



# Department of Justice

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ADDRESS BY

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before the

CONGRESS OF THE AMERICAN CORRECTIONAL ASSOCIATION

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It is a pleasure to be here.

I am a former prisoner. I spent two wartime years in Italian and German POW camps and developed some very definite views on what prisons should not be like. But since no one would listen to me then, I now intend to make you victims of my long pent-up ideas.

Before coming up here, I managed to peruse the pre-convention issue of the American Journal of Correction. Among the interesting things I found there were the penological theories of the first warden of the Maine State Prison, written back in 1824.

Prisons, this gentleman believed, should be "dark and comfortless abodes of guilt and wretchedness." The prisoner should be solitarily confined in a "dark and dismal cell" and "cut off from all hope of relief." His situation must be "designed for grief" and surround him with "hideous spectres and overwhelm him with horror and remorse."

The warden apparently was more than just a theorist, he carried his rather chilling ideas into practice. The cells of his prison were jugs dug in the ground with only a small aperture at the top large enough for the prisoner to descend.

I have no need to tell you that our ideas on treating wrongdoers have advanced considerably since those times. We view our prisons today not as institutions of medieval retribution but as a means to reestablish the offender as a useful member of society. But while our ideas have advanced considerably, I fear we are not always as successful in putting them into practice as was the first warden of the Main State Prison. Many prisons still have little function other than to incarcerate or punish the individual offender.

Furthermore, though our general ideas of what we want our institutions to accomplish are fairly clear, our specific knowledge of how to bring about the desired results often remains fuzzy and untested. Many rehabilitative programs have been more discussed than used and we have insufficient evidence of their efficacy.

Even our use of the word rehabilitation suggests some uncertainty. To rehabilitate means to restore to some former state of usefulness. But for thousands of individuals in our penitentiaries such a state never existed. We are confronted with the far more difficult assignment of instilling new skills, and education in persons who never had any to begin with. Normally this cannot be done unless there is a parallel development of emotional maturity in individuals who are psychologically retarded and socially deprived.

Our continued use of the word rehabilitate despite these obvious facts, is I think, more than just a semantic lapse. It suggests that our purposes and procedures are not as well defined as we would like to think they are.

It is precisely for this reason that President Johnson last month

appointed the Commission on Law Enforcement and Administration of Justice. The Commission will be the first official body ever to make a systematic, nationwide study of the entire spectrum of crime problems. Its studies will range from an examination of the causes of crime to a very detailed scrutiny of correctional practices.

The recent events in Los Angeles were another tragic reminder that there is much we don't know about lawlessness. The rioting in California was only a particularly shocking and virulent expression of some of the same phenomena that are making our crime rate grow six percent faster than our population. The eruption was followed by a whole spate of speculative articles in the press on its probable causes. All the familiar underlying reasons for social disruption were brought up -- rapid urbanizations, high mobility in the population, loosened personal ties and the breakdown of the family structure.

These are things we have heard about often. Some of them are the inevitable product of a dynamic industrial society. We know that some million Americans move into cities annually and that one out of every five changes his residence each year. We also know about unemployment, about slums and ghettos, about ill health and poor education, and the other evils of our society that the many programs now being developed under President Johnson's leadership are designed to eradicate.

But crime occurs at all social and economic levels and at all levels of educational sophistication. It is increasing in prosperous suburbs as well as in rundown city neighborhoods. What we do not know is why there was an eruption in the Watts area of Los Angeles as opposed to some other place in some other city. We do not know why one man breaks the law and another living in the same circumstances does not.

These are the kinds of questions the Crime Commission will seek to answer. They are answers we must have if we are to reach crime at its roots and not just pluck among its branches.

The broad assignment of the Commission also underlines our strong belief that an approach to crime must be unified and inclusive to be effective. It is not enough to focus attention on any single aspect of the law enforcement and correctional process. If we put all our stress on one particular aspect of criminal administration, we would merely accentuate needs in other areas.

Thus when detection and apprehension methods are improved, courts must be equipped to handle the increased flow of cases. If courts deal with increased numbers of cases, our correctional systems must be prepared to cope with more prisoners. Nor can we stop there, for recidivism is a problem that demands particular attention.

A recent study of the records of 93,000 offenders revealed that over a ten year period they were charged with 434,000 offenses among them. Seventy-six percent of them had been arrested at least twice. Reducing the number of repeaters thus means substantially cutting the crime rate.

That is why introducing new methods and fresh ideas into our correctional systems is so vitally important.

The Law Enforcement Assistance Act which is now before Congress represents one of our best hopes for making strides forward in this area. The Act would enable the federal government to provide financial assistance to states and communities for the improvement of law enforcement and correctional techniques.

Successful programs developed in one locality are often slow to be adopted in other jurisdictions. The Act would provide better means of coordination and make successful experiments and programs more "visible." That is, it would provide a way to make useful developments now lost for want of publication and dissemination widely known. It will also give financial support for the development of promising ideas and programs that have not had practical trial for want of funds.

I am confident that the Law Enforcement Assistance Act will produce many new answers and many exciting new developments in the correctional field. Preliminary planning for both the Act and the work of the Crime Commission is well underway. The general field of corrections will be one of the most important areas of the Crime Commission's study. Mr. James Vorenberg, who has been appointed executive secretary of the Crime Commission by President Johnson, is already working closely with many people in the correctional field. In fulfilling the purpose of both the Act and the Commission, we shall depend very much on your help and your support. Your suggestions, your ideas, your experience in what has, and what has not proved successful in correctional work, as well as your needs and your expectations will, more than anything else, guide us in our work.

A corrections system cannot do a proper job unless it is a continuous and closely interwoven process. New developments in the field must therefore, be in the direction of coordinating the separate stages of treatment. The usefulness of programs such as vocational training or work release are severely curtailed if they are not a part of some rationalized whole. Each aspect of corrections -- the court, probation, penitentiaries, halfway houses, parole, and so on -- is inseparable from other aspects in its total effect on the prisoner.

In practice separate programs are too often managed with little or no coordination, working separately or even at cross-purposes. A prisoner may, for instance, have a hearing before a parole board unacquainted with his needs and able to spend only a few minutes on his case. Or he may be released under the supervision of a parole officer whom he has never seen before.

As you know, federal probation officers are under the jurisdiction of the courts rather than the Bureau of Prisons. We are now discussing a reorganization which would bring all correctional personnel under one administrative system.

Correctional programs do not exist for their own sake; they exist to aid individuals. Only if all parts of the correctional system are properly

coordinated can it provide truly individualized treatment. One cannot treat every prisoner who comes in -- be he rapist or embezzler, house-breaker or forger -- the same, and hope to come out with the proper results.

Vocational training should be tailored to the inmate's abilities, interests, and to the realistic requirements of the job market. It is little use teaching a man a skill if he cannot find an employer who has a need for it. Job training must, therefore, be geared to changing technology and carefully related to actual job placement. Recent studies indicate that serious disillusionment can result if an inmate becomes highly skilled in a certain trade but still cannot find employment.

In treating the prisoner we cannot simply look at symptoms, but must attempt to go to the heart of the individual's problems. We cannot label a man simply by the crime he has committed. Thus we do not treat a car thief, we treat an emotionally disturbed youth. We do not treat a swindler -- we treat an alcoholic. We do not treat a thief but a man who has no trade and no education.

Congress now has before it the Narcotic Addict Rehabilitation Act which represents a fundamental change in dealing with the problem of drug addiction, emphasizing medical rehabilitation rather than punishment. It offers addicts charged with most federal offenses -- and not just narcotics violations -- the option of receiving treatment outside of the criminal process, through civil commitment and compulsory treatment. If the treatment is successfully completed, the criminal charge is dismissed. If it is not, prosecution is resumed.

Expanded use of smaller, less centralized, and less impersonal institutions is an important part of the effort to provide more flexible individual treatment. Halfway houses of various kinds have proved extremely promising and I hope that experimentation in this area will continue. An interesting variation on the halfway house idea that should be further explored is the institution that provides supervision and observation for the potential delinquent who may yet be deterred from serious wrongdoing.

The Administration's Prisoner Rehabilitation Act, now being considered by Congress, contains three separate but related reforms which would go far toward providing continuity of treatment from prison to community. It would establish halfway houses for adult prisoners.

Secondly, it would enable us to grant furloughs to trustworthy prisoners for compelling personal reasons. Qualified prisoners would be able to travel alone in the case of death or serious illness in the family. This provision would also add much flexibility to educational and vocational programs.

We could use it, for instance, to add the finishing touches to an inmate's vocational training. Most major companies run training courses in the use, repair and maintenance of their equipment. A prisoner could, for example, be sent to a motor company to take a specialized mechanics

course of several weeks. Prisoners would also be able to go to their home communities to look for work in the weeks before their release. These trips would, of course, not be undirected. The placement service would arrange appropriate interviews and develop leads.

The third reform embodied in the bill is perhaps the most important. It would allow inmates to work in the community on a paid or volunteer basis during the day and return to the institution at night. Prisoners also could attend classes or take vocational training courses during the daytime. Work release plans have proved extremely successful in the states that have experimented with them and I hope increasing use will be made of this procedure in all jurisdictions.

The chronic and continuing shortage of qualified personnel is one of the most serious problems in the corrections field. None is more important or more demanding of imaginative solution. Happily, it is finally being given attention. The Correctional Rehabilitation Study Act, which is not in the last stages of Congressional approval, will authorize a thorough study of present and future demands for trained corrections personnel. The study will assess training and educational requirements, appropriate curricula, and suggest solutions to problems, of personnel recruitment and retention.

There is an imperative need to upgrade the competence and professional training of prison personnel. Ways in which prison staffs can be supplemented should also be considered. Presently unemployed individuals might, for instance, be trained for some prison work. VISTA volunteers might also perform useful services in prisons.

Locating institutions near universities is another device to bring needed talent within reach. The great intellectual resources and educational facilities concentrated on the campus can be used for training qualified prisoners. Sociologists, psychologists, and other faculty members can conduct research, and serve the institution as advisors and consultants. Similarly, locating institutions near hospital complexes would make psychiatric and other personnel accessible. Far too few clinical psychologists and psychiatrists are now available to prisons. If psychiatrists served a part of their internship in prisons, an enormous amount of benefit would accrue, I believe, to both the institutions and to the young doctors.

Psychiatrists and psychologists working in prisons can help us better understand the netherworld of the penitentiary inmate. Inmates have their own value structure, their own unique standards and beliefs. Complex cliques and status hierarchies exist among them. It is a subject that we do not know enough about and which should be explored. More knowledge may teach us how to mobilize the clandestine prisoner leadership, making it constructive and putting it on the side of positive programs.

The need for individualized treatment of offenders is, of course, nowhere more obvious than at the very start of the correctional process -- with the imposition of the sentence. The sentencing institutes conducted

by the Department of Justice in cooperation with federal judges have helped tremendously in reducing the number of widely disparate sentences. There are still grossly excessive or inadequate sentences being handed down, but there are far fewer than there have been.

Our attempts to get rid of wildly disparate sentences do not mean that we seek a kind of mathematical uniformity in sentencing. Just the opposite is true. Sentences, just like correctional treatment, must be tailored to the individual case. Circumstances surrounding the crime, the motives and the prospects for rehabilitation vary. That is why the use of indeterminate sentencing and parole procedures are so valuable and so important. Where uniform sentences without eligibility for parole are mandatory by law, such as for narcotics offenders, gross injustices frequently occur. We have some youths in federal prison serving exceedingly long sentences on narcotics charges without parole eligibility, while men convicted of multiple murders are eligible.

The Narcotic Addict Rehabilitation bill extends the indeterminate sentencing provisions of the Federal Youth Corrections Act to all narcotic and marihuana offenders under 26 years of age. It also provides alternate sentencing procedures for marihuana offenders and makes them eligible for parole.

As you know, the third United Nations Congress on the Prevention of Crime and Treatment of Offenders was held this month in Stockholm. It was attended by some 1500 delegates from over 70 countries. My colleagues who participated in the deliberations say that it was dominated by a great sense of change. They felt an enormous demand for new approaches, new innovations and new ideas, and they brought back with them the spirit of ferment.

Certainly, the theme of change dominates our discussions of corrections in this country.

The major burden for charting and breaking new ground in the field of corrections lies in your hands. We have need for exciting new paths in this area. I hope that this conference will help to chart them, and that you will, too.