

REMARKS

of

Honorable Homer Cummings

Attorney General of the United States

At a Conference

on

The Attorney General's Survey of Release Procedures

at the Department of Justice

Washington, D. C.

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It is indeed a pleasure to welcome you gentlemen to Washington, to the Department of Justice and to participation in this important piece of work, the Attorney General's Survey of Release Procedures, which, I assure you, is a project close to my heart. Over a year ago we began our preparations for this Survey, and with the grant of a substantial fund by the Works Progress Administration I assumed full direction and responsibility for the carrying out of the Survey, my agreement with the Works Progress Administration being that we would conform to the requirements set up by that administration with regard to the percentage of the fund which would be expended for the employment of persons taken from the relief rolls, and other administrative details, but that professional direction of the project should be in my hands and in the hands of those persons whom I should designate.

There were some who would have limited this Survey to a probe of the subject of parole. If it had been so limited, I would not have been interested. Merely adding to the invective and abuse which has been heaped upon the administration of parole would have achieved little. My fundamental purpose was to secure

a broad view of the whole field of release procedure, putting parole in its proper relationship to pardon, probation and other forms of release both from penal institutions and through the courts, I recognized from the beginning that at its completion the project would constitute what its name clearly implies, a Survey; in other words, a broad view of the field. I have hoped that by so doing we can lay the foundations for intelligent work by legislators, administrators, scientists, students and all others who are concerned with the great problems involved in the punishment and rehabilitation of convicted men.

For the purpose of achieving these objectives, I selected a Survey staff and appointed an Advisory Committee to work with the Executive Committee of the staff, and with the Directors thereof. These men were instructed to go into every state in the Union, to carry their investigation into courts and penal institutions, both Federal and State, and to inquire concerning matters of law, personnel, administration, equipment, purpose and method of all those who are charged with the administration of these release procedures. However, before beginning the study of the release procedures of any particular state, we have secured the consent, and solicited the advice and cooperation, of the proper state authorities in each case. From the beginning we have made no effort to hide our objectives or the method of the Survey, but

rather, have welcomed advice and assistance from all who were willing and able to give it; the only limitation which was placed being that none of the results of the Survey should be revealed in advance of its completion and the publication of the report.

Some of you are aware of the extent to which these release procedures are affected by political considerations. I feel that I am perfectly safe in saying that no phase of Government has been more affected by politics, nor has there been more bitter controversy concerning any phase of Government than the administration of these procedures. This has been particularly true during an election year, and I am frank to say that I regard as almost miraculous the success which has been achieved by the staff of the Survey in securing a friendly reception into every state in the Union, and the substantial progress which has been made in carrying out the work of the Survey in the face of many obstacles which have resulted from misunderstanding, fear of political consequences and other difficulties which could not have been foreseen. I am grateful in a high degree for the splendid cooperation which has been extended to us on all hands.

Because of the nature of the work to be done, our units have been working in the offices of prison administrators, prison boards, parole boards, bureaus of correction and probation, clerks' offices and other places which in many instances were inadequate even for the use of those who generously shared their space with us. I am sure that you realize as well as I that this

Survey could have been much better and more easily done if we had been able to employ a small staff of well-trained workers, and that the necessity of relying upon workers without adequate training has in many instances seriously impeded our accomplishments; but, on the other hand, we are grateful for the opportunity which was provided by the allotment of the funds for relief workers, without which the Survey would not have been possible. We realize that one of the major purposes of the Survey has been that of providing employment for these worthy people; and, interestingly enough, it is only through the carrying on of the Survey in full measure to the end of the allotted time that we can make available that percentage of the allotment which is provided for the administrative work in preparing the report of the Survey and publishing it; because it is only by expending an approximate ninety per-cent of our available funds for the employment of relief labor that we can make available the remaining ten per-cent for administrative purposes.

I have stated heretofore my hopes as to what the report of the Survey will reveal. I have said on a previous occasion:

"The various forms of release constitute a part of the general picture of penal treatment. So considered, what are the relative values of pardon, parole, probation, commutation of sentence, release following credit for good conduct and the other devices which are used by the various judicial, executive and administrative agencies?

"The correct answer to these questions is of the utmost importance to any integrated program for the control of

crime, or for a modernization of criminal law administration in the United States."

And again I made the further statement:

"A proper understanding of the nature and purpose of probation and parole would remove many objections to their use. Still more convincing would be their proper administration. Not alone the general public, but, indeed, many officials have assumed that these procedures are forms of clemency. They should not be so regarded or so applied. Considered not merely as a method of rehabilitation but, in each case, as a method of punishment administered in such manner as actually to supervise, discipline and control the offender, probation and parole would cease to be looked upon as a way of defeating the efforts of police and prosecutors, and would achieve a recognized position as important as imprisonment and other forms of penal treatment."

Let me repeat also another statement in which I disclaimed any thought that the Survey would produce definitive results:

"I do not, for a moment, expect that the results of our examination of release procedures will divulge or suggest some pat formula, some neat, precise method of administering parole and the other techniques related to this problem. The studies now being made are in the nature of an experiment - an experiment, first, to discover whether it is possible to ascertain the facts from the maze of complicated regulations existing in multifarious governmental jurisdictions in this field; and second, to determine, once the facts are made available, whether public opinion will encourage and support those procedures that have proved successful, and enforce drastic reforms in those jurisdictions where parole and other forms of release are shown to have become notorious failures."

Now that we have come a considerable distance along the way, this meeting has been called to inquire into our present progress, to take our bearings and to determine more clearly the directions in which we should move from this time forward. Mr. Miller and Dr. Sanders will explain to you the progress which has

been made to date, and will expect to receive from you your critical, dispassionate and constructive suggestions for the future. To the conference have been called not merely the members of the Advisory Committee of the Survey, but also an additional group of persons, each of whom is an expert in one or more phases of the subject into which our inquiry extends. We have here parole and probation executives, judges, prison executives, statisticians, sociologists and others.

Would that it were possible for Governments to have available in a larger measure the resources which men of your type can bring to bear upon the problems of Government. It is one of the most heartening facts of American life that it is possible to secure such cheerful and friendly assistance from men who are best qualified to advise regarding intricate and complex problems of the type which prevail in these borderlands of Government, politics and social economy.

Let us sit down together to consider not merely the ideal accomplishments for which each of us might hope, but also the practical possibilities of accomplishment. Let us be penetrating, frank and critical in our consideration, but let us also be constructive and helpful in suggesting the best results which are possible of achievement under the circumstances with which we have to deal. I assure you, gentlemen, that I am deeply grateful to all of you in coming to this conference and in contributing so generously of your time and of your professional experience.