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EDITORIALS

PENAL ADMINISTRATION IN ILLINOIS

Of the making of many investigations there is no end. Recently an Illinois legislative committee has returned, which was entrusted with the duty of visiting the jails and penitentiaries and studying the penology of Europe. This committee has evolved many ideas, none of which, however, are new and all of which before have been advanced both in the State of Illinois and in the country at large. None of the facts discovered by them were unknown to the student. All of them have been published at large, but so far little attention has been paid to them. The first of these is that the punishments that are meted out in England are not by any means as severe as those which are imposed and suffered even under the indeterminate sentence and parole system as it exists in Illinois. The second is that the penitentiaries in Illinois and in America generally are altogether too large and that no proper attention is paid to the segregation of the prisoners. The third is the importance that is laid in England on the probationary system. In the comments of the Committee, also, are to be found suggestions that the Illinois parole system should be improved and as far as possible taken out of politics. All of these facts and suggestions were given to the public in the recent study of the indeterminate sentence and parole, which, at the request of Hinton G. Clabaugh, the then Chairman of the Parole Board of Illinois, was conducted by Ernest W. Burgess of the University of Chicago, Albert J. Harno, Dean of the College of Law of the University of Illinois, and Andrew A. Bruce of Northwestern University. This report called attention to the crowded condition of the penitentiaries, the lack of employment therein and the lack of any intelligent method of education, and reformatory treatment in these institutions. It favored the parole idea, not merely for the sake of the criminal but for the sake of the public itself. Among other things it is said: "The demand for the parole system arose from the fact that in the great majority of cases and, in fact, in all cases except where the death penalty or life sentence is imposed, the convict sooner or later is returned to society and the prison system as originally administered and the practice of looking upon the penitentiary as a place of punishment merely and at the end of his punishment, turning the prisoner loose without any further supervision

or even protection, had proved a failure. We had furnished, it is true, object lessons to other potential offenders, but only too often we had returned to society brutalized and discouraged men and women who were incapable and often undesirous of adapting themselves to the requirements of their new freedom and were therefore not only returned once more to careers of crime but became teachers and missionaries of the art. We became convinced that reformation as well as punishment was necessary and in order to assure that reformation and to enable the convict once more to take his place among the ranks of honest workers some measure of supervision and some measure of protection should be afforded to him after his release from the penitentiary. Under the parole system we could still retain control over him and keep him under parole until the expiration of the ten or twenty years of his sentence. By this means, we could not only supervise his conduct, but we could protect him from the annoyances of the police, who often hound a man with a record so that it is impossible for him to obtain or keep employment."

This report also showed (and this in accordance with the British experience which has resulted in the British short sentence) that as a rule the longer a man stays in the penitentiary the less likely is he to make good on his release, and it called attention to the fact that both the records of Illinois and of Wisconsin have shown that those who do best on parole, or after release from the penitentiary or reformatory, are those who have not served for more than two years.

The report also proposed a plan for the reorganization of the parole board and for taking it out of politics. It suggested that the members appointed should hold office for definite terms, which should expire at different times and in such a manner as to free the board from the pressure of political influences. With a board of nine members, as at present, a term of office of nine years would permit the expiration of the term of office of one member each year. In other words, a board should be appointed whose members should hold office for 9, 8, 7, 6, 5, 4, 3, 2, 1 years, but whose successors should be appointed for nine years. We would thus have a board which no one Governor could dominate and control and we would have a board of experienced officers, the term being long enough to give that experience. It was also recommended that the board should be carefully selected in the first instance and should include within its numbers lawyers, educators and psychiatrists. The report also called attention to the lack of training of the prison guards and of the penitentiary wardens. It suggested that the education of the convict was one of our greatest

educational problems and as much care should be taken in the selection of those to whom it is entrusted as of the teachers and faculties of our State universities and of our public schools. It also suggested that the Board of Pardons should be given the dignity of a court, as under the indeterminate sentence and the parole plan its members actually fix the period of incarceration and to that extent act as assistant judges. It suggested that the parole board should be given the power of issuing subpoenas so as to be able to acquaint itself with all of the facts possible.

In his report to the Illinois legislature of 1929, Hinton G. Clabaugh, the then Chief of the Division of Pardons and Paroles, endorsed these recommendations and suggested other changes in the laws, among them being a definite policy as to good time allowances, a requirement that no person should be received into the penitentiaries unless there was a compliance with the statute that the mittimus be accompanied by a full statement by the judge and the state's attorney as to their knowledge of the particular case; that a change be made in the law of habeas corpus in relation to insane verdicts so that a release can only be effected by proceedings in the county in which the person had been convicted; that a statute be enacted imposing severe sentences for attempts to escape; that high walls be built around the St. Charles and Geneva schools; that temporary stockades or camps be constructed as a part of the State institutions so that inmates can be employed on State buildings and other useful occupations and all not confined in cells. There were also other recommendations to which the legislative committee would undoubtedly agree. Everyone also insists on some solution of the problem of prison employments. In addition to these facts, the so-called Wickersham Commission has presented to the public an exhaustive study of penal conditions and of penal administration.

So far, however, nothing has been done except the partial carrying out by Warden Hill of the suggestions as to prison stockades and the beginning of the construction at Joliet of five single dormitories and a central kitchen and dining room in which there will be no walls or cell blocks and in which building the inmates will sleep in open cells with barred windows and doors and two high barb wire fences as the only safeguards against escape. In this building only first term inmates will be housed and only those showing a tractable disposition.

This is a movement in the right direction, but it only goes a

little way and the new building will only partially solve the problem of segregation. It is a segregation en masse; the problem of the first offenders is only touched, and of these there are 3,491 in the Joliet and Stateville Institutions as compared with 923 second-termers, 214 third-termers, 92 fourth-termers, and 58 serving a fifth term or more. The problems of prison occupations, of efficiently and properly trained guards and officials, of real segregation and of prison education still remain to be solved. We, too, must face the problem of the proper length of the term of imprisonment and we must place our Board of Parole upon a firm, efficient and non-political basis.

Of the importance of the prison problem and the extent to which it has been ignored we have only to refer to the Wickersham report for information. That report speaks largely of Federal institutions, but what is true of Federal institutions is equally true of those of several of our States.

The following extracts from that report need to be considered:

"The present prison system is antiquated and inefficient. It does not reform the criminal. It fails to protect society. There is reason to believe that it contributes to the increase of crime by hardening the prisoner. We are convinced that a new type of penal institution must be developed; one that is new in spirit, in method and in objective."

"Since parole is the best means yet devised for returning the ex-prisoner to society and probation is the most important step yet taken toward treatment of the offender, the commission advises that both be developed and supported with money and capable officers. The true service of the prison is to protect society by reforming the criminal. People leave prison as well as enter it. . . . The benefit to society is little if the man comes out no better than he went in."

Has not the time arrived in Illinois for all of the parties interested to get together and to do something? Is not the time ripe for a meeting of the legislative committee, the members of the Board of Public Welfare and the Board of Paroles and of the Prison Wardens with the leading sociologists, psychiatrists and penologists of the State and for the construction and promulgation of a definite program in the promotion of which all parties will be interested?

ANDREW A. BRUCE.

PSYCHIATRIST AS MEMBER OF PAROLE BOARD

The obvious need of a psychiatrist as a sitting member of a parole board is brought out by the case of Frank Jordan.

He was thirty years old at the time of his execution, October 7, 1931. His career in crime began when he deserted from the U. S. Navy at nineteen. At twenty he shot himself in the right temple in a lovers' quarrel. "Trouble follows me," he said. He was arrested five or six times in the last ten years and spent seven years in prisons. "I quit drinking in 1924 because I was not big enough to handle whiskey and myself too."

April 5, 1926, he was psychiatrically examined by the associate criminologist, who was an *advisor, not a member of the parole board*. This was a year after his admission to the penitentiary. The doctor reported that "the patient was an egocentric personality with superior intelligence, frequently retarded under the merit system in the penitentiary for disorderly conduct, fighting, and disobedience. He was once charged with manslaughter for driving his taxi over a little girl. His own marriage was annulled because his wife was under age. He is coming before the parole board now for the first time. This man's record before commitment here and within the institution indicates a need for further institutional custody and *re-examination before he is paroled.*" (Italics ours, Ed.)

He was not re-examined, and, arbitrarily ignoring this recommendation, the parole board released him in October, 1930. Since then he has been arrested three times. Once because he "walked into a car and tried to steal it but the owner returned." Once for assault. Once for robbery. He has done no work since parole. "Either I had to steal or live off someone else."

On May 30, 1931, or seven months after his parole in October, 1930, he impulsively shot and killed two policemen. He has no grudge against the police force, but when one of these two officers tried to arrest him, he simply broke loose and shot.

During the trial he said, on questioning by two reliable psychiatrists, that the death sentence would not be proper punishment because he had never been on the side of the law, but the law had put him into the penitentiary. As to the outcome of the trial and verdict he had no especial preference or aversion—penitentiary, chair, or go out into the world where no one would have any use for him, where he could never get a job nor take care of his people. To be honest, he would willingly go to the chair.

Aside from his impulsiveness and irritability and the above described emotional attitude, neither psychiatrist found any symptoms in him. They agreed that he was homicidally unstable and having once been so diagnosed should not have been granted liberty to the menace of the community.

Politically appointed and politically answerable parole boards are in a position to ignore the psychiatric recommendations of their advisors. If or when governors appoint well balanced parole boards including a business man, a church-man, a sociologist, a jurist, and a psychiatrist, as well as a minority of politicians (who also know human nature), then the committees and subcommittees of the parole board cannot meet behind closed doors nor be deaf to scientific opinions: then such indefensible paroles, as of Jordan the killer, will rarely occur, and the sincere efforts of the judicial department of our governments will not be heedlessly frustrated by the executive department.

HAROLD S. HULBERT.

A CORRECTION

"Due to an error, we failed to specify that the article on 'The Basis of a Crime Index' by Dr. Thorsten Sellin which appeared in the last issue of the *Journal* was printed in its English form by courtesy of the publishers and the editors, Professors G. Aschaffenburg and Hans von Hentig, of the *Monats-schrift für Kriminalpsychologie und Strafrechtsreform*, for whom the article was originally written. We apologize to our German colleagues for this omission."

R. H. G.