

STATE OF NEW YORK

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THE ONE HUNDREDTH ANNUAL REPORT

OF THE

Prison Association of New York

135 East 15th Street, New York

1944



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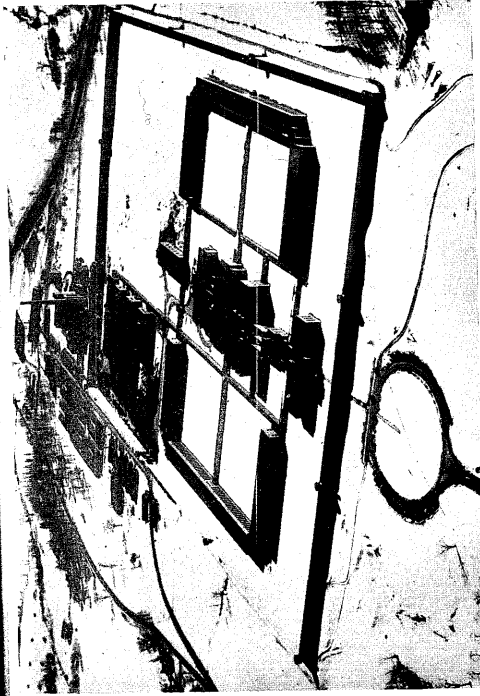
## PREFACE.

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

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

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



NEW YORK STATE PRISON AT GREEN HAVEN, DUTCHESS COUNTY  
Temporarily being used as  
Eastern Branch, U. S. Disciplinary Barracks

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\* Excused for the duration  
† Resigned May 12, 1944

**STANDING COMMITTEES FOR 1944**

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\* Excused for the duration

**ONE HUNDRETH ANNUAL REPORT OF THE PRISON  
ASSOCIATION OF NEW YORK**

February 5, 1945

HON. JOE R. HANLEY,

*Lieutenant-Governor of New York:*

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

Respectfully,

**THE PRISON ASSOCIATION OF NEW YORK**

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

## RECOMMENDATIONS\*

February 5, 1945

To the Honorable Members of the Senate and Assembly:

In accordance with Chapter 163 of the Laws of 1946, we have the honor to present the following recommendations to the Legislature as a *part* of the 100th Annual Report of the Prison Association of New York, and urge that they receive your serious consideration.

Respectfully submitted,

THE PRISON ASSOCIATION OF NEW YORK

E. O. HOLTER, *President*

E. R. CASS, *General Secretary*

### PREFACE

The war is yet to be won as was brought home strongly to the American public at the close of the year 1944. The winning of the war demands all that can be contributed to that end, but does not necessarily imply that there should be at this time the complete abandonment of foresight or action regarding the postwar period. So far as the inmates of reformatories and prisons of this country are concerned, they have made a highly commendable contribution to the war effort. The New York State prisons during the year 1944 made a better showing in this respect than heretofore, and it could have been even better had it not been for a shortage of raw materials. The production figures for the entire country including both Federal and State institutions show a total for the former from July 1, 1940 to October 1, 1944 of \$60,631,911 and for the latter from August 1942 to October 1, 1944 of \$41,989,566.

It would be folly to be content with present day prison conditions because populations are low and production and morale are high. Yet if these gains are to be appreciably maintained, plans should be made now looking to the future. It is not enough to be content with the renovation of old buildings or the construction of new ones. Of even greater importance, finally, is the development of programs that will contribute to the *correction* of human behavior. There is need to take stock of where we stand now and what the future promises as relates to buildings, programs, personnel and

\* Each member of the Legislature received a copy of the Recommendations on February 5, 1945.

administration generally. A departure from the status quo or end of the road attitude is more imperative now than ever before. To feel that we have gone as far as is humanly possible to prevent crime and rehabilitate those who come into conflict with the law is an attitude that suggests defeatism, and this, of course, is wholly inconsistent with all that we hear about a better tomorrow, a new world and a rebirth of civilization. If nations are expected in the postwar period to live happily and freely together, the success of this glorious hope will be largely determined by the conduct of the people of the various nations. Those nations with a high crime record will prove to be lagging or faulty members of a global family. The following recommendations, some of which have been made in other years, deal with the present and near future and are regarded as essential to a well rounded program embracing crime prevention, treatment and rehabilitation.

Before making our recommendations to the 1945 Legislature, we desire to record our hearty endorsement of those parts of Governor Thomas E. Dewey's Message to the Legislature relating to State Employees, State Buildings, The Judicial System, and Delinquency and Crime with its four subdivisions—Juvenile Delinquency, Custodial Care, Parole and Rehabilitation of Persons Convicted of Crimes. The favorable action of the Legislature on these proposals will fulfill longstanding needs and make for decided progress.

### I. REVIEW OF CORRECTIONAL PROCEDURES

It is recommended that there be a continued examination of the strong and weak points of the various activities relating to crime prevention, court procedures, probation systems, institutional administration, parole and aftercare, with a view to being prepared for the almost certain increase in crime following the war.

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

It is strongly recommended that the Legislature assist in every way possible to maintain and increase the industrial output of our institutions for war needs.

#### Comment:

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

Again in our 97th, 98th and 99th Annual Reports to the Legislature we urged the full and unqualified legislative support of the State Department of Correction to the end that the labor of prisoners would not be lost as a potent possibility toward the fulfillment of war needs.

It is gratifying to note that both the prison industries and the farm activities in this State showed an increase in 1944. It is likely that with an increase in the supply of raw materials, an even better showing can be made.

Regarding the operation of the industries, too much reliance should not be placed upon the stimulus that the war has provided. There should be a definite planning for the future, taking advantage of as much of the demonstration as possible that the war has provided to prove the usefulness of prison labor for state or national government benefit.

### III. FARM ACTIVITIES

It is recommended that funds be provided to rent or purchase additional farm land to be operated by institutions of the State Department of Correction.

#### Comment:

During 1944 there was a very noticeable increase in farm activities in correctional institutions in many states. This kind of expansion of production for human needs should be encouraged not only as a wartime activity but peacetime as well.

### IV. REHABILITATION OF PERSONS CONVICTED OF CRIMES

It is strongly recommended that legislative approval be given to the proposal in the Governor's Message regarding "Rehabilitation of Persons Convicted of Crimes."

#### Comment:

This Association for one hundred years has struggled to persuade the public that there are men and women who have been in prison who are deserving of a chance to demonstrate their ability to be law-abiding, self-supporting and decent members of the community. The Governor in his Message well states that "release from prison does not end the punishment. The convict is forbidden to earn his livelihood in certain professions or occupations or to exercise some of the privileges of citizenship in the community to which he has returned. These penalties continue no matter how good his subsequent behavior. In many cases rehabilitation is seriously impeded and both the individual and the community are injured."



Again, the Governor wisely states that the use of the Governor's pardoning power is cumbersome to deal with the situation and that another more practical way is required. To that end he suggests that the restraints and disabilities imposed by law upon released felons be made mandatory only for a fixed period (five years) and that thereafter upon the showing of sufficient rehabilitation and by the unanimous vote of the Parole Board these disabilities should cease to be effective.

The various bills submitted by the Governor to carry out his proposals, if adopted, should make for a decided forward step in the just treatment of the rehabilitated offender.

#### V. CRIME PREVENTION

It is recommended that the Legislature act favorably on the proposal by the Governor's Interdepartmental Committee that there be established a New York State Youth Service Commission.

##### Comment:

The problem of the young offender continues to be serious, regardless of how one interprets statistics, and is likely to be more challenging in the future. For many years now through legislative committees and from various other sources many proposals have been made and laws have been passed. There has been improvement here and there in approach and procedure, both in the community and in the courts, but yet the problem with its serious implications is still with us. It is not anticipated that the proposed Commission will solve the problem of juvenile or adult crime over night, but it can serve to broaden the sources of knowledge and the projection of experience to the benefit of those communities seeking advice and guidance and determined to do something about youth crime in their midst. Favorable action on this proposal would be in harmony with our recommendation of last year that there be improved treatment of young offenders.

#### VI. COMMITMENT AND DISTRIBUTION OF PRISONERS

It is recommended that the Legislature support the proposal in the Governor's Message urging "the most complete use of the existing corrective facilities of the State . . . by freedom of transfer among institutions of a single department and to a limited extent, among institutions of different departments."

##### Comment:

The Governor's reference to "freedom of transfer among institutions" connotes classification and distribution based on the study of the suitability of an institution program to a given individual. The Governor's observation in this connection is most heartening. As

will be noted in our previous Annual Reports\* we have recommended classification of prisoners and a change in commitment procedure. We have always held that the more efficient use of the various correctional institutions of the State could be had only through the utilization of a comprehensive classification program. We have also been of the opinion that one step in the direction of freedom of operation on the part of the Department of Correction, to provide better distribution of its prisoners, required changing the law to allow commitment to the Department rather than to any specific institution.

#### VII. FIVE YEAR MAXIMUM SENTENCE FOR THE ELMIRA REFORMATORY

It is recommended that the proposal of the State Division of Parole to provide a five year maximum sentence for those committed to the Elmira Reformatory receive legislative approval.

##### Comment:

It has long been observed by outstanding administrators of the Elmira Reformatory, such as Dr. Frank L. Christian, retired, that the institutional routine with its intensive educational course and military drill is too much to expect inmates to bear for a long period of years. Further, an inmate who is unable to profit from the benefits of the program in five years is not likely to be helped by a longer stay. Some years ago the proposal for a five year maximum stay at the institution was made but was disapproved by the Department of Correction but now the Department favors the proposal.

#### VIII. EXTENSION OF AUTHORITY OF THE STATE DIVISION OF PAROLE

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

##### Comment:

It is very gratifying to note that the Governor in his Annual Message urged the extension of the authority of the State Division of Parole. We have long held that in the interest of greater economy, centralization of authority and procedure, and uniformity of policy and practice, legislative action should extend the present

\* See Recommendation VIII. The Ninety-ninth Annual Report of the Prison Association of New York, 1943, and previous reports.

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

#### **IX. HAMPTON-DEVANY CONSTITUTIONAL AMENDMENT FOR VETERANS' PREFERENCE IN CIVIL SERVICE APPOINTMENTS AND PROMOTIONS**

It is recommended that the Legislature this year defeat the Hampton-Devany Constitutional Amendment passed during the 1944 session and substitute a more reasonable provision for veterans' preference.

##### **Comment:**

We believe the Hampton-Devany proposal unwise for the following reasons: (1) It gives absolute preference for all time to "disabled" veterans—regardless of extent of war service—regardless of nature or degree of injury or ailment—in civil service appointments and promotions in the State and all local governments. (2) It gives the same absolute preference to all other veterans for five years after the war. (3) It gives all veterans priority for all time in retention when positions are abolished—without regard to length of service or efficiency.

We regard the proposal as unfair to most war veterans, the younger generation, most women, Red Cross workers, labor and agriculture and civil service employees. It makes career service impossible. It is unfair because it is confined solely to competitive positions and does not include those positions which do not require competitive examinations.

We believe that a more reasonable way of giving preference to veterans could be found if some of the following suggestions were substituted:

1. A five-point preference credit to veterans and a ten-point credit to "disabled" veterans—to be added to their earned qualifying ratings in examinations for original appointment. (This is the practice in most states which grant preference to veterans in civil service.)

2. Preference to all veterans in appointments in the noncompetitive and labor classes. (The Hampton-Devany proposal fails to grant any preference whatever to veterans—even disabled veterans—in these positions, which constitute nearly half of the public service.)
3. Preference in retention in case of abolition of positions solely to "disabled" veterans, this to be in effect only for five years after termination of the war.
4. Time spent in military service to be counted on the same basis as time spent in the civil service for purposes of seniority credit.
5. A "disabled" veteran should be defined as one who receives compensation for war disability.

#### **X. EXTENSION OF CIVIL SERVICE ELIGIBLE LIST FOR PRISON GUARDS**

It is recommended that legislation be passed to extend the eligible list for prison guards for a period of two years following the expiration date, June 1945.

##### **Comment:**

At present there is an eligible list for prison guards of about 4,000 names. The present policy is not to make permanent appointments from the list in order to safeguard the interest of men in the service or those who are holding jobs essential to the war. There is a feeling among some of those on the list that temporary appointments should not be made; however, it would seem that the man engaged in war work or serving in the armed forces should receive in this instance first consideration.

#### **XI. DETENTION OF JUVENILES**

It is recommended that Section 82 of the Domestic Relations Court Act of the City of New York and Section 21 of the Children's Court Act be amended so as to prohibit the detention of juveniles in county jails, penitentiaries, or city prisons.

##### **Comment:**

The absence of suitable accommodations in New York City to detain those juveniles who could not be controlled in shelters prompted the judges of the Children's Court of New York City to amend Section 82 so as to permit them to transfer to the City Prison, Manhattan, or similar institutions. In other jurisdictions children are committed to the county jails, due to the lack of any special facilities for the housing of juveniles. It is our strong opinion that the best constructed and manned city prison or county jail is unsuitable for the detention of children.

**XII. RETENTION AND EXPANSION OF PSYCHIATRIC, EDUCATIONAL AND OTHER PROFESSIONAL SERVICES FOR THE INSTITUTIONS OF THE STATE DEPARTMENT OF CORRECTION**

It is recommended that budget items providing for the professional services, including psychiatric, psychological, medical, educational and other allied fields, be approved, and all these services be restored to their former numerical strength and expanded as time and conditions will permit.

**Comment:**

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

**XIII. PROBATION**

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

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

**Comment:**

The Prison Association of New York was conspicuously identified with the passage of the first probation law in this State over forty years ago, and through the years has been active in probation service and its improvement. Probation has progressed, but it still requires further improvement in the interest of its greater service to the people. The value of probation depends upon the extent and quality of its administration. We were the pioneer agency identified with probation service in the Court of General Sessions (Manhattan)

and stood alone for many years urging improvement of probation work in that Court. The existing Probation Department of the Court of General Sessions reflects our interest and agitation. However, we do not believe there should continue the unevenness of probation service in this city as now exists and has existed for too long. Probation if good for one court should be good for another and should be maintained on the same high level of organization, personnel and procedure. Therefore, we believe that the only answer to this end is a consolidation of the probation services of the city under a well worked out plan of administration with virile direction and leadership. For the probation service in other parts of the State, the active supervision of the State Probation Department should be strengthened and encouraged.

**XIV. STATE COMMISSION OF CORRECTION**

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

**Comment:**

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

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

### XV. RESTORATION OF THE CENTRAL GUARD SCHOOL

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

#### Comment:

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

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

### XVI. SEXUAL PSYCHOPATH LAW

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

#### Comment:

The report of the committee headed by Judge Bayes should be carefully studied. It shows an earnest effort to come to some clear understanding regarding the sex offender, as well as an attempt to suggest means of control and treatment. Unless a well rounded plan is developed to deal with this type of offender, we shall from time to time be confronted with expressions of alarm regarding the sex offender and a hot and cold attitude on the part of the public.

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

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

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

#### Comment:

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

### XVIII. EXTENSION OF CIVIL SERVICE TO INCLUDE EMPLOYEES OF COUNTY PENITENTIARIES

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

#### Comment:

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

### XIX. COMPENSATION FOR INJURED PRISONERS

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

**Comment:**

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

**XX. EXTENSION OF FINGERPRINTING**

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

**Comment:**

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

**XXI. APPOINTMENT OF MATRONS IN COUNTY JAILS AND PENITENTIARIES**

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

**Comment:**

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

**ONE HUNDRED YEARS OF FAITHFUL SERVICE**

One hundred years ago the Prison Association of New York was organized through the efforts of the President of the Board of Inspectors of Sing Sing Prison, later a Justice of the Supreme Court, John W. Edmonds, one of the sincerest and most humane men in public life in New York at the time. As President of the Sing Sing Board of Inspectors he was thoroughly acquainted with conditions in the prison and of discharged prisoners. On the 23rd of November, 1844, he sent out the following announcement:

The undersigned has been directed by the Board of Inspectors of the State Prison at Sing Sing, to invite the attention of the benevolent to the destitute condition of discharged convicts.

It is of frequent occurrence that prisoners afford satisfactory evidence of sincere repentance and earnest desires to reform: yet when they go forth into the world, they are often, for want of employment, reduced to great distress and subjected to sore temptations. To starve or steal, is too often the only alternative presented to them.

The power of the Inspectors to afford relief in such cases, is confined by law, to the mere pittance of three dollars to each person.

But believing that very many can be saved from a return to their former evil practices, by timely aid—that not a few can be retained in the path of reform by encouragement and support judiciously applied—the Inspectors have directed me to appeal to the benevolent in this city to render their aid by forming a society similar to those which now exist in many parts of Europe, whose object shall be to find employment for those who shall give evidence of repentance and reformation.

JOHN W. EDMONDS,  
*President of Board of Inspectors*

The appeal appeared in all the New York newspapers and was immediately taken up by a number of prominent men. A meeting was called for the 6th of December at the Apollo Rooms, 410 Broadway, at which most interesting papers were read describing conditions in prisons and of prisoners after discharge. Both the State and the New York City institutions were described. The meeting adopted a resolution for the organization of a prison association. While the impulse leading to its organization was clearly philanthropic in the simple sense of the word, the caliber of the men who

organized it and became its officers, including the vice chancellor of New York, professors, judges, district attorneys, bankers, lawyers, physicians and merchants, indicated that something more than mere relief of discharged prisoners would be undertaken. The objects of the Association were immediately set forth as follows:

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.

Several committees were appointed for these various purposes and the work was entered upon with admirable earnestness. It soon became clear that their efforts especially in the direction of the improvement of prison conditions would be futile if they depended for admission to the prisons upon the good will of the keepers. They sought, therefore, and succeeded in obtaining legal authority, and it was granted them in the incorporation of the Association in April, 1846. In the Act it was also required that the Association report annually to the Legislature.

Through the decades the record of the Prison Association of New York has been one of honor and of 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. 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 prisoners and the treatment of crime.

*Conspicuous among the many forward looking movements in which the Association took the initiative or shared in the attainment of are the following:*

- » Legislation permitting negotiations with the Army and Navy for the manufacture of products needed for the prosecution of the war by the inmates of institutions under the control of the State Department of Correction. In its 1940 report the Association urged that the Legislature record itself with the proper State and national authorities approving the use of idle manpower in correctional institutions as an aid to the national defense program. This was repeated in subsequent reports and legislation was passed in 1942.
- » The improvement of prison conditions generally, including physical equipment, diet, clothing, medical services and selection and training of personnel.

- » The special care of tubercular prisoners and exposing conditions within the prisons leading toward the prevalence of this disease at various times.

- » The divorcement of politics from prison administration and the promotion of the merit system.

- » The campaign for the establishment of the Elmira Reformatory, the first institution of its kind in the world.

- » The introduction of the indeterminate sentence in this country; the extension of the indeterminate sentence to apply to State Prisons. Subsequently the passage of legislation to prevent the courts from fixing a minimum that would come so close to the maximum that the indeterminate sentence feature would be destroyed.

- » The passage of the indeterminate sentence law for the City of New York.

- » The development of probation in New York State, including the drafting and passage of the first probation law and the establishment of a State Probation Commission.

- » The development of probation in New York City, including maintaining in the Court of General Sessions for a great many years a probation service, while at the same time protesting the inadequacy of that service under private subsidy, resulting finally in a city financed probation service. This particular service soon became exemplary, and according to the views of the Association expressed in its reports and otherwise, it should be extended on a similar level to all the probation services in the city, consolidating them if necessary.

- » The improvement of parole service for New York State. The Association maintained a parole service for the Elmira Reformatory and the State Prisons for many years, but nevertheless as early as 1916 protested the inadequacy of such service under private subsidy as well as the part-time and perfunctory operations of the Parole Board. For years the Association stood alone in this campaigning but finally there resulted the present parole organization.

- » The establishment of the New York City Parole Commission, and vigorous opposition to all attempts to abolish the Commission.

- » The establishment of the National Prison Association in 1870 (now the American Prison Association) through the activity of Dr. E. C. Wines, Corresponding Secretary of the Association at that time.

- » The organization of the International Prison Congress by Dr. Wines as a result of his observations as the New York Prison Association's Corresponding Secretary. Dr. Samuel J. Barrows, General Secretary of the Association, was elected president of the Eighth International Prison Congress.

- » Continuous contact through correspondence or visitation with prison workers and officials in foreign countries.
- » Improvement of the administration of county jails through diligent inspection and special studies.
- » Persistent opposition to holding children in jails and prisons. Early Association jail inspection reports declared our stand for all times in this connection.
- » The markedly successful campaign against the fee system whereby county sheriffs thrived on the unfortunates entrusted to their care.
- » Inauguration of a campaign that resulted in a Constitutional Amendment creating a State Commission of Prisons (now the State Commission of Correction). This body is charged with the visitation and inspection of all institutions used for the detention of sane adults charged with or convicted of crime. Subsequent opposition to restriction of powers of the Commission. Persistent opposition to constitutional provision making the State Commissioner of Correction the Chairman of the State Commission of Correction on the grounds that it creates an anomalous situation.
- » Agitation that resulted finally in the establishment of a State Department of Prisons (now State Department of Correction).
- » Constitutional provision safeguarding the labor of prisoners, brought about by vigorous opposition to the exploitation of prison labor through the contract system.
- » More satisfactory prison buildings through wide study of prison architecture which enabled the Association to oppose the selection of certain sites and types of prison architecture.
- » Opposition to some of the drastic Baumes Laws during the years 1926 to 1930 and subsequent assistance in their revision; persuaded the Baumes Commission not to abolish the indeterminate sentence law and parole.
- » Agitation through the years for the abolition of the old Sing Sing Prison including sponsorship of campaign in 1916 under the slogan "Sing Sing Must Go," finally resulting in passage of legislation that marked the beginning of the end of at least the older portion of the prison. Urged a farm industrial prison to take the place of the old Sing Sing and that Sing Sing Prison be only a receiving station for the Department of Correction.
- » Development of a classification system. Soon after its founding the Association urged classification of prisoners as essential to an intelligent prison program. It continues agitating for further progress in this connection.
- » Unceasing opposition to brutal treatment and corporal punishment of prisoners.
- » Establishment of Psychiatric Clinic at Sing Sing. Urged expansion to other prisons.

- » Prescribing by law standards for qualified psychiatrists.
- » The establishment of the Federal Prison System.
- » The sponsorship of the Federal Commutation Act signed by President Johnson.
- » The inclusion of academic, vocational and religious training as essential part of a reformatory or prison program.
- » Establishment of privately financed or state owned institutions intended for the care and treatment of youthful offenders.
- » Passage of legislation to provide special consideration for mentally defective delinquents and the setting up of a separate institution for their study and treatment.
- » Campaign for a state reformatory for misdemeanants and a farm colony for inebriates.
- » Agitation for better housing and treatment of women offenders.
- » Exposed abuses of the system of Lunacy Commissions. Legislation resulted in better control.
- » The study of the Jukes family in 1874 by Mr. R. L. Dugdale, a member of the Executive Committee of the Association. "Jukes" was the fictitious name given to a family in New York State that had an unusual record of crime and pauperism. Exact information was obtained in relation to 709 out of the 1200 descendants and blood relations; of these, 140 had been imprisoned for crime, 280 had been paupers, dependent upon public support, and the large majority were of low physical and moral standard. The estimated cost to the State of the family in 75 years was \$1,308,000. The family was restudied in 1915 by the Carnegie Institution of Washington.
- » Attacked abuses of the bail system.
- » Establishment of separate courts for children.
- » The improvement of clemency and pardon procedures.
- » The establishment of a system of fines as a substitute for imprisonment.
- » The setting up of libraries as a means of recreation and education.
- » Establishment of a system of restitution as an aid toward compensation for a criminal act.
- » Agitation for a statistical system both for the State and nation relating to crime and crime treatment.
- » The advancement of the idea of payment of a wage to prisoners for work performed.
- » *Finally, we desire to call particular attention to the fact that in addition to all the above efforts, achievements and worth-while objectives identified with our one hundred years of existence, the Association—the pioneer in this State—has never failed to apply its best efforts to aid those released from reformatories and prisons and at the same time to provide for their families.*

A study of its Annual Reports\* will reveal in sequence and in much greater detail, of course, the vision, persistency, patience and courage with which the Association pursued its objectives over the one hundred year period.

\* See also: Klein, Phillip. *Prison Methods in New York State*. Columbia University, 1920.  
 McKelvey, Blake. *American Prisons*. University of Chicago Press, 1936.  
 Guillot, Ellen Elizabeth. *Social Factors in Crime*. University of Pennsylvania, 1943.

*The 74th Annual Congress of the American Prison Association, held in New York City in October, 1944, at which time there were delegates in attendance from thirty-eight States, the District of Columbia, Canada, China, Chile and Puerto Rico, unanimously adopted the following Resolution at the Annual Business Meeting:*

#### PRISON ASSOCIATION OF NEW YORK—100 YEARS

WHEREAS, One hundred years have passed since the organization of the Prison Association of New York, and

WHEREAS, The Prison Association of New York has, throughout its first century of life, taken the leadership in fostering, furthering and initiating important steps in penal reform, and

WHEREAS, The American Prison Association owes its organization largely to the pioneering efforts of the Prison Association of New York seventy-five years ago, and

WHEREAS, The Prison Association of New York and the American Prison Association have been closely associated in recent years through Mr. Edward R. Cass, long the secretary of both Associations,

*Be it Resolved*, That the 74th Annual Congress of Correction send its greetings to the Prison Association of New York wishing it long life and continued success.



## EDITORIAL

REPRINTED FROM NEW YORK TIMES

December 15, 1944

### PIONEER OF PRISON REFORM

The Prison Association of New York, observing this week its 100th anniversary, looks back over a century of wonderful accomplishments. One of the greatest of these is the breaking down of the hard-held notion that a man who has once done time in prison is to be regarded ever after as an outcast.

It was with the merciful object in mind of countering that notion that John W. Edmonds of blessed memory called a meeting of the benevolent people of this city in December, 1844. Most discharged convicts then were destitute and, even when sincerely repentant, had no choice but to starve or steal. Out of that meeting came the Association, ready to befriend them, to find employment for them and to take the lead in many of the subsequent prison reforms throughout the country and the world.

One finds it gruesome to look back to the prison evils that then flourished and that now have been shamed out of existence. Many a prison was a pesthouse. Prisoners were often treated as animals, or worse. They languished in idleness, prevented by outside prejudice from earning for those they had left behind; or, as frequently, they were exploited by prison contractors.

Their keepers were political appointees, untrained and even brutal. There was mixing of first offenders with hardened cases, young with old, normal with abnormal. There was graft; there was a heartless fee system under which officials might fatten on the need of those

in their charge. These practices and scores of others of their kind have been done away with, thanks largely to the pressure of the Prison Association through the years.

Today's prisons are sanitary. Their programs, based on classification and expert study, are intelligent. Prisoners are disciplined decently. They have a chance at education. There is no herding; there are special institutions for the care of the youthful offender, the woman offender, the inebriate, the defective. There are separate courts for children, and there is a workable parole system.

These are some of the results of the activities of the Association. But this pioneer group is proudest of the fact that it has never failed to apply its best efforts to its original undertaking. Prisoners released from durance today can count on the friendly hand of some one who cares what becomes of them.

In congratulating the Prison Association upon its century of high usefulness the city and the State may well be grateful that this fine organization exists.

## ONE HUNDREDTH ANNIVERSARY LUNCHEON

In observance of the 100th Anniversary of the Prison Association of New York a luncheon was held in the Music Room of the Hotel Biltmore, New York City, December 12, 1944. Mr. Edwin O. Holter, President of the Association, presided. On behalf of the Executive Committee and the members of the Association, he extended a most hearty and cordial welcome to those present and thanked them for their interest in the Association.

Grace was offered by the *Right Reverend Charles K. Gilbert*, Suffragan Bishop of the Diocese of New York:

Most gracious God, Whose loving kindness is manifest in all Thy works, we would remember before Thee with grateful hearts the century of effective service rendered by this Association. We thank Thee for the vision in which it was conceived, for the leadership under which that vision has been realized and the loyal support by which its ministry has been maintained and enlarged through these many years. We thank Thee that at a time when the world is devastated by the cruelties of war there are agencies that continue in their efforts to reclaim and rebuild human lives for the purpose for which they were created.

Grant, we pray Thee, that in its past achievements this Association may find new incentive and new confidence for even larger service in the years ahead.

Bless, guide and uphold those who are responsible for its work and raise up strong friends for its support that it may go forward with ever increasing usefulness and success, for the benefit of our fellowmen and the glory of Thy Holy Name. Amen.

Following the luncheon, Mr. Holter read a message of greeting addressed to him by President Roosevelt.

THE WHITE HOUSE  
WASHINGTON

December 4, 1944

Dear Mr. Holter:

I would appreciate it if you would express to your associates my congratulations and best wishes at the one hundredth anniversary celebration of the founding of the Prison Association of New York.

Your association has a long and commendable record in the field of prison reform. Much has been accomplished in recent years in improving

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not only the physical structure of New York's institutional system but the harshness and monotony which characterized the prison program of former years has given way to a new attitude of hope and rehabilitation.

The important work that you are doing, concerned as it is with the enforcement of the law and the readjustment of those who present some of society's most difficult problems, deserves the approval and support of all good citizens.

Very sincerely yours,

(Signed) FRANKLIN D. ROOSEVELT

Edwin O. Holter, Esq.,  
President,  
The Prison Association of New York,  
135 East Fifteenth Street  
New York 3, New York.

This was followed by a message from Governor Thomas E. Dewey of New York.

ALBANY, NEW YORK  
DECEMBER 11, 1944

E. R. CASS, GENERAL SECRETARY  
THE PRISON ASSOCIATION OF NEW YORK  
135 EAST 15 STREET  
NEW YORK CITY

REGRET VERY MUCH THAT PRESSURE OF MY DUTIES HERE IN ALBANY MAKES IT IMPOSSIBLE FOR ME TO ATTEND ANNIVERSARY LUNCHEON OF THE PRISON ASSOCIATION. FOR ONE HUNDRED YEARS THE ASSOCIATION HAS PERFORMED SPLENDID PUBLIC SERVICE AND HAS DONE MUCH TO BETTER CONDITIONS IN THE PRISONS OF OUR STATE. I AM CONFIDENT THAT YOUR ASSOCIATION WILL CONTINUE TO BE A FORCE FOR GOOD FOR MANY YEARS TO COME.

THOMAS E. DEWEY

Then there was read a message from Mayor Fiorello LaGuardia of the City of New York.

CITY OF NEW YORK  
OFFICE OF THE MAYOR

December 12, 1944

Mr. Sanford Bates, Chairman,  
100th Anniversary Committee,  
The Prison Association of New York,  
New York 3, New York.

Dear Mr. Bates:

I wish that it were possible for me to be present today and in person to congratulate all the members of The Prison Association of New York for the many constructive things that they have been instrumental in achieving during their one hundred years of activity. It would be impossible in a letter to even mention briefly the many reforms that your organization has initiated and which are now a part of our present system.

Your Association, from its commencement, has realized that prisoners, no matter what their crimes may have been, are human beings like all of us, of flesh and blood, and therefore should be treated as such during their term of imprisonment. You have further recognized that when prisoners have paid the penalty for their wrong-doing, that it is only just and sensible for society to lend them a helping hand and to make every effort to rehabilitate them so that they are afforded a fair chance of becoming decent, self-respecting citizens.

You have recognized that the operation of our criminal courts and the laws governing them, as well as the methods employed in the administration of our prisons, must, besides being humane, be scientific as well. Great progress has been made during the last century but there still remains room for immense improvement. As society progresses towards further social reforms in our general way of life, so let us hope that more knowledge will be obtained on the subject of criminology, thereby giving us more wisdom in the treatment and punishment of transgressors.

It is needless for me to say that The Prison Association of New York will continue in the van of this most important work in the future as they have in the past. Personally, and as Mayor of the City of New York, I extend to you my best wishes and heartiest congratulations.

Sincerely yours,  
(Signed) F. LA GUARDIA,  
Mayor

Mr. Holter directed attention to the many communications received from members and friends of the Association in different parts of the country and said that these would be made a part of the record of the luncheon. (See page 47)

Mr. Holter then proceeded to introduce the first speaker, the Honorable Sanford Bates, former Commissioner of the Department of Correction of the State of Massachusetts, former Director of the Federal Bureau of Prisons and the man who gave that Bureau its rebirth, and now a member of the New York State Division of Parole. Mr. Bates spoke as follows:

*Mr. Holter, Mr. Cass, ladies and gentlemen:* It is a high privilege to be selected as one of the spokesmen to recognize this significant occasion. There are many here who could voice the sentiments which I know we all feel just as effectively as I could.

I don't know if anyone ever expressed the significance and purpose of the Prison Association of New York better than Winston Churchill when he said many years ago that the attitude of "the public with regard to the treatment of crime and criminals is one of the most infalling tests of the civilization of any country." If the efforts of this society over these many decades are subjected to that test then this organization is entitled to a high meed of praise. It is true that our altruism, our patriotism, our public spirit are repeatedly tested by the patience, the foresight, the determination and the perseverance we show in addressing ourselves to this difficult problem.

One hundred years is a long time. One hundred years has seen tremendous and momentous changes in our country and in our institutions. Sometimes we think that the tremendous significance of the changes in our material, industrial and commercial world have outdistanced the progress we have tried to make in the spiritual and social side of our development. I know how hard it is to keep one of these organizations alive just from one year to another, and I must doff my hat to those people who since 1844 by dint of their own effort and patience have kept alive the ideas and spirit behind the Prison Association of New York.

Those of us who have worked with him over the last decades realize also what a grand piece of work has been done by our friend and colleague, Ed Cass. He has developed the influence of the Prison Association of New York at Albany, in Washington, and elsewhere as a potent force for sensible prison betterment.

As we look at our work from year to year we sometimes get a little bit discouraged, a little bit disheartened and are many times faced with the necessity of educating the public all over again. But as we look back for one hundred years we can sense much more clearly the progress that has been made, and in the accomplishment of this progress there is no organization in the country today, or in the world for that matter, that has exercised the influence that has this truly noble organization. I shall not weary you by a recital of the many movements and projects that have been undertaken. They are stated in the program much more tersely than I can state them. I want to refer to just two activities.

One has to do with the interpretation to the public of the need of obtaining work for the prisoners of our institutions and to convince the people, especially the industrial element in the neighborhoods and our labor unions, that there would be little hope of bringing reformation and cure in the souls and hearts of our inmates unless we can teach them the dignity of human labor. Ever since the time when that distinguished citizen of New York, the late Adolph Lewisohn made his prison survey way back in 1920, this organization has stood for the humane industrialization of our prisons.

Another activity has been to interpret to our armed forces the great opportunity that confronts the men coming from our prisons today. I believe that there presents itself to us an opportunity to show that men who have served a prison sentence may still render service to their country. The thing which makes a Prison Association necessary is that an unthinking and an unmindful public has repeatedly imposed upon a

discharged prisoner the stigma of a prison sentence. What happens to a man who comes forth into the air after a prison sentence is of much more concern to our community than what happens inside the prison wall. I believe that if we can convince a discharged prisoner that he still has a service to render, that he still belongs to a community, or as one of the boys wrote me from overseas, that he is still a member of an "outfit," we have gone a long way to assure his reformation.

For a century The Prison Association of New York has urged upon the public a greater adherence to the principle that only as men who have paid their debt in the hard coinage of punishment can be accepted back into the community, will our correctional efforts bear fruit. However good or bad as our prisons are, we will for many years still need a devoted service of privately supported organizations like this one to undertake the delicate and important part of interpreting the ex-prisoner to his community.

In congratulating this great organization on its long record of service, we have in mind how for all these years and on many occasions when such advocacy was none too popular, they have stood for the principle of parole as the one safe method of releasing men from prison. They have sought to supplement the insufficient public aid by private assistance, they have extended the helping hand to the family of the inmate and they have sought in no merely sentimental fashion to impress the problems of his rehabilitation upon the public.

Unless this good work can be continued, the mission of our prisons will never be accomplished. The extent to which it has been done is a tribute to the men who over this long stretch of years have given leadership, inspiration and achievement to The Prison Association of New York. May their tribe increase and may the work so nobly advanced by Dwight, Wines, Barrows, Lewis and Cass continue to prosper so that the public institutions and private agencies in joint enterprise may bring about greater safety and tranquility in our great State and throughout the nation.

Referring to the next speaker Mr. Holter remarked that it was most unfortunate that *Levis E. Laives*, former warden of Sing Sing Prison, could not be present because of illness. Warden Laives was stricken in St. Louis while engaged in an important service for the Prison War Program Branch of the War Production Board. In his absence his prepared address was read by our Assistant Secretary (on leave), Lieutenant Roberts J. Wright, U.S.N.R., as follows:

There is hardly an important reform in the field of penology for which the Prison Association of New York, which is this

month observing its one hundredth anniversary, is not entirely or in a large measure responsible.

I well recall the time I entered the prison service about forty years ago. Then, the striped suit, corporal punishment, and the silent system were in vogue. Educational and recreational facilities were completely lacking. In fact, rehabilitation was actually frowned upon. "Just lock them up and keep them locked," was the slogan. As a result, offenders, fed on this diet of cruelty, left prison physical, moral and mental wrecks, incapable of leading law-abiding lives.

Gradually, changes came about. A repressive penal system gave way to a more enlightened one. The old idea that prisons exist merely to crush and punish inmates was replaced by a new concept—a prison must educate, uplift and train them for better citizenship.

We must not forget, however, that these advances did not come easily. They were the fruits of hard-fought battles in which the Prison Association of New York was often in the vanguard, blasting away at the forces of intolerance, bigotry, and indifference.

But proud as we might be of this record of achievement, we cannot relax our efforts to bring about further reforms. Nor can we risk the chance of forfeiting those we have already made. Prior to the outbreak of this war, for instance, prison industry was at a low ebb. Now it is flourishing. Moreover, where there has been cooperation on the part of enlightened and liberal authorities, the morale of the prisoners is high, higher than it has ever been before, doubtless because they know they are helping to speed victory.

These *war-born undertakings* promise huge *peace-time dividends*, for offenders who have developed the work habit are not apt to lose it. Let us see to it, therefore, that never again will idleness be rampant in prisons.

There is a need, too, for greater effort in preventing crime, particularly among juveniles. Not always, though, as you well realize, do they steal or engage in mischievous pranks. During a recent tour of the country, I learned that frequently juvenile gangs were organized specifically to attack minority groups and deface temples of worship. These youngsters were indoctrinated—and still are—by adult demagogues as vicious and dangerous as our enemies abroad. To counteract the influence of these home-grown Fascists—and I fear that their numbers may increase—the schools must lay greater emphasis on the tenets of our democracy, and we must constantly wage war against racial and religious bigotry. Also, communities must provide constructive outlets for youthful energies. For

when parks, playgrounds, and other recreational facilities are lacking, it is not difficult to lead youngsters into destructive channels.

I know that the Prison Association of New York will handle this problem and many others with its customary force and vigor. I also know that my good and able friend, Ed Cass, who deserves our warm commendation for his unselfish and devoted services as General Secretary of the Association for nearly a quarter of a century, will continue his good work. More power to him and the Prison Association of New York in the years that lie ahead!

*At the conclusion of the paper Mr. Bates made a motion that a message of cheer and hope for a speedy recovery be sent to Warden Lawes and that approval be given by a rising vote. The motion was carried unanimously.*

Mr. Holter then proceeded to introduce the *Honorable James V. Bennett*, Director of the Federal Bureau of Prisons. He referred to Mr. Bennett as being a career service man who had not only maintained the progressive ideals in the Bureau setup before he became its head, but had substantially expanded the scope and influence of the Bureau. Mr. Bennett spoke as follows:

It is noteworthy, on an occasion such as this, that prison reform has had a deep influence on many aspects of American life quite aside and beyond the immediate objectives of those who seek a better way of dealing with the criminal. You will remember that de Toqueville and Beaumont came to America to investigate the old Auburn system and returned to France with little to say about the virtues of our prisons and yet found much to praise about our democratic customs. Likewise, many of those whose zeal was at first aroused by the cruelties and barbarities of the old English system of punishment have taken the lead in other endeavors of perhaps more widespread significance. Benjamin Franklin, Benjamin Rush, John Haviland, De Witt Clinton and Francis Wayland are but a few of those who transferred their interests in the lot of the prisoner to other fields. That, I presume, is because anyone who comes in close contact with the offender realizes that frequently he is a victim of circumstances or but the product of a most imperfect social system.

As one glances over the list of the members of the New York Prison Association over the past one hundred years names of men who have made signal contributions to American culture recur frequently in its roster. Theodore Dwight, E. C. Wines, James Fenimore Cooper, Grover Cleveland, Theodore Roosevelt, George W. Wickersham, Dean Kirchwey and William

P. Letchworth are but a few such persons who have held office in your association.

With such a coterie of distinguished men it is little wonder that the list of your accomplishments in prison reform has been so impressive. Few organizations have made greater contributions to prison reform and social betterment throughout the past century than the Prison Association of New York. Stripes, the shaved head, the lockstep, the Oregon boot, the silent system, and exploitation of prison labor have gradually given way to a regime designed to create self-respect, individualize treatment, and develop new skills and healthy attitudes. Also like your predecessors your attention has not been concentrated alone on palliating the evils of the prison itself but you have been in the forefront of the movement to readjust the offender in the community through probation, parole, and a more sensible system of sentencing.

But much remains to be done in these matters—particularly in bringing about more intelligent handling of the offender in the courts. The sentencing methods of our federal and state courts are a hodge-podge of conflicting judicial philosophies. In New York we have side by side such utterly contradictory policies as those underlying the Baumes law on the one hand and your quasi-indeterminate sentence law on the other. Inconsistencies and disparities in the sentencing policies of different courts and different jurisdictions within the state are immediately apparent to the most casual observer. Just now we are in a transition period during which there is gradual acceptance of the idea that the courts in the very nature of the case can lay down only the broadest guides as to the amount of time it requires to reform the prisoner or deter the offender. Take this question of deterrence, for instance, on which the lawyers have long depended as a reason for long sentences and reposing full responsibility in the courts for bringing about compliance with the law and measure it alongside the experience of the federal government in the enforcement of the Selective Service Act. During the first World War military courts-martial and the civil courts meted out extremely long sentences for failure to comply with the act. Many in fact were given life sentences. During this war the maximum sentence allowable is five years and the average sentence actually imposed is just about three years. Yet during this war the number of those who have wilfully evaded the draft law is relatively far less than during the first war. There are, of course, many factors which have influenced what to all intents and purposes is unquestioned compliance with this act. But the least important of these forces, as I see it, is the length of sentence imposed for its violation.

The experience of the federal government in this matter leads me to hope that the Congress will soon follow the lead of many of the states and adopt the modified form of the indeterminate sentence law proposed by the Federal Corrections Act now pending in Congress.

The proposed Act (H. R. 2140) would replace the present three-member U. S. Board of Parole with a ten-member Federal Board of Corrections. Under the provisions of the bill when a judge determines that an offender should be sentenced to more than one year he would impose as an original sentence the maximum penalty provided by law. Then within six months during which the Board would have studied the case and interviewed the offender, it would recommend to the judge a definite sentence. The judge could either accept the recommendation or reject it and impose whatever sentence he chooses. In the latter case, he would be required to state in writing his reasons for not following the recommendation of the Board. Furthermore, instead of imposing a definite sentence of imprisonment upon an offender under the age of 24, a judge could, in his discretion, sentence him for an indeterminate period up to six years to the custody of a division of the Board known as the "Youth Authority Division." Youths so sentenced would receive correctional treatment of one of several alternative types, and might be released under supervision by the Authority at any time.

It should be noted from this brief summary that the act would in no way reduce the authority or impair the independence of the judges. It would instead provide them with two new services, an investigative, diagnostic and advisory service to aid them in determining what sentence would be suitable for each offender, and a program of flexible penal treatment to which, if they wish, they might sentence youthful offenders.

The need for a leavening influence in federal sentencing is exemplified by the disparities in average sentences imposed for federal offenses in the various judicial districts and circuits. For example, during the fiscal year ended June 30, 1944, in the First Circuit (i. e. Maine, Massachusetts, New Hampshire and Rhode Island) the average sentence for all Federal offenses was 10.7 months, and in the Sixth Circuit (Kentucky, Michigan, Ohio and Tennessee) it was 28.4 months—or more than two and one-half times as great. Or take some specific offenses. Liquor-law violators received average sentences of 25.1 months in Northern Alabama and of only 4.3 months for exactly the same offense in Southern Alabama; automobile thieves who drove cars across state lines received average sentences of 6.4 months in Eastern Pennsylvania as compared

with 54.6 months in Northern West Virginia. And so it goes with all categories of federal offenses.

You understand I am sure that I by no means advocate standardized or fixed sentences for specific offenses—in fact I favor exactly the reverse. But I deplore wide diversities in sentencing policies for similar offenses when such diversities appear to arise merely from local prejudices or variations in the social attitudes of individual judges.

In this matter of sentencing we must strive to work out a system which is in conformance with our developing philosophy of penal treatment. Your state took an important step forward when you enacted your indeterminate sentence law for first offenders. But even here your maximums and minimums indicate the continuing strong public acceptance of the doctrine that the offense rather than the offender should be the primary factor in the determination of the duration of imprisonment. It will take time for our society to break the shackles of its outworn attitudes toward sentencing, but I can think of nothing in the field of penal treatment which more deserves your efforts—and mine. I solicit your cooperation in securing the enactment of the federal law and urge your continued attention to this basic problem of judicial and social reform in your own state.

Mr. Holter announced the next speaker, the *Honorable William J. Ellis*, Commissioner of Institutions and Agencies for the State of New Jersey. He identified Commissioner Ellis as among the country's outstanding departmental administrators. His courage, intelligence, good sense, and progressive viewpoints not only made workable the departmental organization in the State of New Jersey but continually demonstrated progress that invited study by and visitation from other States anxious to improve their own organizations and systems. Mr. Ellis spoke as follows:

This anniversary of a century of service on the part of the Prison Association of New York, founded in 1844, also marks a quarter century of service on the part of its executive, Edward R. Cass. I am especially glad, therefore, to bring to this group the felicitations of your co-workers from the allied kindred fields of correctional treatment and social welfare in the neighboring State of New Jersey.

This occasion emphasizes the cooperative relationship that exists only in a Democracy between the official governmental agencies and the citizen's voluntary organizations. The voluntary civic association has well been termed the "Spokesman of the public conscience." Of course, for a century past, this has been the role of the Prison Association of New York. Such

voluntary civic associations serve as the spearhead of social progress in many welfare and related fields. The antiquity of the prison associations gives them a form of seniority.

It is not too much to say that every step forward in the prison field has come about because the voluntary associations of public-minded citizens such as those banded together over the years in the Prison Association of New York have given the necessary energy, time and money to demonstrate the need and the desirability for the changes and to prepare the public opinion that supports progress in this area of public welfare.

It is through the energetic leadership of the Prison Association of New York and its allied organizations, particularly the Pennsylvania Prison Society, that the long struggle to make reformation and rehabilitation of individual offenders the goal of correctional treatment was developed and given such widespread support.

In the English speaking world, the first steps toward the humanization of prisons and the elimination of imprisonment for debt were taken by the Howard Societies. Here in this Empire State the progressive development of measures looking toward rehabilitation, indeterminate sentences, parole and other advanced policies have been facilitated by the interest developed on the part of citizens joined together in this Association.

Because the Prison Association has had on its Board of Directors and among its officers—and particularly in its General Secretary men of competence and vision, this Association has been over the years a powerful and friendly ally of any administrator who made it his business to try to raise the standard of service in the correctional field.

At times, of course, these voluntary civic agencies have to deal with inexperienced or overcautious officials who are content to maintain the status quo. Under circumstances such as these, the civic organization of informed citizens provides a goal and stimulus and a sponsorship for further advances that in the long run prove the effectiveness of new principles and new ideals for departments charged with services in the welfare field.

The official or the agency of government which is intimidated by those who look with fear on progress or by those who wish to return correctional services to the sphere of political spoils, has in the Prison Association of New York and other similar agencies, a stalwart defender. These Associations are able to summon a strength of public opinion and support that has multiplied in its effectiveness because these agencies are concerned primarily and solely with the general welfare of the State or community.

In times like these and on occasions such as this, it is well for us to remind ourselves that the voluntary principle lies at the heart of our cherished freedom; that one of the best ways of assuring the Peace for which we fight and which will restore our essential liberties is to encourage and preserve now as much as possible of the right and duty of individuals in civic groups to collaborate with government.

The most precious right an individual or association may exercise is that of taking the initiative not only to criticize acts of government but to create new ideas and give them positive effect. This is one of the greatest values in preserving our Democracy; namely, the responsibility of private voluntary groups to cooperate with government. These agencies can and do focus experience and wisdom and the moral compulsions of the people upon the agencies of government. If we do not seize every opportunity to exercise this right it may be lost to us.

In congratulating the Prison Association of New York upon its one hundred years of service and in commending the fidelity of members and officers of this Association who have maintained its continuous organization through periods of struggle and change, I congratulate them upon the opportunity for continued public service in an area of activity which means so much to the preservation of the Democratic principle of citizen cooperation with governmental agencies.

Mr. Holter stated that the final speaker, the *Honorable Austin H. MacCormick*, could not be present because weather conditions in the Midwest made it impossible for him to arrive in time by plane. Mr. MacCormick, Executive Director of the Osborne Association, New York City, is one of the country's leading minds in the correctional field. He has a highly commendable record of achievement in the promotion of educational programs in the various institutions, in assisting Mr. Bates in the days of the reconstruction of the Federal Prison System, as Commissioner of Correction of the City of New York, and in connection with many studies and program evaluations. It of course is regrettable that Mr. MacCormick could not be with us, but his prepared address will be made a part of the record.

*Mr. President, Mr. Cass, members of the Executive Committee of the Prison Association of New York, and friends:*

This is a singularly happy occasion. If one were celebrating the hundredth birthday of an individual, it would be with a sense of sadness, a consciousness that every word carries the suggestion of a valedictory, however much one might wish to conceal it. But observance of the hundredth anniversary of

the birth of such an organization as this one has no tinge of sadness. One can look back on the century that has passed and to the one that lies ahead with the comforting knowledge that one century will flow smoothly into the other, that each birthday will bring an increase, not a lessening, of strength and usefulness, and that the only attributes of advancing years one will ever see in this vigorous centenarian are mature wisdom, seasoned judgment, conviction deepened by knowledge and experience, unwavering resolution, and vision that sees the future more clearly because it looks back so far into the long past.

Those of us who have gathered here today know well how great the need is for the Association we are honoring, and how richly it deserves our congratulations and gratitude. In every state, even in the most progressive ones, there is need in the penal and correctional field of an organization that is free and independent in its opinions and actions, but has official recognition and sanction so that its recommendations cannot be brushed aside and disregarded. Such an organization must have influential citizens on its board and an executive head with long experience, wide vision, and deep convictions. It can then act effectively as the representative of the public conscience in pressing for the correction of bad conditions and practices, sponsoring constructive legislation when necessary, and can focus the public vision on the possibilities for progress that lie out on the distant horizon.

The Prison Association of New York is such an organization *par excellence*. Not only does the penal history of New York State carry on every page the imprint of its influence, but that influence has been felt in every state in the Union and in every country that has given thought and study to its penal problems. That this is so is due to its long history of sound accomplishment, to the distinction of those who have served on its Board, and to the experience, wisdom, and devotion of its executive head, Edward R. Cass. Those of us who have the privilege of speaking today will vie with each other to pay an adequate tribute to Mr. Cass as well as to the Prison Association. He is not only a combination of pilot, navigator, engineer, and tail gunner in that gallant Super-Fortress, the American Prison Association, but is our faithful friend and valiant comrade-in-arms. It is somewhat trite but wholly sincere to say that we respect him for what he has done and value him as a friend for what he is.

The Prison Association, particularly under his leadership, has not dealt merely in abstractions, in penal theory and philosophy. It has dealt with hard facts and concrete reality. The old cell-block at Sing Sing, condemned a hundred years

ago as unfit for human habitation, is coming down at last under the unremitting blows of this Association's sledge hammers. But it does not seek only to tear down the old. From the establishment of Elmira as the first adult reformatory in America to the present, it has worked for the development of a diversified correctional system whose modern plants supply the necessary tools for a complete program of training and treatment under trained personnel. It has worked no less persistently for the expansion and improvement of probation and parole: the "prisons without walls." The New York State Parole System is an outstanding monument to the Association's efforts to supplement institutional care with supervised freedom on parole. It has never forgotten the individual prisoner; its aid to released prisoners seeking jobs and its help to their families are among the Association's noblest works. These are only a few of its accomplishments and represent only a part of the wide field the Prison Association of New York has covered.

It has not always been an easy or pleasant task to press for needed legal and administrative reforms. It has taken courage and patience, and at times grim determination and willingness to be disagreeably persistent, if necessary, in a just cause against political influence and public apathy. The Prison Association of New York will find itself called on for leadership in the difficult post-war years and will need these qualities as never before. If, as seems almost a dead certainty, we have an increase in crime after the war, especially by youthful offenders, the public is likely to turn the clock back for a time and revert to unwise and ineffective repressive measures of the type of the savage Baumes Law of the late twenties. The Association had the courage and good sense to fight those laws. Standing shoulder to shoulder with similar organizations, to many of which it is the father or god-father, it can be counted on for unflinching opposition to unwise measures, for leadership in effective programs to prevent and control post-war crime, and for wise counsel to counterbalance public confusion and hysteria.

There is another point on which the Prison Association can exercise, directly and indirectly, a valuable influence. We must be realistic and face the strong possibility of a post-war increase in crime and in prison populations. But if some men after demobilization will drift into crime, perhaps with guns in their hands, others can become honest, courageous police officers with guns in *their* hands. If some veterans will become prisoners, others can become capable prison officers. If veterans, under the stresses and tensions of demobilization and read-



justment to ordinary life, will present a problem of crime, they can also help meet that problem.

There are hundreds of thousands of men in the armed services who have natural aptitude not only for police work but also for work in the probation, institutional or parole field. As commissioned and non-commissioned officers they have learned how to control and lead other men, many of them young and reckless and not easy to discipline. They have learned what makes that type of man behave as he does and how he can be kept on the beam. Many of them have received superior technical training. The instruction methods of the armed services have shown them how much ordinary men can learn, especially along technical lines, and how rapidly they can learn. Some of them have been doing duty that fits them primarily for custodial work, but others have been engaged in the armed services in educational, psychological, medical, classification and other work for which trained men are needed in the correctional field. Women in the armed forces have had similar training and experience.

We hope a great many veterans, who will presumably have civil service preference for appointment, will go into the correctional field as a career. They will find it an interesting and an honorable pursuit. In the prison field especially we would welcome an influx of self-respecting, alert, intelligent, well-disciplined young veterans to replace the incompetents and the political hacks who still clutter up far too many prison staffs. It would be a service of inestimable value if the Prison Association, in New York State and farther afield by inspiration and example, could promote effective efforts to acquaint men and women in the armed services with what the correctional field has to offer, to arouse administrators to tap this reservoir of personnel, and to see that universities and other agencies provide training courses that will serve as a channel for entrance into correctional work.

In closing, as I think of all there is to be done in the correctional field today and all there will be to do until the happy day when the human race will no longer need correcting, I cannot confine my good wishes for the future of the Prison Association of New York to the next hundred years. And so I wish it unlimited life and usefulness, *ad infinitum* or at least *ad millenium*.

Mr. Holter thanked the speakers for their kind expression of confidence and support and then called upon the *Right Reverend Monsignor William E. Cashin*, former Chaplain of Sing Sing Prison, to give the Benediction.

Almighty God, Whom we lovingly revere as our Father, we adore Thee. We thank Thee for the blessings bestowed upon us, exceeding the measure of our needs or our desires. We thank Thee in particular for the many blessings conferred upon the Prison Association; for having inspired the inception of the work; and having endowed the members of the organization and their supporters with a spirit of "understanding of the conditions of the needy and the poor."

We humbly ask for a continuation of these blessings.

May therefore, the Grace of the Father, the Charity of the Son and the Communion of the Holy Spirit be with us now and forever. Amen.

### GREETINGS FROM COLLEAGUES AND FRIENDS OF THE ASSOCIATION

We regret that space does not permit the inclusion of all the many expressions of friendship and confidence and appreciation. We therefore are recording the following excerpts as typical:

Saul D. Alinsky, Executive Director  
Industrial Areas Foundation, Chicago, Illinois

I hardly think that The Prison Association of New York should be the direct recipient of congratulations but rather the people of the United States should be congratulated on their good fortune that an organization such as yours has been continuously carrying on work of such outstanding social importance.

I share the opinion of every other informed, interested American citizen that this nation needs and should have the contribution of The Prison Association of New York continued for at least another one hundred years.

Ellis Arnall, Governor  
State of Georgia

I am proud of the completion of one hundred years outstanding progressive work in the penal rehabilitation which you and your organization are celebrating. My administration is pledged to the completion of a wise and humane prison system in Georgia and real progress can be reported at this time. Georgia appreciates your wise leadership in this field. Best wishes for the continued success in your efforts.

William D. Barnes, Executive Secretary  
The Connecticut Prison Association

Heartiest congratulations to The Prison Association of New York upon completion of a century of service, a service which has increased in scope, vigor and effectiveness with the advancing years.

Identical congratulations to the present officers and staff whose leadership has set an example and provided inspiration for the younger organizations in neighboring states similarly engaged in crime reduction and the assistance of convicted offenders.

Founded in 1875, The Connecticut Prison Association respects the greater maturity of 31 years of The Prison Association of New York and affirms its indebtedness to the parental organization for sound advice, its

stern disciplinary measures (at times) and its perennial efforts to keep all such Associations throughout the nation in fraternal and harmonious activity.

Harry Best, Professor of Sociology  
University of Kentucky

Not many organizations in America can celebrate their centennial with greater satisfaction or with greater genuine pride than The Prison Association of New York. Its one hundred years are not merely that number by the calendar, but one hundred years of understanding and achievement. It has not stood by and witnessed the passing of events; it has interpreted the events as they passed; and more than that, by its counsels and recommendations it has stepped in and has had some part in shaping those events.

Crime is an ugly and mighty monster in human society—a monster that we are by no means conquering. If there is to be any progress in that direction, it can be only by patience and through study, implemented by proper action along the lines of education and legislation. In its approach to the problem by these two lines The Prison Association of New York has a record that not only must appeal to all thinking men, but one that stands out as of unique and high value in American life. Its annual reports are statesmanlike documents, full of the meat of understanding, and throwing a strong light upon our pathway as we falteringly proceed on our battlefield with the monster crime.

The celebration of the centennial of this organization should call forth our deep gratitude; it should put courage into our hearts and strength into our arm.

Congratulations a hundredfold!

Emil Frankel, Director, Division of Statistics and Research  
New Jersey Department of Institutions and Agencies

The history of The Prison Association of New York shows that from its very inception it realized that its activities would have to be broadened in scope as time went on and the prevailing social and economic situations pointed toward the need for specific legislative and community action to meet the currently existing penal problems.

An examination of the comprehensive annual reports of the Association available for a century, gives evidence of this consistently constructive policy. These reports, a veritable mine of information in the field of penology, are of special interest to persons engaged in research in that field for they will find recorded there many of the forward looking measures dealing with the offender and the control and prevention of crime which often have served as stimulants for similar action in other states.

May I offer The Prison Association of New York my sincere felicitations on this historic occasion and express the hope that it will continue its unbroken record of scientific and eminently practical work in finding a solution for the age-old problem of crime.

Sheldon Glueck, Professor of Criminal Law and Criminology  
Law School of Harvard University, Massachusetts

Throughout the years this Association has served both as a guardian of the rights of prisoners in connection with penal administration and as a recognizer and stimulator of worthy reforms. It has helped considerably in the establishment and progress of the American Prison Association.

It is to be hoped that the next hundred years will see the expansion of the work of both Associations into the still too greatly neglected fields of standard-setting for the education and training of peno-correction administrators and stimulation of crime-preventive programs.

Long ago, a wise European criminologist observed that "every society has the amount of crime it deserves." The expansion and improvement of the work of the New York Prison Association in both humanitarian and scientific directions should make New York and America more deserving of a substantially reduced crime rate.

Garrett Heyns, President of American Prison Association, and  
Director of Corrections, Michigan

It is altogether fitting that the centennial of the New York Prison Association should receive more than passing notice.

In these days of violence and destruction, hatred and selfishness, it is especially heartening to witness, even though from a distance, the anniversary of an Association which has for a century, worked unselfishly for men and women without wealth or station whose chief appeal is their deep need,—an Association which can boast an unusually long list of achievements and is still going strong.

There is still much to be done in the field of penology. May this pause to reflect upon the past, spur all concerned on to greater accomplishments.

My best wishes for the continued success of your Association. In the expression of this sentiment, I am sure the membership of the American Prison Association joins.

James A. Johnston, Warден  
U. S. Penitentiary, Alcatraz Island, California

Please count me among the many who wish to join in recognition of the great public service rendered by your organization.

Were it possible for me to be present in person, and to give voice to my thoughts, I should be pleased to commend you for your century of effort and progress in the field of correction.

Your founders began a worthy work when there were few ready or willing to extend help to offenders when they were incarcerated or after they were discharged from custody.

The history of your organization shows how helping the destitute brought to attention the conditions that contribute to crime and that tend to confirm individuals in opposition to law and order.

It is to your everlasting credit that from the beginning you recognized the deep roots and the broad branches of the crime problem, and that you have had the perseverance to overcome obstacles and continue year after year with earnest alertness and dogged determination to discover and to progressively adopt practical measures for betterment of laws, regulations, conditions, individuals, institutions.

Your officers have earned, and are entitled to citation, salute and award of distinguished service medals for conspicuous courage and leadership in the war on crime.

E. L. Johnstone, Secretary-Treasurer, The National Conference of Juvenile Agencies and Superintendent, State Colony, Woodbine, New Jersey.

I note with interest that The Prison Association of New York will celebrate its 100th Anniversary on December 12, 1944. It is peculiarly fitting that this Association observe its centennial during a war year. Conflicts between nations are but passing things, whereas the war of society against crime is a permanent part of our civilization.

The history of The Prison Association of New York indicates clearly the objective and aggressive philosophy that has always actuated it. Its influence upon penology has been international in scope.

In recent years my personal relationships with officers of The Prison Association of New York have been stimulating and informative. It is with real pleasure and appreciation that I express my heartiest congratulations to the organization at this time.

Howard R. Knight, General Secretary  
National Conference of Social Work

One hundred years of service is a record of which to be proud. I am happy to join with hundreds of others of your friends in recognition of this happy occasion. May you have another hundred years of service.

Walter B. Martin, M.D., Warden  
Attica Prison, New York

I regret exceedingly that I cannot personally be present to join in the celebration of the 100th Anniversary of the founding of The Prison Association of New York. I would like nothing better. The splendid record of the Association thru the last century warrants the celebration even in these trying days. Now, if never before, we should cling to our ideals and fix new objectives for social progress in the years to come.

It is my hope as a worker in the field of penology that the next one hundred years will exceed the past and that your Association will continue to bring us the most advanced and scientific information to use in our daily tasks of prison administration.

You have the best wishes of all of the officers and employees of Attica Prison.

Richard A. McGee, Director of Corrections,  
California

I know of no organization which has contributed more throughout the past century to sound thinking and stability of purpose in the prison field than has The Prison Association of New York.

In the West there are new developments and new hope for continuing to build, in this part of the world, upon the foundations laid elsewhere in the past.

You have my very best wishes and assurance that I shall be with all my old friends in spirit.

Miss Elizabeth Munger, Superintendent  
Connecticut State Farm for Women

I do feel that this will be a noteworthy occasion and I want to send my congratulations to all those connected with the Association who have contributed, in these later years, to its vigorous survival as an influence upon progressive thought and action in the correctional field. The Association is particularly fortunate in having had for its General Secretary a man like Mr. Cass, whose ability to serve simultaneously as Secretary of The American Prison Association, has brought distinction and high esteem to both organizations.

Charles D. Osborne, Chairman of Board  
The Osborne Association, New York

Regretting that I cannot be present, I should like to send a word of appreciation of the distinguished service of The Prison Association of New York, on its 100th Anniversary.

Through the years it has kept the everlasting problem of the Delinquent before the public attention, and through its enlightened leadership in recent years and the able service of Edward R. Cass, General Secretary, it is recognized throughout the country for its fine public service.

Joseph W. Sanford, Warden  
U. S. Penitentiary, Atlanta, Georgia

Unable to be with you in celebrating one hundred years of progressive leadership in field of prison work but wish for you continued success in this work which you, Mr. Cass, and others of your fine organization so richly deserve.

Thorsten Sellin, Professor of Sociology  
University of Pennsylvania

I am happy to have the opportunity to participate in honoring The Prison Association of New York upon the completion of its first century of active work. Few organizations of its type can point to a finer record of achievement. Its leadership, especially since the Civil War, has been of high quality, and it has played a leading role in prison reform both in the United States and abroad.

Both the American Prison Association and the International Prison Commission owe their existence to your Association. It has lent leadership or support to all outstanding developments in the United States in the penal field. Everyone interested in penology would be glad to pay a similar tribute and express the hope that the Association may long continue its successful work.

Edwin H. Sutherland, Professor of Sociology  
Indiana University

The Prison Association of New York is a rare social phenomenon. We have had trade unions, manufacturers' associations, farmers' associations, and other special groups working for their own interests and continuing over a long period of time. We have had very few associations of public-spirited people organized voluntarily to promote the public welfare and with no more self-interest than any other citizen has; we have had such associations which originated in a surge of emotion, were active for a few years, and then dwindled away. The Prison Association of New York is rare because it has lived so long and has continued throughout its history to exert a constant pressure for good administration of penal institutions. Its influence has been greatest in New York State, of course, but it has had a profound influence on the entire nation. May it live for many more centuries!

## THE ASSOCIATION IN WARTIME

In our previous Annual Report we began the review of our activities for the year with an item entitled "Contribution to the War." During 1944 for obvious reasons we continued to give of our services first for war needs. Therefore, our General Secretary in his capacity as a Consultant to the Prison War Program Branch of the War Production Board continued to serve with that body under its new leader, Mr. Robert R. Bangham of Ohio.

**Prisoners Are War Conscious** It is most gratifying to report that there has now been no cessation of endeavor to expand the war production in both Federal and state prisons and reformatories. The institutions did not only increase their industrial output but there was a very noticeable expansion of agricultural activities, increased donation to blood banks, response to bond drives and volunteering for experiments in medical research. For a tabulation of the industrial output of both Federal and State prisons see page 53.

The morale of the inmates of our prisons has been high, and there has been a rebirth of interest and enthusiasm and endeavor on the part of many of those who have to do with the management of our institutions. It has quite properly been said that it literally took a war to blast our prisons out of stagnation and routine and set them once more on the road to reform and progress. The challenge for the future is to hold this progress and add to it in every way.

**Prisoners in the Armed Services** While complete figures are not available, it was stated before a session of the House Military Affairs Committee in Washington that there are about 100,000 former prisoners in the Army. According to figures released by the State Division of Parole in June, 2,097 parolees from seven New York State penal institutions were serving in the armed forces. The Selective Service Division became interested in the proposal that some effort be made to determine the conduct of former prisoners and undertook to make inquiry. To assist in the project Major General Hershey, in accord with his power under the law, established a National Advisory Committee on Prison and Parole Matters Affecting Selective Service. Our General Secretary was appointed a member of that Committee together with Sanford Bates, Commissioner, New York State Division of Parole; James V. Bennett, Director of the Federal Bureau of Prisons; John Colt, Director of the New Jersey Division of Parole; Austin H. MacCormick, Executive Director of the Osborne Asso-

## FEDERAL PRISON INDUSTRIES, INC.

### Production for Defense and War Period

July 1, 1940–October 1, 1944

Brooms, brushes, cargo nets, etc.	\$9,575,605 28
Food Products	762,007 63
Clothing, gloves, parachutes and mattresses	6,392,245 65
Beds, castings and metal specialties	6,971,744 88
Textiles, etc.	17,070,809 10
Shoes, etc.	9,377,867 23
Canvas specialties	5,647,827 13
Furniture, fibre and wood; boats; other wood products	2,899,151 55
Miscellaneous and services	1,935,098 55
<b>Total</b>	<b>\$80,631,911 00</b>

## STATE PRISON INDUSTRIES

as reported by

Prison War Program Branch

Cumulative Report by Products

August 1942–October 1, 1944

Clothing and Textiles	\$2,666,920
Blankets	638,851
Garments & Sewn Products	7,346,245
Furniture	400,647
Boats, Bunks and Chests	1,410,603
Metal Work	1,938,608
Foundry	19,508
Farm Increase and Canned Goods	18,850,211
Salvage	464,650
Brushes and Brooms	121,054
Jute, Rope and Burlap	2,345,088
Shoe Repair and Shoes	182,750
Laundry Service	264,004
Bricks	93,690
Mattresses	150,303
*Miscellaneous Products	5,095,842
<b>Total</b>	<b>\$41,989,566</b>

\*Miscellaneous includes such items as flax fibre products, services, soap, wood products, tent pins and cargo nets.

ciation; Miss Helen D. Pigeon, Executive Secretary of the American Parole Association; and Joseph W. Sanford, Warden of the U. S. Penitentiary, Atlanta, Georgia. Meetings were held to decide on procedure, the kind of information to be obtained and how it should be evaluated. There was effort made at these meetings also to induce the Navy to be more liberal in its consideration of former prisoners for service. It is recognized that the obtaining of an evaluation of the conduct of ex-prisoners is not an easy undertaking; however, General Hershey has assigned members of his staff to the project. It is expected that there will result sufficient findings to amply justify the decision to allow former prisoners, who have been carefully screened in accord with standards set up by the Selective Service System, to serve in the armed forces. This information should be of definite value for future use. In the development of these standards great credit is due the combined efforts of Colonel Edward S. Shattuck, General Counsel of the Selective Service System, and Mr. James V. Bennett, Director of the Federal Bureau of Prisons in Washington. They both labored diligently and patiently against obstacles from all quarters.

We are including in this Report an excellent paper on this subject by Lt. Colonel Oliver P. Bennett of the Legal Division, Selective Service System, presented at the 74th Annual Congress of Correction. (See page 84.)

#### **Correction Division War Department**

On October 11, 1944 our General Secretary was appointed by the Under Secretary of War, Robert P. Patterson, as a Consultant to this Division, established on September 11, 1944. For a complete statement of the objectives and program of the Division by its Director, Colonel Marion Rushton, and also the names of the other Consultants the reader is referred to page 90. By way of introduction at this point, however, it should be stated that this Division was established to coordinate and standardize the rehabilitation of all military prisoners. These are not prisoners of war but are United States soldiers who have come into conflict with military regulations, laws, etc. The Division has jurisdiction over the Army's disciplinary barracks, rehabilitation centers, post stockades and guardhouses as well as installations for the detention and rehabilitation of general and garrison prisoners in overseas theaters of operation.

It is quite clear that through the establishment of the Correction Division the Army is anxious to handle this enormous and difficult problem in a more humane, scientific and understanding way than at any time previously. Every effort is being made to obtain the best kind of advice and guidance and personnel with acceptable experience in the correctional field.

WAR DEPARTMENT  
OFFICE OF THE UNDER SECRETARY  
WASHINGTON 25, D. C.

October 11, 1944.

Commissioner E. R. Cass,  
General Secretary,  
American Prison Association,  
135 East 15th Street,  
New York 16, N. Y.

Dear Commissioner Cass:

Having confidence in your patriotism and desire to render an important service to your Government in time of war, and having knowledge of your experience and demonstrated ability in the field of penology and correction, I have appointed you a member of the Board of Consultants to advise with the War Department on problems arising in the custody, training, rehabilitation, and restoration to duty of military prisoners.

Sincerely yours,



Robert P. Patterson,  
Under Secretary of War.

**Corrective Services Division, U. S. Navy** The Navy, recognizing that men in uniform are apt to get into trouble, and anxious to meet the situation better than in other wars, established during 1944 its Corrective Services Division. For a statement of the objectives and program by Colonel Emmett W. Skinner, USMC, the reader is referred to page 100.

Fortunately in the development of the personnel of this Bureau there were assigned those who had had previous experience in the correctional field, among them Lt. Commander Richard A. Chappell, former Chief of the Federal Probation Service, and Lieutenant Roberts J. Wright, former Assistant Secretary of The Prison Association of New York. Certainly the problems which confront this Bureau will demand all that these men and others can give in the way of their experience, knowledge and labor. We are naturally proud to have Lieutenant Wright identified with the beginning of this important undertaking by the Navy. His experience prior to coming into our service and his ten years with us well qualify him for the important duties ahead.

**Board Members in the Service** We are proud to record that the following members of our Executive Committee on leave are serving their country in the armed forces or otherwise as follows: Archibald S. Alexander, Lt. Col., AUS; Richard F. Babcock, Lt. Comdr., USNR; Charles S. Cutting, Lt. Col., AUS; Harold K. Hochschild, Lt. Col., AUS; C. McKim Norton, Lt., AUS; Henry C. Taylor, Lt. Comdr., USNR.

Mr. Richard C. Patterson, Jr. was appointed Ambassador to Yugoslavia in October, 1944.

Two members of our Executive Committee have been especially outstanding on the home front in an effort to be of help and service to the men in the armed forces. Mr. Auchincloss has been outstandingly active as Chairman of the Officers' Service Committee of New York City, and Mrs. Adler has given singular devotion as Co-Chairman of the New York City Defense Recreation Committee. Mr. Auchincloss has also served as a member of the Board of Directors of that Committee.

Lewis E. Lawes, former Warden of Sing Sing Prison, since his retirement from State service has given most of his time as Chief Consultant to the Prison War Program Branch of the War Production Board. His long experience contributed substantially to the persuading of Governors of states, heads of departments, and institution heads to support the war effort through production in their institutions.

### Surplus War Products

Our General Secretary, as a Consultant to the Prison War Program Branch of the War Production Board and also through his identity with the American Prison Association has been active in the attempt to direct the distribution of surplus war supplies to the benefit of tax-supported institutions and agencies in the correctional field. An initial meeting was held in Chicago on May 3rd. At that time the Government began to move under Executive Order #9425 by the President dated February 21, 1944. It was explained that the Government is anxious to avoid so far as possible the mistakes of World War I when war products were dumped on the market or allowed to deteriorate or were destroyed. The problem is enormous, involving billions of dollars. Estimates have ranged from fifteen to fifty billion dollars. In some instances the uncontrolled release of these products would flood the market and destroy certain industries for years to come. It was made clear at the meeting that there is a very definite relationship between the disposition of these products and the future economic state of the nation.

The various officials from Washington made it clear that they were anxious for representatives of the American Prison Association to cooperate with the Federal Government and to determine through a questionnaire or otherwise the extent to which the institutions will want to share in the distribution of surplus products either through purchase or some special grant arrangement with the Federal Government.

Later in the year the Surplus Property Act was passed and a Board of three members appointed. We continue to bring to the attention of this Board the initial action taken in behalf of the correctional institutions and to urge that they receive a priority consideration.

### Postwar Committee

During the summer we cooperated with the Postwar Committee of the American Prison Association in gathering information from all parts of the country relating to plans for the meeting of postwar problems. The findings of this Committee were reported at the 74th Annual Congress of Correction held in New York City in October and will be found as a part of the Proceedings of that gathering. However, at this point it can be said briefly that while <sup>some</sup> states seem to be giving very concrete evidence of planning for the postwar period in the field of crime treatment, others are not. Most of the progressively minded states, however, showed signs of awareness to the need of revitalizing or reconstructing their correctional systems.



THE

## Director of Selective Service

To All Who Shall See These Presents, Greetings:

Know Ye that reposing special trust and confidence in the patriotism, fidelity, and abilities of Edward B. Cass

I do appoint him Member of The National Advisory Committee on Prison and Parole Matters affecting Selective Service

and do authorize and empower him to execute and fulfill the duties of that office and to do and perform all manner of things thereunto belonging according to the laws of the United States, and the rules and regulations prescribed thereunder by the President or by his direction, and to have and to hold the said office during the pleasure of the Director.

Given under my hand at the City of Washington, this  
11th day of April in the year of our  
Lord, one thousand nine hundred and forty-four...



Lewis B. Hershey  
Director

**Model Plan** An outgrowth of the activities of the Prison War Program Branch of the War Production Board through the observations of Major William H. Burke while he headed the Branch and Warden Lewis E. Lawes, its Chief Business Consultant, and our General Secretary in his capacity, was the increased inquiry and request from various states for information to enable them to revamp or revitalize or entirely remodel their prison systems. This gave thought to the idea that there should be developed a plan for a model state penal and correctional system. As a result a committee was appointed, drawn from the membership of the American Prison Association, this body being selected because of its nationwide following. Mr. Sam A. Lewisohn, a Vice President of the Association, consented to serve as chairman and our General Secretary agreed to function as secretary. A preliminary draft was presented for consideration at the 74th Annual Congress of the American Prison Association. The work of the Committee was commended but the feeling was that before the final draft is made available the committee should continue its labors.

When this Model Plan is made available it will undoubtedly enable those officials in the various States who are really anxious to improve their systems to get reliable guidance. The plan will of necessity be sufficiently flexible in its intended application to take care of the large and small states as well and those states that can spend considerable money and those that are unable to do so. Identified with the committee headed by Mr. Lewisohn are outstanding persons in the correctional field of this country.

**Detention of Juveniles** The Association continued throughout the year to be alert to the need of providing better housing for the juveniles under the jurisdiction of the Children's Court or awaiting transfer to a State institution. We kept in close touch with the Courts, the City Department of Correction and the Mayor's office. By action of the Mayor there was set up the Youth Center at 331 East 12th Street to take care of those children who were previously placed in the custody of the Society for the Prevention of Cruelty to Children. This was intended among other things to prevent the sending of children to the City Prison, Manhattan. During the year 1944 there were as many as sixty-five children housed in the City Prison. Some of these were awaiting transfer to the State School at Warwick which could not receive them because of inadequate accommodations, and others were awaiting disposition by the Court.

We continued throughout the year to point out that the presence of juveniles in the City Prison was contrary to all theory and practice relating to the care and treatment of juveniles who come into

conflict with the law. There is no question about this, and all who are familiar with the theory and practice underlying the establishment of the juvenile court are opposed to housing children in jails.

Contact was had with Robert T. Lansdale, Commissioner of the State Department of Social Welfare, and it was clear that he was making an effort to improve the situation at Warwick to allow for the speedier admission of those committed to that institution. Later in the year an arrangement was worked out by contract between the State and the Board of Managers of Children's Village, Dobbs Ferry, a private institution, to care for a certain number of those committed to Warwick. This has improved the situation but there still remains the problem of providing adequately for those committed to institutions and for those awaiting disposition by the Courts. Herein lies a responsibility that must be recognized and dealt with by the City so far as Court cases are concerned and by the State for those committed to institutions under its control. At this writing the problem, while improved, in that fewer children are housed in the City Prison, Manhattan, and more are being cared for at the institutions, still remains as a challenge. The City of New York is certainly in need of detention quarters for children awaiting court action. In such quarters provision will necessarily have to be made for those who are difficult to control.

During the 1944 session we initiated legislation to prohibit the housing of juveniles in the City Prison, Manhattan and the county jails upstate. (Senate Int. 849, Pr. 953, and Senate Int. 850, Pr. 954, see page 78 and 79.) However, this legislation was not approved due mainly to the opposition of the Court of Domestic Relations of New York City based on the contention that the City Prison, Manhattan, was the only place to send those children who could not be controlled in the shelters or otherwise.

During November a meeting of representative persons including commissioners, heads of departments, judges and representatives of various organizations was held at the office of the Prison Association to consider next steps regarding introduction of legislation at the 1945 session to prohibit the detention of children in city prisons, county penitentiaries and jails. A list of those in attendance is on file in our office. The decision of the meeting was to delay action on legislation until the holding of another meeting early in February, and in the meantime to seek the cooperation of the Welfare Council in making a study of methods of dealing with juvenile delinquents, with particular attention to housing and treatment while in the custody of the Court. The proposal was taken up with the Welfare Council and the study is in progress. The decision to delay the introduction of bills was also guided by a desire to await the outcome of a study being made by a representative of Mayor LaGuardia.

### Commitment of Young Offenders

We continue to be active with regard to the need of providing for a better system of commitment of youthful offenders to such institutions as Elmira and Coxsackie. During the 1944 Session a bill based on the repeated recommendation in the Association reports that there be a different system of commitment and classification of prisoners was introduced by Senator Hampton. (Senate Int. 1443, Pr. 1642, see page 79.) This bill established a bureau in the Department of Correction for classifying prisoners committed for confinement in State correctional institutions and penitentiaries when the judgment is for more than one year, and required the court to commit to the Department of Correction instead of to the place of imprisonment, for confinement in accordance with classification. Unfortunately there were some inadequacies in the draftsmanship of the bill. Yet the measure included enough of the fundamentals to make the idea of classification workable as a start. The Association campaigned for the support of the bill and many excellent letters were sent to Albany. The bill passed the Senate but was held in the Assembly Rules Committee during the last two days of the Session.

Throughout the year our General Secretary kept in touch with Mr. Breitel, Counsel to the Governor, and Judge Wallace of the Court of General Sessions. Under date of August 22 the following letter was addressed to Mr. Breitel reviewing the Association's interest and concern:

Dear Mr. Breitel:

At the meeting of the State Commission of Correction last week, it was brought to our attention that legislation contemplated by departments or agencies of the government should be brought to your notice during October of this year. As Chairman of the Commission's Committee on Legislation, let me assure you that we shall have our report in on time.

I am glad to note that legislation in the correctional field as well as others is being scrutinized and planned in advance of the 1945 Session, and may I at this time direct your attention again to certain recommendations contained in the 99th Annual Report of this Association to the 1944 Legislature.

As I recall from my last visit with you, the Governor and yourself are concerned particularly about the commitment of young offenders and their classification as relates to institutional programs and treatment. At the time you asked my opinion regarding the advisability of some central point of commitment, and from there, on the basis of appropriate study, transfer to a suitable institution. This naturally would be an improvement over the present hit or miss procedure, not only as relates to the administration of the institution but also the welfare of those committed and the public finally. This thought, of course, is directly in line with what we have been recommending to the Legislature for years, and I earnestly hope that you will be able to shape this thought into a bill. If there is any assistance we can give you, I hope you will feel free to call upon us.

The Joint Legislative Committee to study the use of New York State Prisoners in War Service caught on to the idea last year and put it into a bill, Senate Int. 1642, Pr. 1443; Assembly Int. 1811, Pr. 2038. However, it was not a carefully drawn bill, and although it passed the Senate it was finally decided to let it go over for another year.

I know there has been brought to your attention now for some months the old stories of the type of commitment to institutions, but again let me say there is only one answer and that is that the Department of Correction must be given more jurisdiction over these commitments and be permitted with greater ease than at present to determine transfer and to provide suitable treatment.

Herewith for your convenience I am sending you another copy of our 99th Annual Report. I direct your attention to a number of the recommendations, but particularly to Recommendation VIII, page 19.

With kindest regards,

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

Under date of August 31 Mr. Breitel replied as follows:

Dear Mr. Cass:

Many thanks for your letter of August 22nd and the enclosures.

I appreciate your continued interest very much indeed and your valuable suggestions. A very substantial effort is being made by Commissioner Lyons in cooperation with the Chairman of the Board of Parole, the Commissioner of Social Welfare and the Commissioner of Mental Hygiene to work out a sound legislative program, the objectives of which are precisely of the character that you and I have discussed.

With kind regards, I am

Sincerely yours,  
(Signed) CHARLES D. BREITEL

The State Commission of Correction, through Mr. Cass as Chairman of its Legislative Committee, sent to the Governor's Counsel a proposal that there be designated one or two points of commitment within the State Department of Correction to receive those who are eligible for commitment to Elmira or Coxsackie. After the courts had committed to these reception centers, a staff would determine whether or not they should be sent to Elmira or Coxsackie or one of the other institutions within the Department.

On December 8th Mr. Cass wrote the Governor, pointing out once more that for a long time there has been dissatisfaction among administrators and observers regarding the commitment of young offenders, particularly to institutions such as the State Vocational Institution at West Coxsackie and the Reformatory at Elmira. The proposal of the Association to improve the above situation was referred to in the letter, and it was also suggested that the Governor make some mention of the problem in his Annual Message. It is gratifying to record at this writing that the Governor is very much alive to the situation, made a favorable reference to the prob-

lem in his Message to the 1945 Legislature, and that there will be offered for consideration during the Session bills to remedy present difficulties.

### Youthful Offender Laws

Beginning with Chapters 549 and 551 of the Laws of 1943 and later modified by Chapter 632 of the Laws of 1944, a new procedure was put into

operation for the handling of youthful offenders between the ages of 16 and 19 who have been indicted for a felony and who have been investigated by the Probation Department. From October 1, 1943 to September 30, 1944 there were 527 youths considered under the provisions of the new law, and of these 180 were found eligible for treatment as youthful offenders in the Youth Part of the Court of General Sessions of New York City. Under the new procedure indictments are not filed. The effect of the adjudication is that: "No determination made under the provisions of this title shall operate as a disqualification of any youth subsequently to hold public office, public employment, or as a forfeiture of any right or privilege, or to receive any license granted by public authority; and no youth shall be denominated a criminal by reason of such determination, nor shall such determination be deemed a conviction." Since the Association supported this legislation it is gratifying to note its increasingly successful operation.

### Juvenile Delinquency

The Association throughout its long history has never been blind to the adage that an ounce of prevention is worth a pound of cure. We have always believed that if juvenile delinquency and crime are to be reduced there must be a thorough understanding of contributory conditions and a genuine desire to eliminate them.

We have on our Executive Committee Mr. G. Howland Shaw, former U. S. Assistant Secretary of State, who is wholeheartedly devoted to the problems of juvenile delinquency. He has given liberally of his time to a first hand investigation of those conditions that contribute to juvenile delinquency. His activities in various private agencies, as a board member of a number of institutions and in various communities, both in New York City and Washington, have enabled him to get close to the seat of the trouble, so to speak, and to equip himself with more than the usual run of knowledge concerning the problems of youth. Therefore, we are pleased to include as a part of this report another observation by Mr. Shaw as set forth in an address he delivered before the New York State Conference on Social Work November 16, 1944 (see page 110).

**Nutrition**

In our 1943 report it was indicated that on invitation of Senator Thomas E. Desmond, Chairman of the Joint Legislative Committee on Nutrition, our General Secretary was of some assistance to the field staff of the Committee. During December of 1944 Senator Desmond made available in print the Report, Legislative Document No. 73. In the section entitled "Food Behind Bars," Part V, serious criticism was made of the diet and cleanliness in the handling of food at Sing Sing Prison and other institutions in the State Department of Correction. The uncleanliness and careless handling of food in the institutions has been rectified but the criticism of unscientific feeding still holds.

**74th Annual Congress of Correction**

The Correctional Congress, sponsored by the American Prison Association, was held October 12, 13 and 14 at the Hotel Pennsylvania in New York City. There were delegates in attendance from thirty-eight States, the District of Columbia, Canada, China, Chile and Puerto Rico, and the registration totaled 654. There was a goodly representation from both the Army and the Navy.

We were again outstandingly active in the preparation of the program of this Congress and the arrangement of the many local details. It was the frequent expression of opinion among the delegates that the program was most timely and helpful and that the Congress was one of the best in recent years. The November-December 1944 issue of *The Prison World*, the official publication of the American Prison Association, gives a summary of the various sessions of the Congress, and a fuller story appears in the printed Proceedings.

**Directory**

In cooperation with the American Prison Association there was again made available and distributed during August a Directory of State and National Correctional Institutions in the United States and Canada. This Directory contains information as to the name of the institution, its location, its managing head, date of opening, population, commitment, ages, operating budget and per capita cost of maintenance. Letters received from officials in various parts of the country identified with courts, institutions, police departments, probation and parole services testify to the value of this publication.

**The Prison World** This is the official publication of the American Prison Association and is made possible through the cooperation of the Bruce Publishing Company and through contributions from Mr. G. Howland Shaw, Mr. Sam A. Lewishin, the Wardens' Association, the Russell Sage Foundation and Independent Aid, Inc., a foundation set up by Doris Duke

Cromwell. During the year the editorial management was changed so that now the Board of Editors consists of our General Secretary, Mr. E. R. Cass, Mr. Sanford Bates, Commissioner, New York State Division of Parole, Mr. Austin H. MacCormick, Executive Director of the Osborne Association, and Mr. G. Howland Shaw. The major part of the work of the preparation of each issue is carried on by the General Secretary and the staff of the Association and the enthusiastic labors of Mr. S. M. Badian, Associate Managing Editor, who is Acting Superintendent of Industries at the Penitentiary of the City of New York on Rikers Island. This thirty-two page publication serves as a trade journal, is issued bimonthly and carries articles on pertinent subjects contributed by members of the Association and others invited.

**State Commission of Correction**

Our General Secretary continues as a member of the State Commission of Correction. This body was brought into existence largely through the efforts of the Prison Association of New York at the time of the Constitutional Convention in 1894. Identity with this important body having to do with the oversight of the administration of state, county, city and village institutions, housing persons charged with or convicted of crime, enables the Association to ally itself more closely with movements throughout the State in the interest of good management and progress.

**Westfield State Farms**

As a postwar project it was decided by the Department of Correction to provide new housing for the inmates of the Reformatory Branch of the Westfield State Farms. There was no announcement either to the Board of Managers of that institution or the State Commission of Correction, of which our General Secretary is a member, as to this proposal or the details of construction. But it was learned late in the year that formal approval had been given to the general plot plan March 23, 1944. One startling revelation when it became known that a new building was being planned was the discontinuance of the cottage system. There had been no conference called of interested persons to consider this radical departure from the usual type of housing identified with women's institutions. In place of the cottages it is planned to construct a building resembling an elongated X. It is to be two stories high with 150 rooms on a floor. The plan has been set up with the idea of having a minimum number of matrons and a streamlined kind of observation. Three of the present cottages are to be retained as honor cottages where inmates may spend a pre-parole period.

In April, at the first opportunity, Mr. Cass, as a member of the State Commission of Correction, questioned the advisability of

departing from the cottage system and expressed regret that there had been no previous consultation or attempt made by the Department of Correction to learn what was the general style of architecture and plan of operation in other States. He pointed out that on previous occasions the Department of Correction had sought the advice of interested persons, particularly as relates to the renovation of some of the old prisons following the riots in 1930 and the planning of the institutions at Attica, Green Haven, Coxsackie and Wallkill. On his own accord he addressed a letter to the administrators of women's institutions in a number of States and asked their opinion as to whether the cottage system on the basis of their experience was preferable to the congregate type of housing. The replies very definitely indicated a preference for the cottage system. Typical of the many replies received in favor of the cottage system are the following:

Miss Helen Hironimus, Warden  
Federal Reformatory for Women, West Virginia

I have never worked in a congregate type of institution and therefore cannot speak from experience, but I do not think it would be satisfactory from a rehabilitative standpoint. It would be easy to supervise and less expensive to maintain than a cottage type institution, but small groups are more amenable to discipline since women seem to react much better as individuals than "in the bulk."

Personally, I like the arrangement of the institution at Seagoville, which had cottages housing 75 inmates in individual rooms. . . . Only three custodial officers were necessary. . . . The groups were small enough so that each custodial officer became thoroughly acquainted with the inmates under her supervision, and this is not true in a congregate type institution.

Mrs. Elizabeth H. Lewis, Superintendent  
State Training School for Girls, Illinois

. . . Very decidedly I believe that a cottage type of institution is the only way to have a custodial school or prison. We know so little of why people are what the outside call "anti-social." The only way we can learn about such behavior, and proper treatment of these girls and women is to classify, study, and place them in an environment that will meet their needs mentally, emotionally and socially. This is impossible to do when the women are housed in one large building.

Of course I realize the difference in expense. However, the problems these women present are such a serious matter that I feel the community must bear the expense, and in time we may be able to impress it upon the people on the outside that more money spent on prevention will mean less money spent on cure.

Miss Edna Mahan, Superintendent  
Reformatory for Women, New Jersey

. . . I was somewhat startled to see that a progressive state like New York might be contemplating what I should consider to be such a backward step. Not only the women in this field but every progressive penologist would certainly hate to see our sister state advocate substituting a congregate type of building for the cottage plan at Westfield

State Farm. It would be repudiating all that we stand for. You know how you and Sanford Bates and Austin MacCormick always say that women have shown the way in the progressive trends in this work. It would certainly be a slap in the face to have the most important state in the country revert to the dark ages in dealing with offenders.

Many states take care of their prison women as well as the reformatory cases in cottages. Where there is the cottage system, in an institution of minimum security or less, there is no distinction made in the treatment or training program according to offense or type of commitment. This seems to me to be the only sane way to deal with girls and women offenders since we all know that the offense is no sure indication of the type of problem with which one has to deal. After all it must always be on the individual basis. If there is enough diversity in the type of housing and there are enough facilities available for segregation most problem cases can usually be adjusted without maximum security care.

Miss Elizabeth Munger, Superintendent  
Connecticut State Farm for Women

The proposed building plans for the reformatory section of Westfield State Farms, as outlined in your letter of May 16th, cannot seriously be described as "modernizing" the present plant.

A congregate type of building to house as many as 300 would necessitate considerably more regimentation and considerably less individualized treatment. With women, this would mean more disciplinary problems. It would be an extremely difficult building to administer and to staff. On the basis of my own experience, I would be uncompromisingly against it.

Since the New York Reformatory for Women, started by Dr. Katharine Davis, nearly 60 years ago, was the pioneer and has been the inspiration for the successful nation-wide development of the "cottage type" of institution for women, with its emphasis on individual care and treatment, it would strike me as peculiarly unfortunate if your Commission should decide that the time had come for it to revert back to the semblance of a jail.

Miss Caroline deFord Penniman, Superintendent  
Long Lane Farm, Connecticut

. . . I have talked with many superintendents of prisons for women, and I think they all are in favor of the cottage plan. It would seem that to build a large congregate prison would be a very definite step backward for New York State. I should think it would be highly desirable to be able to segregate different groups of women in the prison, and that any building plan whereby one group could make easy contacts with others would be unfortunate. . . .

Dr. Miriam Van Waters, Superintendent  
Reformatory for Women, Massachusetts

. . . I do not seem how the State Commission of Correction can approve any plan in New York for a congregate institution for women. To house 300 or more women of the reformatory type under one roof would make proper classification impossible or exceedingly difficult. It would insure custody only. The modern institution should be in small cottage units so that vocational training, education and individual treatment can be given.

The Reformatory for Women in Massachusetts is the second oldest in the country. It was built on the congregate system. In 1936 we pro-

vided two cottages. For a number of years I have observed the results of the two systems under my administration.

The advantage of the cottage plan is so outstanding that I have been able to have it adopted in Massachusetts as a permanent policy. As rapidly as possible we are converting the institution into the cottage plan. A new cottage is shortly to be built.

To pass a group of women through a congregate institution is not much more effective in their rehabilitation than to house them in jail. Women require personal and individual training and influence. In the long run it is more economical as shown by a far greater proportion of individual success on parole. . . .

Miss Franklin R. Wilson, Superintendent  
State Industrial Home for Women, Pennsylvania

. . . Never build a reformatory for girls or women with anything else but the cottage plan—and no larger than thirty-six girls to the cottage. Don't ever use the congregate type of housing for girls or women. You will have no end of trouble if you put three hundred inmates—girls and women—in one building.

This information was brought to the attention of the Department of Correction. However, the Department has proceeded with the congregate type of housing and approval was given during the month of September. Interesting to note, however, is the fact that this approval was given while the whole question was still being considered by the State Commission of Correction. That body at its October monthly meeting voted five to two in favor of the cottage system in preference to the congregate or multiple type of housing. The action of the Commission was brought to the attention of the Postwar Public Works Planning Commission, and at the present writing the authority of the State Commission of Correction to pass upon plans in regard to this particular project has been passed on to the Attorney General for an opinion. It would seem strange if it should develop that an exception should be made regarding these plans simply because they were considered by the Postwar Public Works Planning Commission. Heretofore it has always been the practice of the State Commission of Correction to pass upon plans identified with State, city, county and village institutions. The authority for this is amply set forth in the Correction Law.

It is regrettable to note the departure of the cottage type of institution and it is felt that the Association directly and through its General Secretary's identity with the State Commission of Correction did as much as possible to oppose the change.

#### Parole

A gratifyingly cooperative relationship continues between The Prison Association of New York and the State Division of Parole. The Division is doing an excellent work under difficult war conditions. This, of course, is pleasing to the Association which was largely responsible for the introduc-

tion of the indeterminate sentence and parole in this country. As has been shown in our previous reports, the Association labored zealously for good parole administration and often stood alone in attacking bad administration.

In the national field we cooperate in supporting the American Parole Association. This body, now about ten years old, very properly maintains a separate identity and is dedicated to promoting good parole administration. We are glad to provide office space to the Association in our building and to assist in various ways from time to time.

#### Cooperation

We continue to advise and consult with and aid in every possible way in the interest of progress the administrations of the City and State Departments of Correction and the heads of their various institutions. The populations of the institutions in both departments have been well below peacetime levels but there is little likelihood that this will continue after the war. Despite loss in personnel, the departments as a whole have maintained a good level of administration and continued usefulness.

#### Legislation

Through the years the Association has been active in initiating and supporting legislation intended to make for progress in the various methods of correctional treatment. An examination of the summary of bills approved or opposed beginning on page 77 will give some idea of the extent of the Association's interest and efforts.

#### Consultation Service

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

#### Interviews, City Prison, Manhattan

It is indeed very pleasing to record that the Association continues its long established practice of making contact with those held in the City Prison, Manhattan, charged with or convicted of crime. Its contact is maintained through official inspection or regular visitation. Often prisoners write for an interview

if they find themselves in trouble or out of touch with friends or relatives—many of them have no contact whatsoever. In this phase of our work we are glad to acknowledge the cooperation of Warden William A. Adams of the City Prison and his staff members.

This form of service has the value of keeping prisoners out of the hands of designing persons and thus prevents exploitation in time of trouble. This is particularly true regarding legal services and it has been our privilege to refer to the Voluntary Defenders' Committee of the Legal Aid Society prisoners who are without funds with the knowledge that they will receive the best kind of legal guidance and service.

#### Employment and Relief Bureau

The fact that the vast pool of manpower is being constantly drained by the heavy demands of the war effort presents a drastic problem. With this thought in mind our Employment and Relief Bureau proceeded to do as much as possible toward its replenishment by dipping deep into its reservoir of parolees and discharged prisoners and those in various institutions awaiting release.

While we cannot deny that the hapless conditions visited upon us by the burdens of war have by far and large facilitated the task of the Prison Association and similar organizations to secure placements for inmates and ex-inmates, we must further give due credit to those employers who are both generous and considerate enough to lend willing opportunity to the less fortunate. It is with no little gratitude that we acknowledge the long awaited change in the right direction in general public opinion toward the ex-inmate. The road to rehabilitation is a long and hard one, and one which even might prove endless but for that employer who stands ready to give to the unfortunate wayfarer his first big lift by placing in him the foremost redemptive factor—Faith! Thus fortified now, the ex-inmate will go on to complete soon his readjustment to civilian life where he will establish himself as a useful and respected member of the community. Of course there are still those employers who will allow themselves to be ruled by what has already transpired in a prospect's life rather than lay aside the uncertainty and proceed to measure only the potentiality of that same prospect, thereby lowering the barrier that such doubt can only succeed in raising. We are happy to note here, however, that these are steadily growing less in number.

The firm foothold on rehabilitation must first be established well within the individual. When he can be taught to acquaint himself with his rights and privileges, and of course, his duties, and fur-

ther be impressed with the overall importance of respect toward his fellowmen, he will then be ready to emerge a self-respecting and law-abiding citizen armed with the desire to rightfully establish himself in society. And here we see the need for gainful employment! The various institutions merit warm praise for the splendid occupational training course which they have adopted as a rehabilitative measure whereby can be adjusted the various skills of the individuals to the requirements of the jobs to be secured. They must derive great satisfaction from knowing that they play a major role in the nurturing of latent ability that might otherwise never be granted the chance to develop into a useful thing.

The Prison Association of New York has been foremost over the last century in aiding the parolee and discharged prisoner.

For the past two and one-half years the Employment and Relief Bureau has been under the able guidance and direction of Mr. Harry Schwartz who has won recognition for his more than thirty years' experience in the field of crime treatment, prevention and avoidance. Mr. Schwartz's vigorous activities may be appreciated when we consider that during the past calendar year he submitted 1083 prospective job offers to the New York State Parole Board for consideration. The number of men placed in employment during this period totaled 684. This entailed about 1200 employment contacts made by personal visits by our representative to various business houses, factories, mills, laundries, stores, etc. Most gratifying too, where no actual placements could be established, our representative was generally met with an attitude of helpful cooperation on the part of all those visited.

The Bureau dedicates itself to more than just securing employment placement. Those men who find themselves confronted with such problems as financial stress, or the lack of needed work clothes, transportation to prospective job locations, tools, union dues, fees, etc., appeal to us and in turn are given the required aid. Then, too, as in many instances, the individual who because of health or age cannot work feels free to solicit our assistance for financial aid to see him through the critical period of readjustment. This involves assistance in making contacts with families and friends as well as referrals to regular municipal welfare agencies who can be of more permanent financial support and assistance.

Space would not permit an enumeration of even a fraction of the percentage of cases which were presented to the Bureau during the past year. It is our wish to present a few herewith, however, so that the reader can glean some knowledge of the work of the Bureau.

P. W.\* and C. N.\* were two individuals who were nearly parallel in nature. They were very colorful. Their case records read like

\* All names and initials are fictitious.



a bright letter of recommendation rather than the ordinary bleak sheet of paper detailed with cold facts and figures. Both were adept linguists, having mastered seven languages. P. W.\* had some knowledge of bookkeeping, clerical work, was a certified marine wiring operator, shipping clerk and advertising salesman, while C. N.\* during his civilian life had been a buyer, merchandise manager, and office manager. Both of these men had been convicted of grand larceny and now having served their respective sentences they were eligible for parole. Both had much to offer an employer. For P. W.\* our representative secured employment in a large laundry where after a short while this ex-inmate was made foreman in charge of 400 employees and was given several increases in salary. He is highly respected by both employer and employees and is deeply grateful to the Prison Association for giving him this opportunity. On the other hand, C. N.\*, who was fifty-seven and felt that his age might prove a detriment in obtaining a job, was soon assured that age is no barrier in the path of rehabilitation when he was given employment in the capacity of shipping clerk. It is needless to mention how very grateful he is to the Bureau for granting a new lease on life.

K. M.\* presented a more dismal picture. The home situation was altogether unhappy. K. M.\* was one of six children. His mother, a deeply religious woman was blind, and one of the sons unable to work because of heart trouble. The family had been receiving Welfare aid. They lived in a crowded apartment which was poorly furnished and which reflected an unhealthy and dismal atmosphere. Suitable employment was severely urgent in this case. Our representative secured immediate employment for K. M.\* who proved an extremely helpful factor in keeping the family together. His newly acquired sense of responsibility has made him a willing and conscientious worker.

While it may not be altogether too easy to sell to an employer the idea of hiring a prospect who is in full possession of all his faculties, it is doubly hard to secure placement for one who is handicapped as was F. P.\* who had lost both legs in an accident during his childhood. When F. P.\* came to us for financial aid and possible employment he showed us a model plane that he had designed and built and a novelty bracelet that he had created and fashioned, both of which displayed great care and talent. We were delighted then when we found an opening for this man as a welder for a Novelty Company, where the nature of the work was very much to his liking and more than he had even dared to hope for. He is doing very well and enjoys the grand feeling of inde-

\* All names and initials are fictitious.

pendence through being able to earn a nice salary though physically handicapped.

H. L.\* presented a case relative to that of the foregone F. P.\* inasmuch as he too had been physically incapacitated when he lost one of his legs, and we felt that both of these cases because of their singularity should be cited. After having given twenty years of conscientious work to one and the same firm where he served in the capacity of accountant, H. L.\* committed grand larceny and was sent to a penal institution. At the termination of his sentence when his eligibility for parole arose he was referred to us for possible placement. Our Bureau representative obtained a job for H. L.\* and he is once again working as an accountant. Porthwith is an excerpt from a letter from H. L.\* in which he expresses his deep gratitude to the Prison Association and its representative:

"I am writing at this time to thank you for your wonderful assistance in securing this employment for me. I am very sorry that I could not see you personally, as I was informed you were on your vacation, but I am very thankful for the courteous treatment I received. At a time like this, it was very encouraging."

As an added note we'd like to say here that quite recently our representative had occasion to call at the place where H. L.\* is employed and to his extreme surprise and delight found him in full charge of the office.

Almost invariably we receive letters of gratitude from parolees and discharged prisoners whom we have helped and they are indeed gratifying. These excerpts from typical letters will serve to better illustrate the general feeling of these men.

From S. T.\*: "I want to thank you now for your effort in my behalf. It is gratifying to know that there are still men and organizations who will give a man another chance." And

F. C.\* writes: "I should like to take this opportunity of expressing my thanks for your kind interest. And may I add my assurance that I shall do all in my power to prove worthy of your kindness when the time comes for me to enter society again."

Not all the letters are legible, or as coherent as those we have exemplified, nor is the choice of words always correct, but the true spirit and heartfelt sincerity of the emotions contained therein make quite clear to us the message of appreciation they are intended to convey and that is the really important thing.

\* All names and initials are fictitious.

The following is a letter submitted to us and it serves to express the emotions of the employer who lends willing aid to the less fortunate:

"We regret to inform you that B. H.\* left our employ this morning due to ill health. We found him to be a very capable man. We would appreciate very much if you can arrange to send another man to take his place.

Thanking you for your very kind cooperation, we are,

Very truly yours,  
T. R.\*—Company."

It is with deep gratitude that we note here the appreciation of our efforts by institution heads, as expressed in the following letters from two of these:

"I wish to acknowledge receipt of your letter of March 7th and to express my appreciation for your kind act in providing this man with the security he was so earnestly seeking. We are in a position to understand the confusion of this man in being released in what to him was a very strange world after having been incarcerated fifteen years. There is no doubt in my mind, that your action saved this man from further difficulties with the law."

And from another institution came this one:

"The institution is deeply gratified by the number of successful employment contacts sent us by your department and feel that the general success of parolees has been improved by the fine cooperation given us by your organization."

The work which we are doing has proven itself beyond all doubt to be constructive and worthwhile. The men whom we have placed have proven themselves worthy of our effort by being loyal, trustworthy and efficient. Sometimes, but only in rare cases, we are advised that one of our men has betrayed his employer's trust. There are so few of these, however, that they are completely obliterated by the vast number of men who have made good, and thus are we rewarded.

\* All names and initials are fictitious.

#### STATISTICS FOR EMPLOYMENT AND RELIEF BUREAU FOR 1944

Office interviews .....	939
Other interviews* .....	1,799
Total interviews .....	2,738
Different men interviewed .....	827
Men released from New York City penal institutions .....	349
Men released from New York State penal institutions .....	374
Men released from out-of-state penal institutions .....	22
Men released on probation .....	1
Men with no criminal record (special) .....	81
	827
Meals provided .....	109
Nights lodgings provided .....	1,900
Employment contacts made by personal visit .....	1,200
Jobs submitted for inmates at various state penal institutions .....	1,083
Men placed in employment .....	684
Men given cash relief .....	398
Total amount spent solely for relief (includes cash, meals and lodgings) .....	\$2,607.37

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

#### Family Service Bureau

The Family Service Bureau is an agency to assist the families of men who are serving a term of imprisonment. The need for an agency to perform this type of service is most urgent in the community. In addition to its value as an agency toward the rehabilitation of the criminal, it offers hope and consolation to the members of his family during his period of imprisonment.

Throughout the year the Family Service Bureau has kept in close touch with the families of prisoners. These families are referred to the Prison Association by Prison Wardens and Chaplains, by the prisoners themselves, by Parole Officers, or by agencies in the city such as Department of Welfare, the Social Service Departments of Hospitals, Urban League and others.

The families served divide naturally into two groups. One group, the larger, includes wives who are definitely interested in the return of the prisoner to family life and the other group consists of those who are equally definite and firm in their refusal to live with the inmate and who are planning a future for themselves and children in which he will play no part. There is still a third group composed of a few isolated cases in which the wife has no definite reactions to the situation or plans as to the future. She is undecided, feeling for the most part that there are advantages and disadvantages to her husband's return. She is psychologically unable to deal with the problem, relying on outside forces to determine the future, or believes that her husband should, upon his release from prison, be

subjected to a further term of probation outside the home to determine whether confinement in prison has been beneficial and to give him an opportunity to prove himself before he is accepted in the home; that is, to see if he will assume the responsibilities and obligations as a husband and father.

In regard to the first group, the purpose of the Family Service Bureau is to work with the families toward the rehabilitation of the prisoner and the restoration of the home as a successful unit in society.

There is a difficult emotional adjustment to be made between released prisoners and their families from whom they have sometimes been separated for years. If the father is to resume his place as head of the family, and become an acceptable member of society great patience and understanding is required on the part of the family.

Small children may have forgotten the father entirely and older children may feel resentment and humiliation because of his imprisonment. Through a close relationship with the family, we are able to help the mother with her problems and anxieties, help her interpret the father's imprisonment to the children and help prepare them for his return.

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

Many prisoners in relation to their wives and children 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 the neighbors, with the school, with society. The wife is encouraged to discuss these problems at the Family Service Bureau in order to find release for pent up fears and griefs through sympathetic and understanding interviews.

During the time the prisoner is away from the family, this agency is able to help in many ways. Financial help is given in some cases as a matter of temporary assistance until Department of Welfare investigations are completed. Wives are furnished railroad fares to enable them to visit their husbands in prison. Many requests come from the Department of Welfare, who make no provision in their budget for carfare, that it be furnished because the wife is discouraged and they feel it will help her to be able to visit her husband. These visits are a great help both to prisoner and wife in

maintaining their morale and a relationship during their separation. A recent report from a warden requests financial aid toward making prison visits possible "that his bitterness about his incarceration may be somewhat lessened."

In the second group we find the wives who definitely want nothing more to do with their husbands. These are cases where the prisoner, in addition to his misbehavior in society, was cruel and irresponsible and contributed no financial support to the home.

The third group, those who are indifferent to the future, allowing events outside their control to shape their future destiny, are in many ways the most responsive to treatment through the Family Service Bureau but are the least likely to be constructive in their reaction to the prisoner and to his rehabilitation and useful return to society. His wife's attitude does not inspire him with a sense of responsibility nor produce a spirit of loyalty and security within him to make possible whatever hopes and ambitions he may cherish for his future well being. The man who returns to his home finding nothing but indifference and antipathy cannot long remain in that environment where every illusion and hope is shattered without definitely negative results. These clients, who maintain such an attitude toward their husbands, need to be seen frequently by the Family Service Bureau to help them clarify their thinking and in some way to face their own responsibility in making a decision and to bring to their attention the fact that their negative attitude has far-reaching results upon their husband's future life.

Much of the work of this Bureau is done in cooperation with other agencies but frequently a problem arises which requires special handling and makes referral to public agencies seem inadvisable. For instance the case of Mrs. B., a thin, frail woman visited the office. Her husband, who has been in U. S. Army had gotten into some trouble while on furlough and was sentenced to Sing Sing Prison. Mrs. B. continued at her work as waitress until two months before her baby was born, and then unable to continue her employment, did not know now what to do to support herself and daughter six years of age.

No one of her friends and acquaintances knew of her husband's arrest. Everyone thought he was still in the Army. She had not even confided in her own mother who lived near, of the trouble that had come. Her mother was nervous, highstrung, and impulsive. If she knew of these circumstances, she would make life unpleasant for Mrs. B.'s husband after his release by referring to the "disgrace" he brought upon his family, whenever she lost her temper or his behavior did not please her.

Mrs. B. felt that the best way to prevent a recurrence of her husband's behavior was to show confidence in him and to help toward restoring his self-respect.

To apply for public relief would necessitate investigation of her mother's home which would result in her mother's learning of the real situation. Mrs. B. had led her mother to believe that her army allotment was sufficient for the few months interim when she would be able to resume her work again.

The services of this agency were secured and Mrs. B. was given financial assistance until she was able to return to her work.

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

The Prison Association through its Family Service Bureau believes that its work is important and necessary, and that its service fills a special need in the social work field.

#### STATISTICS OF FAMILY SERVICE BUREAU FOR 1944

Families under care January 1, 1944.....	147
New cases received.....	147
Old cases reopened.....	3
Total number of cases under care.....	344
Cases closed.....	85
Families under care December 31, 1944.....	442
Total amount of cash relief given.....	\$5,487.75
Visits to homes, relatives, social agencies.....	247
Office interviews (involving advice, guidance, giving material aid).....	892
Individuals provided with Christmas dinners and toys.....	481
Children and mothers sent to summer camps.....	76

#### LEGISLATION—1944

The following bills held the interest of the Association during the 1944 Session:

##### Approved

*Senate Int. 29, Pr. 776; Assembly Int. 16, Pr. 1214:* Makes it a felony to destroy, defile, deface, or otherwise injure religious vestments, any building or structure used as place of religious worship or instruction or cemetery duly maintained. *Chapter 405.*

*Senate Int. 36, Pr. 36; Assembly Int. 77, Pr. 77:* Makes general changes in state's judicial system, includes provision for assignment to appellate division justices of administrative control over lower courts, except surrogate's court, and abolishes New York county general sessions court and other county courts in New York City and transfers their jurisdiction to supreme court. *Failed of passage.*

*Senate Int. 231, Pr. 236; Assembly Int. 993, Pr. 1067:* Creates in executive department a juvenile delinquency division to organize local councils, for prevention and control of juvenile delinquency by encouraging moral, social and educational development; director and advisory council of 9 members shall be appointed by governor and \$20,000 is appropriated. *Approved in principle. Failed of passage.*

*Senate Int. 241, Pr. 447; Assembly Int. 604, Pr. 622:* Permits court having jurisdiction of youthful offenders between 16 and 19 years of age to accept plea of guilty and after plea or trial without jury, to place on probation for 3 years and to continue probation for not to exceed 10 years; during custody defendant is to be separate from prisoners over 19. *Approved in principle. Failed of passage.*

*Senate Int. 269, Pr. 278:* Includes in definition of wayward minor one who without just cause and without consent of parents or person having custody, deserts his home and is morally deprived or in danger of becoming morally deprived, or one who so deports himself as to wilfully injure or endanger the morals or health of himself or others. *Failed of passage.*

*Senate Int. 270, Pr. 1916:* Provides procedure to be followed in the wayward minor court for girls, created by the chief New York City magistrate; provides for taking into custody, release on parole, for investigation and placing on probation for not more than 2 years and for commitment to reformative institution for not more than 3 years. *Failed of passage.*

*Senate Int. 300, Pr. 313:* Requires resident of state 18 years of age or over to register fingerprints with county clerk and to receive and carry pocket card. *Approved in principle. Failed of passage.*

*Senate Int. 381, Pr. 399; Assembly Int. 706, Pr. 731:* Suspends until July 1, 1945, provisions prohibiting purchase of butterine or oleomargarine by state institutions. *Chapter 48.*

*Senate Int. 422, Pr. 440; Assembly Int. 590, Pr. 608:* Provides when adult is convicted in children's court, certificate must be signed and in similar form as for criminal cases but no child shall be named in such certificate which shall be filed with records of court and certified copy with county clerk. *Chapter 642.*

*Senate Int. 425, Pr. 443; Assembly Int. 596, Pr. 877:* Makes it a misdemeanor for parent, guardian or adult person to cause, contribute or be responsible for neglect or delinquency of a child and provides for petition, issuance of summons or warrant for arrest, for determination by court and penalties for violations. *Approved in principle. Failed of passage.*

*Senate Int. 473, Pr. 496; Assembly Int. 637, Pr. 655:* Establishes in executive department a youth correction division and authority to determine manner in which young offenders committed to it shall be supervised and when they shall be made free; it may establish institutions and facilities, including training schools, hostels or boarding houses, farms, forestry and other camps for correctional treatment, act to be known as Youth Correction Authority Law. *Approved in principle. Failed of passage.*

*Senate Int. 761, Pr. 1469; Assembly Int. 1031, Pr. 1983:* Changes provisions for adjudging defendants in criminal cases between 16 and 19 years of age as youthful offenders, for investigation before conviction, for summary trial on plea of not guilty, for placing on probation and for keeping fingerprints and photographs away from public inspection and makes other changes. *Chapter 632.*

*Senate Int. 763, Pr. 846; Assembly Int. 1032, Pr. 1106:* Requires correction commissioner to file all negatives and fingerprints, instead of plates, outline pictures and modus operandi records in criminal cases and provides information shall be furnished to all recognized law enforcement or governmental agencies authorized to receive same. *Chapter 320.*

*Senate Int. 849, Pr. 953; Assembly Int. 1232, Pr. 1337:* Strikes out provision permitting New York City domestic relations court to commit child to institution with adults to secure his safety or prevent his escape, or permitting court to commit to suitable institution a person who has attained age 16 and over whom court acquired jurisdiction as child. *Failed of passage.*

*Senate Int. 850, Pr. 954; Assembly Int. 1233, Pr. 1338:* Includes penitentiary with prison, jail or lockup as place where child under jurisdiction of children's court shall not be placed or committed and strikes out provision prohibiting commitment to other place where child can come in contact with adult convicted of crime or charged therewith. *Failed of passage.*

*Senate Int. 935, Pr. 1043; Assembly Int. 1261, Pr. 1386:* Continues to July 1, 1945, provisions for adolescent courts in Kings and Queens counties as special city magistrate's courts. *Chapter 289.*

*Senate Int. 1047, Pr. 1175:* Requires probation department of children's court or other investigator to confer with any social agency that has knowledge of parents or family of child within court jurisdiction; information obtained shall be confidential and court may request social service agency to interest itself in child or family; in pending court proceedings as to care of child, banks and other fiduciary institutions shall on request report to court amount of funds credited to child or responsible persons; employers are also to report earnings. *Chapter 599.*

*Senate Int. 1271, Pr. 1444; Assembly Int. 1622, Pr. 1819:* Requires court to cause defendant convicted of abduction, carnal abuse of child, crime against nature, incest or rape, to be examined by psychiatrist and sociologist who together with judge shall constitute sentencing board; psychiatrist and sociologist shall be designated by mental hygiene and social welfare commissioner respectively. *Approved in principle. Failed of passage.*

*Senate Int. 1443, Pr. 1642; Assembly Int. 1811, Pr. 2036:* Establishes a bureau in correction department for classifying prisoners committed for confinement in state correctional institutions and penitentiaries when judgment is for more than one year except those sentenced for crimes punishable by death or life imprisonment, provides for reclassification and transfer from one prison to another and requires court to commit to correction department instead of to place of imprisonment, for confinement in accordance with classification. *Failed of passage.*

*Senate Int. 1490, Pr. 1717; Assembly Int. 1985, Pr. 2253:* Provides that when judgment is of death, the granting of motion for reargument by court of appeals stays the execution, of course, until determination of the reargument; if confirmed the court of appeals shall fix week during which death sentence shall be executed. *Chapter 251.*

*Senate Int. 1541, Pr. 1768:* Creates temporary youth commission of 9 members to study needs of young persons and to promote co-ordinated and practical program of youth guidance and appropriates \$25,000. *Approved in principle. Failed of passage.*

*Senate Int. 1550, Pr. 1777; Assembly Int. 1957, Pr. 2225*: Requires manager or person in charge of hospital or other institution or physician to report to police authorities at once all cases of wounds actually or apparently inflicted by knife, icepick or other pointed instrument likely to result in death. *Chapter 674.*

*Senate Int. 1711, Pr. 2032; Assembly Int. 2061, Pr. 2457*: Changes minimum annual salaries for prison safety service, schedule to start with \$1,300 with annual \$100 increments for five years up to \$1,800 in 6th year; such service is amended to include correctional institution teachers, instructors and supervisors, instead of other similar positions. *Chapter 309.*

*Assembly Int. 273, Pr. 276*: Directs state correction commissioner to establish division of classification with advisory board to develop system for classifying prisoners. *Failed of passage.*

*Assembly Int. 277, Pr. 280*: Creates in executive department a division of crime and delinquency prevention with power to organize local councils in various communities, a director and advisory council to 10 members to be appointed by governor; \$250,000 is appropriated. *Approved in principle. Failed of passage.*

*Assembly Int. 304, Pr. 307; Senate Int. 199, Pr. 204*: Repeals provision for boarding prisoners from other counties in Monroe county penitentiary. *Chapter 193.*

*Assembly Int. 678, Pr. 700; Senate Int. 540, Pr. 569*: Makes appropriations for personal service, maintenance and operating expenses of state government. *Chapter 95.*

*Assembly Int. 681, Pr. 703; Senate Int. 543, Pr. 572*: Makes appropriations for construction, improvements, repairs and equipment to various state departments. *Chapter 98.*

*Assembly Int. 683, Pr. 705; Senate Int. 545, Pr. 574*: Makes deficiency appropriations for support of government. *Chapter 100.*

*Assembly Int. 688, Pr. 710; Senate Int. 550, Pr. 579*: Provides for payment of additional war emergency compensation for year beginning April 1, 1944 to all state officers and employees at rate of 10 per cent of pay if less than \$2,000 a year, 7½ per cent if \$2,000 and not more than \$3,975, total pay not to exceed \$4,000 a year. *Chapter 114.*

*Assembly Int. 1273, Pr. 1398*: Requires state correction commissioner to segregate 1st offenders from other prisoners in state prisons. *Approved in principle. Failed of passage.*

*Assembly Int. 1293, Pr. 1418; Senate Int. 1091, Pr. 1232*: Provides warrant for retaking of prisoner violating parole shall allow peace officer and person in charge of jail or penitentiary to hold prisoner in temporary custody until he can be returned. *Chapter 307.*

*Assembly Int. 1866, Pr. 2108; Senate Int. 1477, Pr. 1704*: Creates a county probation department for Erie county. *Chapter 568.*

*Assembly Int. 2058, Pr. 2454; Senate Int. 1713, Pr. 2034*: Changes provisions for transfer of surplus farm products between state institutions; transfer of such products shall be made only on approval by budget director. *Chapter 353.*

*Assembly Int. 2059; Pr. 2455; Senate Int. 1712, Pr. 2033*: Provides when food, lodging or other maintenance is allowed for employees in correction, health, social welfare and mental hygiene departments the budget director may require a charge therefor at rates established by him. *Chapter 357.*

*Assembly Int. 2060, Pr. 2456; Senate Int. 1710, Pr. 2031*: Provides additional pay for employees in state institutions for insane in mental hygiene and correction departments shall continue during period from October 1, 1943 to March 31, 1944. *Chapter 371.*

*Assembly Int. 2068, Pr. 2520*: Makes supplemental appropriations in support of government. *Chapter 315.*

### Opposed

*Senate Int. 158, Pr. 1830; Assembly Int. 276, Pr. 2341*: Extends veterans' preference in civil service appointments and promotions to those who served in U. S. armed forces and were disabled, those not disabled to be preferred after the disabled veterans but only until December 31, 1950, and for five year period after discharge. *Passed. Proposed Constitutional Amendment, for submission to 1945 Legislature. (See Recommendation IX, page 7)*

*Senate Int. 333, Pr. 346*: Strikes out provision that state parole board shall be board of parole for Elmira reformatory and authorizes correction commissioner to adopt rules for parole and discharge of persons legally committed to Elmira reformatory. *Failed of passage.*

*Senate Int. 334, Pr. 347*: Authorizes state parole board to issue to any prisoner who has served in U. S. armed forces since December 7, 1941, or hereafter serves therein, an absolute release and discharge from imprisonment on proof that he was honorably discharged and has committed no crime subsequent thereto. *Vetoed.*

*Senate Int. 565, Pr. 597; Assembly Int. 776, Pr. 811:* Provides that prisoner received in state prison prior to June 1, 1943 sentenced for receiving stolen goods under subdivision 1-a, section 1308, Penal Law, may be released on parole as though convicted for misdemeanor, if property was worth not more than \$100 and was not purchased for resale or by dealer and if prisoner was not previously convicted of receiving stolen goods and is subject to jurisdiction of parole board. *Failed of passage.*

*Senate Int. 588, Pr. 632; Assembly Int. 819, Pr. 861:* Provides if 10 years intervene between suspension of sentence or expiration of parole or probation or imprisonment for first felony and commission of second felony and if defendant has not been convicted of misdemeanor in such period, court may sentence defendant to indeterminate term either as first or second offender. *Vetoed.*

*Senate Int. 680, Pr. 742; Assembly Int. 804, Pr. 986:* Strikes out provision that sheriff or jailer is guilty of misdemeanor for allowing civil prisoner to be at large and limits sheriff's liability to damages sustained by party aggrieved, and on escape his liability shall not exceed amount fixed as bail in order of arrest. *Vetoed.*

*Senate Int. 703, Pr. 765; Assembly Int. 464, Pr. 473:* Prohibits brush-making in state prisons, penitentiaries or reformatories for state or political subdivision or public institution except for use in state correctional and charitable institutions. *Failed of passage.*

*Senate Int. 992, Pr. 1110; Assembly Int. 1298, Pr. 1423:* Creates county crime prevention bureau in each county in New York City to consist of county crime prevention director and employees appointed by mayor, police commissioner and presiding domestic relations court justice. *Failed of passage.*

*Senate Int. 1189, Pr. 1348; Assembly Int. 1546, Pr. 1730:* Permits parole board until July 1, 1945 to petition court to release well behaved convicts on condition that they enter military service or engage in essential war work including war industry or agriculture, convict to remain at all times under jurisdiction of parole board. *Failed of passage.*

*Senate Int. 1318, Pr. 1509; Assembly Int. 1515, Pr. 1685:* Creates youth court as part of New York City magistrate's court, with exclusive original jurisdiction of youthful offenders of 16 years and not yet 19, except for crimes punishable by death or life imprisonment, magistrate to determine after examination and investigation by probation officer that defendant be prosecuted as youthful offender. *Failed of passage.*

*Senate Int. 1352, Pr. 1543; Assembly Int. 1721, Pr. 1925:* Provides prisoner received in state prison before June 1, 1943 on conviction as receiver of stolen goods, if property was of value of not more than \$100 and was not purchased for resale or by dealer and prisoner had not been previously convicted of similar crime, and was subject to parole board jurisdiction, may be released on parole as though his sentence had been for misdemeanor; also permits release on parole under certain conditions, of prisoners received before March 28, 1932 on sentence over 7 years for escape or attempting to escape and also prisoners received before September 1, 1927 on conviction of grand larceny 2nd, if property was not worth more than \$100. *Vetoed.*

*Senate Int. 1659, Pr. 1936:* Provides that prisoner received in state prison prior to June 1, 1943, sentenced for receiving stolen goods under subdivision 1-a, section 1308, Penal Law, may be released on parole as though convicted for misdemeanor, if property was worth not more than \$100 and if prisoner was not previously convicted of receiving stolen goods and is subject to jurisdiction of parole board. *Vetoed.*

*Assembly Int. 352, Pr. 716:* Strikes out provision that state parole board shall be board of parole for Elmira reformatory and authorizes correction commissioner to adopt rules for parole and discharge of persons legally committed to Elmira reformatory; the superintendent and other persons designated by the commissioner shall constitute the parole board. *Failed of passage.*

*Assembly Int. 676, Pr. 1119; Senate Int. 520, Pr. 822:* Requires boards of parole to issue absolute release and discharge from parole to any prisoner under their jurisdiction, who has served in U. S. armed forces since December 7, 1941, or who shall hereafter serve in such forces, during World War II, on proof of honorable discharge and that he has remained free from criminal conviction since his discharge from army. *Vetoed.*

*Assembly Int. 715, Pr. 740:* Provides additional penalty for felony committed while on parole may be portion of term of sentence on which he was released, calculated from time of commission of felony instead of time of release on parole. *Failed of passage.*

*Assembly Int. 1038, Pr. 1112:* Provides when jury finds person guilty of murder 1st degree, and recommends life imprisonment, court must, instead of may, so sentence defendant. *Failed of passage.*

*Assembly Int. 1735, Pr. 1939:* Requires board of parole of a reformatory to issue absolute release and discharge to person paroled therefrom, who has received or receives honorable or medical discharge from U. S. armed forces following service therein with good conduct for one year or more. *Failed of passage.*

## THE EXPERIENCE OF PAROLEES IN THE SERVICES

OLIVER P. BENNETT, LT. COL., JAGD

Legal Division, Selective Service System, Washington, D. C.

The members of the Local Boards are the bulwark of the Selective Service System. These men have made it possible, by their own untiring efforts and unselfish devotion to duty, for Selective Service to operate.

I am certain that there is not a Selective Service board in the United States that has not been very much interested in one or more of its registrants who have been convicted of felonies, and who they feel should be inducted into the armed forces, not only for the good of the individual himself, but from a standpoint of morale in the community in which the registrant lives.

Men with felony records have made good in the armed forces. It is not necessary that this statement be made, for everyone who has had any experience with men with criminal records going into the armed forces knows the splendid record of achievement they have accomplished. While it is true that the utilization of the manpower of this nation's penal and correctional institutions for military service is still somewhat in the experimental stage, very definite progress is being made and we expect continued advancement. We have had many obstacles to overcome and serious setbacks, but the program is now well under way and the procedure now set up for special panel local boards is effective.

When the Selective Training and Service Act was passed in September, 1940 there were very rigid rules prohibiting the enlistment or induction of men who had been convicted of felonies or who had received dishonorable or bad conduct discharges from the Army. During the early period of the operation of the Act and before Pearl Harbor, the Army, the Selective Service System, and the parole and prison authorities of the State and Federal Government began a study of the possibility of using felons in the armed forces. The devotion of those who are exponents of the plan of inducting men with criminal records into the armed forces, and their lack of discouragement upon encountering great difficulties, has been wonderful. After a great deal of negotiation and time spent between Selective Service and the Army, the rules have been relaxed and the moral standards of the Army in particular changed so as to admit certain individuals convicted of crime.

The present Army regulations resulted from a revision made effective in August 1944. The revised regulations provide that as a general rule, all registrants forwarded by the Selective Service local

boards to the armed forces induction station for preinduction physical examination, or for induction, are to be considered morally acceptable for service in the armed forces.

No special requirements have been made for the ordinary man with a criminal record. Exceptions to the rule are as follows:

- (1) A man who has been discharged with a form of certificate other than honorable or who has been discharged under Army regulations Sec. 8, or its equivalent;
- (2) A man currently confined in a state or Federal prison;
- (3) A man currently in the custody of the law; or
- (4) A man who has been convicted of a heinous crime.

Even a man in one of these excepted groups may be considered as morally qualified under certain circumstances.

Revised instructions were issued by the Selective Service System to all local boards simultaneously with the release of the revised Army regulations. The instructions directed local boards to consider all registrants, ages 18 through 37, as morally qualified for service unless they came strictly within one of the four excepted groups just referred to. These groups were then discussed and local boards were directed to take certain steps in an effort to qualify each man in the excepted groups for military service.

Under the new instructions any registrant who is confined in a State or Federal prison can be forwarded for preinduction physical examination at any time within 90 days of the date when he will become eligible for parole, pardon, conditional or other release. If upon such examination it is determined that he is qualified for service in the armed forces and thereafter the proper authority grants him a parole he may go directly into the armed forces. This procedure eliminates all the necessity for a waiver from the service command and makes it possible for a parole board to know in advance of its consideration of the man's case, that he is or is not qualified for military service.

The man who is in custody either in a prison other than a State or Federal prison, or who is on parole or probation, or conditional release or bail, and is awaiting trial, or after trial is awaiting sentence, or who is under suspended sentence cannot be considered to be morally qualified for military service unless the proper authority is willing to issue an order terminating or suspending civil custody during his period of military service. Many states have passed special laws relative to release from civil custody to enable the induction of men with criminal records in the armed forces. Probation officers of all courts both State and Federal cooperate fully with the Army. They carefully study each individual case and consider it solely on its merits and have not used the Army as a discard for undesirable men.



The judges in the State and Federal courts have taken a personal interest in the cases and have in many instances personally had long interviews with the men and have been directly responsible for helping work out plans whereby the man might go into the Army rather than prison. The man who has been convicted of a heinous crime will, under ordinary circumstances, not be morally qualified for military service. The Army, however, has wisely provided for the exceptional case, but this case must be especially meritorious. Ordinarily, the man who is convicted of a heinous crime must remain in civil life for six months before he can be presented for induction and then probation officers and local boards should recommend only those individuals who they are completely satisfied have been thoroughly rehabilitated and they are certain will make good in the armed forces.

Many men have been discharged from the armed forces under conditions other than honorable. It is true that they have had a chance of serving with the armed forces and have not met their responsibilities in the proper way. It is generally accepted that no effort should be made to return them to the armed forces except in such cases where the authorities are fully satisfied that they are capable of making good.

The Army's policy of inducting men into the service is much broader than that of the Navy. Registrants being inducted either into the Army or the Navy go to the same induction station and if they qualify only for Army service will be assigned to the Army. The officials of Selective Service are making a tremendous effort to see that no injustice is done any individual who seeks to be inducted into the armed forces.

Complaints have been made that men have been rejected at the induction station by the psychiatrist who should not be rejected. Under the new procedures as men are submitted for preinduction physical examination, when disqualified by the psychiatrist and after careful review of the case by the institution physician or by the physician on the medical advisory board, and it is felt that they should not have been disqualified for psychiatric reasons, it is recommended that the case be resubmitted to the induction station. If after such resubmission, special panel boards or local boards are still convinced that the inmate should not be disqualified for psychiatric reasons, they are advised to forward the entire record to National Headquarters for presentation to the proper representatives of the armed forces and these cases will then be examined on their individual merits.

Everything possible is being done to eliminate the differences which frequently have arisen between the officers of the induction station and the special panel local boards. We have found by inviting the induction station officials, and particularly the psychia-

trists at the induction station to the institution for a discussion with the special panel local board, the institution physician and other institution officials, that problems and difficulties are solved. Very often it has been found helpful to have the induction station officials, and particularly the psychiatrists, attend a meeting of the special panel local board and see at first hand how the board selects the prospective inductees. In practically every instance we have had the finest kind of cooperation from the institution psychiatrist and in many instances his position is at variance with the induction station psychiatrist. The State Medical Officer of the Selective Service works closely in cooperation with the institutional psychiatrist and the induction station psychiatrist, and many of the difficult problems are overcome and a better understanding and cooperation exists.

In a similar manner differences of opinion between the special panel local board and the parole board or prison officials are generally removed after special panel local boards, the parole board, and prison officials have a complete discussion of the problems which all are trying to solve in connection with the induction of inmates into the armed forces. In fact, in order that special panel local boards may do their work effectively, it is absolutely necessary that they have a complete working agreement and understanding with the parole boards.

The experiences of parolees in the service have been extraordinary. They have made a wonderful record. In the State of Illinois alone they have inducted over 3,000 men into the service since September 1940, who had felony records. Other States have had comparable records. Of these some 1,600 men have gone into the service through special panel boards. Of these men with criminal records who are inducted, less than two per cent have become delinquent. The State of New Jersey has worked out an especially fine program for handling felons. In picking 29 men at random from the State of Iowa, everyone of them has been successful in the service. Here is a history of some of them.

CX—Was received in the penitentiary in 1938—10 year sentence for robbery; was 32 years of age, married and had 2 children. Paroled July 1943—inducted directly from the penitentiary into the Army. His commanding officer speaks very highly of him. Now a Sergeant in the Transportation Corps.

EX—Received at the institution March 1938—40 year sentence for burglary by electricity—inducted into Army April 1943—now a staff sergeant in the Anti-Aircraft Division of the Army. Commanding officer indicated to the prison authorities that they would like to have a lot more men of X's type.

SX—Received at the reformatory July 1941, 10 year sentence for breaking and entering; 20 years of age; released on parole

August 1942—inducted into the service September 1943. Now serving as a tail gunner on a bomber.

WX—Received at the penitentiary February 1933 on a 20 year sentence for rape. Released from parole May 1942, restored to citizenship. Inducted into Army and information received by Board of Parole is that he is now a commissioned officer in the Army.

EX—Received at institution July 1938—sentenced for 5 years for larceny; went out of institution on expiration of sentence May 1941; saw action in the Aleutian Islands—was wounded and returned to the U. S. Has again been returned to duty and promoted to the rank of Sergeant.

JX—Received at the reformatory December 1936 on two concurrent sentences, robbery with aggravation and breaking and entering. Sworn into Army January 1943—his ability and efficiency were apparently recognized by the Army and according to the Board of Parole he is now a commissioned officer in the Army.

RX—Received at the reformatory February 1940—10 year sentence for breaking and entering. Paroled January 1942—inducted into the Army May 1942; received discharge parole and pardon from the Governor and entered Army Air Corps and is now a Lieutenant in the Army Air Forces.

PX—Received at reformatory February 1938; 10 year sentence for robbery—paroled May 1942—inducted December 1942. According to Parole Board X is now serving in the Army as a private and has been decorated for bravery for saving a pilot's life when his plane crashed and caught fire.

RX—Entered reformatory February 1935—life sentence for bank robbery; paroled July 1941—inducted into Army June 1942. Made an outstanding record in the Air Forces—was a gunner on a bomber several months ago and had made 25 missions over Germany—had received Distinguished Service Cross and also the Oak Leaf Cluster.

TX—Received at the institution March 1937 on a sentence for larceny of motor vehicle; had several misconduct reports while in the institution; was not granted a parole until he went out on expiration in March 1942; served as a private in the infantry; took part in the African invasion and was killed in action in North Africa.

CX—Received in reformatory April 1940 on 10 year sentence for larceny of motor vehicle; paroled June 1942; inducted into Army January 1943, is with the Airborne Division in India. Wounded there and in hospital at the present time.

JX—Received at the reformatory in May 1941; 10 year sentence for larceny; paroled May 1943; saw combat service in Italy and wounded in action.

There are hundreds of cases similar to those just cited and it is interesting to observe that in most every case the man asked for the most hazardous type of combat service.

Information has been received at National Headquarters which indicates clearly that the present efforts of the special panel local boards have been very much worthwhile. Men paroled for service into the armed forces and the men with felony records who have entered the armed forces have made good. The instances in which men of this type have been dishonorably discharged is no greater than the average. Similarly many of these men have been advanced in grade and have been cited for bravery in combat. Some have made the supreme sacrifice for their country. In all respects they have performed in an admirable fashion. The fears that they would be in frequent difficulties requiring disciplinary action have not proved to be well founded, and the record is one to stimulate efforts towards granting an opportunity for rehabilitation through service to as many men as possible whose institutional record and past history seem to justify the granting of such an opportunity.

As the men serving in the armed forces in World War II are discharged, some of them will get into difficulties and be sent to penal institutions. Many of these men will want to return to the armed forces and we believe that there will be an opportunity to be of great assistance and help to them by using the special panel boards and their procedure in the matter of induction of many deserving men into the armed forces. They have honorable discharges from the armed forces and while they were in service made a fine record. They responded to Army training and the sort of supervision they received in the armed forces splendidly, and they adapted themselves to the life in the armed forces. This field in itself is one that can yield great dividends in the salvage of many very worthwhile men. It is our feeling that the special panel local board program of Selective Service as it will affect men who are now being discharged from the service, and those who will be discharged as time goes on, will prove very effective and helpful. We are winning the war and one of the most gratifying things as far as Selective Service is concerned is the part played by those people interested in special panel boards and in the prison program, and the fine record that former inmates of penal institutions have and are making.

## THE ARMY'S NEW CORRECTION DIVISION: ITS PURPOSE, FUNCTION, AND ORGANIZATION\*

By COLONEL MARION RUSHTON  
*Director, Correction Division, A.G.O.*  
 Washington, D. C.

Many of us here today are old in the ways of the Army but new in the field of penology. Some are experienced in the field of penology but new to the Army. The purpose of this conference is to bring about an exchange of ideas, experience and skills to the end that the United States Army shall have the best planned and the best operated penal and correctional system in the world.

The American people and the United States Army are determined that the American soldier shall have the best of everything and they have furnished him with the best ships and planes, guns and tanks, radios and radar, food, clothing and medical care that money and human ingenuity can devise. They also desire that when the American soldier foolishly or deliberately gets himself into trouble, he shall have intelligent, scientific treatment both for his own good and that of the Army to which he belongs. It is the task of the men seated within these walls to provide that intelligent treatment of military prisoners.

In a sense, this conference is the debut or launching party of the Correction Division. We have assembled here in the shadow of this oldest of the Army's correctional and disciplinary institutions, at the invitation of the Under Secretary of War, the actual custodians of all the Army's general prisoners in this country. Here also are the representatives of the Army staffs concerned, together with a well chosen board of civilian advisers selected for their demonstrated ability to solve practical prison problems in all sections of the country. There are also representatives of the Army Air Forces, Army Ground Forces, Army Service Forces, the Judge Advocate General, the Surgeon General, the Provost Marshal General, and the Military Training Division, ASF.

I ask leave to introduce the Board of Consultants for they are in a sense our guests of honor as well as our newest recruits. Without exception each of them has answered this call to patriotic duty at considerable personal sacrifice. Each has undertaken to act as adviser and friend to a Service Command and that collectively, with the addition of the Director of the Federal Bureau of Prisons

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and the General Secretary of the American Prison Association, they constitute a Board of Consultants to the Under Secretary of War, on all the problems of military justice. I take pleasure and great pride in presenting to you these distinguished men.

Mr. Sanford Bates, Commissioner, State of New York Board of Parole	1st Service Command
Dr. William J. Ellis, Commissioner, Department of Institutions and Agencies, State of New Jersey	2nd Service Command
Warden Walter M. Wallack, Wallkill State Prison, Wallkill, New York	2nd Service Command
Warden Stanley P. Ashe, Western State Penitentiary, Pittsburgh, Pa.	3rd Service Command
Warden Joseph W. Sanford, U. S. Penitentiary, Atlanta, Ga.	4th Service Command
Dr. Garrett Heyns, Director, Michigan State Department of Corrections	6th Service Command
Warden Walter A. Hunter, U. S. Penitentiary, Leavenworth, Kans.	7th Service Command
Mr. Reed Cozart, Associate Warden, U. S. Penitentiary, Leavenworth, Kans.	8th Service Command
Mr. Richard A. McGee, Director, California State Department of Corrections	9th Service Command
Mr. James V. Bennett, Director, Federal Bureau of Prisons, Department of Justice	
Commissioner Edward R. Cass, General Secretary, American Prison Association	
Mr. Austin H. MacCormick, Chairman of the Board, and Executive Director of The Osborne Association, Inc., New York	

What is the problem before us? How big is it, how permanent, how shall we solve it? On the first day of November, 1944, there were 22,322 general prisoners under Army custody or supervision throughout the world.<sup>1</sup> While that is a large figure, greater than the inmate population of Federal institutions (17,515 as of 30 June 1944) or of our most populous state (New York 15,043) it

<sup>1</sup> All figures in this paper are subject to minor corrections.

represents only about  $\frac{1}{4}$  of 1 per cent of the strength of the Army. In other words the Army is still 99.75 per cent pure—purer than Ivory Soap. But our gross intake of prisoners now averages 2,045 per month and, although we restore 747 to duty and release 407 per month, there is a net gain, in the last 6-month period, of 891 per month. On the first days of January 1942, 1943, and 1944, the inmate population was respectively 1,551, 5,271, and 12,744. Experience has shown that the peak always occurs shortly after the end of a war. At the end of World War I, after less than 2 years of war, the proportion of general prisoners to total strength of the army was 24/100 per cent or about what we now have in this war at the end of 3 years. Almost anything may happen and I am sure it was no mistake to invite those charged with prison matters in the 1st, 3rd, or 6th Service Commands to attend this Conference for though they are not charged with the permanent care of general prisoners now, it is not impossible that in the not to distant future any one of them may be called upon to locate and activate a branch Disciplinary Barracks within the Command.

Unless history fails to repeat itself there will be a strong driver at the close of hostilities to bring about the release of all prisoners charged solely with military offenses and of many guilty of the lesser civil crimes. Just what the effect will be is difficult to foresee, but certainly the rate of decline from the peak will be very rapid in the Rehabilitation Centers and they will be quickly inactivated. In the Disciplinary Barracks, the decline will be less rapid but more rapid probably than the increase has been. Whenever the war comes to an end I would hope to have all the Army's civil offenders in the hands of the Federal Bureau of Prisons and to turn over to that competent organization the very real responsibility of rehabilitating and releasing them into civil life. But under Article of War 42 there will inevitably be a residue of civil offenders who have been sentenced to military prisons and, if kept, the Disciplinary Barracks must keep them. My prediction is that there will always be a need for at least one walled institution and for two or perhaps three places of medium security. So much for the size and permanence of the plant we are to operate.

The mission of the Correction Division is:

1. To improve the penal and correctional system of the Army by
  - a. Adapting and standardizing modern penological procedure to the special uses of the Army.
  - b. Discovering and developing penological skills in available military personnel.
  - c. Making such procedures and personnel available to all commanding officers charged with the custody of prisoners.

2. To find the facts and prepare recommendations to the Under Secretary of War concerning clemency, restoration to duty or discharge of general prisoners confined in Federal penal institutions or United States Disciplinary Barracks.
3. To keep informed of the condition of military prisoners everywhere and make report and recommendation thereon as to their custody, training, rehabilitation and restoration to duty to the commanding officers concerned and to the War Department.

The American people want to be assured that the American soldier, no matter what he has done, is treated with fairness according to the military code. They want him to have intelligent handling from the moment the offense is committed, through the preferring and pre-trial investigation of charges, at trial, before sentence, throughout the period of his incarceration. They want him checked up short from his evil or undisciplined ways, they want him appropriately punished, but they do not want the door of hope ever to be completely shut against him. The "second chance" must always be possible awaiting the soldier's willingness or ability to grasp it. The Army has the same interests: a prisoner is a casualty of war consuming time, energy and manpower which should be directed against the enemy. Furthermore the Army has a duty to see to it that slackers and cowards do not use the penal system as a bullet-proof vest against the risk of battle! It is a delicate balance requiring continued study of the prisoner, keen insight, sound judgment.

It is the job of the Correction Division, within the command structure of the Army to bring about these desired results. This it must do working solely in a staff, not a command capacity. Under the British and American systems of military justice, courts martial are an instrument of discipline and discipline is an attribute of command. Soldiers are made military prisoners only when some one in command of them has, after proper judicial inquiry, determined that the war effort will be best served by their incarceration, and they cease being prisoners only when some commanding officer authorizes their release.

But all commanding officers with whom I have ever had experience are very much concerned, often are deeply troubled, about prisoners and the kind of treatment they receive in their commands. These are the sheep—not necessarily always black sheep—who have gone astray and commanding officers are anxious to find them and, wherever possible, to restore them to the fold. Any man who has been entrusted by his Government with the command of men, especially in wartime, knows by experience that the problems of human misconduct are delicate, thorny, insistent and never-end-

ing. Some of them may have despaired of finding a solution this side of the millennium. But all of them have always welcomed genuine practical help. They respect experience and "now how," they are justly impatient with "crackpots" in this or any other line, but they will listen to reason, if it is reason, because they know it is for the good of their command and of the Army.

The first task of this Division is to devise and perfect the best possible penological system for the American Army, taking advantage of all the good that is known and practiced in that field, adapting it to the special problem of the American military prisoner; the second to assist in its maintenance and operation. In other words, we must know what to do and assist in finding the men to do it. Such an assignment presents a challenge and an opportunity the like of which has never before, I believe, occurred in the penological field. Much has already been done, much more remains to be done.

Penologists are wont to say that any penal system may be evaluated by its performance in the four following fields: (I) Plant; (II) Program; (III) Personnel; and (IV) Philosophy.

I. *Plant*.—The plant is as simple and inelaborate as may be consistent with security. We own the walled institution here at Fort Leavenworth, and the Disciplinary Barracks at Greenvale, N. Y., is under lease for the duration; these should suffice even during the peak load as institutions of maximum security. Originally there were nine Rehabilitation Centers, one in each Service Command: there are now six, located at Camp Upton, N. Y.; Fort Jackson, S. C.; Fort Knox, Ky.; Jefferson Barracks, Mo.; Camp Bowie, Texas; and at Turlock, Calif. Since the prime function of Rehabilitation Centers is restoration to duty, the buildings occupied should resemble as closely as may be the buildings occupied by other soldiers in the same camps. The surrounding wire should constitute the only outward difference: escape by such prisoners from such a compound is a calculated risk which the Army is willing to take. As soon as an appreciable part of the Army moved overseas, it was found practicable to reduce the number of Rehabilitation Centers to six, and no increase is planned. Of course when the Disciplinary Barracks get overcrowded and can take no more prisoners, there is a back-up in the Rehabilitation Centers and in post guardhouses. This has occurred even though within the year Branch Disciplinary Barracks have been activated at Greenvale, N. Y. (Capacity 2,016); North Camp Hood, Texas (1,920); and Missoula, Mont. (1,400). With the opening of the Branch at Fort Benjamin Harrison, Ind. (capacity 2,972) on the 10th of November and that at Fort Bragg, N. C. (capacity 2,000) in December, it is believed

that the situation will be permanently relieved. At any rate it is clear that any new institutions to be activated will be Disciplinary Barracks of the medium security type. They have been and will be located at permanent posts where mobilization type construction is available for adaptation. In such adaptations we insist on interior latrine and bathing facilities, interior wire permitting group segregation, and such exterior wire and towers as the topography demands.

II. *Program*.—The program integrates the military justice system of the Army from arrest to release, from guardhouse to restoration or eventual discharge into civilian life. The Army will always put primary emphasis on restoration to duty. That possibility is considered before charges are preferred, before sentence, even after the prisoner has been confined in a Disciplinary Barracks or Federal institution. You will be interested in the cumulative record of restoration since the establishment of the Rehabilitation Centers 2 years ago. From the date of activation in December 1942, through September 30, 1944, the Rehabilitation Centers have received 22,429 general prisoners.<sup>2</sup> A total of 8,390 or 37.4 per cent are still in the process of rehabilitation (most of them for less than 6 months); 6,395 or 28.5 per cent have been found unsalvageable and transferred to Disciplinary Barracks or otherwise handled; and 7,644 or 34.1 per cent have been restored to duty. How well this 34 per cent has since behaved will not be definitively known until the end of the war—so far 661 have gotten into trouble again, been again convicted by general courts martial, and are back on our hands. They go to the Disciplinary Barracks this time.

The Disciplinary Barracks also have honor companies and they, too, restore prisoners to duty though by no means in such numbers or in such proportion as do the Rehabilitation Centers. Since January 1, 1943 the Disciplinary Barracks have restored 1,098 general prisoners to duty. Even when the Federal institutions receive a military prisoner, the door of hope is not closed against him. Since January 1942, a total of 18 have been restored. The 1,750 now distributed throughout Federal institutions (the younger at Chillicothe and El Reno) have been the subject of a special study by Major Edward K. Skelly, Captain Donald T. Griffin, and Lieutenant Victor H. Evjen of the Correction Division Staff and machinery is now established—thanks to the cooperation from Mr. Bennett and many officers of the Federal prison system—whereby many young men who should never have been sentenced to Federal institu-

<sup>2</sup> All figures are subject to minor corrections.

tions will be transferred to Disciplinary Barracks for military training and anticipated restoration.

When it is definitely established that a military prisoner cannot be remade into a soldier, he should be given work of a vocational training value looking toward his eventual return to civilian life. There are some, both inside and outside the Army, who do not really believe this or want to act on it. One group says "These men have committed crimes, they have demonstrated that they can't make soldiers, the Army has no further duty towards them; lock them away until their sentences run out." Another group says "You took these men into the Army to make soldiers out of them, you have now found that you can't, therefore you should forgive them their sins—certainly the solely military ones—and turn them back to civilian life where manpower is much needed." Both these answers are bad penology and bad public relations. You can't run a prison full of idle men—and the worse the prisoners are the worse idleness is for them. And the Army cannot afford to stand before the mothers and fathers of this country whose sons have served honorably, dangerously and even to the death and maintain that a prisoner, even though he is non-restorable, can't be punished because he can't make a soldier. They will tell you that if he can't or won't make a soldier, he should be put in confinement and kept there until the last G. I. Joe gets back from Berlin or Tokyo. The normal soldier who is doing his duty derives a satisfaction, no less real because it is grim, in knowing that all sane soldiers who won't soldier are serving sentences rather than working in munitions factories. They feel that if a prisoner can work at home at a civilian job, he can work for the Army as well. The feeble-minded—"the village idiot"—may be released without misunderstanding, but the prisoner who is not insane nor willing nor able to soldier must be kept in Disciplinary Barracks until public opinion, soldier and civilian, sanctions his release. It is for this reason that the Army has granted very few home paroles, though it is fully cognizant of the value of that device in civilian systems of rehabilitation.

If our classification systems were 100 per cent accurate and the psychiatric analyses were perfect and we had the opportunity and the audience to explain each case to the public, the answer might conceivably be different, but until all these things come to pass, the Army cannot afford the charge that its prison system is being used with impunity to avoid the common burden of service as a refuge for slackers and cowards.

So we must keep our nonrestorables and that means we must do something with them. Perhaps the very art of learning

some kind of a trade will develop the prisoner's sense of accomplishment, give him a sense of pride and responsibility. The majority of these men are young. Perhaps we may yet salvage some kind of a soldier, at any rate we must keep trying. Our program embraces organized work with vocational training value, academic education, and study of the individual inmate to avoid mass treatment. Being new, our equipment is improvised and not yet complete. You will see what we have here at Fort Leavenworth; there is a very satisfactory shoe repair shop at Greenhaven, N. Y., and I understand splendid facilities for forestry at Missoula, Mont. Of course we do not yet have anything approaching the plant or the organization which Warden Sanford has at Atlanta, where I understand prisoners manufactured \$8,000,000 of war goods last year, and often enthusiasm was such that the men worked until 10:30 at night. We need improvement in this field, but our program has already been commended by experts for the degree to which we have in spots reached high standards.

III. *Personnel.*—Here is where we are weakest and initially we must make our greatest effort. Observers, trained and otherwise, have noted that often the inmates look more like soldiers than do the guards. That is very, very wrong. Guards have the daily contact with the prisoners: to him they are the whole prison system.

No matter how noble or imposing the superstructure of plan and philosophy may be, it tumbles down the minute a guard loses his head and does a foolish or a brutal thing. Guards should be of sufficient mental, moral and physical stature to command respect. They should be old enough to have good judgment, strong enough to enforce discipline. On the Correction Division Staff there is a young officer now a Lieutenant Colonel who, without previous penological training of any kind, was put in charge of the Disciplinary Training Center at Casablanca and Oran. He won the Legion of Merit for his work at those prisons, and he is perfectly frank to say that he did it because higher authority allowed him 100 per cent general service (no limited service) personnel to deal with prisoners. Guards are teachers not only in courses of instruction but by example. Unless the men respect them, they are worse than a dead loss. They do affirmative harm to the discipline and the progress of the whole system.

Realizing the transcendent importance of effective personnel, the Correction Division has already begun the search to find it, supplementing the work of the Service Commands. We have sought to identify skilled prison personnel already in the service and get it assigned to Correction Duty, and plans are

shaping up for a guard school probably of the in-training type at first, later at a centralized point. In general, the top men are of a high type and the commissioned personnel is good, but in enlisted personnel, which is most important, we are woefully weak.

IV. *Philosophy.*—The Army regards the 8,000,000 men and women who have been placed under its authority as both a sacred trust and a practical responsibility. The prime charge under the trust is to produce soldiers to win a war, and all other considerations must yield to that fundamental mission. The personnel which the Army receives to screened first by Selective Service and then by Army Induction Centers, but, despite all that can be done some do slip through both screens who are or become physically, mentally or morally unfit for service.

The physical and mental cases are hospitalized and eventually discharged. The morally unfit upon being found guilty of an offense denounced by the Articles of War become prisoners and they are a very special kind of a charge—the problem children of the Army. They may, and frequently do, suffer from mental and physical as well as moral deficiencies. The attitude of the Army toward them is that of a stern and just but wise and kindly foster father. The Army has been given extraordinary powers to meet an extraordinary problem. It desires to do a good job.

Under the military justice system of the Army, the Congress makes the military laws and the Secretary of War under the President, controls both the prisons and the courts-martial system. It is as though Mr. Bennett's chief, The Attorney General of the United States, were in control not only of the Federal prisons and of the prosecuting attorneys who put the prisoners in them, but of the judges as well. I do not know of any other system of criminology in this country (unless it be in the Navy) where the judicial and executive powers are so closely combined under one head; that is under the Secretary of War. In most States and occasionally in the Federal system, I hear of violent disagreement between what a judge wants done with "his prisoner" and the kind of parole or clemency the Board of Pardons prescribes as appropriate treatment for the individual concerned. There is no excuse in the War Department for such unseemly quarrels, and so far as I know there have been none. Of course there are the normal, healthy disagreements as to the merits of individual cases, but we have the means of ironing them out through military channels and we always do.

The Secretary of War has great powers and a great trust. He prescribes the policy, the Army enforces it. In so doing it desires—it would be foolish not to desire—that every well-tried practical scientific aid known to modern penology be brought into full use. The task is difficult at best, the effect of failure is disaster to the lives and fortunes—the futures—of many of the young men and women of America. If the Army cannot make them into soldiers, it must do the next best thing to the end that when victory is ours, these men and women may be returned to their homes good citizens and good Americans.

## THE NAVY'S CORRECTIONAL PROGRAM

By COLONEL EMMETT W. SKINNER, U.S.M.C.

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The year of 1944 witnessed countless developments in the naval program. Of considerable importance to naval personnel was the reorganization and expansion of the Navy's Prison program.

At the direction of the Secretary of the Navy, a general order issued in March 1944 transferred the duties and functions, other than legal, relating to the supervision and control of naval prisons and prisoners to the Chief of Naval Personnel. Prior to this administrative change, the jurisdiction of naval prisons was the responsibility of the Judge Advocate General. Coincident with this formal exchange of cognizance, the Chief of Naval Personnel established the Prison Administration Section under the Bureau's Welfare Division. The order provided that the Section coordinate policies and regulations affecting, and the administration of, naval briggs and prisons.

At the outset, the most pressing objectives appeared to be (a) the selection and detailing of qualified officer personnel, experienced in correctional work, to staff the larger places of confinement; (b) the development of a constructive program of activity for prisoners to include work, drill, physical training and instruction; (c) the establishment of procedures for procuring accurate statistics on prisoners; (d) the acquisition of additional confinement facilities to relieve overcrowding and to permit greater segregation of classes of prisoners; and (e) to put policies of prisoner segregation into practice.

### Organization

The Navy Department is divided into bureaus, one of which is the Bureau of Naval Personnel. This Bureau is likewise divided into a number of major activities, one of which is the Welfare Activity. The Corrective Services Division (established in July 1944, to take the place of the former Prison Administration Section) is under the cognizance of the Welfare Activity. The Division office is staffed with the director, an assistant director (Lieutenant Commander Richard A. Chappell, U.S.N.R., former Chief of Federal Probation), and administrative assistant, a prisons and briggs officer, education and training officer, assignment officer, industries officer, an officer in charge of statistics and records and a clerical staff.

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The Bureau of Naval Personnel now administers four types of confinement activities: Prisons, Disciplinary Barracks, Re-Training Commands and Briggs. There are two naval prisons, one at Portsmouth, New Hampshire and the other at Mare Island, California. Both of these activities have been in commission for some years, the prison at Portsmouth dating back to 1908. The Portsmouth prison has a capacity of 2700 and Mare Island approximately 425. The Bureau has cognizance over six Disciplinary Barracks having a combined capacity of approximately 10,500. Three of the Disciplinary Barracks are in the east coast area, one in the Chicago area, and two in the west coast area. Several of the existing activities may be expanded in the event additional facilities are necessary in the future.

The Re-Training Commands, a new departure from the traditional navy confinement activity, are designed as minimum security activities and to them are sent the most tractable offenders. Careful selection is made at other places of confinement and those selected are subsequently transferred. At the present time the Navy has two Re-Training Commands in commission, one at Camp Peary, Williamsburg, Virginia, and the other in the San Diego area. The Re-Training Commands are enclosed by a high wire fence and patrolled by marine guards. The barracks are devoid of bars, cells and other devices usually identified with maximum security units. The only physical features that distinguish the commands from other training facilities are the enclosure and guard towers. The Re-Training Commands are marked by special emphasis on work, education and training.

The Navy operates approximately 375 briggs or, to use civilian parlance, jails or lock-ups for temporary detention or confinement for short terms. The briggs are generally operated by the larger shore activities while the other type of confinement activity mentioned is generally a separate command under the Commandant of the immediate Naval District. The United States is divided into a dozen or so naval districts each under the jurisdiction of a naval officer holding the rank of rear admiral and major problems or decisions of policy are handled via the commandant.

### Personnel

The commanding officers of all major naval places of confinement, with one exception, are officers of the United States Marine Corps. The Marine Corps, likewise, details enlisted personnel for security purposes. Key navy officers, the great majority of whom have had experience in the civil correctional field, were detailed to each of the large confinement activities to handle the special programs in training, industries, assignment and screening.



To assist the commandants of the various naval districts, prison liaison officers have been assigned to some districts and will be assigned to others as circumstances permit. These officers assist in the selection and screening of men for the re-training commands, and act as liaison between the commandant and the Bureau of Naval Personnel on all matters other than legal pertaining to prisoners and prisoners.

In recognition of the fact that the operation of a disciplinary barracks or prison requires special skills and qualifications, the Bureau has made possible the assignment of the following types of officers to these activities: a commanding officer and executive officer (second in command) and in most instances both are marine officers; and the following additional billets which are generally filled by naval officers: assignment officer, industry officer, education and training officer, physical training officer, psychiatrist, psychologist, physician, chaplain and supply officer. Additional line and staff officers are detailed as circumstances warrant.

Enlisted details consisting of naval and marine personnel are assigned in keeping with the needs of the individual activity.

#### Naval Courts

In order that the reader may have a general understanding of the procedure through which a naval enlisted man is sentenced to a major place of confinement, a brief resume of naval courts may be in order.

There are three types of courts; namely, general courts-martial, summary courts-martial, and deck courts. Comparing with civilian courts, the general court-martial would be generally comparable with the highest county court for the trial of those charged with serious offenses; the summary with that court designed for the trial of misdemeanants; and the deck court with the municipal or city court for minor offenders. It should be pointed out, however, that naval courts provide for the trial of service personnel charged with military offenses, many of which are non-criminal in character. For example, unauthorized absence from duty is a serious military offense, but the civilian who absents himself from his job is not disciplined except for possible loss of pay for the period of absence.

As a matter of fact, about 94 percent of the Navy's prisoners are confined as a result of committing a military offense. The remaining 6 percent have committed such offenses as assault, theft, etc.

Naval courts are distinguished also by the severity of sentence that each is authorized to impose. General courts-martial may impose sentences up to and including death. Summary courts-martial may sentence petty offenders to solitary confinement on

bread and water up to 30 days (with full rations as may be designated for every third or fifth day), solitary confinement for 30 days or for confinement not exceeding two months. Other punishment may be awarded not involving confinement. Deck courts may prescribe confinement up to 20 days or award other punishment as authorized by law and not involving confinement.

Commanding officers of activities may, likewise, prescribe punishment involving confinement not exceeding 10 days, solitary confinement not exceeding 7 days, solitary confinement on bread and water not exceeding 5 days and punishment involving restriction, loss of liberty, etc.

General courts-martial consist of from 5 to 13 commissioned officers, summary courts of 3 officers and deck courts of 1 officer. General courts-martial are generally recommended by commanding officers at "Captain's Mast" (preliminary hearing) and may then be awarded by higher authority. This higher authority is known as the convening authority and is usually the Commandant of the Naval District, or high-ranking fleet officer. A detailed discussion of naval courts is not practical in this statement, but the reader is referred to "Naval Courts and Boards," for full comment.

#### Objectives

The basic objective of the Navy's Correctional Program is to so treat its offenders that they will be restored to duty benefited, rather than damaged, by their period of confinement. In those cases of men whose sentence provides for discharge from the naval service following the expiration of their sentence of confinement, the Navy proceeds on the same basis.

In order to assure both the naval service and society in general that the released naval prisoner will be an asset rather than a detriment, a constructive program has been developed embracing work, classification and assignment, education and retraining, and physical training and drill.

#### Work

The Director of the Corrective Services Division, as part of his overall mission, is charged with the responsibility of establishing an industrial program in all places of confinement, designed to combat idleness of prisoners, instill habits of industry, and to provide the Navy with needed materials and equipment.

Industrial programs, in keeping with this responsibility, have been established in all places of confinement for general court-martial prisoners.

Prisoners are presently engaged in the manufacture of such items as hammock clews, camouflage nets, cargo nets, scrub brushes, swabs, fenders, airplane chocks, turnbuckles, lockers, shelves,

bolted and nailed loading platforms (pallets), carton nets, wire-rope slings, clothing and numerous other critically needed articles.

In addition to the manufacture of specific goods, naval prisoners are engaged in an unlimited amount of salvage work including lumber salvage and the salvage and repair of shoes, Quonset Huts, electrical and radio gear, rags, waste paper, scrap metal, tires, and other gear too numerous to mention.

A number of the confinement activities maintain shops and activities such as shoe repair, printing, laundry, bookbinding, etc., in addition to the usual maintenance shops and crews common to any large activity or institution.

A recent addition to the industrial program has been the athletic gear renovation plant established at the Re-Training Command in the east coast area. The Navy has invested millions of dollars in the purchase of athletic equipment and this plant will devote its full time to keeping this gear in repair. A similar plant has been established at a west coast disciplinary barracks to care for equipment to be shipped in from western shore establishments and fleet activities.

At some of the confinement activities located in close proximity to navy yards, drydocks, etc., the labor of prisoners is used in the cleaning and scraping of ships, paint chipping, loading stores and ammunition, tending lawns and grounds and general clean-up work.

This utilization of prisoners relieves the critical civilian manpower shortage usually prevalent in centers of naval activity. In fact, civilians are generally not available, indicating that the jobs undertaken by prisoners would otherwise be difficult to accomplish.

A letter received by the commanding officer of one of the west coast disciplinary barracks from the commanding officer of an aircraft carrier attests to the value of the labor prisoners. This letter stated in part:

"1. During the availability period of this vessel, prisoners under your command rendered valuable assistance in loading stores, provisions and ammunition, policing the dock and camels, cleaning voids, firerooms, bilges, etc.

"2. . . . the employment of the prisoners allowed the members of the ship's company to devote more time to the essential work in connection with the ship's overhaul.

"3. The services of the prisoners under your command and your cooperation in complying with our request for their employment is very much appreciated."

The industries operations at each activity are under the direction of an industries officer who reports monthly, via the District Commandant, to the Bureau of Naval Personnel. The industries officer attached to the Division's Washington office gives general

supervision, procuring job requests and equipment and offering advice and guidance upon request to the various confinement activities.

In addition to the monetary savings to the Government, it is obvious that the formation of habits of work and industry, and the full occupation of a prisoner's time with stimulating and constructive activity is of extreme importance in the preparation of prisoners for return to active duty.

#### Classification and Assignment

During the initial stage of program planning, the Corrective Services Division, bearing in mind the importance of certain basic principles which should be applied in the development of a comprehensive naval correctional program, drew up certain basic policies which were promulgated by the Chief of Naval Personnel. These policies were based on the fact that (1) the proper segregation of prisoners could be brought about by the classification of places of confinement as to type and program and the consequent issuance of suitable policies governing the designation and transfer of prisoners. It was concluded also that proper segregation would involve a revision of intake procedure at major places of confinement to the end that new prisoners might be kept apart from the others pending completion of certain interviews and examinations. (2) More adequate reports and records at the Bureau and in the major places of confinement concerning persons in confinement seemed in order for use in making designations and transfers of prisoners, for the use of commanding officers and their staffs in dealing with the prisoner while in confinement and for use in the selection of suitable prisoners for clemency and restoration to duty. (3) It was concluded that under proper supervision the discipline and training of prisoners should be systematized in a manner consistent with individual needs and the facilities available. (4) Finally, it was determined that standardized procedures should be organized for the selection and referral of cases for consideration of clemency and restoration to duty.

The following paragraphs indicate the extent to which an effort has been made, through the issuance of policies and procedures, to place these principles into effect.

All naval places of confinement have been classified as to type:

- (a) *Prisons* for long-term and serious offenders with an extensive program of industries and some provision for the training for return to duty of the most hopeful cases.
- (b) *Disciplinary Barracks* for the detention of persons awaiting disposition and for the confinement of general court-martial prisoners with sentences of one year or less who do not qual-

ify for a re-training command. The program consists of industries, rigid discipline and as much diversified training for restoration to duty as time and facilities permit.

- (c) *Retraining Commands* for general court-martial military offenders who offer the best prospects for restoration to duty. The program emphasizes diversified training, rigid discipline and industries.
- (d) *Brigs* for detentioners and persons serving confinement sentences other than by general court-martial. (Several of the larger brigs, by necessity, have been authorized as places of confinement for general court-martial prisoners serving sentences of less than six months.)

Based on the foregoing, a directive governing the designation of place of confinement for general court-martial prisoners has been published and procedures established for the careful selection of suitable candidates for commitment to the retraining commands, either by designation of convening authorities or by transfer from other places of confinement. Transfers of all general court-martial prisoners are closely controlled by authorization from the Bureau of Naval Personnel.

Procedures for receiving new prisoners at the larger places of confinement have been revised. The routine involves immediate physical examination, inventory and safekeeping of personal money and valuables, issue of prison uniforms and assignment to a quarantine or receiving unit pending the completion of a schedule of interviews and examinations by specialists. Following this, the prisoner is released to the general population of the activity with an individual program which is as consistent as possible with the findings of these persons.

#### Confinement Records

The standardization and use of composite case reports on each sentenced general court-martial prisoner is now being undertaken. Such reports consist of abstracts prepared by enlisted specialists, the psychiatrist, psychologist, medical officer and education officer. They are written in several copies and filed in a central file at the place of confinement for reference by the commanding officer and his staff in dealing with the prisoner; they furnish the basis for selection of prisoners for transfer to other places of confinement, especially the retraining commands; and just recently, by request of the Commandant, Marine Corps, a copy of such reports accompanies each recommendation of the commanding officer concerning a Marine general court-martial prisoner's clemency or restoration to duty. A directive has been published providing for the transfer of these reports and all confinement records from one place of confinement to another, whether the prisoner is transferred, recommitted as a probation violator or under new sentence, to the end

that these reports and records may be cumulative and thus serve as a continuous record.

Since 1 July 1944 Commitment Cards have been prepared in duplicate on each general court-martial prisoner. A copy is retained at the command for administrative use and the original is forwarded to the Bureau of Naval Personnel thus furnishing current information regarding offense, sentence, release date, prior delinquency and a minimum of personal data. These cards are used for reference in acknowledging inquiries about certain cases, serve as a check on the proper commitment and computation of sentences of prisoners and constitute a source of material from which occasional statistical surveys can be made.

At most of the larger places of confinement billets have been established for an assignment officer whose principal tasks are: To direct the supervision of the quarantine or receiving program, to supervise the interviewing of prisoners and the preparation of individual case reports, to establish, by direction of the commanding officer, a schedule of meetings of the Clemency and Restoration Board, to maintain such files and records as will facilitate the assignment and transfer of prisoners, to authorize, by direction, the assignment of prisoners to appropriate work and quarters, and to assist the commanding officer in acknowledging and referring for appropriate action letters of inquiry and official correspondence regarding prisoners.

#### Clemency and Restoration to Duty

In order that the policy of the Navy Department may be carried out in a uniform manner, a directive has been published providing for the appointment of a Clemency and Restoration Board at every activity authorized as a place of confinement for general court-martial prisoners. It is the function of these Boards to:

- (a) Examine the records and conduct of all general court-martial prisoners who are eligible for clemency consideration.
- (b) To interview each prisoner concerning his request for such consideration.
- (c) To recommend appropriate action on the basis of the foregoing and in accordance with the provisions of the Department's policy.

The recommendations of the activity's Clemency and Restoration Board are then forwarded by the Commanding Officer with his comment and recommendation to the Navy's Clemency Board in Washington, for action.

In addition, there has been prepared for distribution to all prisons, disciplinary barracks, and retraining commands a detailed statement of uniform procedures for the referral of cases to the Board.

### Education

In keeping with the Bureau's policy to develop a training program designed to prepare prisoners for restoration to duty, an Education and Training Officer has been detailed in the Division to carry this plan forward. The mission of this officer provides that, under the direction of the Director and Assistant Director of the Division, he is responsible for the development of "a program of physical training, trade training, and education in places of confinement under the cognizance of this Bureau."

It is the desire and plan of the Division that commanding officers of places of confinement institute education and training programs to include at least the following basic features:

- (a) Military Drill and Physical Training.
  1. In the interests of discipline, good health, and personal courage, a course of military drill and competitive sports has been directed by the Division.

- (b) Education and Training.

It has been directed that all personnel except those diagnosed as mentally incompetent shall be afforded the advantage of education and training, to include:

1. An orientation and release program designed to orient the prisoner to the disciplinary center and a similar program established just prior to release for instruction regarding restoration to duty.
2. A program of basic general training to include Navy customs and organization, seamanship, gunnery, first aid, etc. Special emphasis is being placed on reorienting prisoners to the service and in developing positive attitudes toward the Navy and its mission.
3. A program of advanced Navy training organized to consider the needs of the service; the needs of the prisoner population; and the facilities and materials available. These courses are to include advanced seamanship and navigation, gunnery, machine trades, carpentry, cooks and bakers, photographers, yeomen and storekeepers.
4. An illiterate training program for those prisoners showing a marked deficiency in reading and writing and, on a volunteer basis, evening courses in elementary school subjects.

The Division has recommended that the education and training program be correlated with the work and industries program. Modern training methods are to be employed and Naval and other approved training aids will be utilized to the fullest extent.

Adequate library facilities and other such educational services as may be necessary for the proper functioning of the schedule are being developed. The Division is instituting a plan for the maintenance of adequate educational progress reports for each prisoner.

In some of the larger activities assistant educational officers have been assigned and lend their services in the administration of the educational program in instruction. Most of the actual instructors, however, are experienced rated personnel. The Division has been most fortunate in securing highly desirable men for this work. In some cases, particularly in the practical Navy fields of seamanship, gunnery, signalling, etc., prisoner-teachers are employed. Careful supervision is maintained and their use has been quite satisfactory.

### Statistics

In order to insure complete information on the number and various classes of persons in confinement, a system of routine reports has been inaugurated. These reports are received weekly from all naval activities within the continental limits of the United States and show various breakdowns of all men in confinement. Twenty-six items of information are submitted under three general categories: (1) those under sentence, (2) those committed during the week, and (3) those released during the week. The individual weekly reports are compiled into a master report, "Weekly Report of Persons Confined" which is distributed to Navy, Marine Corps, and Coast Guard officials concerned. This task is under the immediate supervision of an officer of the Women's Reserve detailed to the office staff of the Division.

### Conclusion

In presenting this discussion of the Navy's Correctional Program the objective has been primarily to inform penologists and others professionally interested in the problem. No attempt has been made to add color through the medium of case histories, etc., but it is hoped that this factual presentation will answer many of the questions raised in the past.

The policy has been established by the Navy Department that men are placed in confinement as punishment rather than for punishment. The dual mission of every place of confinement is to carry out sentences, as approved, and to so develop, coordinate and regulate its program that the majority of prisoners who demonstrate their fitness for further service shall be honorably restored to active duty, and the remaining prisoners discharged in condition to meet successfully the duties and obligations of good citizens.

## FIGHTING DELINQUENCY FROM WITHIN\*

*If We Are to Make Real Headway, It Is High Time We Enlisted the Support of the Potential Delinquents Themselves and Their Communities*

By G. HOWLAND SHAW

*Former Assistant U. S. Secretary of State*

A question often asked at professional social work conferences is: "How can we organize the community for the prevention of delinquency?" If by "community" we are to understand one of those urban areas which are variously described as "underprivileged", "slum" or "interstitial"; if by "we" we have in mind persons who attend such conferences, and if by "organize" we are thinking of some process by which we impose or at least seek to impose upon others our judgments concerning what is best for them—if those are the meanings which we attach to those three key words in the question as proposed, then the answer is quite simple: There is nothing in our past or present experience which suggests that we outsiders can effectively organize for the prevention of delinquency or for any other purpose a community to which we do not now and never have belonged. And should a time ever come when it is possible to effect such an organization, then the character of American life will have so radically changed as to have ceased to be American. In a large measure it will have become totalitarian.

To be sure, we have established and we can continue to establish in the underprivileged community a variety of agencies which we have decided should be of benefit to that community; and undoubtedly some if not all of these agencies will benefit to a certain degree some of the members of the community and doubtless as a result we shall be helping a certain number of youngsters to keep out of trouble. We can also establish these agencies in haphazard and competitive fashion as we have often done in the past or we can plan for their effective utilization with as much intelligence as possible through some sort of procedure of coordination as we have on occasions done more recently. But whether the agencies are established or not established, and whether they compete with each other or are coordinated, the fact remains that the community is not being really organized either by us or by the people living within its confines. Essentially what we are doing is to decide what is

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good for the underprivileged area without any real participation or even sustained consultation with the people of that area; we are trying to do something TO the area rather than WITH it. In the last analysis our approach is fundamentally authoritarian, fundamentally undemocratic.

I am therefore going to propose that such a question should be rephrased somewhat as follows: "How can we outsiders assist the people of a so-called underprivileged area to organize themselves to look out for their own interests in general and incidentally to help prevent crime and delinquency?"

Let us take a look at several of the more characteristic ways in which we have approached the problem of the underprivileged area with high crime and delinquency rates.

First of all there has been, and of course, there still is, the traditional approach of the law enforcement officer. That approach is predicted upon a substantial measure of suspicion of many, if not most, of the inhabitants of the area in question; upon a not-always-clearly formulated theory that any sign of organization from within the area is more likely than not to be a source of trouble and should therefore be repressed, and upon a very firm conviction that periodic displays of force represent the only method really calculated to keep the more unruly inhabitants of the area in order. Under this approach, for instance, the problem of the obstreperous juvenile gang is met by occasional forays of squad cars and by a certain amount of beating up of the members of the gang coupled with a few arrests, appearances before the Juvenile Court and commitments to training schools. This of course is the method of warfare and because, among other reasons, no police force disposes of enough personnel to carry on the warfare in any but intermittent fashion, the results represent failure even from the point of view of law enforcement. While still championed in many of our cities, that method has been abandoned by the more progressive law enforcement officers or at least, in somewhat contradictory fashion, has been combined with methods of a more constructive kind.

Then there is the approach to the underprivileged community which, for want of a better descriptive term, may be called the philanthropic approach. Representatives of that approach were to be found among the founders and early leaders of settlement houses, boys' clubs, societies for the prevention of cruelty to children and other private institutions and agencies established to serve the underprivileged community. Many of these persons were wealthy; virtually all of them had enjoyed educational advantages. Sensitive to suffering, conscious of religious and of civic responsibilities, they responded to such descriptions of those conditions as those contained, for instance, in Jacob Riis' "How The

Other Half Lives." They responded with money and with buildings and, what is of greater importance by far, many of them responded with devoted services. From the point of view of the communities they served they were obviously outsiders, but outsiders alive to the problems of these communities and determined that an important part of their lives should be dedicated to efforts to solve those problems. We may nowadays feel justified in criticizing some of these solutions, but we cannot forget the quality of heart which at the outset inspired them.

Finally there is what I suppose should be called the scientific approach to the underprivileged area. Certainly that approach owes much to our newer knowledge of both individual and group behavior gained from medicine, psychiatry, psychology, and sociology. That, of course, is the approach represented by the child guidance clinic, by the settlement house and the boys' club in their present day form, to name but a few of the many agencies operating in the public welfare field. It is the approach which has made possible the development of a profession of social work with high standards of condition and training.

I have briefly described these three approaches because I want to raise the question: How much has each one of these approaches contributed to helping the underprivileged area to organize itself?

The first—the traditional law enforcement approach—has contributed a good deal, although in a definitely negative sense. As a result of that approach—the warfare approach—there has undoubtedly been an important reinforcement of the gang idea in its worst aspect even when individual gangs have been broken from one street corner or alley to another.

Group consciousness has been stimulated as a result of these police tactics—stimulated, that is, in the wrong sense—in the sense of organizing and waging war against society.

As to the second approach—the philanthropic approach—it has undergone profound change. In part, social workers are to blame. The very progress which they have made, the very emphasis which they have placed upon the complexity of behavior problems, the very professionalization which they have achieved, has meant a progressive ostracism of the layman and the laywoman from any real participation in the welfare field. As a result the role of that layman and that laywoman has tended to be restricted to financial, legal or public relations problems and the contact with the beneficiaries of this approach has in a large measure been lost, or has at least become indirect and therefore artificial and unreal.

The financial relationship, the relationship of money-giving, has of course been affected by higher rates of taxation and by the state of mind of imagined poverty which that taxation has engendered

in certain circles of our American society. Financial support of the private agency has therefore tended to be passed on to the community as a whole, but there are few signs of any corresponding change in the composition of board of managers or trustees, with the result that the philanthropic approach today is even further removed from the people that it seeks to assist than was the case forty or fifty years ago. And, to make matters worse, any criticism of this approach, any suggestion of a broadening, a democratization of management is certain to encounter a peculiarly emotional type of negative reaction. The undoubted high-mindedness of the founders is far too often used as justification for a failure to adjust to present day conditions. In a word, the philanthropic approach has often developed into one more vested interest.

When it comes to analyzing the pros and cons of what the scientific approach has contributed and is contributing to helping the community to organize itself I must frankly admit that I hesitate, having clearly in mind that I am a layman expressing views concerning a professional group.

I have spoken of the social worker's approach to the underprivileged community as the scientific approach, but I wonder just how scientific it really is. To be sure, the sciences I have mentioned have armed social workers with technical tools of unquestionable value, but are they not tools of more value in diagnosis than in treatment, and when it comes to treatment is not what we are trying to apply rather more of an art than a science with therefore little, if any, justification for the dogmatic attitude? And then, too, may it not be pertinent to recall that there is a dangerous satisfaction in laying down the law to other people and subtle and insidious gratification for our egos in having people dependent upon us? With such questions among others in mind I find myself speculating as to whether social workers—even group workers—are always anxious or even prepared to find ways and means of helping the community to organize itself, or whether they could not find themselves more at home in setting up programs and in organizing the community in accordance with their own ideas.

Irrespective of what any of us has done or failed to do in the past with respect to the underprivileged community, what should we do now and in the future?

Almost everyone has heard of "Back of the Yards" in Chicago, and some have doubtless gained more precise impressions of that one-time turbulent area of some 87,000 people from reading Sinclair's "The Jungle" and James Farrell's "Studs Lonigan" trilogy. It is an area characterized in the past by every sort of conflict and by widespread crime and delinquency and yet, when I visited it some four years ago and talked with labor leaders, business men, pastors of churches and others, I was struck by the con-

stant use of the word "we". It was always "we think this" and "We are going to do that". Evidently something had happened in that area. Kathryn Close in her article in the Survey Graphic of December, 1940, called what had happened "Packington's Latest Drama: Civic Unity", and she went on to say that "the impossible is happening Back of the Yards in Chicago."

The impossible was nothing more or less than the coming together of athletic and social clubs, religious societies, fraternal orders, labor groups and trade associations on the basis of an aroused interest in the improvement of the neighborhood. The organization responsible for this transformation was and is known as the Back of the Yards Neighborhood Council: a federation of most, if not all, of the natural organizations of the people of the area themselves, operating through an executive board, a board of directors and a general congress.

The Council has a sub-committee on juvenile delinquency to which the police turn over every first offender for study and treatment; it has interested itself in securing an infant welfare station, a recreation center and a number of other improvements of great practical importance to the people of the area. With the immediate needs of the community as a basis for action, the council has made itself felt not only in local political circles but has on occasion sent representatives to Washington when matters of interest to the community were being considered by Congress or by one or other of the departments or agencies of the Federal Government. Neighborhood Councils similar to that of Back of the Yards are today in operation in Kansas City, Kansas and in South St. Paul and a beginning has been made in Cleveland.

It is the purpose of the Industrial Areas Foundation, the Executive Director of which, Mr. Saul D. Alinsky, assisted in the organization of the councils, in the four cities mentioned to further the setting up of councils in as many other areas as funds and personnel will permit. Throughout, Mr. Alinsky's role has been to discover the important elements in the community, to ascertain who are the effective leaders of these elements and to help to bring them together by emphasizing their common interest in improving the community in which they live. The rest of the job, including the deciding on the projects which are to receive attention and the actual carrying out of the projects, is the work of the leaders of the community and of the several organs of the council. The council has from the outset financed itself and not even advice is forthcoming unless it is requested.

A few weeks ago I had occasion to visit the negro section of Northwest Washington. That is an area characterized by the worst sort of housing and by high delinquency and crime rates. I got into conversation with a 16-year-old colored boy who turned

out to be the Judge in a federation of gangs called the Junior Citizens' Corps which Officer Oliver Cowan of the Metropolitan Police-Force has helped to set up. The Judge was at the same time leader of a gang which had at one time been exceedingly troublesome to the police under the ominous name of "Bone Crushers". There is a boys' club in this particular area and I said to the Judge: "Why don't you and the other fellows join the boys' club?"

"Well," he said, "the boys' club isn't interested in what we're interested in."

That puzzled me a good deal, so I asked: "Just what do you mean? I know there's a good program in that club. Doesn't your bunch like boxing and games?"

"Yes," he said, "we like those things, but we've decided that this section of town is our section of town and we want to do something about it."

Seeing that I still looked puzzled he went on to explain: "We decided that the alleys needed to be cleaned up, so we thought we'd clean them up ourselves and then we decided that we'd stop window breaking around here and we stopped it." And after a pause he added: "You see we're ordered around at home and we're ordered around at school and we like to have a place where we can order each other around."

Officer Cowan has helped to create the state of mind reflected in that boy's answers to my questions by a very simple procedure. As a young colored patrolman, he was assigned to a particularly bad beat in Precinct 13. Crap games abounded, windows were being broken right and left, burglary and petty stealing were rampant, local merchants were up in arms and complaints poured in to the station house. Officer Cowan started in by gradually getting to know the boys on his beat, particularly the gang leaders. He followed very much the same procedure as Bradford Chambers of New York City has described in his important article in the Survey Monthly of September, 1944. He recognized the gangs and their leaders. In place of street corners and alleys, with the cooperation of the neighbors he helped the gangs to get the right sort of meeting place: in a store front, somebody's backyard; he even encouraged the more artistic among the boys to design suitable emblems and mottoes for their gangs.

The "Bone Crushers" and the "Oil Burners" began to enjoy previously undreamed of facilities, but being "Bone Crushers" and "Oil Burners" they were also members of the Junior Police and Junior Citizens' Corps and their leaders were also leaders in these larger organizations, representatives of which met every Saturday night and discussed and decided on plans of a character widely different from those which the gangs had heretofore thought about. I do not mean of course that the Negro Section

of Northwest Washington has been suddenly transformed into a sort of garden paradise, but a considerable number of previously troublesome boys have grown to realize that they have a measure of responsibility for conditions in that part of town in which they live and that planning and acting in accordance with this responsibility is both interesting and worthwhile.

I have cited the Back of the Yards Neighborhood Council and Officer Cowan's Junior Police and Junior Citizens' Corps as examples of what can be done in assisting the community to organize itself. I am not attacking the settlement house, or the Boy Scouts or the boys' club or any other agency. Of course they have performed notable services; to an important degree they are performing those services today; they may with modifications continue to perform at least some of them in the future. I am contending, however, that if we are going to make real headway in preventing delinquency, it is high time that we enlist the support of the areas from which the delinquents come and of the potential delinquents themselves. I would therefore submit the following concrete suggestions:

1. Approach the underprivileged area with a view to discovering what are the essential elements in the make-up of its population, who are the people who have the greatest influence with those elements and what steps can be taken to help those elements and those leaders to come together in an active and community-conscious organization.
2. Careful avoidance of even the appearance of seeking to run the community organization while at the same time calling attention to the existence of agencies both inside and outside the community, suggesting ways by which the organization may utilize the services of these agencies and facilitating that utilization.
3. Acceptance of procedures and practices which, judged from our standards, may seem less desirable, if these procedures and practices are adopted by the community organization, on the theory that the second or even the third or fourth best which has genuine community backing has greater social and educational value than any ideal solution which is sought to be imposed upon the community from the outside.
4. A thoroughly realistic attitude in determining who are the leaders. William A. Whyte has put the matter excellently in "Street Corner Society." He says:

"The social workers frequently talk about leaders and leadership, but those words have a special meaning for them. 'Leader' is simply a synonym for group worker. One of the main purposes of the group worker is to develop leadership among the people with whom he deals. As a matter of fact, every group, formal or informal, which has been asso-

ciated together for any period of time, has developed its own leadership but this is seldom recognized by the social workers. They do not see it because they are not looking for it. They do not think of what leadership is: instead they think of what it should be. To outsiders the leading men of the community are the respectable business and professional men —people who have attained middle-class standing. These men who have been moving up and out of Cornerville, actually have little local influence. The community cannot be moved through such 'leaders'. Not until outsiders are prepared to recognize some of the same men that Cornerville people recognize as leaders will they be able to deal with the actual social structure and bring about significant changes in Cornerville life."

5. With respect to boy gangs, recognition that the boy's own natural group and the leader and hangout of his choice are the primary objects of his loyalty, and that no substitutes of our choice and designing can effectively compete.
6. The development of a type of boys' worker capable of winning acceptance from the boys' own organization and imaginative enough to exert leadership from the side lines.
7. Application of the federation of gangs idea.
8. Study of the possibility that the boys' club may be decentralized and become the center for such a federation.
9. Representation on the boards of managers of private organizations and institutions serving underprivileged areas of those elements which are supposed to benefit from the services of such organizations and institutions.

Several years ago I was bold enough to try and define democracy. Here is the definition: "Democracy is a system of government and the economic and social organization under which the worth of the individual human being, and the multiple loyalties of that individual are the most fully recognized and provided for."

What I have said here is no more than an effort to apply that definition of democracy to the problems of community organization and the prevention of delinquency.



**FINANCIAL STATEMENT**  
**THE PRISON ASSOCIATION OF NEW YORK**  
 GENERAL FUND  
 STATEMENT OF INCOME AND EXPENSES  
 YEAR ENDED DECEMBER 31, 1944

<i>Income</i>			
Donations—special purpose			
The Greater New York Fund.	\$3,197 70		
Other Funds .....	5,375 54		
	\$8,573 24		
Donations—unrestricted .....	10,297 00	\$18,870 24	
Endowment Income			
Interest on Mortgages .....	5,106 65		
Interest on Bonds .....	1,725 00		
Dividends on Stock .....	8,734 50		
	15,566 15		
Total Income .....		34,486 39	
<i>Expenses</i>			
General administration .....	12,043 00		
Relief—prisoners and families (cash, food, clothing, etc.) .....	8,233 17		
Relief—administration .....	2,892 18		
Employment—administration .....	3,335 50		
Appeal—administration .....	1,780 50		
Traveling expenses .....	104 78		
Printing and stationery .....	198 15		
Postage .....	356 54		
Telephone and telegraph .....	322 14		
Auditing, legal and legislative services .....	424 04		
Periodicals, custodian fees and miscellaneous	388 81		
House maintenance .....	2,325 13		
	32,403 94		
Total Expenses .....		2,082 45	
<i>Excess of Income Over Expenses</i> .....		2,000 00	
<i>Special Donation</i> —to offset withdrawals from Endowment Fund .....		\$4,082 45	
<i>Excess of Income for the Year</i> .....		\$4,082 45	

**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, 1944. In our opinion the statement of income and expenses shown above presents fairly the results of the operations for the year ended at that date.

WEBSTER, HORNE & ELDSON,  
*Certified Public Accountants*

New York, N. Y., May 4, 1945.

**CONSTITUTION AND BY-LAWS**

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

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

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

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

ARTICLE FIRST

The objects of the association shall be:

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

ARTICLE SECOND

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

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

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

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

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

of them by instructing or employing them therein, the receipts and expenditures of said executive committee and generally all such facts and particulars as may exhibit the operations of the said association.

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

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

#### BY-LAWS\*

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

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

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

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

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

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

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

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

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

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

† At the February, 1938, meeting of the Executive Committee, section 1 of the By-Laws was amended to provide that the monthly meeting of the committee be held on the second Monday of each month, and that the annual meeting of the Association be held on the second Monday in January of each year. However, at the November meeting the By-Laws were again amended to provide that the monthly meeting be held on the third Thursday of each month, as heretofore, and that the annual meeting of the Association be held on the third Thursday in January of each year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*The General Fund.*—The term "general fund" shall cover all receipts of the association not constituting a special fund or specified for the endowment fund, the intention being that all the income, except legacies, including donations for general purposes, and income from endowment fund, shall be credited to the general fund to which the authorized disbursements of each activity of the association shall be charged at the close of the fiscal year.

The treasurer shall notify the corresponding secretary immediately on receipt by him of any sum for the account of the association that such receipt may be entered at once to the credit of the proper account on the books of the association.

The corresponding secretary shall be the general disbursing agent of the association, the object of the provision being to keep in the central offices of the association, all receipts for payments by him for the association of any kind, nature or description, and to have in the central offices immediate record of all his disbursements.