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FOR RELEASE 10:00 A.M.  
MONDAY, APRIL 9, 1956

ADDRESS

BY

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ATTORNEY GENERAL OF THE UNITED STATES

Prepared for Delivery  
before the  
National Conference on Parole

Departmental Auditorium

Washington, D. C.

Monday, April 9, 1956

Mr. Chairman, Mr. Chief Justice, officers and members of the National Probation and Parole Association, Chairman Richardson and members of the U. S. Board of Parole, Mr. Bennett, Mr. Hoover, delegates and visitors to the 1956 National Conference on Parole:

It is my high honor and distinguished privilege to bring you the greetings of the President of the United States of America, the Honorable Dwight D. Eisenhower. President Eisenhower has asked that I convey to those assembled his sincere best wishes for a most successful and constructive conference. Indeed it may interest you to know that one of the first matters he initiated in the Department of Justice early in 1953 was a re-evaluation of parole standards and practices of the Federal government.

I am happy to join with the others who have welcomed you to Washington and on behalf of over 30,000 employees in the Department of Justice, I extend to you a warm and cordial welcome to the Nation's Capital and to the National Conference on Parole. As evidence of our esteem for those of you in attendance and our desire that your stay in Washington be a pleasant one, we timed the conference so as to have you in Washington during our most delightful season of the year -- Cherry Blossom time.

One reason that I personally am so pleased to have the Department of Justice associated as co-sponsor with the National Probation and Parole Association for this Conference arises out of my long and fruitful law partnership with a very distinguished leader of the American Bar who served for nearly 20 years as Treasurer and a director of the National Probation Association - Mr. Henry de Forest Baldwin of New York. His services to probation and prison reform were fittingly recognized by a citation from the Association. He, early in my legal career, encouraged my interest in the importance of parole in our social system.

The problem of crime prevention and control presents a challenge to everyone working in the field of corrections and the administration of Justice. The Department of Justice is interested in each and every phase of crime prevention and control, but appreciates the fact that the subject of corrections is so expansive that it cannot very well be encompassed in one three-day working conference. So, on this occasion we have limited our conference workshops to a consideration of the different aspects of parole. In order, however, that the conference might have an expression from those working in two important related areas of corrections that have a direct bearing on the success of parole, Hon. J. Edgar Hoover, Director of the Federal Bureau of Investigation, and Hon. James V. Bennett, Director of the Federal Bureau of Prisons, will address the conference tomorrow.

Parole is the release of a convicted offender under supervision, and under certain restrictions and requirements, after he has served a portion of his sentence in a penal institution. It is not clemency or a grant of forgiveness, but a process of regulated reformation. Prison gates swing two ways -- they swing shut for those who have run afoul of the law and are sentenced to a period of confinement, and they swing open for those who have served the portion of their sentence deemed necessary for preparation to return to free society. Ninety-five percent of the persons sent to prison are eventually returned to society, about forty percent on parole and a considerable number of the remainder under some form of supervision. So it is vitally important that the bridge of supervision which must carry them from a controlled situation to freedom and useful citizenship be a strong one.

Although parole received its first official sanction in the United States over seventy-nine years ago when the Elmira Reformatory in New York began the practice, there has been to my knowledge only one National conference on the subject of parole prior to this meeting. The first National conference on parole was called following a period in which parole in many instances, according to the then Attorney General, had been "a source of scandal". It had been viewed with much suspicion and distrust by a large segment of the general public. Statements of certain public officials and persons in some private agencies based on their own personal fears of parole as a tool of rehabilitation helped to fan the flames of controversy which welled up into an intense desire to learn the facts concerning the use of parole throughout the nation during the late 1930's.

The Survey of Release Procedures which preceded the 1939 Conference provided a base for that Conference which had not been available previously. The outstanding accomplishment of the 1939 conference was The Declaration of Principles of Parole. Workers in the field of parole have come a long way since 1939. With the enactment of parole legislation in Mississippi in 1944 every State in the Union has a parole statute. Today, every State is a member of the Interstate Compact on Parole, and the Federal government cooperates closely with the Administrators of that Compact in matters in which they have a mutual interest. I treasure very highly the Resolution passed by the Administrators commending the Department of Justice for its cooperation.

Those of you assembled here today -- the policy makers, day to day workers, and interested lay leaders representing the best minds available in the field of parole and sent here by the Governors of forty-seven

States, six territories, the Dominion of Canada, and the leaders in the parole and correctional fields of these jurisdictions are tender testimony of the progress that has been made since 1939. Also, the atmosphere in which we meet today is much different than it was in 1939. The 1939 Conference was the outgrowth of public apprehension as a result of either the misuse of parole or the lack of public understanding of the parole process. By contrast, this conference is the outgrowth of a calm well-thought out decision that now is the time to take inventory of the progress we have made, what is needed and desirable to elevate all parole systems to the highest levels of proficiency and effectiveness, and determine how we can strengthen parole services by an agreement on standards which will serve as goals for the nation.

In calling this 1956 National Conference on Parole, in cooperation with the National Probation and Parole Association and the United States Board of Parole, I have set forth the following objectives:

1. To evaluate existing parole standards and practices.
2. To promulgate and publish manual and guide materials on parole principles and practices.
3. To focus nationwide attention on the importance of parole in the control of delinquency and crime.

Parole is a most important part in the total program of administering criminal justice. Where high standards are established and maintained, real progress has been made. Where it has yielded to political or other pressures, or has incompetent personnel or inadequate staff, it has failed to fulfill its function. Crime is a national problem and like disease, it neither recognizes nor stops at any artificial barriers. You cannot

wall-it-up in the confines of a single state or section of the country, and if parole services in any area are inadequate they impair the overall efforts of the nation to cope with its crime and delinquency problem. I am deeply impressed with the importance of this conference and the wealth of formal training, experience, and professional know how of those of you in attendance today, and it is my most fervent prayer that your findings and recommendations will be as a leading light and guiding star for those of us present and those who will follow us in the field of parole in the years ahead, for good parole guidance is crime prevention as well as reformation and protection of society.

I am happy that the preparation for this conference has afforded an opportunity for the Department of Justice and the U. S. Board of Parole to work closely with the National Probation and Parole Association, an association that has pioneered in the field of parole for almost half a century, and whose officers and staff personnel have brought to our planning meetings their rich heritage and the distillation of their ripe wisdom and experience. The solid foundation of the association was built by Charles Lionel Chute whose mantle has been worn with the reflection of great credit and distinction by our presiding officer this morning, Mr. Will C. Turnbladh. I agree with the National Probation and Parole Association that only sustained effort, public and private, can build and maintain the service needed for early and effective control and treatment of crime. Any area of government operation must be reviewed, revised, and improved to stay in tune with other happenings in a rapidly changing, complex, and competitive society.

The other co-sponsor of this conference is an agency in the Department of Justice of which I am very proud -- the U. S. Board of Parole. Members of the Board must have had special training and experience, and must have attained recognition in law, medicine, criminology, penology, psychology, or sociology. On the Federal board we have two lawyers, a psychologist, a sociologist, a former warden, a former state parole director, and two former probation officers whose formal training was in law. We feel that this cross section of backgrounds and experience gives us a quasi-judicial administrative agency of delicate balance. The points of view and disciplines represented--legal, psychological, penological, and sociological are rarely found in any one person. The systematic exchange of views and ideas in individual cases by such a board and a consensus of a majority of three out of five in decisions to grant, deny, or revoke parole give substantial validity to board actions. Also, the fact that the board hears and passes upon applications for parole in thirty-one institutions located in various parts of the United States and yet has the opportunity to sit en banc, to discuss similar and contrasting factual situations in a central office before deciding a case, enables it to avoid great disparity and unbalanced justice in its decisions.

A congressional Act of 1950 authorized a Youth Division of the Parole Board of three members, increasing the size of the Board to eight members, with definite tenure whose decisions were not reviewable by the Office of the Attorney General. No steps were taken pursuant to this Act until 1953, when the first three members were selected by President Eisenhower for the Youth Division. On January 19, 1954, the Federal Youth Act was certified for federal judicial districts east of the Mississippi River. We are

hopeful of being able to extend this improved correctional treatment program to all Federal juvenile and youthful offenders next year. Already I am encouraged by the fine showing that is being made by this program. The Chairman of the Youth Division recently reported that some 40 percent of all youths eligible under the Federal Youth Act have during the past year been committed under its special provisions. Also that the majority of the Federal Justices are making use of the Act. It is most challenging to note the fine progress that many of these juveniles and youths are making under an enlightened program of this type. Although the Youth Program is very new, the Federal Courts have committed to date 729 youths and the Youth Division has released 164 committed youth offenders on parole. Of this group, the Division has issued violator warrants in only twenty instances. This is an excellent beginning and one that holds great hope for our Federal Juvenile and Youth offenders.

July 15, 1955 the Board was brought to its full strength of eight members. Also, in 1955 the Board published the first revision of its Rules since 1936 and the first publication of the Board's Annual Report made its appearance. The new Board has changed the Board rules so that the presence of a detainer is no longer an absolute bar to parole consideration. This has resulted in obviating many miscarriages of justice, and makes possible joint supervision of parolees with the states in a number of instances. The review of each inmate's case by the Board at least annually with a parole progress report on the anniversary of his eligibility insures that there will be no forgotten men among the 20,000 inmates in our Federal penal institutions. The establishment of regular hearing days at the Board headquarters in Washington for the lawyers, relatives, and friends of

inmates, before as many Board Members as are in town at the time of hearing, has been widely acclaimed as a great improvement over the old system of hearings before individual Board Members. The leadership the Board has shared in arranging this conference is in my opinion unimpeachable evidence of its interest in high parole standards. I hasten to add, however, that the Federal government is not seeking through this conference in anyway to extend its jurisdiction in the parole field.

In order that the governors might have no apprehension about sending delegates to this conference and that their representatives might be free to express their thoughts without reservation, it was decided that the findings of the Conference would not be binding upon any of the jurisdictions represented here. This arrangement we believe will also have the advantage of stimulating the best thinking of all participants in the conference.

During the 1939 Conference the hope was expressed that "throughout ... (the conference there would) ... be a clear distinction between parole and time off for good behavior -- a distinction that will be unmistakable." I express the same hope that not only during this Conference will such a distinction be crystal clear, but that the conference will agree on a single word that will convey at once to those in the profession, the press and ordinary layman instances in which a person is released with time off for good behavior -- just as we have one word to convey the parole situation. It has been my observation during my administration that parole has been damaged and suffered most in the eyes of the public from news reports describing certain offenders as parolees when they are in fact persons who were denied parole and were released from prison after serving

their sentences less statutory allowances for good behavior or work in prison industries. To-date no prisoner has ever been paroled from Alcatraz, and yet in several instances during my administration when persons released from this institution on so-called conditional release committed a new offense, they have been described in press stories as parolees. Sometimes a press story will describe the former prisoner as a "conditional releasee" and in the same article call him a "parolee". It appears to me that the press is not entirely at fault in this matter since the confusion seems to come about in part from the choice of the term "conditional release". I have recently taken a close look at the term "conditional release" and have made the following notations: In Frederick A. Moran's article on The Origins of Parole published in the 1945 Yearbook of the National Probation and Parole Association, parole is defined as "the conditional release of an individual from a penal institution, after he has served part of the sentence imposed upon him." The expression conditional release is not found in the Federal statutes covering the release of adult or juvenile offenders. Section 4164 of Title 18 of the United States Code states "a prisoner having served the term or terms for which he shall have been sentenced after June 29, 1932, less good time deductions, shall upon release be treated as if released on parole." Thus the expression conditional release as used in Federal adult and juvenile cases is the result of Administrative Regulation and is not statutory. The Federal Youth Corrections Act does not use the word parole, but uses the expressions conditional release and released conditionally under supervision. In comparing the language of Section 4203 of Title 18 of the U. S. Code dealing with adults, and Section 5037 of

Title 18 of the U. S. Code dealing with juveniles where the expression released on parole is used, with the language of Section 5017 of Title 18 of the U. S. Code (Federal Youth Corrections Act) where the expressions conditional release and released conditionally under supervision are used, it is clear that the meaning of these expressions is synonymous. I am not informed as to how these expressions came to be used in the states and have analyzed the federal situation to indicate clearly that we are not irrevocably wedded to the use of the expression conditional release as covering the situation where a person is released from prison after serving his sentence less statutory allowances for good behavior or work in prison industries. Because of the ease with which parole and conditional release may be confused not only in the press but even in the "trade", I think the time has arrived for us to boldly turn our backs and walk away from the term conditional release as affording us a clear distinction from parole.

It would please me greatly, and I am sure the U. S. Board of Parole, and be of immeasurable value so far as public relations and parole are concerned, if this conference could agree on a single word to cover the situation where a person is released from prison after serving his sentence less statutory allowances for good behavior or work in prison industries.

I wish to make one other observation on the matter of public relations and parole. Parole has glamor that is frequently not presented to the public through mass media in a manner that would inspire public confidence in the functioning of the parole system. Some playwrights to complete the cycle of a criminal case show a character committing an offense, being tried, convicted and sentenced, entering prison, serving

his sentence and being released on parole, and committing a new offense. Invariably he is released on parole -- the glamor of the sequence seems to cause this type of release to prevail over the possibility of a conditional release, even though the character portrayed would in any good parole system be denied the benefit of parole. Sometimes the theme of the play makes it appear that the odds in a free society against a parolee being a good citizen are overwhelming. Once in a while the character successfully completes his parole with the help of a pretty girl, and occasionally with the help of an effective parole officer.

The undisputable facts are that the great majority of parolees do successfully complete their paroles and return to positions of usefulness in their communities and it is only the parole violator who hits the headlines or attracts public notice. It would seem to me that this Conference would make a valuable contribution if it could find a way to have the true facts of parole success more effectively interpreted to the public through mass media.

In closing may I again express my thanks to all of you who have come here to participate in the 1956 National Conference on Parole. The field of parole as reflected in your workshop papers is wide, the opportunities for service through participation in this conference are vast, and the reward to all of us will be the satisfaction that will come in the knowledge that we will have taken important steps toward crime prevention and control through establishing standards and guides for strengthening parole services.