

Striking at the Roots of Crime*

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THIS evening's meeting is called under most appropriate leadership. Your Presiding Officer (Mrs. Roosevelt) has not only evidenced a desire to improve the lot of her fellow citizens, but also a long established interest in improving the methods of correcting their delinquencies. Few of you realize, I suspect, that Mrs. Roosevelt has probably visited personally as many prisons as any woman in America. She has become intimately acquainted with the institutional program of New York State, and since coming to Washington she has taken a deep interest in the penal system of the District of Columbia.

President Roosevelt likewise has been among the forefront of those who seek to reform America's prison régime. I remember that this problem claimed a good deal of his attention when he was Governor of New York. He modernized the program, the plant, and the personnel of its penal system. His interest has continued since he became President, and a broad reorganization of the Federal Prison System has been accomplished under his leadership. In discussing the New York prison situation he summarized the whole perplexing issue when he said of America's prisons:

To no other institutions of learning in the world do so many postgraduates return for advanced instruction as to those "Colleges of Crime" which a still unenlightened civilization has erected for a quite different purpose—our penal institutions, State and National.¹

That states the whole prison problem. How can we make sure that fewer men will return to prison? If we can solve this problem, we shall be striking at the roots of crime. If we can so reform our penal methods and philosophy that one experience with our criminal machinery is sufficient, then we shall have found one key to the problem of delinquency.

The District of Columbia, as the Capital of the Nation, has a large transient population and a crime problem of some magnitude. It is the pur-

pose of this meeting, without hysteria, to overcome public indifference and to arouse that substantial and general interest and study necessary to establish a modern policy of crime treatment.

Crime has too long been regarded as a legal matter to be left to the courts and lawyers. The public accepts the criminal trial as a spectacular battle of wits which is part of its community entertainment. Otherwise it pays little attention to the day-to-day working of our criminal courts.

Disparity Between Sentences

Surprise alibis, delays, political fixes, technicalities, new trials, sympathy and perjury load the dice in favor of the unscrupulous and against society. The real criminal class does not consist merely of those who have been sent to prison, but also of those who ought to be, but have escaped. A convict under our present system is one who has violated the law so indiscreetly, or so clumsily as to be found guilty. The sentence that he receives may not fit either the crime or the criminal. Only one who is intimately familiar with our courts realizes how difficult is the task of judges when they are called upon to fix penalties. If, for instance, a young man from a broken home deserves two years for forging his step-mother's ten-dollar relief check, how long should an educated business man languish in prison for defrauding his creditors of tens of thousands of dollars? Disparity between sentences imposed in different districts, by different judges, for practically the same offense, committed under similar circumstances, has resulted in such unequal punishment as to arouse the notice of the last Judicial Conference presided over by Chief Justice Hughes.

Of course, we want to maintain every wise safeguard against unjust conviction. I would even prefer that we should err on the side of undeserved acquittals than on that of unjust convictions. But it is pretty generally agreed that justice could be made more even handed, there could be less politics in both prosecutions and defenses, and the procedure could be freed of much technicality and delay. But proposals of basic reforms in criminal procedure seem always to strike legislative snags and fail for want of understanding public support.

* Address delivered at a Forum Meeting of the Corrections Committee of the Council of Social Agencies, Washington, D. C. February 1, 1939.

¹ Address before the National Probation Association, New York City March 17, 1931.

Aim of Prison Custody

After the excitement and publicity of the trial, the great iron doors close on one who has been convicted, and he becomes the most closely watched, and yet one of the most completely forgotten of men. The prison authorities take them as they come and do the best they can, often with inadequate financial means and always without the support of an informed public opinion.

I concede at once that there are hard and incorrigible habitual criminals, whose hands are steadily raised against decent society. It has no choice but to confine them for its own protection. I make no plea for such as these. But I want to be sure before one is abandoned to such a fate that the victim really belongs to this class.

The aim of prison custody, at least in the case of first offenders and youthful delinquents, should be to restore the offender to a useful position in society. Mere imprisonment should not be viewed as an end in itself. It should be the opportunity for instruction in useful pursuits and guidance to wholesome ways of life. To do this prisons must be so constructed and so operated that there can be complete segregation of the various types of offenders. Moreover, specialized facilities for treating each classification group must be available to those in charge of our prison system. That is part of your objective here in Washington.

So far as funds and facilities permit, the Federal prison authorities are trying to make a separation of those who are capable of rehabilitation from those without hope, and are trying to adapt a prison discipline to the needs of the individual. They are also, I understand, cooperating with the District penal authorities in every way possible, but it seems to me to be unwise for a jurisdiction as important as the District to depend upon the Federal authorities to solve its prison problem.

To keep prisoners in jail after the rehabilitation is accomplished would be as unwise as to keep patients in the hospital after they are well again. The system of parole is designed to release men when they have been restored to social usefulness—some sooner and some later—and to keep them going right when they leave.

Misconceptions of Parole

Parole is frequently misrepresented as an indiscriminate turning loose of convicts upon an unprotected community. Properly conceived and properly administered, parole is no such thing. Parole ought not to be confused with leniency. It should not

be considered a remission of sentence but rather it is an extension of control—an indispensable bridge to enable the prisoner to cross from the abnormal life in prison to the normal, law-abiding life of the community.

Nor is parole merely surveillance of the prisoner after he has left the institution. Rather, it is the application of sound and scientific social case-work procedures to the man or woman who has shown reasonable possibilities of readjustment in the community. But it costs money to provide the intelligent, realistic supervision the man on parole needs. Until an adequate system of parole supervision is provided, it is naive and fatuous to expect any parole system to succeed.

It must be obvious that the most difficult time in the restoration of the convict to usefulness is immediately after the prison doors are opened. The law has been satisfied. He has freedom. But where is he to find work or welcome? What doors are open to him? In whose company may he find society and companionship? Without these he cannot regain a foothold in the world.

Under the Federal and the better state systems no one is released on parole unless and until he has a job. This is perhaps the most vital requirement of return to law-abiding life. In this respect the parolee has a better prospect than one who is released at the end of his term, for he has no such assurance. He is given a suit of clothes, and if he has served over a year he is also given all of \$10.00, and turned out to shift for himself.

Parole will not be fully utilized until the parole officer supervises and aids all convicts, whether paroled or released at the end of terms, to return to normal life. The State should not only see that the ex-convict is restrained from evil ways, but also that the released man has a chance to do right and useful things. We must not think that one long shut in from society can step back into freedom without bitter disappointments, cruel rebuffs and discouragements that would destroy the best intentions. To fail in help as a man stands on the threshold of a new life is to lose all the good that confinement could have done.

The Roots of Crime

I am not one who believes that an orderly society can be produced by laws, by punishments or by courts. Rather, courts and punishment and laws are produced by an orderly society. Most people lead peaceable and disciplined lives, not because of penalties for misbehavior, but because of their

habits and ways of life. A man who is only as good as the law makes him be is not a good neighbor. The great majority of people live on a plane much above what would get by the courts because their patterns of thought and behavior are shaped by our cultural institutions, schools, churches, and not by law alone.

This is why the crime problem is not for lawyers alone but for all the people. We must cultivate the social life that will lead away from paths of crime. We should think of crime as preventible—just as disease is preventible. Poverty and destitution are certain breeders of crime and of attitudes that lead to crime. Unemployment and idleness leave their trail in criminal statistics. Slum clearance, better housing, playgrounds and recreation parks, unemployment compensation and better living standards combat crime as effectively as sanita-

tion combats disease. Every measure to remove embittering and hardening influences and to better the opportunities and the cultural institutions, particularly those available to the lower income groups, helps to diminish the incentives and temptation to crime. Whatever will increase contentment and good will and decrease friction and bad blood among men helps prevent crime.

The District of Columbia recognizes that crime is but a part of its general social problem and that a unification and stimulation of those forces that would make for a better community life will help reduce the crime rate. The most hopeful sign of our times is in thus placing criminal conduct in a right relation to the whole social and economic pattern, as a concern of all people, and in recognizing the primary purpose of punishment to be restoration of broken lives.