush-making in state prisons or reformatories except as required for use in state correctional and charitable institutions. *Opposed. Failed of passage.*

*Assembly Int. 473, Pr. 480, by Mr. Furey:* Provides for appointment of New York City Inferior Criminal Court Judges by Mayor with consent of Board of Estimate, as not otherwise provided by the Constitution. *Opposed. Failed of passage.*

*Assembly Int. 522, Pr. 538, by Mr. Sullivan:* Provides if person convicted as 2nd or 3rd offender and five years have intervened between suspended sentence or last day of imprisonment or probation imposed for 1st felony and commission of 2nd felony without conviction during that time for any crime or misdemeanor, court may sentence defendant to indeterminate term with minimum of not less than that fixed for 1st conviction and maximum of not more than twice the maximum for 1st conviction. *Opposed. Failed of passage.*

*Assembly Int. 524, Pr. 540, by Mr. Sullivan:* Provides that persons in New York House of Refuge or State Vocational Institution found to be 19 or over at time of commitment or 2nd offender or incorrigible, may be returned by Correction Commissioner to sentencing court or judge instead of being transferred to another institution in Correction Department. *Opposed. Failed of Passage.*

*Assembly Int. 529, Pr. 548, by Mr. Beckinella:* Establishes Youth Service Council as division in Executive Department and appropriates \$50,000. (Same as A. 2001). *Opposed. Failed of passage.*

*Assembly Int. 538, Pr. 557, by Mr. Downey:* Authorizes Criminal Court Judges to impanel one or two additional jurors as alternates whenever he deems it advisable so to do, instead of only when trial is likely to be a protracted one. *Approved. Chapter 831.*

*Assembly Int. 590, Pr. 611, by Mr. Jack:* Provides that felon shall not be convicted or punished as 2nd offender if 2nd felony was not committed until after expiration of ten years subsequent to termination of 1st sentence or to date sentence was suspended. *Opposed. Failed of passage.*

*Assembly Int. 596, Pr. 971, by Mr. Quinn:* Provides that recommendation of life imprisonment by jury finding person guilty of murder, 1st degree, shall be upon unanimous vote of its members instead of part of its verdict and that jury may be polled on request of defendant on question of recommendation but failure to make recommendation shall not be ground for appeal or review. *Opposed. Failed of passage.*

*Assembly Int. 722, Pr. 2117, by Mr. Mailler:* Authorizes county judge and if he is unable to act then the special county judge or surrogate to act during absence or inability of Children's Court judge. *Approved. Chapter 271.*

*Assembly Int. 738, Pr. 777, by Mr. M. Wilson:* Gives sheriffs instead of judges outside of New York City and Nassau county jurisdiction over issuance of licenses to carry firearms. *Opposed. Failed of passage.*

*Assembly Int. 762, Pr. 2449, by Mr. Wachtel:* Provides that person convicted of offense punishable by imprisonment in Elmira Reformatory or New York State Vocational Institution shall be temporarily committed pending study and examination by Correction Commissioner to determine proper institution for commitment. *Approved. Failed of passage.*

*Assembly Int. 763, Pr. 2448, by Mr. Wachtel:* Directs Correction Commissioner to establish division of classification and authorizes him to appoint an advisory board to develop system for classifying prisoners. *Approved. Failed of passage.*

*Assembly Int. 826, Pr. 875, by Mr. Turshen:* Provides for appeals to Court of Appeals from judgments imposing sentences of life imprisonment and authorizes payment of compensation to council assigned to represent defendant, in same manner as for persons charged with crimes punishable by death. *Opposed. Failed of passage.*

*Assembly Int. 952, Pr. 1062, by Mr. Ostertag:* Strikes out provision that principal and assistant keepers in institution where felons are confined shall receive certain minimum salary; classifies and fixes salaries for prison guards, kitchen keepers and custodial officers. *Approved. Chapter 132.*

*Assembly Int. 997, S. Pr. 2243, by Mr. Holley:* Provides for return for resentence of persons in New York House of Refuge or State Vocational Institution to Court which made the commitment and strikes out provision that Correction Commissioner may transfer persons to other institutions. *Opposed. Vetoed.*

*Assembly Int. 1033, Pr. 1162, by Mr. Steingut:* Provides, when incompetent is inmate of State institution, order appointing committee may provide for issuance of commission or incorporate substance of commission in order itself, which shall constitute the commission upon filing of bond and designation required; proceedings for appointment of committee shall not apply to application by head of institution for insane or mental defectives in Correction Department. *Approved. Chapter 550.*

*Assembly Int. 1116, Pr. 1273, by Mr. Mitchell:* Provides for commitment to reformatory for women at Bedford Hills of females between 16 and 21 years who were judged to be juvenile delinquents before they were 16. *Opposed. Vetoed.*

*Assembly Int. 1149, Pr. 1321, by Mr. Catenaccio:* Provides felony may be compromised after defendant is brought before magistrate or held to answer and permits magistrate on written consent of district attorney to order stay of proceedings and discharge of defend-

ant, reason for order to be set forth in minutes. *Opposed. Failed of passage.*

*Assembly Int. 1160, Pr. 1332, by Mr. Mitchell:* Repeals provision that magistrate shall file statement of reasons for discharge of defendant in felony cases. *Opposed. Failed of passage.*

*Assembly Int. 1161, Pr. 1626, by Mr. Mitchell:* Authorizes New York City magistrate holding Felony Court to admit defendant to bail except in cases of murder punishable by death or fatal injury where death may ensue and crime would be murder. *Opposed. Failed of passage.*

*Assembly Int. 1162, Pr. 1628, by Mr. Mitchell:* Authorizes New York City magistrate to parole first offenders charged with felony or certain misdemeanors. *Opposed. Failed of passage.*

*Assembly Int. 1186, Pr. 1362, by Mr. Mitchell:* Provides copy of report on sanity of defendant in criminal cases shall be served on district attorney and defendant's council who may contravert findings if not acceptable and court after hearing may resume proceedings if satisfied defendant is capable of understanding charge and makes other changes. *Approved. Chapter 284.*

*Assembly Int. 1281, Pr. 1489, by Mr. Barrett:* Prohibits employment of persons under 18 years in penal or correctional institutions or institutions in mental hygiene department if employment relates to custody or care of prisoners or inmates. *Approved. Chapter 828.*

*Assembly Int. 1377, Pr. 1604, by Mr. Ryan:* Provides for appointment and removal by superintendent, of attendants, guards and other subordinate employees at Dannemora State Hospital, their salaries to be the same as those of officers and guards in state prisons performing similar duties. *Opposed. Vetoed.*

*Assembly Int. 1460, Pr. 1730, by Mr. Breed:* Provides where prisoner is retaken for violating parole and pending return to prison is lodged in county jail or penitentiary expense of maintenance shall be paid by state at rate of 80 cents a day. *Approved. Vetoed.*

*Assembly Int. 1461, Pr. 1731, by Mr. Breed:* Provides expense of maintenance of tramps and felons in penitentiaries shall be paid by state at rate of 80 instead of 60 cents a day per capita. *Approved. Vetoed.*

*Assembly Int. 1495, Pr. 1770, by Mr. Andrews:* Provides in discretion of court for life imprisonment instead of death penalty for felony murder if jury disagrees on recommendation. *Opposed. Failed of passage.*

*Assembly Int. 1589, S. Pr. 2168, by Mr. Mitchell:* Provides New York City sheriff shall have custody of civil jails and that city commissioner of correction shall have charge of House of Detention for Women, children and witnesses and for detention of defendants imprisoned in criminal cases. *Approved. Chapter 494.*

*Assembly Int. 1590, Pr. 2847, by Mr. Mitchell:* Authorizes New York City sheriff to keep in any place under his jurisdiction persons committed to his custody without regard to the county wherein they may have been arrested; any such person entitled to liberties of jail must be admitted to jail liberties of county wherein he was originally arrested. *Approved. Chapter 553.*

*Assembly Int. 1666, Pr. 1979, by Mr. Turshen:* Requires State Correction Commissioner to segregate 1st offenders from other prisoners in state prisons. *Approved in principle. Failed of passage.*

*Assembly Int. 1766, Pr. 2568, by Mr. Moffat:* Establishes in state treasury a correctional industry fund to which shall be transferred all balances in the capital or revolving funds of state prisons or other state correctional institutions now maintained for manufacturing or industrial operations; wage schedules for prison labor need not be uniform. *Approved. Chapter 738.*

*Assembly Int. 1786, Pr. 2144, by Mr. Sutor:* Provides as qualification of bail and bondsman in criminal cases, name of bondsman must not appear on official list of undesirable bondsmen and real estate must not appear on official list of undesirable property and net value thereof must be at least twice amount specified in undertaking, instead of not less than the amount. *Approved. Chapter 823.*

*Assembly Int. 2125, Pr. 2827:* Makes supplemental appropriations for support of government. *Approved. Chapter 930.*

*Assembly Int. 2131, Pr. 2837:* Provides articles and materials essential for prosecution of present war may be manufactured in prison, reformatory, penitentiary or jail with prison labor and distributed or sold pursuant to joint regulations of correction and standards and purchase commissioners. *Approved. Chapter 577.*

## THE PRISON ASSOCIATION OF NEW YORK

## GENERAL FUND

STATEMENT OF INCOME AND EXPENSES AS PER BOOKS  
YEAR ENDED DECEMBER 31, 1942

<i>Income</i>			
Donations—special purpose			
The Greater New York Fund	\$1,712 00		
Other Funds	4,472 34		
Donations—unrestricted	0,543 30	\$15,727 64	
<i>Endowment income</i>			
Interest on Mortgages	4,478 38		
Interest on Bonds	1,370 00		
Dividends on Stocks	0,274 72	15,123 10	
<b>Total Income</b>			<b>\$30,850 74</b>
<i>Expenses</i>			
General administration	\$13,921 66		
Relief—prisoners and families (cash, food, clothing, etc.)	7,675 62		
Relief—administration	2,263 00		
Employment—administration	2,265 00		
Appeal—administration	2,395 17		
Traveling expenses	117 12		
Printing and stationery	312 74		
Postage	408 89		
Telephone and telegraph	291 74		
Auditing, legal and legislative services	320 00		
Periodicals, custodian fees and miscellaneous	323 79		
House maintenance	1,856 72		
<b>Total Expenses</b>			<b>32,346 47</b>
<i>Excess of Expenses Over Income</i>		\$1,493 73	
<i>Special Donation</i> —to offset withdrawals from Endowment Fund		2,000 00	
<i>Excess of Income for the Year</i>			<b>\$504 27</b>

## AUDITORS' OPINION

We have audited the books, accounts, minutes, and other records of the Prison Association of New York for the year ended December 31, 1942. In our opinion the statement of income and expenses shown above states correctly the operations for the year ended at that date.

WEBSTER, HORNE & BLANCHARD,  
Certified Public Accountants.

New York, N. Y., April 19, 1943.

## CONSTITUTION AND BY-LAWS

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

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

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

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

### ARTICLE FIRST

The objects of the association shall be:

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

### ARTICLE SECOND

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

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

### ARTICLE THIRD

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

### ARTICLE FOURTH

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

### ARTICLE FIFTH

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

### ARTICLE SIXTH

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

### ARTICLE SEVENTH

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

### ARTICLE EIGHTH

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

## ARTICLE NINTH

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

## ARTICLE TENTH

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

## ARTICLE ELEVENTH

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

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

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

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

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

of them by instructing or employing them therein, the receipts and expenditures of said executive committee and generally all such facts and particulars as may exhibit the operations of the said association.

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

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

## BY-LAWS\*

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

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



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

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

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

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

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

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

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

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

† At the February, 1938, meeting of the Executive Committee, section 1 of the By-Laws was amended to provide that the monthly meeting of the committee be held on the second Monday of each month, and that the annual meeting of the Association be held on the second Monday in January of each year. However, at the November meeting the By-Laws were again amended to provide that the monthly meeting be held on the third Thursday of each month, as heretofore, and that the annual meeting of the Association be held on the third Thursday in January of each year.

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

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

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

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

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

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

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

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

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