

STATE OF NEW YORK

THE ONE HUNDRED AND FOURTEENTH
ANNUAL REPORT

OF THE

Prison Association of New York

135 East 15th Street, New York

1958



PREFACE

This is an official report of the Prison Association of New York to the Legislature of the State of New York, which has been made annually since 1845, and constitutes the one hundred and fourteenth 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."

CONTENTS

	PAGE
Preface	3
Officers for 1958	7
Standing Committees for 1958	8
Letter of Transmittal	9
<i>New York Times</i> Editorial	10
Recommendations to the Legislature	11
Crime and Recidivism—What is the Answer?	12
I. Establishment of an Institute on Sentencing	12
II. Certain Commitments to New York City Correctional Institutions	13
III. The Problem of Alcoholics, Drug Addicts, Prostitutes and Vagrants	14
IV. Operation of Various New York City Courts	14
V. Qualifications—Certain Appointive Officers	14
VI. New York State Division of Parole—Organization and Operation	14
VII. Coordinated Correction System	17
VIII. Academy of Correctional Training	17
IX. A Reception Center Nearer New York City	18
X. Adult Reception Center	18
XI. Expansion of Forest Camp Program for Youthful Offenders	19
XII. Development of Forestry Camp Program for Adults	19
XIII. Maintenance of State Parole Violators	19
XIV. Pre-Parole Camps	19
XV. Aged Prisoners	20
XVI. Advisory Committee on Correctional Industries	20
XVII. Authorization of Trade Training Committees	21
XVIII. Caution Against Curtailment of Correctional Industries	21
XIX. Civil Status to County Institution Personnel	22
XX. Sex Offenders	22
XXI. Increased Allowance for Clothing for Felons	23
XXII. Reimbursement for Maintenance of Misdemeanants	23
XXIII. Reimbursement to County Institutions for Board of State Prisoners	23
XXIV. Public Defender System	24
A Vista of 1958	25
In the Area of Legislation	25
Federal Sentencing Procedures—Public Law 85-752	25
Institute of Corrections	26
Consolidation of the Courts as Proposed by the Temporary State Commission on the Courts	27
Juvenile Delinquency Throughout the World	28
European Cities	28
Republic of The Philippines	29
South Africa	29
England	29
Hawaii	30
Juvenile Delinquency is Everybody's Business	30
Youth Court Act for The Philippines	30
Examination for Warden	31
New Cottages—Westfield State Farm	31
Matrons' Salaries	32
Camp Projects—State Department of Correction	32
4th Anniversary—Edward R. Cass	33
Further Gratifying Recognition	34
County Jails	35
Cayuga County Jail	35
Nassau County Jail	36
Clinton County Jail	36
Orange County Jail	36
Sullivan County Jail	37
Putnam County Jail	37

	PAGE
Prison and Jail Construction.....	38
"Ad Astra per Aspera".....	39
Ninth Annual Frederick A. Moran Memorial Institute.....	39
Financial Aid—Parole Services.....	40
New York City Parole Commission.....	40
New York State Division of Parole.....	40
Governor's Committee to Review the Parole System.....	40
Narcotics Study—Report of a Joint Legislative Committee.....	41
Ellis Island for Drug Addicts.....	41
Proceeding Respecting Narcotic Addicts or Users of Narcotics.....	42
Prisoners Curbed on Calling Counsel.....	42
Registration of Ex-Felons.....	42
New New York City Police Academy Detention Quarters.....	43
Consultation: Specifications for Position of Industrial Superintendent.....	43
International Cooperation.....	43
English Visitor—Judge Gertrude M. F. Bishop.....	44
Correctional Review Commission for the State of New Jersey.....	44
Assistance to the Commonwealth of Virginia.....	45
Interstate Crimes.....	45
Uniform Crime Records.....	45
United Nations <i>AD HOC</i> Committee of Experts on Social Defense.....	46
88th Annual Congress of Correction.....	47
Prison Ward—Bellevue Hospital.....	50
Payment of 25 Cents to Women Released from the House of Detention.....	50
Letter to the Director of the Budget, City of New York.....	51
New House of Detention for Women—New York City.....	52
Adolescent Remand Shelter—New York City.....	52
Bronx House of Detention for Men.....	53
Rikers Island Project C-76.....	53
Special Project—Alcoholics.....	53
Assistance to Students and Researchers.....	54
The Association's Bureaus of Service.....	55
Employment and Relief Bureau.....	55
For Those Who Have Left Prison—Sympathy and a Helping Hand.....	57
Family Service Bureau.....	59
Legislative Activities—1958.....	63
Juvenile Delinquency Is Everybody's Business.....	70
Introduction.....	70
Early Detection.....	71
Block Plan.....	71
Early Referral.....	71
Community Councils.....	72
Case Conference Committees.....	72
Specialized Services.....	72
More Research Needed.....	73
New Attitude.....	73
Review of the 113th Annual Report of the Prison Association of New York.....	74
Teen-age Crime in Modern Society.....	80
Public Law 85-752 85th Congress.....	84
Financial Statement.....	87
Constitution and By-Laws.....	88
Constitution.....	88
By-Laws.....	91

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ONE HUNDRED AND FOURTEENTH ANNUAL REPORT OF
THE PRISON ASSOCIATION OF NEW YORK

January 12, 1959

HON. MALCOLM WILSON,

Lieutenant Governor and President of the Senate:

HON. OSWALD D. HECK, *Speaker of the Assembly:*

SIRS—In accordance with Chapter 163 of the Laws of 1846, we have the honor to present the One Hundred and Fourteenth 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 EDWARD P. MULROONEY, *President*

E. R. CASS, *General Secretary*

THE NEW YORK TIMES

Monday, January 20, 1958

COMMON SENSE ABOUT PRISONS

The recommendations of the Prison Association of New York, which go to the State Legislature today as part of its 113th annual report, are prefaced by some useful philosophy about correctional affairs. One point is not confined to that field alone: nothing stimulates reform like some horror or catastrophe. For example, the prison riots of 1929 took a high toll in life and property—more than any before or since—but the investigations that followed resulted in exceptional strides of improvement. So also with the scandals that had so much to do with the introduction of the indeterminate sentence and parole.

Then, too, the P. A. report raises the perennial issue of coddling versus the night stick in dealing with offenders and takes a firm position, as it should, on middle ground. It says "we cannot treat our great social problems on the basis of excessive sentimentality or excessive hatred." The prisoner, it maintains, "ought not to be idolized, nor should he be ostracized." Prisons should not be "schools for crime" but "schools against crime." In New York City two-thirds of the prison inmates are repeaters. "Recidivism" is an evil, both for the offenders and for the taxpayers who must pay the bill for their upkeep. All the resources of the medical and social sciences ought to be used to "return as many social beings to society as possible."

The P. A. report applies this philosophy in a series of twenty-six specific recommendations for action. These include several directed at "one of the greatest problems in correctional administration, * * * the full employment of the prisoner body" through more effective use of prison industries, with the advice of a citizen committee of representatives of business, labor, farming and the public. We hope it won't take some catastrophe to get action on this and other items of the Prison Association's agenda.

RECOMMENDATIONS*

January 12, 1959

To the Honorable Members of the Senate and Assembly:

In accordance with Chapter 163 of the Laws of 1846, we have the honor to present the following recommendations to the Legislature as a part of the 114th Annual Report of The Prison Association of New York, and urge that they receive your serious consideration.

Respectfully submitted,

THE PRISON ASSOCIATION OF NEW YORK

EDWARD P. MULROONEY, *President*

EDWARD R. CASS, *General Secretary*

CRIME AND RECIDIVISM—WHAT IS THE ANSWER?

"Crime always was, is now, and always will be" is the saying of the pessimist, who sees little use in striving to make the world better because so many things seem to get worse all the time. The optimist says "Crime is general, crime is frequent, crime will be some time infrequent", and goes to work to do his part in the reduction of crime.

This Association, again in pleading for a more steady application of sound recommendations for the improvement of our correctional media, has only one objective in mind and that is the public welfare and protection. We know that there is sometimes afield the thought that such suggestions have as their foundation the desire to coddle the criminal. So far as we are concerned it can be very definitely said that the coddling of prisoners is not a part of our thinking, or various suggestions, nor do we believe it to be consonant with correctional progress. As far as the prisoner is concerned he ought not to be idolized, nor should he be ostracized. We do not believe that most prisoners are asking for sentiment, nor for anyone to weep over them. However, we do believe that there are many men in prison who recognize their weaknesses and are asking for a fair chance toward their rehabilitation. Experience has taught that we cannot treat our great social problems on the basis of excessive sentimentality or excessive hatred. Neither one is going to accomplish the results we so greatly desire. The problem of crime and its treatment has been a challenge through the ages and always a threat to the well-being of mankind generally. *Its solution is not easy or simple, there being no one cause or any one cure.* Such simplification is eagerly sought, especially in periods of

* These Recommendations in mimeographed form were made available to all members of the Senate and Assembly during the Session in advance of the printed report.

crises, by some who become experts overnight and lack experience. The problem is further complicated by a noticeable hot-and-cold attitude on the part of the public.

The basic function of imprisonment, whether in a so-called correctional institution or a prison, should be something more than keeping lawbreakers within an enclosure and under lock and key. To do this alone is to subsidize a school for crime with the result that the State will have to pay millions of dollars for re-arrests, prosecution, and the building of more prisons which are rapidly approaching almost prohibitive cost. Therefore, as have others, we repeat and emphasize the point that there must be something more done than keeping people locked up.

Our aim should be to make schools for crime become schools against crime. All of the resources of medicine, psychology, psychiatry, penology and instruction in social living must be utilized in order to return as many socially adjusted beings to the community as possible. To object to such a program is at once to object to society receiving such protection, and to deny that psychiatry, psychology, religion and education—both academic and vocational—lead to the understanding and reformation of character. The civilizing power of the school, the shop, the clinic, must be furthered in our prisons. *It is our definite view that we do not have enough of these media to do the kind of job that needs to be done for the public good.*

The following recommendations are not conceived as being a complete answer to the problems of juvenile delinquency, crime and recidivism but it is held that their implementation and activation can tend toward better results and improved public protection. Regardless of varying statistical and other claims the consensus in this State and throughout the Nation is that there is too much recidivism, which naturally raises the question as to the efficacy of prevailing techniques and practices intended for the reduction and control of criminal behavior.

RECOMMENDATION I. ESTABLISHMENT OF AN INSTITUTE ON SENTENCING

That necessary funds be appropriated, and whatever additional authority is required be given, to enable the Court of Appeals to establish an institute, or institutes, on sentencing patterned after certain provisions of the bill passed by the 85th Congress in 1958 (now Public Law 85-752).

Such an institute would take up the question of sentencing with particular reference to disparity of sentences. There would be no desire to curtail the freedom of the functioning of the Judiciary but instead to render assistance such as is provided in the Federal statute toward more uniformity of sentencing in accordance with approved standards and recognized criteria. The subject of disparity of sentences has been referred to in the recommendations of this Association in its annual reports to the Legislature over the

years and it has been our hope that some progress could be made through the intervention of the Law Revision Commission. This has not resulted.

However, we feel that the example set by the Federal Law is a more logical approach and in the long run should lead to greater benefit. To give a better idea of what is intended under the Federal Law the following excerpts are noteworthy:

"To improve the administration of justice by authorizing the Judicial Conference of the United States to establish institutes and joint councils on sentencing, to provide additional methods of sentencing, and for other purposes."

"The agenda of the institutes and joint councils may include but shall not be limited to: (1) the development of standards for the content and utilization of presentence reports; (2) the establishment of factors to be used in selecting cases for special study and observation in prescribed diagnostic clinics; (3) the determination of the importance of psychiatric, emotional, sociological and physiological factors involved in crime and their bearing upon sentences; (4) the discussion of special sentencing problems in unusual cases such as treason, violation of public trust, subversion, or involving abnormal sex behavior, addiction to drugs or alcohol, and mental or physical handicaps; (5) the formulation of sentencing principles and criteria which will assist in promoting the equitable administration of the criminal laws of the United States."

The director of the Federal Bureau of Prisons, Mr. James V. Bennett, in commenting on the passage of the Federal Act stated "This legislation represents the first significant change in Federal sentencing and parole statutes since 1910 and is a landmark in the development of the Federal system of criminal law."

It would seem reasonable that so sound a formula as is reflected in the Federal statute can likewise be of benefit to the administration of criminal procedure in the State of New York.

RECOMMENDATION II. CERTAIN COMMITMENTS TO NEW YORK CITY CORRECTIONAL INSTITUTIONS

That there be undertaken by the Legislature a thorough examination of the laws and practices whereby certain commitments are made to the New York City Penitentiary and Workhouse.

The New York City Department of Correction as the result of a special study made by the City Administrator pursues the question as to why certain felony commitments should be the responsibility of that department. Also expanded query relates to the need for the continuance of the New York City Reformatory and the New York City Parole Commission.

Whatever changes are agreed upon will require Legislative consideration and approval because there will be involved amendments to sections of the Code of Criminal Procedure and the Penal Law.

RECOMMENDATION III. THE PROBLEM OF ALCOHOLICS, DRUG ADDICTS, PROSTITUTES AND VAGRANTS

That there be undertaken with Legislative sanction a study of the whole question as to whether alcoholics, drug addicts, prostitutes and vagrants (including indigent aged persons) should be dealt with in a penal atmosphere through commitment to institutions under the control of the New York City Department of Correction, or whether they should be placed in the custody and under the control of medical, health and welfare authorities.

RECOMMENDATION IV. OPERATION OF VARIOUS NEW YORK CITY COURTS

That the Legislature undertake a study to determine ways and means to reduce the congestion that develops particularly during the summer months with respect to the disposition of cases by various courts within the limits of the City of New York.

The slow disposition of cases before most of the courts especially during the summer months makes for serious congestion in the Houses of Detention maintained by the New York City Department of Correction. This congestion and its compressed living makes for mental, moral and physical deterioration which tends to, at the very start, handicap all subsequent attempts toward rehabilitation.

The cases referred to especially are in the category of those awaiting action of the grand jury, awaiting trial and awaiting sentence.

(If the recommendations of the State Judicial Conference announced in the press November 10, 1958 are followed there might result an improvement in the situation if the machinery proposed by the Council to exercise some kind of oversight over the functioning of the courts is made available.)

RECOMMENDATION V. QUALIFICATIONS—CERTAIN APPOINTIVE OFFICERS

Section 8, Article 2, of the Correction Law entitled "Deputy and Assistant Commissioners" should be amended so as to provide that the position of all deputy commissioners be made a full time responsibility and should not be regarded as a part time or a supplementary activity. Furthermore, the qualifications for these positions, not now defined in the Law, should be clearly stated and should reflect specialized knowledge and training essential to the requirements of the duties to be performed.

RECOMMENDATION VI. NEW YORK STATE DIVISION OF PAROLE—ORGANIZATION AND OPERATION

That the Legislature take whatever steps are necessary to strengthen the organization and operation of the New York State Division of Parole.

The Prison Association of New York was largely responsible for the introduction of the indeterminate sentence and parole in this State. During subsequent years we not only gave without cost extensive parole service to the State but at the same time were conspicuous in combating poor or inadequate parole organization and administration. We have never ceased to be confident that parole when properly administered is a workable correctional medium. In harmony with this attitude we therefore make the following recommendations and suggestions in the interest of progress.

1. Increase the number of parole board members from five to seven, to include one woman who would give as much time as is needed in collaboration with a male member to determine questions of parole regarding female offenders. This increase in members should tend to reduce the rush, wear and tear on the part of parole board members who are now required to visit all of the institutions of the New York State Department of Correction during each month. At the same time it would give increased opportunity for preparatory study of cases coming up for decision, and more time for the presentation and consultation regarding each case at the initial and other hearings to determine questions relating to parole.
2. Increase the number of parole officers so as to provide more adequate supervision and investigation, including pre-parole, and more intimate relationship between the parole officer and his or her charges. The present brevity of all these essential contacts is inconsistent with good parole operation.
3. Adjustment of salaries for parole officers to harmonize with present day living costs and with recognition to whatever extent possible of the individual qualifications of parole officers and the quality of service they render.
4. The parole board as a body should determine policy for the over-all administration of the Division and in addition be in a position to know how those who have been placed on parole are being dealt with and how the staff, both in the office and in the field, is functioning. In other words, so far as is possible the board members should keep in touch with what is going on in all the operations of the board of parole so that in the event questions arise concerning parole board and staff functioning no member will be able to say, "Well, that is administrative and is not my responsibility." Every activity of the personnel of the Division of Parole comes under the general category of parole functioning, about which the public from time to time becomes conscious, even to the point of alarm. Since the responsibility should be shared by the entire board it is conceivable that this can be worked out through a chain of command, always responsible to the board, just as is done in the operation of large corporations through a board of directors and management.

5. There should be no departure from the present arrangement whereby it is required that more than one member of the parole board act upon the question of restoring a parole violator to parole.
6. There should be a modification of the requirement that a prisoner should have an approved job offer before his parole program becomes effective. Section 214 of the Correction Law provides in part that "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 suitably employed in self-sustaining employment if so released." There is a strong element of logic involved in this provision but in practice there arise many difficulties which result in the holding of large numbers of men in prison for varying periods, some long, because they cannot find a job. This situation is not satisfactorily relieved by the labors of the members of the parole board staff who are assigned to the duty of finding jobs, together with the efforts of outside agencies, including this Association.
- Therefore to ease the situation somewhat, but not to make it *carte blanche* in its operations, and to have some flexibility where conditions justify as relates to individual cases, we propose again that some of these prisoners be released and enabled to search for employment on their own with the aid of outside agencies, and again the staff of the parole board. One advantage here is that prospective employers who are reluctant to hire sight unseen would perhaps be more sympathetic if they could see the man.
- Furthermore, it could be made a condition of parole that if within a certain period of time the released prisoner does not to the satisfaction of his parole officer make diligent effort to secure employment on his own and with the aid of others, this would constitute a violation of parole and the parolee could be returned.
- This Association attempted legislation in this respect some years ago and although it was passed by the Legislature there was opposition by one or more members of the then constituted parole board, resulting in final defeat.
7. Section 220 of the Correction Law should be amended so as to give discretionary power to the parole board to discharge from parole before the expiration of a maximum sentence in instances where such action seems just and without undue risk to the public welfare.
- The present law reads: "No person released on parole from a state prison shall be discharged from parole prior to the expiration of the full maximum term for which he was sentenced." However, the law further states that the parole board may relieve a prisoner from making further reports, et cetera.

The continuing of long parole periods in many instances is an unnecessary burden on parole administration as well as being an injustice where there has been a satisfactory demonstration over a reasonable period of rehabilitation on the part of a parolee.

8. The closest possible teamwork relationship between the State Department of Correction and the Division of Parole should be fostered. The prison must prepare the man for release; the parole board must finally assume a risk in accepting the product of the prison treatment. Therefore both bodies have a related responsibility which should be worked out and shared jointly. This would seem a working possibility without clash of authority or the submerging of separate identity.

RECOMMENDATION VII. COORDINATED CORRECTION SYSTEM

The Prison Association has, for a number of years, advocated and urged that legislative support be given to the further coordination of the State's correctional system. While much of this may be accomplished by administrative direction, legislative approval of the necessary funds is needed. Coordination, in this sense, may better be defined as centralization of services within the headquarters of the Department of Correction. New York has long been in need of a centralized, department-wide classification system, looking toward the more efficient utilization of the wide variety of institutional facilities now available. Further, there should be centralization of other special services, such as expanded educational, medical, dental and industrial, each placed under the immediate supervision of qualified leadership.

There is no alternative to efficient correctional administration. In general, and in theory at least, the responsibilities of classification and treatment, institutional services, personnel and administration should each be placed under a competent deputy commissioner.

RECOMMENDATION VIII. ACADEMY OF CORRECTIONAL TRAINING

Facilities and funds should be provided for the establishment of an academy of correctional training in the Department of Correction. It is being increasingly recognized that satisfactory correctional personnel is essential for progress in the administration of correctional departments and institutions and that such personnel must be of high quality and selected other than as a hit-and-miss procedure.

The State of New York made substantial progress when years ago it placed its wardens and custodial staff under civil service. However, this has not been adequately supplemented with in-service training programs and refresher courses. A good demonstration

was made with the establishment of the Guard School at Wallkill Prison some years ago but this has been long discontinued and as a kind of substitute there has been some correspondence course activity or the efforts of the individual personnel toward self-improvement and better preparation for service and promotion. The Police Department of the City of New York has long maintained a Police Academy and this has been further developed through the establishment in 1956 of the Baruch School as a part of the School of Business of New York University. The Federal Bureau of Prisons and the State of California have made substantial demonstration along the lines of improving the quality and functioning of their wardens and custodial personnel through courses and supplementary schooling and inspired leadership. The New York City Department of Correction in 1957 established an academy for training correction personnel on Rikers Island. To respond to the demand that institutions become more places of rehabilitation than simply places to keep people locked up requires a high quality of personnel and a program of training.

RECOMMENDATION IX. A RECEPTION CENTER NEARER NEW YORK CITY

It is desirable that there be established closer to New York City a reception center similar to the one presently operating at Elmira.

Approximately 65% of the commitments between the ages of 16 to 21 to the Elmira Reception Center come from the New York City area which requires transportation for more than two hundred miles to the Center and then following decision as to a program of treatment a goodly number of those received must be returned to institutions nearer New York City. This procedure is costly and constitutes a duplication of movement of population. A further reason is that the congestion at the Reception Center at Elmira and the pressure on the staff there could be relieved through the establishment of the proposed new unit in Orange County in the event that the property now known as New Hampton Farms and owned by the City of New York is acquired by the State.

It is noteworthy that when the site for what is now known as the Elmira Reception Center was being discussed some years ago the thinking was that the unit should be nearer New York City but unfortunately there were no facilities available then.

RECOMMENDATION X. ADULT RECEPTION CENTER

We renew our long standing proposal that there be established a reception center at Sing Sing Prison and add to it now by urging that there be another at Attica State Prison.

An essential toward intelligent handling of those committed to institutions of the Department of Correction is classification and distribution of population. *These classification units of course, should be adequately staffed and headed by a qualified classification director.* Progress has been made through the setting into operation

of the Reception Center at Elmira but this includes only those between the ages of 16 and 21, and therefore it does not go far enough. Here again the Federal Prison System and the States of California and Illinois lead by providing means whereby convicted persons can be studied and classified and placed in institutions best suited for their rehabilitative needs. Criminals as persons, and as personalities, differ and require various media of study, handling and treatment. In various areas the idea is taking hold that all prisoners cannot be treated alike and that there is something more required than safe custody and the placing of all inmates in one or more institutions without scientific basis of distribution.

RECOMMENDATION XI. EXPANSION OF FOREST CAMP PROGRAM FOR YOUTHFUL OFFENDERS

Budgetary support should be given to the continuation and extension of forestry camps for youthful offenders. The demonstration thus far with respect to two camps gives hope for the future.

RECOMMENDATION XII. DEVELOPMENT OF FORESTRY CAMP PROGRAM FOR ADULTS

Budgetary support should be given for the development of a forestry camp program for adults.

While the emphasis has been on youth regarding the renewal of the camp idea in this State, it is well to think of it in terms of those in other age groups as well. Good work is being done for all ages in the camp operations of the States of Pennsylvania, California, Wisconsin, Massachusetts, Virginia, the Federal Government, and others. Camps can be more cheaply maintained than large-sized institutions, especially as relates to their physical facilities, and if properly located they offer opportunity for wholesome activity programs. The camp idea is not new to the State of New York. It goes back many years prior to the present revival. It is sound in principle and practical in operation if given a chance.

Diversified housing, especially in a State as large as New York, is a necessary part of a correctional department organization.

RECOMMENDATION XIII. MAINTENANCE OF STATE PAROLE VIOLATORS

It is urged that Article 8 of the Correction Law, Section 216, be amended to provide reimbursement by the State on a reasonable per diem per capita cost for the maintenance of State parole violators while in temporary custody in local penitentiaries or jails.

RECOMMENDATION XIV. PRE-PAROLE CAMPS

As an initial experiment there should be established a pre-parole facility near the large industrial hiring areas for preliminary adjustment and testing as relates to approaching parole. Going

straight from a prison into the community is a severe impact on prisoners, especially those who have experienced long imprisonment, and the pre-parole facility therefore is suggested as a kind of tapering-off arrangement or a shock absorber device. It is granted of course, that release is a joy to practically all prisoners but in many cases there also exists the element of bewilderment. Parole officers and social agencies know this to be so. There is a trend in some areas, including the Federal Government, to make a gradual change in prisoners' housing and privileges shortly before release not only as a reward but as a kind of steadying influence. In England, on the Isle of Wight, at the institution at Camp Hill when it housed adults, there was provided separate quarters outside of the institution proper where prospective parolees were relieved somewhat of the rigidity of the regular institution routine, again as an easing off or a balancing influence.

RECOMMENDATION XV. AGED PRISONERS

A study should be undertaken to determine more economical and more generally satisfactory means of handling aged prisoners.

At present there are approximately 1,000 prisoners, age 65 or over, being housed mainly in maximum security institutions of the Department of Correction. This housing is costly and in some instances the physical layouts impose a hardship on the older prisoners because of conditions of health or various infirmities. One example is Sing Sing Prison and another is Clinton Prison where long passageways need to be traveled, as well as stairways. In any future planning, thought should be given to the possibility of providing not only a less expensive type of housing but a design of institution based on the physical considerations of the aged.

RECOMMENDATION XVI. ADVISORY COMMITTEE ON CORRECTIONAL INDUSTRIES

We again urge that there be established an advisory committee on correctional industries.

We have confidence that this arrangement will produce in time an industrial program that will rank among the best in the country. It should make for better understanding on the part of labor, management and the public generally, and stimulate activities through energetic leadership.

Precedence for this recommendation may be found in similar bodies established in the Federal prison system, California, and to some extent in Massachusetts. It is our contention that a committee composed of representatives from industry, management, labor, agriculture and the public generally, would provide a well-rounded body of experience of immeasurable value to an industrial program. This committee should be limited in size to not more than seven persons, with appointment by the Governor, and with the commissioner of correction an ex officio member.

Coordination of the prison industries program would be the first order of business of this committee, with a view to the employment of every possible prisoner.

One of the greatest problems in correctional administration is the full employment of the prisoner body. Monotony and idleness breed discontent and no State can afford to permit the presence of a breeding ground of trouble in prison. It is provoking to observe idle prisoners, recognizing, at the same time, that their dependents may be compelled to accept relief at an added expense to the public.

RECOMMENDATION XVII. AUTHORIZATION OF TRADE TRAINING COMMITTEES

The utilization of citizen groups can be extended through the device of trade training committees. Referring again to California, there are in that State some 50 such committees each composed of competent artisans in each of the major trades. For example, a small committee advises as to the most modern method of welding. The Committee is composed of a small group of recognized authorities within the trade, and provides training aids and instruction and counsels on job placement for prisoners with welding competence. The authorization of committees such as these would not seem to require legislation, but the hope is expressed that legislative endorsement be given.

RECOMMENDATION XVIII. CAUTION AGAINST CURTAILMENT OF CORRECTIONAL INDUSTRIES

We regret the necessity of again extending to the Legislature a word of caution lest there be unwarranted attempts on the part of vested interests to curtail existing correctional industries. It must be acknowledged that the State's correctional industrial program is already too limited, and the full constructive employment of all able-bodied prisoners is a hope rather than a reality. Certain attempts to curtail the industries are outspoken and cannot be mistaken. While there is no argument with the privilege of members of the Legislature introducing whatever bills they feel to be appropriate, this Association will be on the alert to the introduction of bills that would set back the State's correctional progress. For more than a century we have maintained a stand upholding constructive labor for prisoners and have supported wholeheartedly the principle that prisoners should work and not be tax burdens. It is good business to preserve existing industries, and to expand the industrial program wherever possible. Further, it serves as good riot-prevention insurance. It has been well demonstrated in the Federal prison system as well as in the various State systems, that the so-called "State-Use-System" of prison labor makes for a minimum of competition with free labor.

Prison management is one of the most specialized tasks, and the best of administrators cannot successfully surmount the problems resulting from demoralizing idleness. As we have indicated on other

occasions, idleness is to be condemned but at the same time it should be kept in mind that most prisoners are not idle by choice. They are idle because adequate work outlets are not provided by the State.

While we make this as a separate recommendation it bears close relation to a foregoing recommendation urging the establishment of an Advisory Committee on Correctional Industries (Recommendation XVI). A committee such as this with representation of labor, management, industry, agriculture and the public-at-large, would serve as the best possible guardian of correctional industries.

RECOMMENDATION XIX. CIVIL SERVICE STATUS TO COUNTY INSTITUTION PERSONNEL

As a step toward the further removal of penal institution operation from political control, the Prison Association again urges that civil service provisions be extended to personnel employed in county operated detention units. County jails should not be manned by those who secure their jobs solely because of political considerations. They should, on the contrary, be administered by career persons. From a wholly practical and realistic standpoint, we acknowledge that sheriffs, as county officers, will remain as elected officials, pointing out at the same time, however, that the Sheriff of New York is a civil service official. We mention this simply to indicate that it is possible to have a civil service sheriff, as unpopular as this thought may be among sheriffs generally.

There have been a sufficient number of unfortunate instances within county jails during the past several years to indicate that these units lacked trained and experienced personnel. It is quite unlikely that competent personnel appointed through the merit system, would have permitted them to occur.

The Association is not willing to approve the freezing into the service of incompetents or those who hold their positions solely because of political connections. We state again that this recommendation strikes at the very heart of the power of county government, but we would be unfaithful to the best correctional practice if we did not make this recommendation. It should be stated for the record that personnel of the Department of Correction of the City of New York is under civil service as are those of some of the county penitentiaries.

RECOMMENDATION XX. SEX OFFENDERS

We urge that there be a review of the administration and accomplishments resulting from a passage of Chapter 525 of the Laws of 1950.

The Prison Association of New York has been interested in the matter of sex offender legislation for many years and was responsible for the introduction of a bill in 1947. Governor Dewey at that time vetoed the bill on technical grounds but because he was so concerned about the problem he appointed a departmental com-

mittee. This committee, of which the Association's General Secretary was a member, made an exhaustive study and submitted a report that resulted in the passage of a bill that became Chapter 525 of the Laws of 1950.

The question prevails as to whether any good has been accomplished through this law, both through its application by the courts and the anticipated research and treatment activities directed toward inmates under the control of the State Department of Correction. An earlier review indicated a hesitancy on the part of the courts to exercise the provisions of the law. It is doubtful whether this situation has since improved.

With regard to the application of the law to inmates of institutions, cursory observation suggests that there is room for further orientation and functioning. It is recognized, of course, that the Department of Mental Hygiene has been confronted, and still is, with the problem of qualified and adequate personnel to conduct research and treatment programs but this condition should not be permitted to serve as the full explanation of what appears to be a serious inadequacy. It should be kept in mind that should we have a series of sex crimes, or one of a horrible nature, the public interest will be once more engaged and many questions will be asked. It is recognized that the sex offender is a baffling problem but we cannot stop there and be content with that observation if we are to give the public the kind of protection it needs.

RECOMMENDATION XXI. INCREASED ALLOWANCE FOR CLOTHING FOR FELONS

Article 19 of the Correction Law, Section 484, should be amended to further increase reimbursement by the State of the monetary allowance for clothing to be issued to felons upon discharge from local prisons or penitentiaries.

RECOMMENDATION XXII. REIMBURSEMENT FOR MAINTENANCE OF MISDEMEANANTS

Article 7-A of the Correction Law should be amended to provide that when any misdemeanant or lesser offender has been sentenced to an indeterminate term and such sentence extends beyond one year the full cost of maintaining such prisoner beyond one year shall be charged against the State.

RECOMMENDATION XXIII. REIMBURSEMENT TO COUNTY INSTITUTIONS FOR BOARD OF STATE PRISONERS

We again urge that there be an additional compensation for the board of State prisoners in county penitentiaries with particular reference to per capita costs for maintaining prisoners in institutions of the New York City Department of Correction. There is need for a flexible scale of reimbursement to be determined on the basis of actual costs. Obviously the cost of maintaining a prisoner

in New York City is more than in some upstate county. Costs even vary between these upstate county institutions. The present maximum amount as authorized in 1956 is inadequate, especially as it relates to New York City.

RECOMMENDATION XXIV. PUBLIC DEFENDER SYSTEM

For many years, and thus far without success, the Prison Association has urged that there be an exploratory study made of the advisability of establishing a public defender system in New York State. Other areas, such as Omaha, Los Angeles, Columbus, Memphis, Providence, St. Paul, St. Louis and San Francisco have made satisfactory use of this device to extend full justice within the criminal courts. The Association was gratified to note early in 1955 that the Attorney General of the State recommended this plan before a hearing of the Temporary Commission on the Courts. Noting also that legislation was introduced in the 1956 Legislature, with endorsement by the Attorney General to provide State financial subsidy to localities to help pay public defenders in juvenile delinquency cases, the Association urges favorable consideration of this measure.

A VISTA OF 1958

For decades the record of The Prison Association of New York has been one of honor and value to the State. The Association was founded at a time when the rights of the prisoner and the duties of the State were very insufficiently guarded or understood. Through the years the work of the Association has been characterized not so much by a conspicuous declaration of activities as by persistent and quiet cooperation when possible with prison authorities and by consistent propaganda for the betterment of all phases of crime study and treatment.

The year 1958 was no exception to the Association's broad outlook and expansive activities, all consistent with the vision of the founders who indicated at the very start that the Association should do something more than concern itself with those coming out of prison. This early and broad concept opened the way for the Association to give attention to community conditions contributing to juvenile delinquency and crime, the operation of courts and institutions, and various other correctional media such as probation, parole and the care of those coming out of prison.

IN THE AREA OF LEGISLATION

During the early part of each year when the Legislature is in session our major attention is focused on those bills having to do with the administration of criminal justice. A detailed statement of the 54 bills holding our close interest during the 1958 session is set forth beginning on page 63. Of this number we approved 33 and opposed 21.

Typical bills related to subjects as follows: the industries at Sing Sing Prison; the probation organization in Suffolk County; the eligibility for promotion examinations in the State Department of Correction; the jumping of parole; the restoration of bail bond license; the change of title from matron to female correction officer; the reorganization of the State court system; the attempt to freeze deputy sheriffs and others into civil service; the opposition to the Youth Court Law; the control of convicted sex offenders; the establishment of homes or hostels to care for certain minors; the authorization of contracts between the State Department of Correction and schools of social work; the expansion of criminal research; the change in title of the institution at Napanoch; parole termination; treatment of drug addicts; disclosure of police records respecting delinquent children.

These and other bills constituted the general area in which the Association directed its efforts for what it deemed as in the best public interest.

FEDERAL SENTENCING PROCEDURES—PUBLIC LAW 85-752

The 86th Congress of the United States (1958) enacted a law to be known as Public Law 85-752 to improve the administration of

justice by authorizing the Judicial Conference of the United States to establish institutes and joint councils on sentencing and other procedures. This legislation was inspired by the Department of Justice in cooperation with progressively minded members of the Federal judiciary. Originally there were three bills introduced and these were consolidated finally into H.J. Res. 425 which dealt not only with sentencing but also parole determination.

One main purpose of the bill is to provide for some uniformity of sentencing involving ninety-four United States District Courts and some 330 district judges. The disparity of sentences in the Federal area is presently as noticeable in the operation of the various State courts. In its annual report for the year 1947 The Prison Association of New York first dealt with the question of lack of uniformity of sentencing.

The Federal bill also authorizes the sentencing judge to deal with the matter of parole by fixing the maximum release date and also the time when a prisoner would become eligible for parole. The actual release on parole would be the responsibility of the Federal Parole Board. In addition, the bill increases the maximum age of those who might be sentenced under the Youth Corrections Act from those under 22 to those under 26. Public Law 85-752 is printed in full in this report beginning page 84.

The Prison Association supported this legislation and is gratified with its passage. It should be noted that an attempt is being made to bring about the passage of similar legislation to apply to the courts of New York State. See Recommendation No. 1, page 12.

The head of the Federal Bureau of Prisons, Mr. James V. Bennett, in thanking our Association and its General Secretary for the support of the bill evaluated it as follows:

"This legislation represents the first significant change in federal sentencing and parole statutes since 1910 and is a landmark in the development of the federal system of criminal law. The American Correctional Association, The Prison Association of New York, and of course their able General Secretary, played an important role in influencing the passage of this legislation, and are entitled to a great deal of credit. You also know that you have my own profound appreciation."

ILL. RES. 522—INSTITUTE OF CORRECTIONS

We gave support to a proposal to establish an Institute of Corrections in the United States Department of Justice similar to the Federal Bureau of Investigation Academy and the Police Academy in the City of New York.

When the matter was first discussed at a meeting in New York City attended by correctional workers from various States there did not seem to be any particular opposition. As a matter of fact, only one person objected. Later, however, considerable opposition developed and the measure was not pressed. The opposition centered mainly around the fear that state rights would be imposed upon if the bill became operative and that the Federal Bureau of

Prisons would be in a position to influence or touch upon the administration of state institutions.

We continue to favor the idea of a Federal Institute of Corrections which in its operation would be on an optional basis and for the benefit of only those anxious to improve their correctional personnel and the administration of their institutions generally. The fact that the Federal Bureau of Prisons and other persons representing various groups and organizations are called upon from time to time by State governors and others to assist in the study or investigation of correctional matters in their State and to aid in the better selection of personnel is a sign that there is a need for the kind of service that was contemplated in the resolution.

CONSOLIDATION OF THE COURTS AS PROPOSED BY THE TEMPORARY STATE COMMISSION ON THE COURTS

The Association continued to be interested in the need of some form of reorganization of the courts and to add to its own views and observations it had the benefit of an address to our Executive Committee by The Honorable David Warner Peck, Retired Presiding Justice, Appellate Division of the Supreme Court of the State of New York. Judge Peck explained the plan proposed by the Commission to streamline various court organizations and functions in New York City and upstate. A brief summary of his remarks reveals that the purpose of the proposal is to reduce the number of courts and provide a form of authoritative and centralized administrative supervision and control; eliminate personal and group self-autonomy in certain court areas; provide for the assignment of judges in a kind of rotation procedure to various courts, and in some instances with special consideration for the aptitude of different judges to take on special assignments; split up court operations in both civil and criminal proceedings. In New York City particularly, eight different court groups would be reduced to three.

Following the Judge's presentation it was agreed to continue our support of the proposal both before the Legislature and at every opportunity.

At a hearing held in Albany on February 18, 1958 there seemed to be a willingness to go along with the provisions of the bill. We recognized the need of some minor changes similar to those indicated by Judge Conway of the Court of Appeals and chairman of the Judicial Conference of New York State. The bill involved was Senate Int. 2174, Pr. 2283, by Mr. Hughes. Finally this bill was not reported by committee but instead a revised bill by the Rules Committee, Senate Int. 3705, Pr. 4399, was passed by the Senate on March 21st. However, it was defeated in the Assembly on March 25th by a vote of 50 to 94.

Another bill, Senate Int. 3063, Pr. 3322, by Mr. Williamson, intended to deal with the courts of New York City by establishing a

Greater Court, was passed in the Senate but defeated in the Assembly by a vote of 53 to 86.

The defeat of both bills is unfortunate and will retard any chance for the improvement of court organization and operation for another four years. It is regretted that no provision was made for the continuation of the Tweed Commission. That body, which has applied itself zealously over a number of years, has reason to feel keenly disappointed.

JUVENILE DELINQUENCY THROUGHOUT THE WORLD

Because of our interest in the subject of juvenile delinquency and our desire to learn as much as possible about conditions in various parts of the world we have endeavored through newspaper items and professional contact to keep informed. Set forth below are a few examples of information of general interest value.

European Cities

An interesting statement appeared in the NEW YORK WORLD-TELEGRAM AND THE SUN on May 6, 1958, making reference to juvenile delinquency and gang activities in various European cities. These gangs reflect the problems of juvenile delinquency and youth crime. Its existence is verified in other news items as well as in conversation with visitors from abroad and correspondence with various colleagues. However, so far as gangs in foreign cities are concerned these include juveniles, teen-agers and semi-adults.

France is reported to have about 70 gangs; Britain is estimated to have about 80; West Germany about 70. In Germany the gangs exist mainly in cities with extensive dock areas. They are known as "halbstarke" or "half-strong" in the sense of "semi-adults". In Britain the gangs operate mostly inside Greater London and in the industrial centers like Manchester, Birmingham and Glasgow. Paris is the center of the French juvenile delinquents but there are also gangs in industrial centers such as Lyon and Nancy and the ports like Boulogne and Marseille.

It is stated that rural areas are mostly free from juvenile delinquency operations. Most gangs haunt the tenement districts. A French social worker is quoted as saying, "A single criminogenic boy in a housing project is a potential focus of infection for all the youths who live there." It is stated in the article that, unlike the United States, schools in Europe experience almost no juvenile delinquency or major acts of brutality. While the ages of juvenile criminals range from 14 to 19, gangs are usually made up not of school boys but of young workers.

An interesting point is that the European youth gangs do not fight each other, but society at large. They unite primarily for the specific purpose of committing crimes. It is further stated that

almost all juvenile crime groups in Western Europe practice certain distinct and typical forms of felony, principally: a) Stealing cars or valuables from parked cars; b) Smashing the windows of stores and rifling their contents; c) Plundering private homes, chiefly those located in low-rent housing projects; d) Personal robberies.

The article concludes with the statement that juvenile crime in Europe is widely believed to be mainly due to the general brutalizing influence of the last war and is, therefore, regarded as a more or less temporary phenomenon.

Republic of The Philippines

During a visit to our office Dr. Alfredo M. Bunye, Director of Prisons in the Philippines, reported that they are having considerable trouble there with juvenile delinquency and youth gangs. It is noted that many of the gang members come from good families. It is also noted that there is a tendency on the part of juvenile delinquents and youths to destroy property and show no respect for persons in their operations.

South Africa

A publication (PENAL REFORM NEWS, April 1958), received from a colleague in Pretoria, South Africa, contains an item protesting the closing down of a reformatory at Diepkloof and directs attention to the problem of juvenile delinquency, which is regarded in the forefront of the attack against crime. It also relates that the newspapers are at present full of alarming reports concerning "ducktails". Reference is also made to another group of juvenile offenders known as "Totsisis".

England

In Blackpool, England, on October 9, 1958, the Home Secretary refused to "turn the clock back" one hundred years an reintroduction of flogging as punishment and as a deterrent to crimes of violence.

The Home Secretary promised the Conservative party conference to "de-Teddify the Teddy Boys" by sending young criminals to twelve new Detention Centers where they will do a maximum amount of hard work under stern discipline. This assurance did not entirely answer Conservative demands for the reintroduction of flogging by the "cat o' nine tails" for adults and beatings with birch canes for adolescents as a deterrent to crimes of violence. These crimes have been on the increase in Britain where, the Home Secretary said, crime is 50 per cent higher than in 1939.

Slogans such as "A flogging in youth may save a hanging later", and indictments of "sloppy sentimentalists" who oppose corporal punishment, reveal an atavism in the Conservative party.

Hawaii

From our news service we learned that Hawaii is in the throes of a marked increase in juvenile delinquency. It is pointed out that conditions that usually keep children out of trouble are abundant in Hawaii. The relaxed atmosphere, the wealth of playground facilities and bathing beaches that are open all year are among such factors. These benefits are offset chiefly by a rapid growth in the juvenile population, a lack of jobs for juveniles and an apparent breakdown in parental authority. The loss of parental authority is noticeable among children of Chinese and Japanese ancestry in a kind of rebellion against the iron discipline of the heads of families. The juvenile age is from 12 through 17. Statistics show that juvenile delinquency has increased 55 per cent from 1948 to 1957.

JUVENILE DELINQUENCY IS EVERYBODY'S BUSINESS

This subject continues to be of concern not only in the United States but in other countries as well, including even Russia, as revealed by the brief summary observations listed above.

To make a contribution toward further combating juvenile delinquency in this country, and in line with our initial study of teenage gangs, the General Secretary cooperated with the Committee on Prevention and Treatment of Juvenile Delinquency of The American Correctional Association. Most earnest attention is directed toward the inclusion in this report of the leaflet entitled "Juvenile Delinquency is Everybody's Business". See page 70. This contribution reflects the knowledge and experience of known workers in the field. It was gratifying to note the wide demand for this publication on the part of various groups and organizations in many States of this country and some foreign countries.

YOUTH COURT ACT FOR THE PHILIPPINES

There is interest developing in the Bureau of Prisons of the Philippines regarding specialized treatment for their youthful offenders. We were asked under date of March 7, 1958 to supply information regarding the Model Youth Correction Act proposed by The American Law Institute in 1940; and also the Federal Youth Corrections Act now in operation, and which incidentally is made to apply to about 1500 cases.

With the cooperation of The American Law Institute and the Federal Bureau of Prisons we were able to send not only samples of legislation but also a copy of the special study of youth corrections acts based on The American Law Institute's Act in five states, namely: California, Wisconsin, Minnesota, Massachusetts and Texas. The title of the study is "5 States—A Study of the Youth Authority Program as Promulgated by The American Law Institute."

EXAMINATION FOR WARDEN

The Association prior to and during Legislative days again took a strong position with respect to the requirements for candidacy for the important post of warden in the service of the State Department of Correction. It was gratifying to know that our position was supported in the views of the Commissioner of Correction, Thomas J. McHugh.

Legislation was again introduced to restrict the examination for warden to the uniformed force of the Department of Correction, this force being defined as solely custodial. This excluded all others in the department from eligibility for the examination. In our various recommendations to the Legislature for a number of years we opposed this restricted attitude because it gave every appearance of being class preference.

In taking this stand we did not overlook the importance of custodial personnel but felt that there were others in the service of the department who had knowledge and experience and general qualifications that could be of equal value in the exercise of the duties of a warden.

For years we have supported the viewpoint that such examinations be kept within the Department of Correction. It should also be noted that many years ago we took the lead in bringing about the placing of wardens and other correctional personnel in the civil service competitive class. Experience in the department has shown that good material for wardens can be obtained from the professional and especially trained personnel, as well as from those whose experience has been mainly custodial.

Therefore in justice to all concerned, and with a desire to obtain the best possible persons to head our institutions, we opposed, and successfully so, legislative attempts to restrict the warden examination only to custodial personnel through the medium of a definition of the latter group. This action should in no way be interpreted as hostile to or unappreciative of the value and service of the custodial personnel.

NEW COTTAGES—WESTFIELD STATE FARM

During the year we did not cease at every opportunity to emphasize the need for the building of new cottages at the Reformatory Branch of Westfield State Farm for Women. New construction is imperative to replace the inadequate and fire hazard type of buildings too long in existence. The need for such action has long been known to State authorities and for several years past appropriate funds have been available. At one time there was an attempt to abandon the cottage system in favor of the congregate type of housing. This we opposed and fortunately the opposite viewpoint did not finally prevail.

In October of 1958, Commissioner McHugh of the State Department of Correction announced the approval of plans for two new cottages to be one story structures, ranch house type in design.

A separate room is provided for each girl plus needed community facilities such as dining room, day room, bathing accommodations, et cetera. The cottages are to be located in the area of the present hospital building on the lower campus and to be "V" shaped in their general layout, with the dining room connecting the two units.

While disclosing this progress on October 28th Commissioner McHugh indicated that the new construction was long overdue. There was unanimous agreement in this respect. He stated that about February 1, 1959 bids would be sought to determine the cost of construction and that there would be a minimum delay in letting the approved contracts.

Here is one more example of the slowness of progress in the correctional field, even in areas where serious situations such as those described above are obvious. The difficulty is to sometimes trace the real cause of such lethargy.

MATRONS' SALARIES

For some years there has been a desire, which the Association shared, to increase the salary of matrons at Westfield State Farm and the Western Reformatory for Women. We projected our interest in this respect through recommendations to the Legislature and in our contacts with the Budget personnel and the Commissioner of Correction.

On September 26, 1958, Governor Harriman announced that approximately 300 matrons and their supervisors in the two institutions would be granted a salary status comparable to that of male correction officers and would thereby receive pay increases averaging more than \$500 a year. This action was finally permitted by the Director of Classification and Compensation as a result of a reclassification procedure.

This is a just and long overdue recognition in the accomplishment of which we are pleased to have played a part.

CAMP PROJECTS—STATE DEPARTMENT OF CORRECTION

We continued through the year to be interested in the development of camp projects and this attitude is further reflected in our recent Legislative recommendations.

There are now two camps in operation under the auspices of the State Department of Correction for adolescents. A third camp is to be opened soon and the Department of Correction is making request in the 1959 budget for two more camps. The first camp is at North Pharsalia in Chenango County; and the second at Monterey in Schuyler County. The location of the new camp is yet to be determined. We have consistently favored these camps. However, at the same time we have urged an activity program as a vital part of the camps since experience has shown that plenty of space in which to move around, fresh air and sunshine, are not in themselves adequate for the rehabilitation of inmates.

45TH ANNIVERSARY—EDWARD R. CASS

On June 14, 1958, Edward R. Cass completed forty-five years of continuous service with The Prison Association of New York. He came to the Association as an Assistant Secretary in 1913 and became its General Secretary in 1922.

On the occasion of his anniversary he received many messages of congratulation from within and outside of the State of New York, as well as abroad. Particularly pleasing, and embracing various years, was the recognition of quality of service by two Governors, namely; Thomas E. Dewey and Averell Harriman. These executives gave him recognition and entrusted him with State responsibility purely on a professional level and in accord with his record of service at each time.

Former Governor Dewey on March 4, 1954 stated:

DEAR COMMISSIONER CASS:

I have your letter of March 2nd and want you to know that it was a great pleasure and a privilege to appoint you to the Correction Commission. You have rendered fine and devoted service to the cause of penology in the nation and your especial attention to the problems of our State has been continuously gratifying to me.

With warm regards,

Sincerely yours,

(Signed) THOMAS E. DEWEY

Governor Harriman in June 1958 expressed himself as follows:

Cordial greetings and congratulations to you as you celebrate the 45th anniversary of your association with The Prison Association of New York. I congratulate you also on the valuable work you have done as secretary of The American Correctional Association.

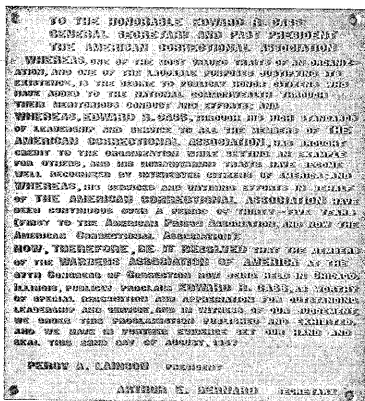
I am happy to have you serving my administration as Vice Chairman of the State Commission of Correction and as a member of our Committee on Parole.

Keep up the good work, and I wish you every success in the years ahead.

(Signed) AVERELL HARRIMAN

Further Gratifying Recognition

In February of 1958, Mr. Cass received a large bronze plaque from the Wardens' Association of America, reproducing the text of the resolution adopted by that Association during the 87th Annual Congress of The American Correctional Association in August 1957.



During the 88th Annual Congress of Correction in September 1958 the Committee on Resolutions of The American Correctional Association approved the following resolution which was unanimously adopted at the annual business meeting:

EDWARD R. CASS

WHEREAS, ONE OF THE MOST VALUED TRAITS OF AN ORGANIZATION AND ONE OF THE LAUDABLE PURPOSES JUSTIFYING ITS EXISTENCE, IS THE DESIRE TO PUBLICLY HONOR CITIZENS WHO HAVE ADDED TO THE COMMONWEALTH THROUGH THEIR MERITORIOUS CONDUCT AND EFFORTS, AND

WHEREAS, EDWARD R. CASS, THROUGH HIS HIGH STANDARD OF LEADERSHIP AND SERVICE TO THE PRISON ASSOCIATION OF NEW YORK, AND

WHEREAS, HIS EXCELLENCY AVERELL HARRIMAN, GOVERNOR OF THE STATE OF NEW YORK, HAS OFFICIALLY COMMENDED OUR GENERAL SECRETARY WITH THE FOLLOWING TELEGRAM—

"Cordial greetings and congratulations to you as you celebrate the 45th anniversary of your association with The Prison Association of New York. I congratulate you also on the valuable work you have done as secretary of the American Correctional Association. I am happy to have you serving my administration as Vice Chairman of the State Commission of Correction and as a member of our Committee on Parole. Keep up the good work, and I wish you every success in the years ahead."

Therefore, Be It Resolved, That the American Correctional Association and all its affiliate bodies join with the Governor for the recognition of devoted service by Edward R. Cass for the past forty-five years, and

Be It Further Resolved, That a copy of this resolution be submitted to the Executive Committee of The Prison Association of New York.

COUNTY JAILS

The necessity of the county jail as an institution has been of deep concern to the Association through the years. Various attacks have been made on the county jail system resulting in better administration and physical facilities, the abolition of the fee system, and improved treatment of inmates generally. However, regardless of progress there still remain some of the evils identified with the system both from the standpoint of management and physical facilities and idleness among prisoners.

This interest on the part of the Association goes back to the year 1844 and has remained active to date. In 1895, and with considerable urging on the part of the Prison Association, there was established the State Commission of Prisons, now known as the State Commission of Correction. The General Secretary since 1936 has been a member and since 1956 vice chairman of this latter body. The combined interest and efforts of both bodies have contributed substantially toward the progress and management of jails in this State over the years.

Cayuga County Jail

As far back as 1914 and 1915 the General Secretary of the Prison Association, E. R. Cass, in making inspections of the Cayuga County Jail recommended various improvements and submitted the over-all suggestion that the jail be replaced by a new one. This did not result and during the years there was justified the same criticism relating to the jail building and its management. In view of the long standing indifference of the county authorities the State Commission of Correction finally, and with the strong urging of the General Secretary of The Prison Association of New York, used its authority under the law and ordered the jail closed. The county authorities, still defiant, took the matter to the courts and the Commission lost the action through a split decision on the part of the Appellate Division. The point involved in this decision was not

the jail conditions but the technical point as to whether the Commission was a judicial or an administrative body. In the action the Cayuga County authorities contended that certain procedure and information had not been brought to their attention.

The State Commission of Correction, with the unanimous consent of its members and with encouragement from the State Attorney General's Office, undertook an appeal to the Court of Appeals and finally in June of 1958 the decision of the Appellate Division was reversed by unanimous vote of the Court of Appeals.

The Court held that the State Commission of Correction was an administrative body and was acting under a kind of legislative mandate and was empowered to establish standards relating to county jail buildings and administration and that this power should be exercised but not capriciously.

This was a signal victory for the State Commission of Correction and for progress relating to county jail construction and administration. It is gratifying to record that the Cayuga County authorities now have selected a site for a new jail and have engaged an architect to draw plans. These plans have been submitted to and approved by the State Commission of Correction. It was a long struggle and a very significant victory.

Nassau County Jail

For years through their joint identity with the State Commission of Correction and The Prison Association of New York, the late Commissioner John L. Schoenfeld and Commissioner E. R. Cass were critical of the physical facilities of the Nassau County Jail. Finally it was decided to build a new jail and both Messrs. Schoenfeld and Cass were asked for advice and guidance by the architects. The new jail has been in existence now for several years and the General Secretary during a visit in 1958 became convinced that the jail, physically and administratively, is an example that might well be emulated throughout the state and county.

Clinton County Jail

This jail has been under criticism by the State Commission of Correction and The Prison Association of New York for years. Finally during 1958 the county authorities, very likely influenced by the Court of Appeals' decision with reference to Cayuga County, decided to provide new jail facilities through the renovation of the present structure and the building of an addition. This change of attitude of county officials from indifference over the years to a sudden desire to cooperate and invite guidance is noteworthy.

Orange County Jail

Here is another instance where the combined criticisms of the Commission of Correction and this Association directed toward the existence and the quality of the two jails in Orange County finally met with success. The indifference of the county authorities

changed to an attitude of cooperation and willingness to construct a new and single jail at a suitable location within the county. A site has been selected and preliminary plans drawn and approved.

However, as a follow-up of a visit in October 1958 to the jail at Goshen it was necessary to bring to the attention of the sheriff certain administrative features that needed to be corrected, mostly in the area of good housekeeping embracing cleanliness and orderliness.

Sullivan County Jail

A long standing deplorable situation regarding the inadequacy, and sometimes the management, of this jail was of concern to the General Secretary of The Prison Association of New York through his identity with the State Commission of Correction. The inadequate size of this jail made for housing conditions that at times were shocking. During one visit the condition was recorded photographically, showing a group of men sleeping on a concrete floor with no mattresses, and some with no blankets, due to lack of accommodations and equipment.

Year after year in varying degrees this condition has existed, due mainly to the indifference of the county authorities who based some of their defense on the grounds that the overcrowded condition was due to seasonal residents in the area and that those committed to the jail were mainly transient workers from New York City charged with intoxication. This was not a valid explanation and finally the State Commission of Correction on the insistence of the General Secretary of the Prison Association and other members of the Commission urged that proceedings be undertaken to close the jail unless the authorities showed a willingness to remedy the situation. When this contemplated action was made known to the county authorities, and possibly because of the Court of Appeals' decision referred to in the case of Cayuga County, the Board of Supervisors by a vote of 13 to 2 appropriated \$360,000 to build an addition to the jail. Here again is another victory long overdue and in the interest of humanness and common decency.

Putnam County Jail

On August 19, 1958 the General Secretary visited the Putnam County Jail. Following are important items coming to his attention and brought to the notice of the county officials and also to the press. This is a combined activity of The Prison Association of New York and the State Commission of Correction since the General Secretary is identified with both.

1. The need to provide a different arrangement on the side walls so as to prevent by voice and otherwise contact with the outside on the part of the prisoners.
2. The transportation of a 16 year old girl on August 4th during the early hours of the morning by State Troopers without the benefit of a female officer or attendant.

3. The unreasonable and unnecessary delay in returning the same girl as a parole violator to the authorities of the State of Massachusetts. This girl was held for more than two weeks after the expiration of her sentence because of the indifference, and at times over-zealousness, on the part of the County Court relating to the furnishing of an extradition warrant. This kind of paper the Youth Board in the State of Massachusetts could not within the range of their authority produce but they took every means to establish their just claim to the girl and their authority under the law of their State to regain custody. Shortly after the General Secretary's visit the District Attorney and the County Court became active and the final result was that the extradition commitment was withdrawn and the girl was returned by the sheriff of Putnam County to the authorities in Massachusetts.

Once again it was demonstrated that without authoritative and other visitation to county jails and institutions many strange things can occur involving, as in the above case, unwarranted injustice.

PRISON AND JAIL CONSTRUCTION

The need for more prisons and the high cost of prison construction is a matter of increasing concern to the Association. In urging new construction and in consultation with City and State departments and various architects the point is continuously made that excessive design and expenditure should be avoided.

We believe that security is essential to the public welfare whether it be a police lock-up, county jail, or a State prison. We also believe that in a state system where diversification of design and construction is practicable it should be used for different treatment programs and as an economy. It is not necessary that all be maximum security prisons, especially in a State where more than one institution is required. Prison construction is now reaching almost a prohibitive point since it costs about \$12,000 per cell where maximum security (meaning the use of tool resistant steel bars, and a wall, and other means) is demanded.

In county jail and prison construction we are urging not only diversification with particular reference to state institutions, but also directing attention to the unnecessary use of too much steel, especially so-called "tool resistant" steel, the latter being very costly. We are also urging less steel in the side walls and ceilings in both county and state institutions. It has been shown that with various types of design and the use of security windows, and the limited use of tool resistant steel in the construction of certain institutions, considerable money can be saved.

There are three projects in this State, all county institutions, where this whole question of costly construction has arisen and unless cheaper construction can be provided the likelihood in two instances of getting a new jail to displace a wretched old jail is seriously threatened. The General Secretary is using every opportunity to persuade county officials and architects and jail con-

structors to be reasonable in the use of steel, especially tool resistant steel. He is also urging improved design so as to avoid following the same pattern for all jail construction and thereby too easily accept the conventional design. Our Association led the way for the first real big departure from the conventional prison design in this country beginning as far back as 1914 and 1915. Much of the modern design is traceable to that period, with subsequent modifications.

"AD ASTRA PER ASPERA"

The above translated means "Through difficulties to the stars" and is used to title a review of the 113th Annual Report of The Prison Association of New York. The writer is Dr. J. P. Shalloo of the University of Pennsylvania, a man well known in the field of penology as a keen observer and forthright reporter. The review was contained in the May-June 1958 issue of the AMERICAN JOURNAL OF CORRECTION and in reprint form has been widely distributed. Dr. Shalloo's observations are highly creditable to those who through the years have endeavored to make the Association function for the public welfare. His writing is a combined review of not only the Association in the year 1957 but clearly and concisely of its beginning and functioning through the years. The members and friends of the Association have reason to be proud of its accomplishments as projected by an impartial and qualified observer in the person of Dr. Shalloo. For the full statement see page 74.

NINTH ANNUAL FREDERICK A. MORAN MEMORIAL INSTITUTE

The ninth annual Frederick A. Moran Memorial Institute was held at St. Lawrence University, Canton, New York, July 27-August 2, 1958. General Secretary E. R. Cass participated as a consultant. He also had the pleasure of presiding at an evening general session on the subject of "Teen-Age Crime in Modern Society" at which time the speakers were: The Honorable Walter S. Crewson, Associate Commissioner, New York State Education Department; The Honorable Stephen P. Kennedy, Police Commissioner, City of New York; The Honorable Peter T. Farrell, Senior Judge, Queens County Court.

The Institute was attended by approximately 600 correctional workers from all parts of the State. It was gratifying to note the earnestness with which the students applied themselves in class sessions and in general campus discussion. Although the Institute covers too brief a period it has the value of stimulating interest among employees of the State and allowing them the opportunity to learn of various operations and plans and thinking on the part of those identified with the departmental and institutional operations not only in this State but other States as well since the faculty represented persons identified with the Federal Government, the District of Columbia, and such States as Michigan and Wisconsin, and others. The Institute is a joint undertaking on the part of the State Departments of Correction, Health, Mental Hygiene, Parole, Probation and Civil Service.

The address by Judge Farrell was of particular interest to the gathering because of its well balanced content. The Judge urged moderation and the adherence to certain principles and the need of coming to an understanding as to various degrees of responsibility for anti-social behavior. Judge Farrell's address is printed in full as a part of this report. See page 80.

FINANCIAL AID—PAROLE SERVICES

New York City Parole Commission

We continued to make available money to be used by the staff of the New York City Parole Commission during the early part of the year until city funds were again provided. In the final accounting on May 5, 1956, Chairman John C. Maher expressed renewed thanks and appreciation. This money was used for sundry needs such as carfare, meals and small items of clothing at times when contact could not be made with our Employment and Relief Bureau.

It is worthy of note here that our interest in the work of the New York City Parole Commission and its charges brought forth an unusual action during the year, to wit: a contribution to the Association from its staff. It is indeed a very friendly gesture and sign of appreciation and a definite recognition of our efforts to cooperate with them in the daily discharge of their important and many times difficult responsibilities. In acknowledging the contribution the General Secretary wrote as follows:

"For forty-five years I have noted contributions coming to this office but let me say that this is the first time that I recall one coming from those in the service who are willing to recognize and show appreciation for our efforts to cooperate with them in the daily discharge of their important and many times difficult responsibilities.

"It is indeed a very friendly gesture on the part of you and your associates. I hope that we will always be worthy of your continued confidence. Be assured of one thing, and that is that we will do our best, to the extent of our financial means, to give assistance to those who come under your control—especially during those difficult days at the time of their release."

New York State Division of Parole

We also provided for the New York City office of the State Division of Parole a sum of money to be used similarly as indicated above for those on parole and who cannot make contact with our office during regular hours. We are thoroughly convinced of the need of this assistance and we know also that our cooperation is appreciated by the various personnel identified with the State Division of Parole in the New York City area.

GOVERNOR'S COMMITTEE TO REVIEW THE PAROLE SYSTEM

As previously noted, this Committee was appointed by Governor Harriman following the exposé relating to the so-called "Lanza

Case". At a conference requested by the Governor the General Secretary advised that he appoint a committee to make a professional well rounded study of the parole law and the operations of the State Division of Parole rather than direct a Moreland Act investigation. This advice was given because two other bodies identified with the Legislature were active in connection with the Lanza case and therefore it seemed unnecessary to make for duplication but instead to move in the direction of a more expansive activity that would have as its purpose the all around better operation of parole in this State.

A committee staff was organized and during the year various meetings of the committee were held. In the meantime the staff and its field workers were making close study of the operations of the law, records, office administration, field operations, the quality of service rendered by both the parole commissioners and the parole officers and other staff members. It is anticipated that in due time a report will be made available. The committee appointed by the Governor consisted, as heretofore noted, of the following members: Mathias F. Correa, *Chairman*; Sanford Bates; Edward R. Cass; Miss Florence M. Kelley; Robert J. Mangum; Paul W. Tappan; Will C. Turnbladh; Herbert Wechsler.

NARCOTICS STUDY—REPORT OF A JOINT LEGISLATIVE COMMITTEE

The report reveals that New York State lacks adequate resources for treatment of addicts. Among reasons for the atmosphere of discouragement it cited: the lack of a known cure; the large expenditures needed to create facilities; the relation between crime and narcotics. "There is perhaps no other state in the United States," the report said, "in which the disproportion between the gravity and magnitude of the narcotic problem and the inadequacy of resources and facilities for treatment and rehabilitation is so great as in New York."

We were attentive to the work of this committee during its operation.

ELLIS ISLAND FOR DRUG ADDICTS

We joined with others in urging consideration of the use of Ellis Island, formerly an immigration installation, for the concentrated and medical treatment of drug addicts. This proposal held the interest of Governor Harriman, the State Department of Correction and the New York City Department of Correction. United States Senator Javits also became interested. The Governor urged that a study be made of the possible use of the Island but on March 14th there was released a report signed by Dr. Herman E. Hilleboe, State Health Commissioner, and Dr. Leroy Burney, Surgeon General of the United States Public Health Service, indicating that the facilities of the Island and the general location would be unsuitable as a center for the treatment of drug addicts. The report sets forth many disadvantages, such as geographical location, the layout and condition of the buildings, as well as the limited amount of available free space on the Island.

We became interested in the proposal because it has been our feeling, as well as that of many others, that narcotic cases constitute a medical and not a penal problem. This of course relates only to users and would not exclude from the penal treatment so-called pushers and sellers, most of whom are non-users.

PROCEEDING RESPECTING NARCOTIC ADDICTS OR USERS OF NARCOTICS

Related to the viewpoint expressed in the previous item that narcotic addicts constitute a medical and not a penal problem it is interesting to note the passage in the Legislature of Assembly Int. 2076, Pr. 4879, which amends the code of criminal procedure. However, the bill was vetoed by the Governor.

The measure, which we supported, was intended to remove the stigma of a conviction of a crime from narcotic addicts willing to submit to hospital treatment. It set up a non-criminal procedure for dealing with addicts under which they may be placed on probation if they agree to enter a public or private hospital. In other words, a court finding that an individual was an addict would not make him guilty of a crime, give him a record, or impose any disability on him.

PRISONERS CURBED ON CALLING COUNSEL

Our interest was attracted by an action which resulted in the announcement on June 30, 1958 that by a vote of 5 to 4 the Supreme Court ruled that a suspected criminal in the hands of state authorities does not have a constitutional right to see a lawyer before he is questioned by the police. The police of various states have said their effectiveness would be severely curtailed if they had to grant prisoners' requests for counsel before or during preliminary interrogation.

The Supreme Court has previously held that in capital cases all defendants are entitled to counsel at trial, even if the state has to assign a lawyer. In noncapital cases it has said that the state must assign counsel only where the defendant is ignorant or other circumstances make counsel essential to a fair trial.

REGISTRATION OF EX-FELONS

Since there appears from time to time in our Legislature a bill that would require *ex-felons* to register with the State Police or other jurisdictions we have followed with interest not only these efforts but developments in other communities. A bill introduced during the 1958 session failed of passage. Therefore we note here the substance of an opinion by the United States Supreme Court relating to a case in the State of California as follows:

In *Lambert v. California*, decided December 16, 1957, the Supreme Court in a five to four decision held that actual knowledge of the duty to register or proof of the probability of such knowledge and subsequent failure to comply are necessary before a conviction under the ordinance can stand.

Lambert had been a resident of Los Angeles for over seven years during which time she had been convicted in Los Angeles of forgery, punished by California as a felony. She did not register as a "convicted person" under the Los Angeles Municipal Code. Arrested on suspicion of another offense, she was charged with violation of the registration law. She was found guilty and the Appellate Department of the Superior Court affirmed the judgment and a direct appeal was taken to the Supreme Court of the United States.

The Supreme Court pointed out that engrained in our concept of Due Process is the requirement of notice and held that "a registration act of this character violates Due Process where it is applied to a person who has no actual knowledge of his duty to register, and where no showing is made of the probability of such knowledge."

It will be noted that this decision does not hold such registration acts unconstitutional in themselves, but holds that they are applicable only when applied to a person who has actual knowledge of his duty to register or there is a showing made as to the probability of such knowledge.

NEW NEW YORK CITY POLICE ACADEMY DETENTION QUARTERS

The joint interest of The Prison Association of New York and the State Commission of Correction resulted in a conference in October between top ranking New York City Police officials, the New York City Department of Public Works, and the architect, relative to detention cells to be located in the new Police Academy Headquarters to be constructed on East 20th Street in New York City. In this building will be the combined 13th and 15th Precincts, now operated as separate units. This was a particularly interesting discussion and another opportunity to render a service based on experience.

CONSULTATION: SPECIFICATIONS FOR POSITION OF INDUSTRIAL SUPERINTENDENT

In an effort to provide a standard whereby a selection could be made for the position of superintendent of state prison industries, the General Secretary was called into consultation with industrial experts and personnel directors. The plan here is to set up at least minimum qualifications, on the basis of educational background plus experience, for industrial leadership. This is a desirable undertaking the findings of which can be used for the benefit of progressively minded States. It was felt by the General Secretary that his time was well spent with this undertaking which finally resulted in a useful quantity of guidance material.

INTERNATIONAL COOPERATION

Under date of December 22, 1957 the General Secretary received a letter from Professor Roberto Pettinato, formerly of Argentina and now a refugee in Quito, Ecuador acting as technical advisor to the National Penitentiary. This letter was translated, as is all our foreign language correspondence, through the kindness of

Mr. H. K. Hochschild, a member of our Executive Committee, and his associates. The letter reflects our continued international relationship and the profound expression of gratitude by Dr. Pettinato whom the General Secretary met in Berne in 1946 and more recently in 1955 in Geneva at the First United Nations Conference on Crime. We have been in touch with him since he was expelled from his country and have been helpful to him in his new relationships in Ecuador.

The above is cited to show the unceasing operations of the Association on an international level to not only make contact for mutual cooperation but to exchange thinking and progressive action in the correctional field.

Among others we assisted were Mr. K. Skat-Rordam from Denmark who was studying in this country, and Mr. Jose G. Niset from the Belgian Congo who was making observations. Also correspondence was had with a colleague in India, Mr. A. V. John, with whom the General Secretary became acquainted in 1955 at the First United Nations Congress on Crime in Geneva, and whom we have been able to assist through correspondence and literature.

ENGLISH VISITOR—JUDGE GERTRUDE M. F. BISHOP

At the request of The English-Speaking Union of the United States and in cooperation with the Governmental Affairs Institute and the Ford Foundation, and together with the Federal Bureau of Prisons, we arranged the itinerary and provided the introductions for Judge Bishop to make observations as far as the West Coast and numerous intervening States, north and south. She proved to be an exceptional person and worthy of our time and interest. Upon her return she addressed a letter to the General Secretary, the two opening paragraphs of which are worthy of note:

"Now that I am back in England, one of my first pleasures must be to write and thank you for all the very kind help you gave me during my tour. Much of the success was due to all the introductions and the careful planning that you did for me, otherwise I should never have seen half so many interesting places.

"All that I have seen has been of immense value, and so it will be to the other members of the Magistrates' Association when I am able to report to them. I feel it was quite amazing the way in which all doors were opened to me. I am well aware that but for you and Mr. Bennett this would not have been so, and therefore it gives me so much joy to write and tell you how greatly I appreciate all that you have done for me."

CORRECTIONAL REVIEW COMMISSION FOR THE STATE OF NEW JERSEY

Governor Meyner appointed a commission to study the organization and functioning of the correctional system of the State of New Jersey. This commission was headed by Mr. Archibald S. Alexander who is a member of the Executive Committee of The Prison Association of New York. At his request the General Secre-

tary met with members of the commission to discuss their assignment and also take up various items relating to their field of examination and study. A lengthy meeting was held with Mr. Alexander and three of his associate members, namely; General Edward S. Greenbaum, Mr. Raymond A. Brown and Mr. Barkli Henry. Many subjects were discussed regarding the New Jersey situation and also the operation of correctional systems in other States. Following this meeting there was received a letter from Mr. Alexander expressing thanks to the Association for having made available the time, knowledge and experience of its General Secretary which was regarded as highly beneficial.

ASSISTANCE TO THE COMMONWEALTH OF VIRGINIA

The Director of the Division of Corrections of the Department of Welfare and Institutions of Virginia, Major Rice M. Youell, invited our aid in gathering information relative to the laws in the various States regarding the eligibility for parole consideration of life-term inmates. This information, rather fully, was supplied in two installments. On March 4th, Major Youell advised that the bill had passed the Virginia Legislature making life-term inmates eligible for parole consideration after serving fifteen years. He stated further that the bill now awaits action by the Governor, who previously had stated that he would sign it if it was passed by the Legislature. The closing sentence of Major Youell's letter reads, "So, you can see your information did give us some help."

INTERSTATE CRIMES

The General Secretary participated in a conference initiated by the Council of State Governments to consider a proposal for the merger of sentences revolving around a person subject to two or more prosecutions in two or more jurisdictions. There are various facets to this situation, involving those who are parole violators in one State and who are identified with another crime in a different State.

As the result of general discussion, aided by legal opinion, it was concluded that the subject is difficult of quick solution and needs to be studied further as to a suitable approach to be reflected in the form of an interstate compact. The suggestion for action has merit but will undoubtedly require flexibility of understanding on the part of courts and various State and county officials.

UNIFORM CRIME RECORDS

The subject of criminal records has been of interest to our Association over the years. The need of having a system that would reflect uniformity and reliability and clear understanding has long been recognized. Therefore we were quick to give approval and endorsement to the appointment by the Federal Bureau of Investigation of a committee to study the program of uniform crime reporting. The committee consisted of Dr. Peter P. Lejins, professor of sociology at the University of Maryland; Dr. Charlton F. Chute, associate director of the Institute of Public Administration, New York City; and Chief of Police Stanley R. Schrotel, of Cin-

cincinnati, Ohio. Dr. Lejins, the chairman, is very close to the office of our Association and we regard him highly. The committee presented a report containing many forward looking observations and recommendations and it is gratifying to report that these were well received and activated by the Federal Bureau of Investigation, headed by Mr. J. Edgar Hoover.

UNITED NATIONS *AD HOC* COMMITTEE OF EXPERTS ON SOCIAL DEFENSE

This committee met at United Nations headquarters, May 5-15. The committee was composed of the following persons: *Chairman:* Sir Lionel Fox, Chairman, Prison Commission for England and Wales; James V. Bennett, Director, Bureau of Prisons, United States Department of Justice; Alfredo M. Bunye, Director of Prisons, Republic of The Philippines; Paul Cornil, Secretary-General, Ministry of Justice, Belgium; J. A. Cesar Salgado, President, Inter-American Penitentiary Association, Sao Paulo, Brazil; Thorsten Sellin, Chairman, Department of Sociology, University of Pennsylvania, Philadelphia; Abdel Monem El-Shafei, Permanent Under-Secretary, Ministry of Social Affairs and Labor, Cairo, United Arab Republic.

The Prison Association of New York, as has been frequently stated, had considerable to do with the first of a series of quinquennial congresses beginning in 1872 under the auspices of the International Penal and Penitentiary Commission. This body was absorbed by United Nations in 1950 through resolution (415 (V)). The purpose of the *ad hoc* Advisory Committee was to consider the implementation of the General Assembly resolution in the light of developments over the past several years. Our General Secretary was privileged to sit in as an observer with the committee and made the following notations.

There are budget problems which could affect the future of the Social Defence Section of the Bureau of Social Affairs of United Nations with particular reference to the over-all subject of crime study and control. This is regarded as serious by those who were identified with the former I.P.P.C. The feeling prevails that any curtailment or lack of expansion of the work taken over by United Nations will be contrary to the discussion and thinking underlying the action of the General Assembly in 1950. At that time it was recorded that the Assembly was not only anxious to take over the work, but to most definitely expand it.

With the budget question in mind the recognition of priority results and it was stated that United Nations is especially interested in the problems of hunger, poverty and disease in various areas of the world. The inference here is that correctional matters will be required to yield in their importance as related to the foregoing. It was stated, for example, that staff problems must be solved by a process of "flexibility with what now is available." This in practice means taking from one group to make up for needs in another. Under this procedure the possibility of maintaining current levels, or expanding, is obviously doubtful. United Nations

is concerning itself with juvenile delinquency to the extent of coupling it with their priority interests of hunger, poverty and disease.

There was noted at the meeting strong and unanimous protest to the curtailment of the program of the Section on Social Defence and a request, rather, that the program be expanded in keeping with the General Assembly resolution of 1950. Finally, the *ad hoc* Advisory Committee adopted resolutions in substance calling upon United Nations to adhere to the 1950 resolution and maintain the operations of the Section on Social Defence.

We, as an organization and as representing American initiative, have a stake in the functioning of the Section on Social Defence in harmony with the broad concept of Dr. E. C. Wines, the General Secretary of The Prison Association of New York in 1872.

88TH ANNUAL CONGRESS OF CORRECTION

The 88th Annual Congress of Correction was held under the auspices of The American Correctional Association in the City of Detroit, Michigan, September 7-12, 1958.

This national body, formerly known as The American Prison Association, was established in 1870 largely through the efforts of the then General Secretary of The Prison Association of New York, Dr. E. C. Wines. During the years our Association has held unceasing faith in this professional alliance, mainly through its general secretaries some of whom have also served in the same capacity for the national body. (The present one, Mr. Cass, since 1922.)

Following is a statement on the Congress which appeared in the September-October 1958 issue of the AMERICAN JOURNAL OF CORRECTION by Dr. J. P. Shalloo, Executive Editor of the magazine, which is the official publication of the national body.

The 88th Annual Congress of Correction

A record-breaking number of 1,269 delegates from 42 states, Canada, Puerto Rico, and Hawaii signed up at the desk in the Hotel Statler Hilton in Detroit for the 88th Annual Congress of Correction, September 7-12, 1958. The number of registered delegates surpassed those at the Congress in Chicago last year. At least 350 visitors and interested citizens brought the total attendance to around 1,700. This tremendous turnout was clear evidence of the growing interest in correction by a variety of officials and workers associated with or members of the 23 affiliated bodies, and also demonstrated that a widely varied, well-planned program that provided something for everyone from administrators to interested citizens can and did attract a large number of persons concerned about the problems of crime and correction and what can be done.

The work of the Program Committee, the President, and the General Secretary in planning the program and organizing the meetings and workshops was reflected in the smooth-functioning procedure. Hundreds of hours of conferences, traveling, and plain hard work resulted in mak-

ing the Congress memorable for its efficiency of operation and coverage of details. The most frequently heard comment, even from chronic fault-finders, was "This Congress is certainly a *working* Congress." Fewer delegates were seen wandering around the lobby or taking their ease in the dark cavern of the Lounge Room while section meetings or workshops were being held.

From Sunday evening in the Ballroom, where the first General Session and Memorial Observance was held at which time President Roberts J. Wright welcomed the delegates and Reverend Russell E. Camp, President, the American Correctional Chaplains' Association, presented a serious and thoughtful address, "Are You Qualified?," until Friday afternoon when the last bus returned to the hotel with the delegates who spent the day visiting Michigan's correctional institutions, the Congress theme, "Correction—Every Citizen's Concern," was clearly evident in the attitudes and activities of those in attendance.

While it is impossible to mention all the meetings, what was said, or who was there, this summary may indicate to those unfortunate enough to have been unable to attend the general tenor and tone of the Congress.

On Monday morning, President Wright delivered his address, which may be read as the leading article of this issue. Presiding at the General Session was the Honorable Earnest C. Brooks, Chairman, Michigan Commission of Corrections. Credit should be given to him and the members of Michigan Corrections for their untiring efforts which helped substantially in the success of the Congress. During the afternoon, 13 meetings by the various committees and affiliates were conducted, at which more than 100 persons actively participated as moderators, chairmen, recorders, speakers, or discussants. Each of these meetings was heavily attended, and this was to be true of all sectional meetings and workshops during the Congress.

The Workshop Sessions began at 9:30 on Tuesday with Workshop 1, Top Level Problems, General Chairman, James V. Bennett. At the morning session Commissioner Thomas J. McHugh presided, when the subject, Press and Public Relations, was discussed. The afternoon session, presided over by Director Richard A. McGee, discussed Problems of Institutional Organization and Relationship with the State Department of Correction. Concurrently with Workshop 1, eight other workshops were in session, including Medical and Related Problems; Custody, Security, Contrabands; Updating Institutional Classification Standards; Training the Correctional Worker; Delinquency Prevention; Prison Camps—Their Place in the Correctional Program (held at Camp Pontiac); Correctional Statistics; and Criteria for Parole Selection.

On Wednesday morning these Workshops were continued and four more were added. These covered Audio-Visual Aids, Technical Session for Industrial Men, Financial and Material Assistance, and Institutional Planning for Civil Defense. The afternoon was given over to joint meetings and sessions devoted to the interests of specific affiliates.

At the General Session Thursday morning the delegates were addressed by the Reverend Jesse J. McNeil, who urged the correctional fraternity to give heed and help to the men and women being released from prison and trying to re-establish themselves in their communities.

Thursday afternoon was devoted to joint meetings and meetings of the various affiliated groups, after which the Annual Business Meeting was held. President Wright turned over his office to O. B. Ellis of Texas, who was the unanimous choice of the Nominating Committee, of which Thomas J. McHugh was chairman. Director Ellis was also the unanimous choice of the voting membership. In a few but well-chosen words President-Elect Ellis pledged his term of office to carrying on where President Wright left off, and to seek advice and guidance from the best-qualified sources he could find. He announced that Donald C. Clemmer would serve as Program Chairman for the 89th Annual Congress of Correction, to be held at Miami Beach, Florida, August 30 to September 4, 1959.

The Congress Dinner rang down the curtain on the *working* days of the Congress—and they were days of work, but also days of satisfaction to the planners and the participants.

An editorial in one of the Detroit newspapers pointed out the aim of the Congress:

"Prison wardens, jurists, chaplains, probation and parole officers meeting in Detroit this week as members of the national Congress of Correction seem united in one common aim:

To get men OUT of prison, as soon as possible and under the best possible conditions for both their own and the public welfare.

The question is by what means the prison inmate can be best equipped for his return to the community, and how closely this state (*Editor's Note: any state*) approximates the highest standards."

Some of the answers, or at least suggestions that may lead to answers, were analyzed and presented at the Congress.

If one were to characterize, not only the 88th Congress, but also the major trends in American corrections, one would probably conclude that, while there has been a proliferation of interests into specialized fields, there has also

been an observable integration of interests and efforts both at the conceptual and action levels of all these interests in terms of the principal goals and objectives of American corrections. The aims, goals, and objectives of so many diverse groups coalesce, or at least did coalesce, into a concerted and united effort to demonstrate and realize the Congress theme: "Correction—Every Citizen's Concern." From the program, meetings, workshops, and overheard comments, it appeared that there was much support for the argument or proposition that the best department of correction, or correctional system and philosophy, is the public. We endorse that argument. We hope the public does as much.

PRISON WARD—BELLEVUE HOSPITAL

On April 25, 1958 the General Secretary, reflecting the interest of both the Association and the State Commission of Correction, inspected the Prison Ward at Bellevue Hospital. Conditions generally were satisfactory except for Ward I-1, which is known as the Surgical Ward. The treatment room was found flooded due to a leak through the ceiling causing damage to equipment and putting mobile units out of commission. The sterilizing equipment was out of order and it was necessary to proceed by boiling water in an improvised container. The beds in the annex of this ward, although it was said that they had not been used, were made up and were conspicuously covered with an accumulation of soot and floor dust. The three observations were hardly in harmony with good hospital facilities and sanitary requirements. The matter was taken up with the superintendent of the hospital with corrective results.

PAYMENT OF 25 CENTS TO WOMEN RELEASED FROM THE HOUSE OF DETENTION

This subject was discussed by the Executive Committee of The Prison Association at its May meeting and subsequently was taken up with the Director of the Budget of the City of New York, Mr. Abraham D. Beame, and his First Assistant. It developed that Mr. Beame was concerned about the whole matter of inadequacy of payment relating not only to the women but also to men released from Rikers Island Penitentiary, except felons serving an indeterminate sentence who do receive \$5.00 on discharge.

Assurance was given that Mr. Beame and his associates would study very carefully the whole problem and determine to what extent additional funds can be made available. He emphasized the financial condition of the City and the lack of money in the Commissary Fund, indicating that to some extent commissary funds are now being added to by direct City funds.

Our letter of May 22, 1958 set forth below indicates our concern about the situation and our desire that it be improved. A copy of the letter was sent to Mayor Wagner, City Comptroller Gerosa, and City Administrator Pruesse.

May 22, 1958

HON. ABRAHAM D. BEAME
Director of the Budget
Municipal Building
New York 6, N. Y.

DEAR MR. BEAME:

This letter is not being written at the suggestion of Commissioner Anna Kross but does concern a subject which has frequently attracted our attention over the years, and before the incumbency of the Commissioner.

At the meeting of our Executive Committee today while we were discussing the recent report on the Department of Correction by Mr. Preusse, one of our members, referring to the Women's House of Detention, made the observation that among other things it is a shameful situation to release women from the institution with not more than 25 cents. We know something about the women who go this institution. As a matter of fact, this organization—together with others—campaigns for many years to bring about the establishment of a central point of detention for women, which finally became the Women's House of Detention. Our slogan was, "Get the women out of the police lock-ups"; and further the only plan was to have the new institution used for the detention of women other than those serving a sentence. The undersigned was master of ceremonies at the ground breaking when the late Mayor Walker was the principal speaker.

It has been aptly said that 25 cents means a telephone call and one bus or subway fare to the home or the place of a friend, if the released person happens to be so fortunate. We know that there are some undesirable people interested in the release of some of these women but the answer to it is—whether they be in this category or not—they are, after all, human beings and require in many instances some help for food and shelter on a level of decency until they can become self-sustaining. I think you will agree that there is some merit to this observation.

This organization had considerable to do many years ago with the establishment of the commissaries in the New York City Department of Correction and our objective then was to eliminate certain exploitation on the part of outside purveyors and to make available a fund derived from small profits on sales for the benefit of prisoners. This money which constitutes the Commissary Fund is, after all, money spent by those prisoners who were fortunate enough to have it and therefore it seems logical that some of it at least should be used for their benefit as well as others.

We know that the control of these funds has been changed and we have no disagreement with that action. We also know that some money has been expended from these funds in behalf of prisoners.

Therefore, the purpose of this letter and the question it embraces is whether it would not be possible to make some commissary profits available for some of the women who are released from the Women's House of Detention and who on the basis of institutional records, and other information, seem deserving of added assistance above the present amount. I shall be glad, for this Association and also as Vice Chairman of the State Commission of Correction, to discuss this matter with you. You will probably recognize from my name that the Mayor had appointed me to the chairmanship of the new City Board of Correction but that I was unable finally to accept because of legal restrictions due to my identity with the State government.

I trust you will accept this letter not as sentimentally inspired because we are too experienced to be so moved, but instead as an effort to bring about some practical consideration and aid where we feel that there is need for the same.

Sincerely yours,

(Signed) E. R. Cass
General Secretary

NEW HOUSE OF DETENTION FOR WOMEN—NEW YORK CITY

There continued through the year complaint from various sources about the inadequacy and general unsuitability of the present New York City House of Detention for Women. An occasional disturbance among inmates focused further attention on the need for a replacement. One main reason why the institution is inadequate is the decision made some years ago to use its facilities not only for women awaiting the action of the grand jury or disposition by the courts but also those serving sentence. At that time two separate institutions—one the Women's House of Detention and the other the institution at Greycourt—were compressed into one. That was a mistake. The crowded condition at the House of Detention for Women, with a record breaking census from time to time, is adequate proof that action is imperative. The City has recognized the situation but the difficulty, even at the time of this writing, is to find a suitable site. An appropriation has been made to proceed in this direction. It might result that the new institution will finally be located on Welfare Island but that is not a certainty.

Here again is evidence of the slowness of progress in a situation where there is general agreement that a change is necessary.

ADOLESCENT REMAND SHELTER—NEW YORK CITY

The City is committed to this institution but there remains the problem of obtaining a suitable site. The reference to slowness as referred to in the item above regarding the House of Detention for Women is similarly applicable in this instance and is rapidly becoming cause for some frustration.

This Association, as well as other groups, has urged the need for special care and treatment of young offenders. It is a certainty that endless discussion is not the remedy. All those identified with the official life of the City will need to gather speed pointing toward a satisfactory conclusion.

BRONX HOUSE OF DETENTION FOR MEN

Again through the combined interest of The Prison Association of New York and the State Commission of Correction plans are under study for the adding of a new wing to be located in the center and on the west side of the present building to provide accommodation for 240 inmates. The proposal is to have the new facilities on the dormitory plan and some question has arisen as to whether this should be allowed. Further consultation is required.

RIKERS ISLAND PROJECT C-76

This project is for the building of a new Workhouse on Rikers Island. Through the combined interest of our Association and the State Commission of Correction considerable time has been spent in consultation with the New York City Department of Correction, the New York City Department of Public Works, and the architects. Plot plans have been approved and likewise preliminary approval has been given for some of the detail design. The facilities will consist of mainly dormitories, with some cells for special housing. There also will be two parts to the general layout, one to be known as the Orientation Center and the other for the actual serving of the sentence. The former will be used for the reception and study and diagnosis of the individual, physically, mentally, and for the purpose of developing a work or educational program.

SPECIAL PROJECT—ALCOHOLICS

Through the interest and support of a foundation with headquarters in New York City we were enabled to give extended material aid and counsel to those released from institutions who were making an effort to free themselves of the problem of the excessive use of alcoholic beverages. We were further guided by the knowledge concerning alcoholism made available by the National Council on Alcoholism, as well as the operations of the School of Alcohol Studies of Yale University, and Alcoholics Anonymous.

It is our daily experience to have men come to us seeking aid who are not only handicapped by a prison sentence but who also, periodically or otherwise, find themselves confronted with the problems that result from alcoholism. An example is a middle aged clergyman who came into conflict with the law and who occasionally yields to the temptation of drinking. We know him, we understand his problem and are able to give him not only material assistance but also the kind of friendly yet firm guidance that tends to sustain him in his time of need.

These people require tactful handling since some of them are boisterous, challenging and sometimes threatening, but yet in a state of confusion, and who many times after their episode say to us, "I had no idea I said that, nor can I believe that I threatened bodily harm to your personnel or boasted that I would break all the windows in your building."

Then there are situations in the family where the wife comes and tells us that the husband or son is breaking under the urge to drink and inquires if there is something we can do to bring him back to his more normal self.

These people are not subjects for preachments but they do need the attention of those who understand and are willing to be patient and persevering, and sometimes very tolerant in their attitude toward them.

ASSISTANCE TO STUDENTS AND RESEARCHERS

We continue, as do others, to receive requests for information from high school and college students, candidates for various degrees, and college professors undertaking various research projects. These are sometimes too numerous to handle but we do the best we can. It is an important service and at times requires the undivided attention of one person. Our sympathy is with these requests because they tend toward better public information and understanding.

THE ASSOCIATION'S BUREAUS OF SERVICE EMPLOYMENT AND RELIEF BUREAU

An ounce of prevention is worth a pound of cure. This makes good sense. However, to the inmate in the penal institution this takes on deeper meaning. His affliction, or the criminal act, appears utterly hopeless from the very onset and his every pound of cure—equivocally measured off by one precious year of his life—too often proves futile. In other words, when this individual finally is released after having discharged his debt to society, he still remains the social leper—relegated to walk alone. Who then shall be the first to extend his hand—the symbol of fearlessness? Who, indeed, if not some member of the same Society who in the first place had cast him out. This must mean someone will be dedicated enough to be willing to offer him the first precious gift of gainful employment, more precious indeed than either charity or sympathy since this will help pave the path ahead toward the permanent cure—or rehabilitation. Happily for the understanding employer, he will find the ex-inmate willing and eager to justify his faith in having given him a second chance. Charity and sympathy unfortunately cannot provide similar means.

The Prison Association of New York, self-dedicated to the welfare of parolees, discharged prisoners and those men in various institutions awaiting release, deeply appreciates the kind cooperation and sincere efforts on the part of those employers who willingly avail themselves of the services of these men. It is this attitude of faith and complete understanding that helps to lighten the burden of placement. To those others who not yet have dared to act likewise, the Association extends an earnest wish for them to do so in the near future. These, too, shall find their faith well rewarded.

Rehabilitation is a prolonged means to the ultimate cure, from prison gate outward. Many survive—and many do not. The will to survive of course rests solely with the stricken individual, however we, in essence, are like the doctor who stands by ready to minister the life-saving remedy, and so we should. Having garnered sufficient strength from these new resources, the "patient" soon will be strong enough to arise, stand steadily on his own two feet—and walk erectly among us. Having once again tasted of the sweetness of restored life, with its precious feeling of freedom and equality, along with the rights and privileges which so nearly had been lost forever to him, the individual never again would risk having them wrested from him. He will cherish these and forever feel grateful to the doctor—the employer who had stood by so steadfastly—and both shall feel richer for it. This only partly proves the vital need for gainful employment.

For the past sixteen years the Employment and Relief Bureau has been under the able supervision of Mr. Harry Schwartz, who is credited with more than forty-five years' experience in the field of crime treatment and prevention in New York City. Mr.

Schwartz' activities include among others, personal contacts with employers, entailing numerous visits throughout extensive and widespread areas and fields of practice, comprised of commercial houses, factories, mills, garages, laundries, stores, et cetera. We are pleased to note that where no actual placement materialized, our representative nonetheless was accepted with utmost respect and graciousness on the part of all those visited.

The Bureau is more than an employment exchange. It constantly is confronted with recurring problems of the nature of financial stress, inadequacy of proper clothing, the lack of required transportation to job locations, proper tools, union dues, fees, et cetera. In each instance, the desired aid is granted to the deserving—only after careful investigation. Those clients whose means of self-sustenance have been curtailed by prolonged illness, enlist the services of the Bureau which in turn provides financial assistance and guidance throughout the critical period of readjustment. And, too, our program deals with families and friends of clients, as well as referrals to the proper public welfare agencies who are equipped to extend long-range and permanent financial aid and support.

Many clients feel obliged to reimburse our efforts, and gratefully do so in whatever manner they are able, invariably expressing their desire to help "the next fellow". An example of this is illustrated in the following—

"... Sorry for the long delay but I've been trying my best to make a good life for myself and I completely forgot I still owed you some money. I've got my own apartment now, and I hope to be married some time next year. I've still got some bills to meet yet but I think I will make it with God's help. I'm still working for . . . and love my job. I guess I'm one of the lucky ones. I hope some of the other guys get as good a break as I did. I'm enclosing the \$4.00 thanks a million you've been sweet and patient. . . ."

This letter speaks for itself!

The Bureau of course is constantly besieged with endless pleas and requests—and for the most part, truly deserving. Our services are sincerely appreciated, and doubly rewarded of course, when favorable results are achieved—by all parties concerned. Another fine illustration follows . . .

"Dear Mr. Schwartz,

I was 65 on the 8th of April. Have just received by Social Security check for \$94.30 and expect my Veterans' Allotment received Veterans' assistance, every thing has turned out well. I had the relief for a month and a half when I started getting \$36.00 a week unemployment insurance. This will be increased to \$42.00 shortly and will continue for some time. I am truly grateful for your help. . . ." Sincerely, R. P.*

* All names and initials are fictitious.

Referring back to the Bureau's varied services, we wish to publish here an excerpt from a rather singular case. The client, W. W. S.,* after having served 22 years on a robbery charge, had contracted cancer and been placed in Bellevue Hospital where he underwent surgery for advanced stages of the malady, and when sufficiently recovered had been released. Unable to travel, yet obliged to report back at the hospital for frequent check-ups, W. W. S.* found it necessary to secure lodgings very close by as he was without funds. The Bureau provided sufficient assistance for rent, food, clothing and other incidentals. He since has been placed on Home Relief. W. W. S.* was very deeply touched by our assistance.

In our 1957 Annual Report we included the case of a young man whose plight had been brought to our attention through the medium of a well-known city newspaper. The young man, T. D.* had come to them in a rather distressed state of mind and had explained about his difficulty in finding employment due to his prison record. We should like to refresh your memory before proceeding with the follow-up to the story. T. D.* a first offender, served 9 months at a New York Institution, the charge—unlawful entry. It had been an act of mischief inasmuch as nothing had been taken. He had been living with his mother and step-father who were receiving old age relief. The home atmosphere was anything but pleasant. However, happily for T. D.* the Bureau placed him as a carpenter's helper at \$50 a week for five days, and T. D.* promptly decided to resume his schooling, attending evening classes. Subsequent visits to his home disclosed him to be happily employed and contributing to the support of his parents, all of which added up to greatly improved home conditions and smoother relationship among all parties. It was soon after that the newspaper whose interest had been aroused, probed a little further and came up with something they apparently found to their liking, for the following was the article they quickly published and which is modestly reported here in the best interest of the Bureau:

For Those Who Have Left Prison—Sympathy and a Helping Hand**

For 42 of his 65 years, Schwartz, a small man with a big heart, has been helping ex-convicts back to a useful life. As head of the employment and relief bureau of the Prison Association of New York, he's given thousands of ex-convicts money and clothing, got them jobs and a place to live. He has listened to their troubles in a society which, for the large part, considers them dispensable, has given them guidance and security. It is the handshake, the sympathy and the understanding, Schwartz feels, which are of as great value as the material things he offers. "We handle men from all the eight state prisons," Schwartz said. "We try to help in every possible way. We get them jobs, we give them money to tide them over and to get them started in normal living again and we help, perhaps most of all, by not judging them and by extending a friendly hand. You've got to understand these fellows. You can't

* All names and initials are fictitious.

** From Bennett Schiff's column, New York Post 1/3/58.

expect to reform a man by making a severe law and putting him in prison. It has to be done through the heart and conscience. When they come to me I'm not interested in what they may have done that was wrong. I'm interested in helping to get a man started in doing something that is right. I have language which the man and I understand and that's why I get along.¹⁹

As part of his activities, Schwartz spends hours every day going from employer to employer soliciting jobs. In the 16 years he's been with the Association, he's found jobs for almost 10,000 ex-convicts. He notes proudly that less than a dozen disappointed their employers.

"First of all," said Schwartz, "he knows he's under supervision and he knows that he's going to worry that no crime will be committed in a place where he works, for fear of being accused of it. The employer knows the man has had a taste of prison life and, given half a chance, will do everything he can to avoid any more of it. You know these fellows have been in trouble, that they have been punished for it and that all they want is an opportunity, a break, so that they can establish themselves decently. After all, who is a criminal? It could be you, myself. They're human, these fellows, they need individual attention they should have had earlier in their lives. The important thing is to befriend the fellow who's been in trouble; to let him know he won't have the stigma attached to him for the rest of his life."

Statistics for Employment and Relief Bureau for 1958

Office Interviews	2,439
Telephone consultations*	1,233
Different persons interviewed	2,395
Men released from New York City penal institutions	1,558
Men released from New York State penal institutions	604
Men released from out-of-state penal institutions	31
Men released on probation	103
Relatives of prisoners concerning employment	99
Meals provided	795
Night lodgings provided	5,152
Employment contacts made by personal visits (approx.)	500
Men placed in employment	471
Men given cash relief	1,359
Total amount spent solely for relief (includes cash, meals and lodgings)**	\$7,411.49

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

** Includes outlays in the sum of \$2,097.64 from the Grand Street Boys Fund.

FAMILY SERVICE BUREAU

The Family Service Bureau works with the families of male prisoners of Federal, State and City institutions. Clients are brought to our attention by wardens, chaplains, social workers, nurses, parole officers, prisoners themselves, and agencies in the city such as the Department of Welfare and probation bureaus.

Many prisoners have been devoted husbands and fathers. The wife suffers a severe emotional reaction following the husband's arrest, trial and conviction. It is difficult for her to understand his criminal activities in the light of his devotion to his family. She may suffer great humiliation and anxiety and consider the situation a threat to her relationship with relatives, neighbors, the school, and with society. The wife is encouraged to discuss the problems with the social worker of the Family Service Bureau in order to find release for pent up fears and griefs through sympathetic and understanding interviews. Discussion of the situation in a friendly atmosphere many times provides the necessary incentive to carry on. We strive to help individuals learn to help themselves as far as possible. While this cannot be accomplished overnight there is nothing more gratifying to the Bureau than to note growing self reliance.

During the time the prisoner is away from home the Family Service Bureau is able to help in many ways. For instance, help the mother interpret the father's imprisonment to the children and prepare them for his return. The embarrassment that children of prisoners must face through the taunting of other children, so often one of those cruel but inevitable realities a child must meet, is but one of the major situations requiring our help. The solution may be moving the family from the neighborhood to give the children a new environment, or perhaps it means a conference with teachers and school principals.

Financial help is frequently given in cases as a matter of temporary assistance until the Department of Welfare investigations are completed. This immediate aid furnishing the essentials of life such as food and shelter serves as a kind of shock absorber.

The Family Service Bureau encourages visits to the husbands in prison. These visits are a great help in many instances to both the prisoner and his wife in maintaining their morale during their separation. A recent communication from a warden requested financial aid toward making a prison visit possible, "... that his bitterness about his incarceration may be somewhat lessened."

It is sometimes found that had a wife played a more positive role in her husband's life the events leading up to his arrest might have been avoided. During discussion it is possible to prepare her for greater understanding and cooperation in order to insure his return to a home that will be a definite constructive influence in his rehabilitation.

In another category are wives who are definitely not interested and want nothing more to do with their husbands. These are instances where the prisoner, in addition to his behavior in society, was cruel and irresponsible, and contributed no financial support to the family. Here we try to encourage the wife to become independent by finding a job or training where she can support herself and her children if they are old enough to be left with a responsible person after school hours.

There is a third group where we find the wives who are indifferent to the future. They are in many ways responsive to treatment through the Family Service Bureau but on the other hand are the least likely to be helpful in the preparation of the prisoner for his release. The man who returns home finding nothing but indifference and antipathy cannot long remain in that environment without definitely negative results. These clients who maintain such an attitude toward their husbands need the guidance of the Family Service Bureau to help them clarify their thinking.

Some of the work of our Bureau is in cooperation with other agencies where medical and other specialized needs are required. Then again there are cases where referrals to public agencies seem inadvisable. For instance, Mrs. B.*, a thin, frail woman, visited the Family Service Bureau. Her husband while on furlough from the Army got into trouble and was sentenced to prison. Mrs. B.* continued at her work until two months before her baby was born and did not know what to do to support herself and daughter, six years of age. None of her friends and acquaintances knew of her husband's arrest. She had not been able to confide in her mother who was nervous and had a heart condition, was impulsive and high strung. If the mother knew of these circumstances she would make life unpleasant for her son-in-law after his release by referring to the "disgrace" he brought upon his family. Mrs. B.* was given financial assistance until she was able to return to work.

During 1956 the Bureau made a special effort to provide a more intensive case work relationship with families. Through its camp program the Bureau placed mothers and children in summer camps. At Christmas time toys and money for holiday food and extras were given. Sorrow and misery knows no holidays and the services of the Bureau are at the beck and call of those who require them regardless of season.

Many clients return to visit the Bureau after their husband's release to express their appreciation for the advice and financial help that they received, or occasionally to request further assistance or guidance towards working out some unforeseen problem which has arisen in the family life.

The Prison Association of New York through its Family Service Bureau believes that its work is vital and fills a special need in the social work field.

At this time the Family Service Bureau wishes to express its thanks and appreciation to those who have made this work possible.

* All names and initials are fictitious.

The following is a letter of gratitude sent to our Family Service Bureau:

"Just a few lines to let you know how very grateful I am for what you have done for me. For the past two years helping me to visit my husband when the longing to visit him was so bad but almost impossible due to the little money I had. Then at Christmas time the extra things I could get my little boy because you were so kind. And all year long the underwear, shoes, clothing and so on when it was so hard to make ends meet. But with your help I was able to keep my son always looking nice and I certainly am grateful to you. There is no words to explain my thanks. All I can say is thanks a million for all you have done to help me. Just to sit and talk with you made life seem brighter when it looked pretty dark and it really is wonderful to know there are people like you in the world so willing to help others and I am sure that everyone you helped feels as I do. Wishing there was something nice I could do for you sometime but I know in my heart God will take care of you. Thank you once again."

Mrs. L. G.* writes:

"I am writing this letter in behalf of my entire family to express my infinite gratitude for the full assistance you gave to me and my husband that we share a visit. And before God and all mankind there are very few words great enough to express what it meant to us and we are humbly thankful and shall forever be grateful. The whole structure and purpose and meaning of our life have greater meaning and where despair covered our hearts and minds of each day, today through you, Mrs. Lovejoy, our futures and children are secure and our prayers are one, and I pray that one day in life we may be able to repay our endless and sincere gratitude for all your assistance and sincere consideration. You Mrs. Lovejoy have given us a greater faith in God, as you proved to us that there is a wonderful greatness in human hearts and understanding when one is in need. You proved a sincere friend in our need and you answered our prayer and I and my husband and children are forever grateful for your consideration and any other afforded to us."

Statistics for Family Service Bureau for 1958	
Families in active category January 1, 1958.....	80
New cases accepted	53
Cases reopened	29
Total number of cases during year.....	162
Cases closed	88

* All names and initials are fictitious.

Families in active category December 31, 1958.....	74
Total amount of financial assistance.....	\$11,065.81
Families provided with Christmas dinners and toys.... (total of 170 persons)	64
Children and mothers sent to summer camps.....	51
Office interviews, home and agency visits.....	**1,216

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

LEGISLATIVE ACTIVITIES—1958

In accord with its practice over the years the Association directed its attention to various bills relating to juvenile delinquency and youth and adult crime. Set forth below is an outline of our method of procedure and a listing by title of various measures receiving our active interest.

On page 25 there is set forth an introductory reference to these activities, giving a brief idea of the kind of bills toward which we direct our efforts.

MODUS OPERANDI

Through a paid legislative service we receive copies of all bills embracing our field of interest. Following study, our support or opposition is registered with individual members of the Legislature and with the chairmen of various committees. Where required, the support in the direction of approval or opposition is sought from other bodies and branches of the state government.

When bills are passed and sent to the Governor, we continue with written approval or protest, and it has been our experience that this is a vital time for hopeful action.

Acknowledgment

It was gratifying to receive again from Governor Harriman an expression of thanks and appreciation for advice and guidance given with respect to those bills before him for final action.

As the following summary will reveal, we supported all bills intended for the improvement of institutional facilities and services, community crime prevention activities, and the strengthening and improvement of probation and parole organization and services.

The Prison Association of New York gave particular attention to 54 bills, of which we approved 33 and opposed 21.

APPROVED BILLS

Failed to reach the Governor.....	18
Vetoed by the Governor.....	3
Signed by the Governor.....	12
	<hr/>
	33

OPPOSED BILLS

Failed to reach the Governor.....	19
Vetoed by the Governor.....	2
Signed by the Governor.....	0
	<hr/>
	21

Approved

SEX OFFENDERS. *Senate Int. 113, Pr. 113, Assembly Int. 66, Pr. 66.* Amends the correction law, in relation to extending and providing for the continuation of parole supervision over persons heretofore convicted of sex offenses involving children. *Failed of passage.*

SALARIES CUSTODIAL PERSONNEL. *Senate Int. 145, Pr. 145.* Amends the civil service law, in relation to requiring the allocation of the positions of custodial employees at Westfield state farm and Albion state training school to the same salary grade as custodial employees in state prisons. *Failed of passage.*

FOSTER HOMES OR HOSTELS. *Senate Int. 831, Pr. 3350.* Amends the correction law, in relation to provide for certain minors on probation or parole, to include minors under the continuing jurisdiction of the court and parolees from privately maintained custodial institutions and state training schools. *Failed of passage.*

PUBLIC DEFENDERS. *Senate Int. 1012, Pr. 4099.* Amends the county law, in relation to the appointment of public defenders in cities having a population of one million or more. *Failed of passage.*

SCHOOLS OF SOCIAL WORK. *Senate Int. 1067, Pr. 1070, Assembly Int. 1211, Pr. 1211.* Amends the correction law, with respect to contracts with schools of social work. *Failed of passage.*

DIVISION OF RESEARCH. *Senate Int. 1068, Pr. 1071, Assembly Int. 1210, Pr. 1210.* Amends the correction law, with relation to the functions of the division of research. *Failed of passage.*

APPOINTMENT INSTITUTIONAL EMPLOYEES. *Senate Int. 1070, Pr. 1575, Assembly Int. 1576, Pr. 1578.* Amends the correction law, in relation to the appointment of institutional employees and repealing certain provisions of such law relating thereto. *Failed of passage.*

INSTITUTION AT NAPANOCH. *Senate Int. 1071, Pr. 1577.* Amends the correction law with respect to the institution for male defective delinquents at Napanoch. (Changes name to EASTERN CORRECTIONAL INSTITUTION and makes more flexible transfers from other institutions.) *Chapter 370.*

SECURITY PERSONNEL. *Senate Int. 1103, Pr. 1111, Assembly Int. 602, Pr. 602.* Amends the correction law, in relation to the titles of certain security personnel. *Failed of passage.*

PROBATION REPORTS CONFIDENTIAL. *Senate Int. 1790, Pr. 1881.* Amends the code of criminal procedure, in relation to making reports of probation officers confidential and privileged. *Failed of passage.*

STATE COMMISSION OF CORRECTION. *Senate Int. 2173, Pr. 2282.* Amends the correction law, in relation to the compensation of members of the state commission of correction. *Chapter 331.*

COURT REFORM. *Senate Int. 2174, Pr. 2283, Assembly Int. 3710, Pr. 3784.* Proposes a new article six of the constitution, in relation to establishment of a simplified state-wide court system, and repeals article six of the constitution presently in force. *Failed of passage.*

PAROLE CERTAIN PRISONERS. *Senate Int. 2344, Pr. 2479.* (There were numerous other bills dealing with the same subject.) Amends the correction law, in relation to prisoners subject to parole. (This bill provided parole consideration after serving twenty full years.) *Failed of passage.*

TERMS OF IMPRISONMENT. *Senate Int. 2433, Pr. 2568, Assembly Int. 2923, Pr. 3006.* Amends the penal law, with respect to calculating terms of imprisonment so as to include, in the case of indefinite sentences, time spent in a state institution for defective delinquents or insane criminals, prison or jail prior to conviction and before sentence. *Chapter 149.*

FORWARDING FINGER-PRINTS. *Senate Int. 2449, Pr. 2584, Assembly Int. 3043, Pr. 3954.* Amends the code of criminal procedure, in relation to the forwarding of finger-prints for identification. *Chapter 169.*

BOARD OF PRISONERS. *Senate Int. 2768, Pr. 2969, Assembly Int. 3220, Pr. 3357.* Amends the penal law, in relation to amount paid by the state for imprisonment in a penitentiary of persons convicted of a felony. *Failed of passage.*

PRODUCTION OF WITNESSES. *Senate Int. 2805, Pr. 3015.* Amends the code of criminal procedure, in relation to the production of witnesses. *Chapter 502.*

BOARD OF PRISONERS. *Senate Int. 3341, Pr. 3717, Assembly Int. 4188, Pr. 4512.* To amend the correction law, in relation to state reimbursement of expenses incurred by cities of the first class for maintenance of persons convicted of misdemeanors and lesser offenses serving indeterminate sentences, during the period of imprisonment in excess of one year, in workhouses, penitentiaries or reformatories under the jurisdiction of departments of correction in such cities. *Failed of passage.*

COMMISSION OF INVESTIGATION. *Senate Int. 3718, Pr. 4447.* Creates a temporary state commission of investigation; prescribing its functions, powers and duties; making an appropriation therefor, abolishing the office of commissioner of investigation and repealing the provisions of the executive law with respect thereto; and amending the code of criminal procedure, in relation to the designation of investigators of such commission as peace officers. *Chapter 989.*

TERMINATION OF PAROLE. *Assembly Int. 292, Pr. 292.* Amends the correction law, in relation to period and termination of parole. (Provides for a conditional or absolute discharge from parole under certain conditions.) *Failed of passage.*

EDUCATIONAL BENEFITS. *Assembly Int. 297, Pr. 3905.* Amends the education law, in relation to permitting any inmate of a correctional or penal institution to share in the benefits of rehabilitation. *Failed of passage.*

SENTENCE CERTAIN FELONIES. *Assembly Int. 662 Pr. 662.* Amends the penal law, in relation to inequalities and discriminations resulting from the imposition of sentence for second and third offenses of felonies. *Vetoed.*

PAROLE CERTAIN OFFENDERS. *Assembly Int. 663, Pr. 663.* Amends the penal law, in relation to the eligibility for parole of persons convicted of robbery in the second degree as second and third offenders. *Vetoed.*

ADJUDICATION YOUTHFUL OFFENDER. *Assembly Int. 1031, Pr. 1031.* Amends the code of criminal procedure, in relation to the effect of an adjudication as a youthful offender. *Failed of passage.*

DISCHARGE OF DEFECTIVE DELINQUENTS. *Assembly Int. 1208, Pr. 1208.* Amends the correction law with respect to the discharge of inmates of institutions for defective delinquents. *Chapter 197.*

JUMPING PAROLE. *Senate Pr. 4488.* (Bill originally was *Assembly Int. 1247*, but was passed as amended in the Senate.) Amends the penal law in relation to jumping parole. (Jumping parole in this instance has to do with those persons admitted to parole by a court regarding a charge still pending.) *Chapter 692.*

PROBATION PERSONNEL-TRAINING LEAVES OF ABSENCE. *Assembly Int. 1296, Pr. 1296.* Amends the correction law, to authorize local probation department heads to grant educational and training leaves of absence. *Failed of passage.*

NARCOTIC ADDICTS. *Assembly Int. 2076, Pr. 4879.* Amends the code of criminal procedure in relation to narcotic addicts or users of narcotics. (This bill is an attempt to deal with drug addiction as a medical and not a penal problem.) *Vetoed.*

CRIMINAL IDENTIFICATION RECORDS AND STATISTICS. *Assembly Int. 2499, Pr. 5045.* Repeals sections of the correction law and code of criminal procedure and amends article twenty-two of the correction law with reference to criminal identification, records and statistics. *Chapter 881.*

RECORDS DELINQUENT CHILDREN. *Assembly Int. 3911, Pr. 4172.* Amends the children's court act of the State of New York in relation to the disclosures of certain police records respecting delinquent children. *Chapter 601.*

PAROLE SEX OFFENDERS. *Senate Int. 1135, Pr. 1143.* Amends the correction law in relation to denying parole to persons who have been convicted three or more times of sex offenses. Approved in principle. *Failed of passage.*

YOUTH COURT ACT. *Senate Int. 1426, Pr. 1466.* Amends Youth Court Act in relation to effective date, making the date April 1, 1959 instead of 1958. *Chapter 86.*

YOUTH COURT ACT. *Senate Int. 1427, Pr. 1467.* Amends the code of criminal procedure, the children's court act of the state of New York, the New York city criminal courts act, the education law, the penal law, the public health law and the village law in relation to conforming provisions of these laws to the provisions of the youth court act, in relation to postponing the effective date thereof. *Chapter 78.*

Opposed

PROBATION SUFFOLK COUNTY. *Senate Int. 292, Pr. 1711.* Amends the code of criminal procedure, in relation to probation in courts of Suffolk County and certain other counties. (This bill was an attempt to circumvent the more general requirement of adhering to the principles of competitive civil service for all personnel in the probation service.) *Vetoed.*

BRUSH-MAKING. *Senate Int. 454, Pr. 454, Assembly Int. 301, Pr. 301.* Amends the correction law, in relation to brush-making. (This is a perennial bill over a long period and is intended to restrict the operation of a prison industry.) *Failed of passage.*

FINGER-PRINTS YOUTHFUL OFFENDERS. *Senate Int. 702, Pr. 702, Assembly Int. 1030, Pr. 1030.* Amends the code of criminal procedure, in relation to deletion of records and destruction of fingerprints of youthful offenders. *Failed of passage.*

SEALING OF RECORDS YOUTHFUL OFFENDERS. *Senate 704, Pr. 704, Assembly Int. 924, Pr. 924.* Amends the penal law, in relation to sealing the records of conviction, finger-prints and photographs of certain rehabilitated youthful offenders. *Failed of passage.*

CREATION OF UNIFORMED FORCE. *Senate Int. 900, Pr. 2217.* Amends the correction law, in relation to the creation of a uniformed force of the department of correction and rules governing eligibility for promotion examinations. *Failed of passage.*

FELONY MURDER-LIFE IMPRISONMENT. *Senate Int. 1097, Pr. 1105.* Amends the penal law, in relation to recommendation by jury. (Under the existing law the jury may recommend life imprisonment but this the court can disregard. Under the proposed bill the court would be obliged to follow the recommendation of the jury and sentence the defendant for a term of his natural life.) *Failed of passage.*

PROFESSIONAL BONDSMEN. *Senate Int. 1631, Pr. 2997.* Amends the code of criminal procedure, in relation to licensing of professional bondsmen. *Vetoed.*

RETROACTIVE ADJUDICATION AS YOUTHFUL OFFENDER. *Senate Int. 1733, Pr. 1824*. Amends the youth court act, in relation to extending certain provisions thereof, relating to youthful offenders, to certain persons convicted of crime. *Failed of passage.*

FOURTH CONVICTION FELONY. *Senate Int. 1820, Pr. 1911*. Amends the penal law, in relation to punishment for fourth conviction of felony. (This bill was intended to eliminate the mandatory provisions of the law and substitute discretionary power to be exercised by the courts in certain cases.) *Failed of passage.*

CONVICTION TWO OR THREE OFFENSES. *Senate Int. 1821, Pr. 1912*. Amends the penal law, in relation to sentence on two or more convictions or two or more offenses. *Failed of passage.*

CALCULATING TERMS OF IMPRISONMENT. *Senate Int. 2142, Pr. 2251*. Amends the penal law, in relation to calculating terms of imprisonment following a vacated sentence. *Failed of passage.*

FEES OF COUNSEL. *Senate Int. 2261, Pr. 3307*. Amends the code of criminal procedure, in relation to fees and disbursements of counsel assigned by the court. *Failed of passage.*

PROFESSIONAL BONDSMEN. *Senate Int. 3687, Pr. 4350*. Amends the code of criminal procedure, in relation to licensing of professional bondsmen. (This bill represents during the closing hours of the legislature an attempt to reach the same objective as provided in *Senate Bill Int. 1621, Pr. 2997*.) *Failed of passage.*

SIMPLIFIED COURT SYSTEM. *Senate Int. 3705, Pr. 4399*. Proposes a new article six of the constitution, in relation to establishment of a simplified state-wide court system, and repeal of the article six of the constitution presently in force. *Failed of passage.*

COUNTY JAIL EMPLOYEES. *Assembly 226, Pr. 226*. Amends the county law, in relation to providing civil service status for county jail employees in counties outside the city of New York. *Failed of passage.*

AGE OF YOUTHFUL OFFENDERS. *Assembly Int. 277, Pr. 277*. Amends the code of criminal procedure, in relation to increasing from nineteen to twenty-one the maximum age of youths who may be adjudged youthful offenders. *Failed of passage.*

REGISTRATION CONVICTED FELONS. *Assembly Int. 1783, Pr. 1803*. Amends the penal law, in relation to registration of convicted felons. *Failed of passage.*

PLEAS OF LESSER DEGREE. *Assembly Int. 2043, Pr. 2075*. Amends the code of criminal procedure, in relation to acceptance by a county judge or a judge of the court of general sessions in the City of New York of a plea to a lesser degree of crime by a defendant. *Failed of passage.*

BREACH OF PROBATION. *Assembly Int. 2115, Pr. 2148*. Amends the correction law, in relation to breach of probation. *Failed of passage.*

CRIMINAL IDENTIFICATION, RECORDS AND STATISTICS. *Assembly Int. 2499, Pr. 3324*. Repeals sections of the correction law and code of criminal procedure and to amend article twenty-two of the correction law with reference to criminal identification, records and statistics. *Failed of passage.*

CLASSIFICATION OF PRISONERS. *Assembly Int. 2669, Pr. 2743*. Amends the correction law, in relation to classification of prisoners. (This is a well intended perennial bill providing for the segregation of first offenders.) It is opposed because of its carte blanche and unscientific approach. *Failed of passage.*

JUVENILE DELINQUENCY IS EVERYBODY'S BUSINESS*

Introduction

How long are we going to be content with seeing increasing numbers of children brought to the attention of the police each year? Are we going to be content with "holding the line"? Should we congratulate ourselves that the increase in juvenile problems is only in keeping with the rise in population?

100,000 of the nation's children were held in jail in 1955
Five out of 10 counties had no juvenile probation services
In cities of 10,000 and over, one-half had no special juvenile police officers

A recent publication of the Children's Bureau says "The number of children referred to juvenile courts for delinquency each year is only about 2 per cent of the nation's children. About three times this many come to the attention of police for misbehavior. Many more children whose behavior is similar are either undiscovered or come to the attention of agencies other than those involved in law-enforcement."

Is it our credit that "only about 2 per cent" are referred to juvenile courts? How happy would public health leaders be if only 2 per cent of our children had smallpox? Would they take great satisfaction from reports that only 2 per cent each year were found to have malaria or any other disease?

When will we begin to make some inroads on delinquency percentages and start some downward trend in the statistics? Is this the time to make some impact on the problems of delinquency? What steps being taken around the country give promise of actually cutting into the problem and preventing delinquency?

"Only 2 per cent" really means "only a half million" young people are wards of our juvenile courts. This means that a million and a half are well known to the police department each year.

Sheriff Joseph P. Lohman of Cook County, Illinois, in a recent publication on juvenile delinquency urges "changes of considerable and far reaching significance."

The child population (10-17) is expected to increase 50 per cent in the next decade. Are we going to be content to have the number referred to juvenile courts limited to only 750,000?

Three major approaches to delinquency prevention are generally agreed upon: providing services for all children and youth, providing specialized services for those who are vulnerable or in danger of becoming delinquent, and providing clinical treatment and intensive supervision for those known to be delinquent.

The first approach is the responsibility of each neighborhood, each community through its homes, schools, churches, community

* Prepared by Committee on Prevention and Treatment of Juvenile Delinquency of the American Correctional Association.

councils and public and private character-building, group work and recreational agencies. The second is the concern of community planning and welfare councils and is given special attention in this pamphlet. The third is the responsibility of probation departments, juvenile courts, correctional schools, forestry camps, child guidance clinics and treatment agencies.

The correctional field, while particularly concerned with the third area, is equally interested in what communities provide for all their children and young people and also in every special program planned to help those young persons who because of mental, emotional or social factors are likely to become delinquent. The American Correctional Association through its Committee on the Prevention and Treatment of Juvenile Delinquency is glad to recommend some of the programs that seem to show greatest promise in the opinion of leaders in the various states. It is hoped that subsequent pamphlets may call attention to other aspects of delinquency prevention. At this time the committee wishes to mention briefly some projects and programs designed to help keep near-delinquents from getting into more serious trouble.

Early Detection—

Early discovery of children with special problems is the special concern of parents, neighbors, church leaders and school teachers who first observe the child as he becomes part of the neighborhood, church and school. Special attention needs to be given to the shy and the withdrawn, as well as with the overly-aggressive child. Signs of emotional malnutrition need careful watching. Neighbors have long shown the ability to counsel in a helpful manner. Specialized services cannot easily make up for the loss of friendly interest in the neighborhood.

Block Plan—

The block plan of neighborhood activities demonstrated its effectiveness during the emergency period of the war. Children live in homes and neighborhoods. The feeling of belonging, of security in a wider social group can be strengthened by the efforts of a block "mother" or block "dad," neighbors who will give special attention to backyard play yards, neighborhood councils, welcoming newcomers and otherwise building community acceptance of and for those in each block. The Hyde Park Area Project in Chicago and Clifford Shaw's Chicago Area Project have shown the value of work in local neighborhoods.

Early Referral—

Teachers of kindergarten and the first two grades have long reported their ability to detect a child with special problems. It is essential that special counseling be available within the school to reach these children in their hour of greatest need when they can be adjusted without harm to themselves and others.

Community Councils—

Each community needs some type of council or group which will concern itself with all that happens to children and youth. Traditionally the community coordinating council has brought people together around a common concern for the well being of the community. Delinquency prevention has been a special interest of these councils. Councils usually are made up of citizens who wish to know more about community services, including representatives of schools, churches, law enforcement, and health agencies. Is there one in your neighborhood? If not, what will you do about it?

Case Conference Committees—

Many community councils have what are called case conference committees composed of professional persons to deal with individual case situations coming to the attention of the council or of a group of agencies within the area of the council's activities. These committees are usually composed of representatives from probation, schools, police, public welfare, and private social agencies. They meet at intervals or on call to compare notes and share insight into the problems of a given boy or girl who is referred to the committee for study. In effect, this committee functions somewhat as a small child guidance clinic. Such groups have been of special value in dealing with some of the problem situations that are most puzzling to the police, schools, or other agencies.

Specialized Services—

Juvenile bureaus have demonstrated their effectiveness in law enforcement agencies across the country. Understanding police officers become specialists in working with youth who may be in or near trouble. Mental health clinics and child guidance clinics have been most helpful in making studies of children with special problems. Metropolitan areas have found it desirable to develop special services for groups. These services attempt to work with groups of youth on a neighborhood basis, often street corner gangs, to become full participants in wholesome community activities.

Big Brother programs and Big Sister programs which bring the concern and interest of business men, employers, neighbors, and citizens in general into the field of helping particular children have proven to be especially effective. Such efforts augment the work of professional agencies and often help a boy solve his problem early and thus avoid the necessity of official or court action. Churches can be of special help in this area of providing specialized service for those who are vulnerable to delinquency. Churches have had long experience in planning with and for young people to improve community feeling toward newcomers, those of minority racial groups, and others with special needs. Many churches provide effective answers to the need of young persons to belong and feel they are accepted as part of a community group.

More Research Needed—

A great deal more study is needed throughout the country of this whole area of youth in trouble. Research projects are needed in many areas and particularly in the field of delinquency prevention do we need more extensive research in order that future programs in the field of prevention may be soundly based on the best experience available.

New Attitude—

We are all resistant to change. Yet our ability to change is unlimited if we really care to use it. Perhaps the most important step in an all-out prevention program would be a change of attitude on the part of the public. Sheriff Lohman says "Deviations and aberrations are a part of growing up. The crux of delinquency prevention is to address such deviations and aberrations without dramatizing youngsters as evil, and hence to cut short or even avoid their public definition and self-identification as delinquents. It is this public naming of the delinquent, and the resulting conception of himself as delinquent, which is the heart of the prevention problem."

Thus, if we are serious about preventing delinquency, we must find ways of dealing with the problem behavior of young people without labeling and making them delinquent.

Does the labeling of youth as delinquent actually help make them so? The confused boy who is unhappy in home or school may run away or become truant. After a few runaways or truantries, he may be kept overnight or longer in a detention home. What goes on in his mind as for the first time society seals him off within four walls? Does he begin to think of himself now as delinquent? Will he live up to the patterns of his peer group in the juvenile hall? What of the 100,000 (10-17) who were held in jails? Will the experience in jail serve to rehabilitate him and return him to his home with greater insight and understanding, or will it serve to convince him that society is rejecting him, keeping him apart, treating him like the delinquent he must be? Contrast this boy with the one who, while under the guidance of a businessman as a big brother, committed a second offense. The businessman, a laundryman, went to bat for the boy, saying, "I know he got into further trouble, but he is fundamentally a good boy. I'm going to keep him on the job with me. Give him another chance."

Which program is the more likely to have a candidate for one of our adult correctional institutions?

Which program will keep these young people out of trouble?

AD ASTRA PER ASPERA*

A Review of the 113th Annual Report of the Prison Association of New York

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In the New York newspapers, the TRIBUNE, the HERALD, and several others, on December 6, 1844, a letter was written about the "destitute condition of discharged prisoners." The writer was Judge John W. Edmonds, who had been appointed President of the Board of Inspectors of Sing Sing Prison. He made a direct appeal to the City of New York to do something "to render them aid by forming a society." On the evening of the same day "the public-spirited citizens of the City were invited to a meeting in the Apollo Rooms at 410 Broadway to organize a Prison Reform Association." The night was miserable, cold, windy, snowy, and wet. Despite the forbidding weather conditions, a large number of interested citizens attended the meeting, including William T. McCoun, Vice-Chancellor of New York State; Robert H. Morris, former Mayor of the City of New York; John Jay, Chief Justice of the Supreme Court; outstanding clergymen; diplomats; educators, bank officials; and the indomitable Horace Greeley. Out of this meeting came what was to be in years to come the best-known, most-influential, and, beyond any doubt, the most important organization in the field of penal reform, the Prison Association of New York. This Association, which began as a kind of prisoner aid society, has grown during the past 113 years into the most practically effective association in demands for sensible and reasonable correctional administration and procedure. The Association has had a dual objective, hard indeed to separate: the welfare of the inmate and the welfare of the community, with the overshadowing purpose of progressive improvement in all matters relating to convicts, their families, their communities, and the laws designed to help all three. It is a distinguished record by unselfish and socially minded men and women.

Among the innumerable concerns of the New York Prison Association during its long and devoted service to the cause of prison reform and the public interest are such developments as classification, better housing, politics and their influence on management, improvement of county jails, establishment of the first reformatory, the indeterminate sentence, productive inmate labor, children's courts, the mental defective, parole, prison labor, prison libraries, and always improved conditions and new approaches to treatment. To scan the lists of distinguished Americans and foreigners who have given of their time and talents is to see the majestic figures who

shaped the America of today. Very few, indeed, were professional prison officials. All of them had a sense of moral duty and social conscience, too often today left to those who are hired and paid to run our departments of correction. Just to list their names would consume too much space, but, for those interested, a copy of the 110th Annual Report, issued in 1955, will perhaps amaze even those who think they know something of our penological heritage.

Without the Prison Association of New York, it is fair to say there would be no American Correctional Association, and certainly no International Penal and Penitentiary Commission, now a part of the United Nations, Social Defense Section. Without going out too far on a limb, it might be concluded that the U. S. Bureau of Prisons might have been established much later, and the reformatory movement delayed for decades. When William H. Channing, the first secretary of the Association, whom Blake McKelvey calls "the young and erratic Unitarian minister," asserted that "the passion of overcoming evil with good is becoming everywhere superior to the vindictive spirit" he set the tone and laid the foundations which were to be the dominating philosophy which has prevailed both in the theoretical formulations for legislation and the practical applications of help for ex-prisoners. Retributive justice, which still smolders among citizens as the true purpose of imprisonment, was recognized as a challenge to convince citizens that such an attitude can be, and is, a costly luxury. Without prevention of repetition through carefully planned programs of rehabilitation, there can be only temporary security while the offenders are locked up. There can be no hope of more than constant anxiety and insecurity without a will to reform, and this can only come through sound retraining, not through temporary confinement and deterioration.

In the 1846 Report, Samuel Gridley Howe, recently returned from a study of European penal institutions, wrote "what we want now—what no system that I know of offers—is the means of training the prisoner's moral sentiments and his power of self-government by actual exercise." The Association had a few lean years after it received its charter from the Legislature in 1846 with authority to visit the prisons of the State, but in 1862 one of America's greatest leaders in prison reform, Dr. E. C. Wines, was appointed corresponding secretary.

Under the guidance and inspiration of the first president of the short-lived City University of St. Louis, the Association was revived and began its illustrious role of the foremost champion of penological progress. Dr. Wines, a native of New England and a graduate of Middlebury College, with experience as an instructor on a naval training ship, years of service as both Congregational and Presbyterian minister, and editor of the *Monthly Advocate of Education* espousing state normal schools and free education, rolled up his sleeves to be a devoted worker in the vineyard, and, according to his son, Frederick Howard Wines, named for the great John Howard, "never had a religious doubt." Together with Z. R. Brockway, first superintendent of America's first reformatory at

* "Through difficulties to the stars."

Elmira, Franklin Benjamin Sanborn, a transcendentalist of the Emerson group and a reporter, later the creator of the first Board of Charities in Massachusetts, Wines organized the first Congress of Correction and the National Prison Association at Cincinnati in 1870, at which meeting the world-famous Declaration of Principles was formulated. These three reformers, so different and yet so much alike, dominated prison reform during the 19th century, and it is safe to say that with the exception of Thomas Mott Osborne, few such men of vision have approached their zeal, devotion, and unceasing efforts to improve our penal systems. It is no exaggeration to say that American correction owes an almost unredeemable debt to the New York Prison Association.

The 113th Annual Report has recently appeared. In common with all the others that preceded it, we find a careful analysis of correctional deficiencies, recommendations for improvements, and praise for loyal and forward-looking service. Included in this Report is Professor Peter P. Lejins' scholarly and comprehensive report on Penal Reform, an analysis of the Proceedings for the past 87 years, and Rules Adopted by U.N. for the Treatment of Prisoners. Both of these projects were outgrowths of the Association's initiation or collaboration.

Turning to the Report itself, there is a sober and thoughtful discussion of our current crime problems and the imperative need for public interest and participation. Twenty-six Recommendations are presented urging legislative or administrative action in the fields of coordination of correctional services, establishment of an academy of correctional training, a reception center nearer New York City, an adult reception center at Sing Sing (Elmira, two hundred miles from New York City, which furnishes 65 per cent of the commitments, receives only those between 16 and 21), expansion of forest camp program for youthful offenders, development of forest camps for adults, removal of restrictions on appointments to head up institutions (at the present time, civil service restricts appointments of wardens to custodial personnel, leaving equally informed and competent administrators dissatisfied or perhaps seeking employment elsewhere), pre-arrest camps (such camps to provide the necessary transitional area between the controlled environment of prison and self-control of freedom), state aid for education in correctional institutions, and the twelfth recommendation, which dramatizes an increasingly difficult institutional problem, the matter of aged prisoners.

The Report states there are approximately one thousand prisoners who are 65 years of age or over. The educational, training, medical, work assignment, and parole problems of such a group will require a careful planning program, which must start now, since it is obvious that this group will increase in the years to come. Three recommendations deal with prison industries and the need for expert advice and planning, as well as cautioning against any curtailment of correctional industries. The day of the unskilled laborer is practically gone, and men coming out without a marketable skill will undoubtedly be unloaded at the main gate over and over again.

One of the most amazing recommendations relates to personnel housing at Green Haven Prison. On December 17, 1957, the Association reports, there were sixty prison guards sleeping in Cell Block A. "This . . . condition has existed for years." The turnover is large because of the great distances personnel have to live from the prison. The Report makes this ironically humorous observation: "Cells have always been intended for prisoners but not for custodial personnel or any other personnel identified with an institution." It certainly is a strange situation that such a statement should have to be made in a State with the enviable position of being a correctional leader.

Space does not permit citation of all Recommendations, but comment should be made on Recommendation 25, Public Defender System. Here, if anywhere, in our system of criminal justice, there is need for revision of public opinion. The prosecutor is paid out of tax funds to protect society. Society's rights must be safeguarded. Everyone believes in the rights of the individual also, as witness the frequent use of the Fifth Amendment. For those unable to defend themselves against criminal charges, the public should be equally concerned in protecting them—they are still part of the community of unconvicted. True justice encompasses both the accused and the accusers, and must be responsive to the rights of both. The last Recommendation deals with inequality of sentence. It is recommended that funds be made available to the Law Revision Commission to make a thorough study of the matter. Several pages are devoted to the developments, changes, and problems of the Department of Correction of the City of New York.

Thus far we have concerned ourselves with what might be called the "field work" of the Association: such matters as inspecting prisons, serving on committees, participating in state investigations, such as Missouri and Kansas (Dr. R. J. Wright, when he was assistant general secretary served on the Wessell Committee that revealed necessary changes in Massachusetts), proposing legislation, assisting the New York City Department of Correction, acting as consultant to a variety of community agencies for youth, including the United Nations. All these activities have been carried on by Edward R. Cass, General Secretary, who also serves in the same office for the American Correctional Association. In these activities, he is ably assisted by the President and other members of the Association. As one reads the 118-page Report, one is truly amazed that the General Secretary and his associates could do so much in so short a time. The General Secretary reminds one of the schoolmaster in Goldsmith's "The Deserted Village."

However, the above is but a part of the work of the Association. The call to assist released prisoners by Judge Edmonds 113 years ago is still a major part of the work carried on by the Association. On June 14, 1957, Secretary Cass completed 44 years of service with the Association, beginning in June of 1913 as Assistant General Secretary, with the renowned O. F. Lewis as General Secretary, and in 1922 succeeded Mr. Lewis as General Secretary. Combining two jobs, General Secretary of the Prison Association of New

York and General Secretary of the American Prison Association, now the American Correctional Association, would not only tax the endurance but also the tact and patience of any human being. The division of time and effort was made in such fashion that Secretary Cass has been commended by newspapers and state officials, and in February of 1958 he received a magnificent square bronze plaque, designed by a prisoner, from the Wardens Association, an affiliate of the American Correctional Association.

Despite the national aspects of the Association's work, the original purpose, as mentioned earlier, is being faithfully carried out. In 1957, the Association's Employment and Relief Bureau and the Family Service Bureau handled the intensely human difficulties of released prisoners, including financial stress, clothing, transportation, tools, union dues, lodging, jobs, and a thousand and one anxieties of parents, wives, children, and other relatives of more than 2,500 men trying to find their way back into the community. Statistics may be dry and undramatic, but they tell the story of the work of the Association's community service. More than 2,700 telephone interviews, over 600 meals provided, better than 5,200 night lodgings provided, close to 400 jobs were found for ex-prisoners, "under the able supervision of Mr. Harry Schwartz," and almost 1,800 men were given cash relief. The "total amount spent solely for relief (includes cash, meals, and lodgings) \$12,019.05."

In the Family Service Bureau, the philosophy appears to be that the families of men locked up should at least receive sympathetic consideration. After all, mothers, wives, and children pay through the nose from humiliation, disgrace, and shame. They are the innocent victims of acts they did not commit or perhaps never knew were to be committed. The Family Service Bureau acts on the principle that "an old mother, or a shocked young wife with one or more children, will meet with someone who understands her predicament and can give her immediate material assistance where required, and guide her to the extent that she can adjust in her new and difficult situation." The pressing problems of food, shelter, necessary clothing, that children stay in school, that medical, surgical and optical services be given, or even relocation of the family, are the concern of the Association's Family Service Bureau. This kind of help cannot be reduced to a simple matter of dollars and cents. Simply to have someone to talk to who neither lectures or sermonizes, helps the person in trouble. During 1957, there were 1,211 office interviews, and 139 families cared for, with 69 children and mothers sent to summer camps, involving an outlay of \$9,785.97. Incidentally, 82 families were provided with Christmas dinners and toys.

This, in fine, is the record of 1957, with an all-too-brief glance at the past. Socially minded citizens in other states would do well to read this Report and ponder long and reflectively upon the fears and hopes of released convicts, and what they should do for them that they are not now doing. It was said a long time ago that we can all be happy so long as we do not care who gets the credit.

In this review, we believe the Prison Association of New York has done a remarkably fine job for better than one hundred years, and should publicly get the credit.

Forty-four years is a long time, but Secretary Cass can take at least a minor satisfaction in the memories of people the Association has helped.

—J. P. SHALLOO

Executive Editor

(Dr. Shaloo is a professor at the University of Pennsylvania.)

TEEN-AGE CRIME IN MODERN SOCIETY

By Hon. Peter T. Farrell*

To state that teen-age crime in modern society is one of the crucial problems of our era is but to repeat the obvious. Its mounting incidence is evidenced by readily available statistics. Heralded in blazing newspaper headlines and articles, it has engendered a public clamor, high in emotional content and very often resulting in demands for ill-advised action by those of us in the public service who have anything to do with the problems of our youth.

The delinquency of our teenagers has been the subject of multiple legislative investigations. We have created by law, Youth Boards and Youth Councils. We have a Youthful Offender law and are still debating the efficacy of enacting a Youth Court act. All of these are honestly intended to curb the incidence of teen-age crime. Yet I wonder sometimes, if our approach is not one more of form rather than substance. Our problem is aggravating, our progress is disappointing and our thinking is too often confused by the complexity of the factors which make up the picture that faces us.

To attempt to consider its many ramifications and causes is not within the scope of my particular discussion. My comments are some random observations gleaned from some years of judicial experience in dealing with our problem's more serious manifestations—when the seed of boyish pranks and juvenile delinquency have flowered into the automobile larcenies, the multitudinous burglaries, the vicious muggings and robberies, often with loaded guns, the sexual attacks, and the atrocious homicides which bring the teen-age defendants into a court of major criminal jurisdiction in increasing numbers.

The public reaction to the intensity and scope of the situation is unfortunately too often conditioned by too much heat and too little light. Perusal of the daily newspapers with its common accentuation on crime occurrences, and sometimes colored to accomplish sensational overtones, often gives the reading public a distortion of the true picture and a false sense of the values inherent in the problem.

To measure the exact effect of the sensational overplay of delinquency by the press is difficult. But I venture the suggestion that some newspaper crime reporting distorts the thinking of our youth by leading to the impression that law violation by their generation is the mores of the times, is consonant with proper living and is exceedingly difficult to avoid.

*NOTE.—Judge Farrell is senior and administrative judge of the Queens County Court. This address was delivered on July 31, 1958, at a general session of the 9th annual F. A. Moran Memorial Institute on Delinquency and Crime at St. Lawrence University, Canton, N. Y.

Emotional reactions are common in some persons directly but selfishly concerned with the problem. The teacher suffers the tongue-lashing of the indulgent mother whose errant son he has justly reprimanded or chastised. The police officer is often the butt of insults from the over-protective father whose son he has apprehended for what to the parent is a boyish prank but which the penal law defines as a crime. The lawyer, for his fee, practices his blandishments on the probation officer who is preparing the presentence report in an attempt to mitigate the gravity of his youthful defendant's dereliction. And then of course the judge who incarcerates the defendant—to mama and papa, he is unsympathetic, cold and has neither brains nor heart. I have not mentioned, of course, the cruel prison official or parole board member who won't release the boy until his time is up. Society's welfare and safety and the individual offender's responsibility is not considered in any way.

I submit that it is about time that all of us, in all walks of life return to the fundamental concepts of our law. Dynamic as we want our civilization to be, our constructive progress rests on the cornerstone of the philosophy of individual responsibility. This has withstood the acid test of time and experience with the fallibilities of human nature over the course of many centuries.

This philosophy of responsibility has suffered from many erodings. It has been weakened by the promulgation of theories which linked human actions more often to material forces and mass controls than to spiritual personality and individual responsibility.

There has developed in our society the idea that misconduct is always abnormal, and what the law calls crime, is to be explained largely in terms of causes beyond the control of the criminal. The philosophy of responsibility has been replaced by the philosophy of excuse. Under this new concept all criminals, young or old, are sick people and far from seeing in their criminal actions anything for which the offenders are responsible, we must learn to recognize in criminality the existence of something for which society alone is responsible.

Hence the common caption on the pictures of young offenders whose serious law violations are reported in the daily press such as, "Where did society fail this boy?" or "Who is the real delinquent, this boy or society?" The philosophy of excuse has for a generation, in my opinion, undermined the moral, the legal and the individual social responsibilities upon which the stability of our culture must repose. The linking of misbehavior to maladjustments and to forces beyond the control of the individual offender may frequently be justified but not so often as to warrant a general philosophy of law which has lost sight of the normal standards of individual responsibility and is of such general concern.

At this juncture, when teenage crime is of such general concern, it would be fruitful for our civilization to reaffirm a philosophy of responsibility and cut down the philosophy of excuse to proper size. Responsibility should be the universal norm, and excuse the challenged exception.

Let us take a hard look at what many of today's teen-agers consider as ideals to live by and what concepts they hold in respect. They should not be taught in the home or in the school that guilt is merely an outmoded obsession—it must be interpreted as a violation of the moral law, not as a weakness of personality.

The concept of responsibility requires, if you will, an indoctrination of respect for authority and that crime is the equivalent of moral wrong; further that when a wrongdoer makes a free and deliberate choice he must suffer the consequences.

In this connection I remind you of the determined agitation to amend the New York State law defining mental responsibility for crime, commonly called the McNaughton formula. Our present statutory provision in this regard has been under serious and sustained attack by many psychiatrists for many years. The indications are that the problem will be a matter of consideration by the legislature at Albany next January. The recent report of Governor Harriman's Commission on the subject proposes a change in the definition of mental responsibility for crime and in the procedure that will follow after the rendition of a jury's verdict of not guilty by reason of insanity. I commend it to your attention because its legislative adoption will be of momentous effect on the problems which all of us meet under the penal law.

The proposal is an attempt to reconcile our legal concept of responsibility with the developments in the field of psychiatry in the last few decades. The problem presented is a very difficult one. Psychiatrists are not in complete agreement as to what changes, if any, should be made in our present law. Many of them adopt a fatalistic attitude toward mankind and embrace a deterministic explanation of all human behavior which is not consonant with the philosophy of responsibility embedded in our law. Some of them argue that the McNaughton formula, properly applied by allowing more latitude to psychiatric testimony, would still be the best norm.

The plan of the Governor's Commission would adopt in substance the suggestions of the American Law Institute by redefining mental responsibility for crime and effecting substantial procedural changes. It is the result of a prolonged and erudite study of the problem and is intended to be entirely consistent with our present philosophy of law. It certainly indicates that our law is not intended to be static and that amendment is always considered in the light of scientific findings so long as they have generally accepted standards.

I trust that since psychiatry deals with intangibles it will develop in its fields mutually accepted standards of values for use in testimony in criminal courts on the basis of the norms which the law mandates for our operations. We must remember that juries, under our law determine the factual issue of mental responsibility—they are composed of non-professionals and that they are too often perplexed by the divergent testimony presented by psychiatric experts. The verbal battles of the experts confound

their well-intentioned but uninformed minds, particularly when they hear so many long and strange words.

Properly oriented to the law, psychiatry can definitely improve the administrations of justice. I hope for the day when every criminal court will have a psychological and psychiatric diagnostic and treatment clinic. We appreciate the help of this science in the administration of the law—we only remind its practitioners that our concern for the welfare and protection of society from wrongdoing far transcends the doctor's immediate problem with his individual patient.

In our legislation and our courts we must, of course, reorganize, balance in value, and make allowances for the inadequate and the unfortunate but must not treat their condition as the normal condition of mankind nor spin our moral philosophies around their deficiencies. The social and behavioral sciences have helped the law immeasurably by the concentration of their professional skills and aids and we appreciate it.

Our use of their findings indicates our desire to make the law dynamic and not static. But their application to our field is ancillary and we cannot use some of their theories without displacing mandated legal requirements, placed in our statutes for the protection and safety of society.

Teen-age crime, I repeat is a crucial and vexing problem to all of us in law enforcement, probation, parole and correction. Since human beings are fallible we will never completely solve it. But in our efforts let us remember that the application of good, cool, intelligent American commonsense, devoid of emotion, has surmounted many of our nation's problems. Proper respect and appreciation for the dedicated services of those who deal with the problem in all of its ramifications and effects are necessary ingredients of a properly informed public opinion. General and individual respect for and adherence to the logical and time tested basic concepts of our law properly taught and followed will aid substantially in its ultimate mitigation.

Public Law 85-752
85th Congress, H. J. Res. 424
August 25, 1958

JOINT RESOLUTION

To improve the administration of justice by authorizing the Judicial Conference of the United States to establish institutes and joint councils on sentencing, to provide additional methods of sentencing, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 15 of title 28, United States Code, is amended by adding the following section:

"§ 334. Institutes and joint councils on sentencing

"(a) In the interest of uniformity in sentencing procedures, there is hereby authorized to be established under the auspices of the Judicial Conference of the United States, institutes and joint councils on sentencing. The Attorney General and/or the chief judge of each circuit may at any time request, through the Director of the Administrative Office of the United States Courts, the Judicial Conference to convene such institutes and joint councils for the purpose of studying, discussing, and formulating the objectives, policies, standards, and criteria for sentencing those convicted of crimes and offenses in the courts of the United States. The agenda of the institutes and joint councils may include but shall not be limited to: (1) The development of standards for the content and utilization of presentence reports; (2) the establishment of factors to be used in selecting cases for special study and observation in prescribed diagnostic clinics; (3) the determination of the importance of psychiatric, emotional, sociological and physiological factors involved in crime and their bearing upon sentences; (4) the discussion of special sentencing problems in unusual cases such as treason, violation of public trust, subversion, or involving abnormal sex behavior, addition to drugs or alcohol, and mental or physical handicaps; (5) the formulation of sentencing principles and criteria which will assist in promoting the equitable administration of the criminal laws of the United States.

"(b) After the Judicial Conference has approved the time, place, participants, agenda, and other arrangements for such institutes and joint councils, the chief judge of each circuit is authorized to invite the attendance of district judges under conditions which he thinks proper and which will not unduly delay the work of the courts.

"(c) The Attorney General is authorized to select and direct the attendance at such institutes and meetings of United States attorneys and other officials of the Department of Justice and may invite the participation of other interested Federal officers. He may also invite specialists in sentencing methods, criminologists, psychiatrists, penologists, and others to participate in the proceedings.

"(d) The expenses of attendance of judges shall be paid from applicable appropriations for the judiciary of the United States. The expenses connected with the preparation of the plans and agenda for the conference and for the travel and other expenses incident to the attendance of officials and other participants invited by the Attorney General shall be paid from applicable appropriations of the Department of Justice."

SEC. 2. The chapter analysis of chapter 15 of title 28, United States Code is amended by inserting before section 331 the following item:

"334. Institutes and joint councils on sentencing."

SEC. 3. That chapter 311 of title 18, United States Code is amended by adding the following section:

"§ 4208. Fixing eligibility for parole at time of sentencing

"(a) Upon entering a judgment of conviction, the court having jurisdiction to impose sentence, when in its opinion the ends of justice and best interests of the public require that the defendant be sentenced to imprisonment for a term exceeding one year, may (1) designate in the sentence of imprisonment imposed a minimum term at the expiration of which the prisoner shall become eligible for parole, which term may be less than, but shall not be more than one-third of the maximum sentence imposed by the court, or (2) the court may fix the maximum sentence of imprisonment to be served in which event the court may specify that the prisoner may become eligible for parole at such time as the board of parole may determine.

"(b) If the court desires more detailed information as a basis for determining the sentence to be imposed, the court may commit the defendant to the custody of the Attorney General, which commitment shall be deemed to be for the maximum sentence of imprisonment prescribed by law, for a study as described in subsection (c) hereof. The results of such study, together with any recommendations which the Director of the Bureau of Prisons believes would be helpful in determining the disposition of the case, shall be furnished to the court within three months unless the court grants time, not to exceed an additional three months, for further study. After receiving such reports and recommendations, the court may in its discretion: (1) Place the prisoner on probation as authorized by section 3651 of this title, or (2) affirm the sentence of imprisonment originally imposed, or reduce the sentence of imprisonment, and commit the offender under any applicable provision of law. The term of the sentence shall run from date of original commitment under this section.

"(c) Upon commitment of a prisoner sentenced to imprisonment under the provisions of subsection (a), the Director, under such regulations as the Attorney General may prescribe, shall cause a complete study to be made of the prisoner and shall furnish to the board of parole a summary report together with any recommendations which in his opinion would be helpful in determining the

suitability of the prisoner for parole. This report may include but shall not be limited to data regarding the prisoner's previous delinquency or criminal experience, pertinent circumstances of his social background, his capabilities, his mental and physical health, and such other factors as may be considered pertinent. The board of parole may make such other investigation as it may deem necessary.

"It shall be the duty of the various probation officers and government bureaus and agencies to furnish the board of parole information concerning the prisoner, and, whenever not incompatible with the public interest, their views and recommendations with respect to the parole disposition of his case.

"(d) The board of parole having jurisdiction of the parolee may promulgate rules and regulations for the supervision, discharge from supervision, or recommitment of paroled prisoners."

62 Stat. 851, 855. Sec. 4. That chapter 311 of title 18, United States Code, is amended by adding the following section:
"§ 4209. Young adult offenders

"In the case of a defendant who has attained his twenty-second birthday but has not attained his twenty-sixth birthday at the time of conviction, if, after taking into consideration the previous record of the defendant as to delinquency or criminal experience, his social background, capabilities, mental and physical health, and such other factors as may be considered pertinent, the court finds that there is reasonable grounds to believe that the defendant will benefit from the treatment provided under the Federal Youth Corrections Act (18 U. S. C. Chap. 402) sentence may be imposed pursuant to the provisions of such Act."

18 USC 3095-3024.

62 Stat. 854

72 Stat. 847.

Sec. 5. The chapter analysis of chapter 311 of title 18 is amended by inserting before section 4201 the following items:

"4208. Fixing eligibility for parole at time of sentencing.
"4209. Young adult offenders."

Sec. 6 Sections 3 and 4 of this Act shall apply in the continental United States other than Alaska, and in the District of Columbia so far as they relate to persons charged with or convicted of offenses under any law of the United States not applicable exclusively to the District of Columbia.

Nmap-
plicability,

Sec. 7. This Act does not apply to any offense for which there is provided a mandatory penalty.

Approved August 25, 1958.

FINANCIAL STATEMENT
THE PRISON ASSOCIATION OF NEW YORK
GENERAL FUND
STATEMENT OF INCOME AND EXPENSES
YEAR ENDED DECEMBER 31, 1958

INCOME

Donations—special purposes:			
The Greater New York Fund.....	\$2,267 00		
Other	6,803 17	\$ 9,070 17	
Donations—unrestricted		39,451 47	\$48,521 64
Endowment Income			35,114 11
Dividends on stock.....			83,635 76
Total Income			83,635 76

EXPENSES

General administration	20,548 56		
Relief—prisoners and families		18,477 30	
(cash, food, clothing, etc.)		6,038 00	
Relief—administration		6,051 00	
Employment—administration		5,595 00	
Appeal—administration		307 63	
Travel expenses		1,344 71	
Printing and stationery.....		620 34	
Postage		292 97	
Telephone and telegraph.....		655 00	
Auditing, legal, legislative services.....		2,720 88	
Periodicals, custodian fees and		4,472 85	
miscellaneous		624 08	
House maintenance			
U. S. old age benefits tax.....			
Total Expenses		67,748 38	
NET GAIN FOR THE YEAR.....			\$15,887 37

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, 1958. In our opinion the statement of income and expenses shown above presents fairly the results of the operation for that year.

WEBSTER, HORNE & ELSDON
Certified Public Accountants

New York, N. Y.
April 22, 1959

CONSTITUTION AND BY-LAWS

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

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

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

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

ARTICLE FIRST

The objects of the association shall be:

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

ARTICLE SECOND

The officers of the society shall be a president, four vice-presidents, a recording secretary, a corresponding secretary, and a treasurer, and there shall be the following committees, viz.: a finance committee, a committee on detentions, a committee on prison discipline, a committee on discharged convicts and an executive committee. The number of the executive committee shall consist of not more than thirty-five, of whom not more than ten

shall be officers of the society, and not more than twenty-five shall be persons other than officers.

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 Fourth Thursday of each month, and special meeting shall be held on the requisition of the Chairman or any three members of the executive committee. The call for a special meeting shall, in all cases, state the business to be transacted at said meeting. The annual meeting shall be held on the fourth Thursday of January in each year at an hour and place to be designated by the executive committee.

The number of members composing the executive committee exclusive of the officers of the association, is hereby fixed at twenty-four, and divided into four groups or classes as follows: At the election held at the annual meeting of the year 1916, there shall be elected, to serve from that date, six members for the term of one year, six for the term of two years, six for the term of three years, six for the term of four years. At each annual meeting thereafter six members shall be elected for the term of four years in

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

place of those whose terms of office then expire. Any vacancies in the membership of the committee by death, resignation or otherwise, may be filled either by the association at any annual meeting or, in interims between the annual meeting, by the executive committee.

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

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

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

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

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

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

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

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

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

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

IX. There shall be at least the following standing committees: executive; finance; law; detentions; nominations; probation and

parole; prison administration. Such committees in addition to any powers or duties conferred by these by-laws shall severally possess the power and be subject to the duties designated from time to time by the executive committee. Furthermore, the committee on probation and parole shall function as the committee on discharged convicts mentioned in the constitution, and the committee on prison administration shall function as the committee on prison discipline mentioned in the constitution.

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

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

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

It shall be the duty of the committee on probation and parole to be associated with the operation of the probation, parole and employment bureaus of the association, and, from time to time, to make recommendations in respect thereto.

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

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

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

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

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

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

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