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WHY CAN'T PROBATIONERS ENLIST?

Milton Lessner¹

Our country is at war. It needs the united energy and support of every citizen, particularly the youth of the nation who can do more toward defeating the enemy than any other section of the population. Youth can best serve our country by joining the armed forces; yet, there are barriers which make it difficult for certain groups of young men to enlist voluntarily because they have been branded as probationers.

Since the outbreak of the war, many probationers have been reclassified as 1-A. They know they will be drafted in time, but they would prefer to enlist in that branch of the service which meets with their fancy. Several have applied at the Army, Naval and Marine recruiting offices and have been rejected. Others have even applied at the U. S. Maritime Service and the U. S. Coast Guard, only to be turned down. The effect on these men has been very depressing, and certainly is not commensurate with our Government's efforts to build morale.

Probationers are sensitive regarding their past records. Elevated by the opportunity given them by the court to return to their home environment, it is only natural for them to want to feel that they are "accepted" by society. Yet, when the armed forces, a vital branch of our society closes its doors on them, it cannot but make probationers feel unwanted and ostracized.

Being drafted has a special meaning to young offenders. They resent compulsion and resist being told to do this or forced to do that. Many have been harassed all their lives. They come from broken homes, poverty-stricken families, parents suffering from marital and emotional discord. Their attempts to give expression to their feelings and to gain recognition have been frustrated at every turn. Consequently, it is easy to understand their misdirected sense of values. In many cases it is their rebellion against this continuous frustration that causes them to commit an offense.

On the whole, young men on probation are loyal Americans. They are willing to serve and to die for their country if necessary. The probationer thinks that as long as he is eligible to serve his country by being drafted into the army, he is certainly eligible to give the same services by enlisting. Obviously, enlistment would provide him with a higher morale and make him a better fighter.

Probation is one of the progressive branches of penal treatment, and is one of the pillars of our democratic institutions. It provides

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the offender with an opportunity to return to society, and with proper guidance and supervision, to make a successful adjustment. However, the attitude of the military leadership toward the probationer tends in many instances to defeat this philosophy.

Adversaries of the above thesis may argue that probationers are unfit and unqualified for military service. To continue, they may assume that if the offender cannot adjust to social standards under seemingly normal conditions, he would fail under war conditions.

It is true that a small percentage of probationers do not have the physical or moral stamina to withstand the hardships that are faced in military warfare. However, the same percentage may likewise apply to the population of young men as a whole. What is most essential is the establishment of a method of selecting the qualified probationer. This, however, is a mechanical matter rather than one of principle, and can be easily arranged between the military authorities and probation offices in the United States.

Probationers are now being classified as 1-A by local draft boards. If these boards can work successfully with probation officers in selecting probationers for the army it should be assumed that military authorities are capable of doing likewise.

INDUCTION UNDER THE SELECTIVE SERVICE ACT

The following is quoted from a letter dated June 3, 1942, and addressed to the Editor by Captain Roscoe Latham, Acting Assistant Adjutant General, Sixth Corps Area, Chicago (Quotation from regulations governing induction):

"b. Moral standards.—No registrant will be inducted into the Military Service in case investigation discloses that he was discharged from a former enlistment in the Army, Navy, Marine Corps, or Coast Guard with a form of discharge other than honorable, or that he—

(1) Has been convicted once of the heinous crimes of treason, murder rape, kidnapping, arson, sodomy, or pandering; or of any crime involving sex perversions; or for any illegal dealing in narcotics or other habit-forming drugs.

(2) Has been convicted of any offense which may be punished by death or confinement for a term exceeding 1 year in a penitentiary or prison, after a prior conviction of the same offense or any other offense so punishable.

(3) Irrespective of the offense for which convicted, at the time of induction into the Federal military service, is on parole from any penal institution, or is on probation from any court, or is under suspended sentence of any court except in cases in which the judgment of suspended sentence is not a final conviction and does not involve probation. *However, if the selectee presents at the time of his induction a certified copy of a civil order relinquishing control by the civil authority, he may be inducted if he is otherwise qualified. The civil order referred to above may terminate the civil custody (parole, probation, or suspended sentence) at the time of induction or may suspend it for the period of military service, either with or without credit for such period."*

Persons on parole or probation are not accepted for *enlistment* in the Army of the United States. Especially meritorious cases of persons convicted of criminal offenses, not on parole, probation, or under suspended sentence, will be considered for enlistment only after careful investigation and final approval by the War Department.—(Signed) Roscoe Latham.