



Department of Justice

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"THE NEW APPROACH TO CORRECTIONS"

ADDRESS OF

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ATTORNEY GENERAL OF THE UNITED STATES

BEFORE THE

BANQUET HONORING BLACK JUDGES OF THE FEDERAL JUDICIARY

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You will recall the episode in Victor Hugo's Les Miserables when the ex-convict, Jean Valjean, was taken in for the night by the Bishop. Valjean left in the middle of the night, taking with him the Bishop's silver plateware. Apprehended by the police, he was returned with the booty. But the Bishop, believing he could see some hope of reconstruction in Valjean if he were saved from prison, told the police that the silverware had been a gift.

"I gave you the candlesticks also," he said to Valjean. "Why didn't you take them along with your plates?"

With that he gave Valjean the candlesticks and dismissed the police. But the Bishop, of course, was not letting Valjean off the hook.

"Never forget," he said, "that you have promised me to use this silver to become an honest man."

Jean Valjean couldn't remember having made such a promise, but he couldn't let the Bishop down. In the course of the novel, he did become an honest man and found a substantial role in the community.

This story has special meaning for us today as we move into a new era in the way we treat those who offend against society. Tonight I would like to devote my remarks to the subject of corrections. It is my opinion

that, after two centuries of failure in our approach to prisons and to penology, we in this country may be ready at last to try and follow the example of the good Bishop in Victor Hugo's masterpiece. For by his magnificent and almost unbelievable gesture he taught us a powerful lesson --that we cannot save a man by putting him in prison, but we can hope to save him by making a personal investment in his own self-respect.

Many thoughtful and concerned Americans, including a number of professional corrections officials, have realized that we must make important changes in our approach to penology. Indeed, the very concept of 'penology' --penalizing the offender--has come under attack, as has the widely-shared belief that the best place for offenders is necessarily behind bars.

We know now that many offenders do not benefit from incarceration, which was long the traditional approach to corrections. We realize that society can, in many cases, treat its own offenders instead of putting them in institutions in the same manner that we might quarantine persons who are diseased.

Like the human body, the body politic has its own wonderful restorative powers if it will only apply them. We can apply them; we can intercept the vicious cycle of crime, incarceration, and more crime; and most important, we can salvage and restore human resources which, up till today, we had written off as lost.

Do I need to cite the ugly figures before such a well-informed audience? Around 60 to 70 percent of those released from prisons are rearrested within three to five years. Often, of course, they are rearrested on far more serious charges than their original offenses. Many are rearrested, retried, reconvicted, and reimprisoned several times-- often for an ascending scale of offenses. Why?

We know that most of our prisons not only do not correct criminals, they breed criminals. In many states first offenders are mingled with hardened criminals; in many cases juveniles are mingled with adults. In many if not most prisons, conditions do not elevate the individual, but degrade him. Privacy is almost unknown because construction of private quarters costs money; as a result, in many prisons the gang rules the situation, and the gang rules by the lowest common denominator. Brutality and perversion are common. If they did not already have it, prisoners attain the ethic of the jungle. They learn from their fellows the tricks of more serious crime. They come out graduates of the school of crime, ready to prey upon a public which spends \$1.5 billion per year to correct them.

For me it is a matter of personal pride that, so far as the Federal effort in corrections is concerned, we are moving actively against the injustices of the past. Under directions from President Nixon in 1969, we began a 10-year program to modernize the Federal prison system. This program emphasizes the restoration of the individual to a useful role in society--not only through education, job training, therapy and other efforts tailored to individual needs, but more especially by securing the good offices of the outside community.

We are developing specialized facilities and programs for specialized cases--for women offenders, for juveniles, for the mentally disturbed, for drug abusers, for the under-educated and the unemployable.

And through community treatment centers, work-release programs, and halfway houses we are bringing more and more ex-offenders into direct involvement with the communities.

We are also taking the lead in launching some long-needed reforms in the rights of prisoners--improvements in the privacy of correspondence, access to legal counsel, the availability of legal information, the right of a prisoner to call witnesses when charged with a serious infraction, and legal aid programs for indigent offenders in cooperation with nearby law schools.

In addition, we have taken very aggressive measures to obtain a better racial balance between staff and inmates. Since this intensified program was started in 1971, 36 percent of new employees in the Federal prison system have been members of minorities, and we are determined to boost this proportion still higher.

Also essential in our program is the parole system, and the Federal Parole Board is looking at some equally progressive steps. It is already operating a pilot project to improve parole decision-making. This includes regionalizing the Parole Board to bring the decision-makers closer to the inmates and facilitate faster decisions. It also includes such innovations as affording the prisoner some representation at parole hearings, giving reasons for denial if parole is denied, and establishing a process for appealing such decisions. If this pilot program is successful we hope to adopt it nationwide.

At the same time, we are redoubling Federal support for reforms in State prison systems. The Law Enforcement Assistance Administration was budgeted for \$240 million for corrections alone in the 1972 Fiscal Year, and is currently budgeted for \$280 million for this purpose in the 1973 Fiscal Year. This rate of support is by far the largest injection of public funds into prison reform ever attempted in the United States.

Across the country, these correctional programs supported by LEAA are tackling the enormous job of bringing American corrections into the 20th Century. It has been estimated that it would require at least \$12 billion to modernize State and local facilities alone, to say nothing of the overhaul needed in methods and personnel training. In applying for Federal assistance, State after State has reported that most of its prisons and jails have no programs to rehabilitate the offenders. One State flatly admitted that the antiquated and overcrowded conditions in its prisons were "in many cases inhuman." And the public funds provided for prisons are often so inadequate that in three States the inmates themselves are used as guards, armed with rifles and pistols.

These are some of the appalling conditions that we are trying to eliminate through Federal financial aid. Improvements that I have already mentioned for the Federal prison system are being made in many State institutions. Among other things we are pressing for higher minority employment in the State institutions, and for those which say they have a difficult time recruiting minority people, we have an agency which can give them all the assistance they need in that effort. In my opinion there is nothing more calculated to reassure the black prisoner that he has been victimized than a sea of white faces among the prison guards. He deserves,

and his program of rehabilitation deserves, something more than this crude and insensitive black-and-white polarization.

His rehabilitation, and that of all prisoners, also needs something more. We hear a lot about the need to change the attitude of the prisoner. What is needed far more, if we are to develop a truly correctional system, is a change of attitude by the public.

What we have done and are doing to reform corrections is just a start. There is only so far that professionals in the field can go on the strength of their own convictions. They need public funds and they need a public policy to replace our fortress prisons with modern institutions and with programs of community treatment for many offenders.

Psychologists can have a field day explaining why the public has chosen to put its prisoners out of sight and out of mind. But the truth is that we will get a thoroughgoing reform of prison conditions, and broadly successful programs to reabsorb our ex-offenders into society, only when society itself becomes involved.

When we all become Bishops willing to invest our candlesticks in another man's salvation, we will not only halt the terrible cycle of crime and punishment, we will begin to solve some of the larger ills that breed crime, hatred, and misery.

In the long run, cleaning up the blot of our corrections system will be accomplished only partly by the thousands of professional corrections people. The real job will be done by the millions of private citizens who care enough to get themselves thoroughly involved.

This may sound like the same old impossible dream. But do not forget that Americans are people who are highly organized for public service. Professional associations, women's clubs, service clubs, lodges, fraternities and sororities--these are almost always committed to various types of public service. Most of the people in this room tonight are members of such organizations, and are aware of the time and treasure that are poured into various projects to help others.

So it is not surprising that I am able to say that the corrections crusade that I have mentioned has already been launched. I would like to close with a discussion of some who are leading it today.

In 1962 a Junior Chamber of Commerce chapter in West Virginia founded another Jaycee chapter inside a prison. Its format was the same as that of any Jaycee chapter with one difference--its members were prison inmates. The concept spread to Wyoming and Montana, then to Nebraska, and finally to all 50 States. Today there are approximately 250 prison chapters of the Jaycees, with about 13,000 dues-paying members in the prisons.

Their purpose is twofold: First, to get inmate members oriented toward community service, both in the prison and in the outside community, and second, to get them associated with Jaycee members on the outside who will help them find their way in the community when they are released.

In 1971 another project, launched under the auspices of the Department of Justice and the Department of Labor, was focused on women ex-offenders. The professional management is provided by Oneamerica, a minority-oriented consulting organization. The volunteers are provided by the United Church of Christ and Delta Sigma Theta, which you will recognize as a national black sorority, many of whose members are here tonight. This program involves 30 full-time coordinators and over 300 volunteers in 14 cities and the District of Columbia. It includes a full-time staff of program coordinators--not corrections personnel--located at the Alderson Reformatory for women in West Virginia. Their purpose is to coordinate the prison's pre-release program with the post-release program conducted by the volunteers on the outside. So far over 200 women ex-offenders have been assisted by this program.

These two programs have some things in common.

First, they work on a one-to-one basis with the ex-offender. The volunteer worker makes a major commitment of time and effort to help

the ex-offender get a job, find a place to live if necessary, get some initial financial help if that is a problem, adopt some recreational interests, and even to make new friends.

Second, both these programs--the older and larger Jaycee program and the newer one in which Delta is involved--are successful. They report a very low level of repeat offenses by the ex-offenders they have assisted. More than this, they both report success in terms of genuine adjustments, both by the ex-offender and by the community.

I think we can all find something here which confirms the approach taken by the good Bishop in Les Miserables. Society as a whole may fear prisoners as a whole, but when you come down to the one-to-one relationship, the human factor takes over. The ex-prisoner and the volunteer worker become flesh-and-blood human beings to each other, the old prejudices on both sides dissolve, and rehabilitation is born.

Let me give you an example of how this works. We have found that to get the cooperation of private business in hiring ex-offenders, we do not run an ad in the paper saying, "Do your share--hire an ex-convict today!" In the abstract, ex-convicts are not at the top of the list in the employment office. But when a friend of the employer introduces him to a friend of his, the human factor can be strong enough to overcome the prejudice against a prison record.

Today it is not only the Jaycees and the Deltas who are doing this work. In various parts of the country other service clubs, such as the Optimists, are making prisoner rehabilitation their business.

Today there are 230 Boy Scout troops in juvenile institutions, and if you are aware that the primary purpose of Scouting is to build character, then you will see the significance of this Scouting program. Recently it has been expanded to include Explorer Posts for the age group in the late teens.

In addition, The United States Chamber of Commerce has encouraged its members across the country to join in the work of rehabilitating offenders at what we all know is the crucial moment--that of finding a paying job in an honest occupation. This reservoir of good will and cooperation has given a new measure of success to probation programs in such States as California, Michigan, Delaware, Maryland, and North Carolina, as well as the District of Columbia.

I do not want to give you the impression that we have reached the millenium in the long struggle for a genuine system to salvage and restore lost lives in this country. On the contrary, we are just beginning. We still have prison walls which today keep those lost lives safely inside and enable the rest of us to keep our prejudices on the outside.

But we have found a strategy to begin breaking down those walls. Corrections officials may differ as to the pace of that offensive, or the extent of risk to be taken in particular tactics, but most of them agree on that long-term strategy. That is, first, to set the ex-offender moving toward the community, and second, to set the community on fire with concern for the offender. And that strategy will triumph as each of us decides that he can follow the good Bishop, that he can hand the candlesticks to another, that he can say to him, as the Bishop said to Jean Valjean, "It is your soul that I am buying for you."