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"FEDERAL YOUTH CORRECTIONS PROGRAM"

ADDRESS

BY

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Mr. Chairman, Officers and Members of the Cincinnati Bar Association, Members of the Sixth Federal Judicial Conference and friends. It is a real privilege for me to be with you tonight. Too seldom are we privileged to get out on occasions such as this to meet with members of the bar, Federal judges, United States Attorneys and other officials vitally interested in the administration of criminal justice.

I was very pleased when Judge Potter Stewart suggested that I speak to you on the new Federal Youth Corrections Program.

Those of us who are parents have great concern for the welfare and guidance of our children and youth - are desirous of adequately providing not only food, clothing, shelter, education, but also a meaningful spiritual experience for our children. In America we are attempting to train our youth to understand and live with the freedoms and responsibilities which our way of life makes possible. In doing that we are trying to determine what problems they are going to be facing 10, 20, or even 30 years from now and to train them to meet those problems successfully. And to a large extent, the training we give our young people will determine the future of the way of life in this country and perhaps the rest of the world.

A young man today faces a compulsory period of service in the military that tends to disrupt his plans for the future. The general feeling of insecurity that seems to be a part of our times in this atomic age must be faced by youths as well as adults.

Sociologists have been warning us for the past 15 or 20 years of the "cultural lag" here in America. They have told us that the physical

sciences have made tremendous strides forward in improving and extending our mechanical and chemical scientific knowledge. At the same time they have pointed with concern to the lack of progress in the social sciences. We have not developed human engineers in the science of human behavior fast enough to keep pace with our progress in these other fields.

Medical science has performed miracles in recent years. The treatment of Tuberculosis is reported to be well on its way to controlling this "killer" of only a few years back. Dr. Jonas Salk within the past year has given all of us reason to face the summer months ahead with new courage and confidence. In the past during this spring time of year when so many things that brightened childish eyes made their appearance, the dreadedcrippler "Infantile Paralysis" began its rampage. We now have reason to hope that this dreaded children's disease is being controlled.

Now, in the field of criminal justice, no American during the past 50 years who knows how proper administration of criminal justice protects society from delinquency and crime has been too happy about its results. This has been particularly true as relates to the handling of juvenile and youthful offenders. Leaders in the study and treatment of delinquency were alarmed by the serious increase in crimes committed by youths between the ages of 16 and 22 years of age and they began to study and examine our traditional correctional process. In 1940 the American Law Institute adopted an ambitious program submitted after a long period of careful study by a committee especially selected for this purpose. It called for a Youth Corrections Authority set up in each State by the legislature to handle delinquents in this age group. The heart of the

Model Youth Corrections Act is embodied in Section 1 of the Model Act and states:

"The purpose of this Act is to protect society more effectively by substituting for retributive punishment, methods of training and treatment directed toward the correction and rehabilitation of young persons found guilty of violation of law."

The purpose of the Model Act is further outlined in the introductory explanation of the Act and states:

"The Act as a whole is novel, because it frankly and specifically departs from the merely punitive ideas of dealing with convicted criminals and sets up the objectives of rehabilitation."

Several states adopted the Model Youth Corrections Program. It was first implemented by the State of California in 1941. By the end of 1950 the basic pattern of the Youth Act plan had been enacted with several administrative innovations in Wisconsin, Minnesota, Massachusetts and Texas. At present several states are moving in the direction of the Youth Authority idea and it is anticipated that as time goes on and the program is fully understood it will continue to be extended.

Federal judges recognized the need for similar legislation to allow a more flexible situation to meet the needs of youths who were beyond the juvenile age range and who had not yet reached adulthood. Chief Justice Harlan Fiske Stone over 12 years ago appointed a committee of distinguished United States judges to study the problems of sentencing and reformation of defendants committed in the United States Courts.

The committee spent much time and study in surveying sentencing procedures, including the American Law Institute's Model Youth Corrections Act and concluded that a more flexible system of disposition in the cases of youth offenders was needed. They expressed this need through the Federal Judicial Conference and in cooperation with several members of Congress and other interested groups. The Federal Youth Corrections Act was passed in 1950 by the Congress.

The Act was not implemented, however, until 1953 when President Dwight D. Eisenhower appointed the reorganized Federal Board of Parole. On October 2, 1953, it was my privilege to launch the new Federal Youth Corrections Program by naming members to the Youth Division of the United States Board of Parole. The program provides a new and improved procedure for handling Federal youthful and juvenile offenders. It also seeks to learn why a youth is in trouble with the law and attempts to find out through a thorough testing program what are his trainable skills.

Unlike the Federal Juvenile Delinquency Act, which provides for the special handling of the offender from the time of arrest until disposition by the court, the Youth Corrections Act contemplates regular criminal procedure. It may be invoked against all offenders under the age of 22 who have attained their 17th birthday.

After the conviction of a youth offender the court may take one of six courses:

1. Suspend imposition or execution of sentence and place the youth offender on probation, for which purpose the Probation Act is available.
2. Sentence the youth offender, in lieu of a definite term, to the

custody of the Attorney General for treatment and supervision until discharge by the Youth Correction Division (Section 5010(b)). Such a committed youth offender may be released under supervision at any time by the Youth Correction Division. He must be released under supervision upon expiration of 4 years from date of conviction and must be unconditionally discharged upon expiration of 6 years from the date of conviction (Section 5017(c)).

3. Sentence the youth offender to the custody of the Attorney General for any term of imprisonment authorized by the statute under which the youth offender stands convicted if it feels that the youth would not derive the maximum benefit from treatment by the Youth Division before expiration of 6 years from the date of conviction (Section 5010(c)). Such a committed youth offender may be released under supervision at any time by the Youth Correction Division. He must be released under supervision not later than 2 years before expiration of the term imposed by the court. He may be unconditionally discharged 1 year later and must be unconditionally discharged on or before expiration of the maximum term imposed (Section 5017(d)).

4. Sentence the youth under any other applicable penalty provision if the court finds that the offender will not derive benefit from treatment under Sections 5010 (a) or (b) (Section 5010(d)). The offender will then be eligible for parole and conditional release under laws applicable to general prisoners.

5. Commit the youth offender to the custody of the Attorney General for observation and study at a classification center if the court desires additional information as to whether the youth offender will benefit from

treatment under Section 5010(b) or (c). Within 60 days from the date of the order or such additional period as the court may grant, the Youth Correction Division shall report its findings to the court (Section 5010(e)).

In January, 1954, six Federal Correctional institutions were set aside for the new youth program. These are Ashland, Kentucky, Englewood, Colorado, Chillicothe, Ohio, El Reno, Oklahoma, the National Training School for Boys, Washington, D. C., and the Natural Bridge Camp in Virginia. Ashland was converted into a center for both diagnosis and treatment. All youth offenders go there for preliminary study so that we can see who they are, what got them into their present difficulties, and what ought to be done about it.

This preliminary study is very thorough. The youth is given a complete medical and psychological examination. He is also interviewed at length by the psychiatrist if this is needed. Many tests are administered to him to determine his achievements, aptitudes, attitudes, religious interests, and unused skills, and personality structure. His social history is compiled through interviews with specially trained staff members.

The Youth Division conducts an Initial Hearing with each youth offender soon after the admission study has been completed. At this time the Division considers the youth's offense, his background and the program which the Classification Committee has proposed for him. When the best possible treatment program has been developed, it is ordered placed into effect.

The youth is not dropped from sight after the Initial Hearing before the Board. The Youth Division wants to know how he is getting along under the program, whether there should be any changes in it, and whether the objectives first laid down were accomplished. This means that the youth must appear again before the Division periodically to see that everything possible is being done to salvage the youth within the framework of the Federal youth institutions or beyond it to the offerings of private and local facilities as need be.

These Review Hearings therefore result in a weighing of the program as applied to and experienced by the individual. Practically speaking, they result in a Division order to continue the program until another scheduled date or that it should be changed in a certain way. Further, these hearings result in the youth's parole back into the community at the psychologically right time as measured by his readiness for this step.

One of the most vexing problems is found in the youth with no family ties, no job experience and no third parties who are interested in him. Lest you think this is an exceptional type of youth offender, might I say that a fair estimate has been made that almost nineteen percent of our juveniles and youths fall into this class. They require special planning. Our whole program is aimed at sending a law-abiding youth back into his community. Now what community and what kind of plan should we set in gear for this youth? There is no happy answer.

What is needed is a fund to pay for the temporary care of such youths when they start their parole; funds to carry the first few weeks of board and lodging until his first pay checks start coming in; perhaps funds for a minimum kit of tools if he is a skilled workman; funds to

defray enrollment fees at a technical school or the cost of the first quarter of his union dues. If we fail in this, we - all of us - may be derelict. We may drive the youth back into crime out of a sheer sense of frustration, and we may have lost everything we gained up to this point.

Recently two youths were referred to the Chairman of the Youth Division and their cases point up the great need for assistance in their post-release programs:

- A. Richard was sentenced in the summer of 1954 for auto theft. He was always belittled and compared in derogatory terms to an older brother who is a medical student. An implacable father encouraged him to enter the Army when under age to escape it all. The youth hated the Army and stole a jeep from the military installation while stationed there in order to get out of the service. This case appears to have a hopeful outlook if he can be properly trained in the institution in vocational guidance but will need assistance in securing a job and a family living situation.
- B. Donald, aged twenty-one, sentenced summer of 1954 for auto theft while AWOL from the Army. He was employed in a garage and while delivering a car to the owner was sideswiped by another car and kept on driving and was thus charged with violation of the Dyer Act. He had served five and one-half years in the Army, received the purple heart with three

clusters. Parents deceased, very few friends or family contacts. Needs living arrangements and a stable job. Has some vocational skills.

The Youth Correction Division has energetically been working with a number of national service organizations in developing a sponsorship project to assist "committed youth offenders" who are released on parole, who are in need of special assistance in community planning. The sponsorship plan is for Exchangites, Lions, Kiwanians or other service organizations to serve as an adviser or counselor to assist the youth or juvenile not having adequate family or community resources who is ready to be released on parole. The person representing the service club can serve either as an adviser to the youth while he is on parole or assist him in securing a job, or, more realistically, possibly as just a friend. This man as a respected member of his community has a valuable contribution to make to this youth, that of helping him realize that his new friend and society as a whole can and will have confidence in him.

Within the home community the problems a youth will face as a general rule are of such magnitude that even a mature adult would find it difficult to overcome them. These difficulties arise because many times within the home community he is branded as a criminal, parolee or even juvenile delinquent. They fail to comprehend that he is a youngster with a problem who has during his institutionalization received specialized training designed to help him overcome his particular limitations. Social stigma or ostracism do not aid him but on the other hand rather tend to drive him further into his feeling of frustration and hostility against society.

The new Federal Youth Corrections Program now applies only to the Eastern part of the Nation - for lack of funds. We are hopeful of being able to extend it to all Federal juvenile and youthful offenders next year. I am encouraged by the fine showing that is being made. Some 40% of all youths eligible under the Federal Youth Corrections Act have, during the past year, been committed under its special provisions. Also, the majority of the eligible Federal Judges are making use of the Act. The Federal Courts have committed, as of March 1, 1956, 749 youths and the Youth Division has released 164 committed youth offenders on parole. Of this group the Division has issued violator warrants in only 20 instances.

The Federal Youth Program has not been in operation long enough to draw many positive conclusions from its first two years of activity. However, we have many reasons to be encouraged. First, the Federal Judges are making active use of the Youth Act as an improved correctional procedure. Secondly, the youths themselves as well as the members of the staff seem enthusiastic about its hopeful possibilities for treatment under the Act. Thirdly, our statistics thus far show a remarkably low percentage of violators of parole when compared to national averages for this age group. This is an excellent beginning and one that holds great hope of rehabilitation for our Federal juvenile and youth offenders.

So tonight, I solicit the professional interest and support of this distinguished audience of Judges and lawyers for our program of improvement in the Federal Correctional System - a program which in the name of justice holds such a high potential for turning young law violators into useful citizens.