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## A COMMENT ON THE VON HENTIG-BATES PAROLE CONTROVERSY

Mabel A. Elliott<sup>1</sup>

(In our next number we will publish an article on this subject by Mr. Edward R. Cass, the well known General Secretary of the American Prison Association and the Prison Association of New York. He is a member of the Advisory Editorial Council of this JOURNAL.—Ed.)

Any comment on Sanford Bates' reply to Dr. von Hentig's article on "Parole Violation and Remedial Measures" in the January-February issue of this JOURNAL presents the dilemma of reconciling theory with practice. As a practicing criminologist and Parole Commissioner for the State of New York, Mr. Bates' job is to insist upon the enforcement of the rules which the parole board of that state have established. Mr. Bates is an honest and able man, but I am forced to admit the validity of much of Dr. von Hentig's objective analysis of what he considers to be the unreasonable standards exacted of men on parole.

Some of Mr. Bates' points are well taken. The man on parole has given the public cause to believe that he bears watching, and any indication that he "is probably about to lapse" may well warrant his return to the institution. From the parolee's viewpoint, however, the constant surveillance to which he is subjected by police and parole officer alike is in itself psychologically wearing. It is, in fact, about as conducive to improving the individual parolee's morale as is the known presence of stool pigeons within the prison walls. It requires no great psychological insight to realize how irritating such constant "checking up" on a person may be. Such supervision may even result in the individual's attempt to justify the suspicions of his supervising officer.

On the other hand, successful parole seems to be very directly correlated with the good sense, intelligence and sensitivity, as well as the educational training of the parole officer. A study which I made in Pennsylvania of delinquent girls some years ago indicated that where the parole officers were effective case workers, the girls tended to turn out successfully. Where the parole officers lacked insight and understanding in supervising the girls, they made very bad adjustments.<sup>2</sup>

Parole officers should make an inventory of the parolee's whole problem. Mere release from the restraints of a penal institution

<sup>1</sup> Associate Professor of Sociology in the University of Kansas.

<sup>2</sup> Mabel A. Elliott, *Correctional Education and the Delinquent Girl*, Harrisburg, Commonwealth of Pennsylvania, 1929, pp. 20-21.

is in itself a stimulus to "have a fling," and petty violations of rules should not be regarded as dire evidence of the parolee's complete incorrigibility or of his incapacity for later adjustment. A word of warning or friendly advice, rather than immediate return to the institution, may be more salutary in developing the individual's capacity to adjust than any arbitrary return to prison.

While Mr. Bates may be right in holding that Dr. von Hentig gives an exaggerated impression of the life of the parolee, there is more truth than cynicism in Dr. von Hentig's allegations. We must remember also that not every parolee is so fortunate as to be under the supervision of New York parole officers. Not all Americans live in the Empire State, as has been pointed out many times. Personnel standards for parole officers are relatively high in New York. In most of our Western states parole officers have no educational training for their jobs and are appointed on a political basis. As criminologists are frequently wont to say: "Parole, like Christianity, has never been tried." It merely exists on the statute book. (The present author admits *this is an exaggeration*, but is still basically true.)

We may as well admit that "cohabiting, intoxication and living with other men's wives" are all reprehensible. But any one who has engaged in social work over any length of time recognizes that gross sex indulgences (legal or illicit) and drink are the special vices of the lowest economic and social groups. Where there is neither inclination, education nor economic opportunity for some sublimation of human drives, the desire to satisfy bodily urges apparently increases in intensity. At least it is not offset by a wide variety of additional interests.

Dr. von Hentig implies also that much intoxication, prostitution and adultery go on among various classes without much fear of arrest or receiving prison sentence. This is true even in the lower classes, but it is a well known fact that society more often winks at the so-called peccadilloes of men in the upper economic and social classes. The double standard of morality and the controls exerted by the powers need no explanation here.

Hence Mr. Bates' implication that parolees have much opportunity for wholesome recreation of a sort within their range of appreciation can be seriously questioned. The parolee *can* attend the movies *only* if he has the price of admission. Similarly with ball games. Perhaps parolees can pay for such admissions occasionally. When it comes to visiting "the great museums, exhibitions and zoological gardens," I personally doubt if any prison in the land has educated its inmates to sufficient artistic appreciation. All the long rows of narrow grey cells I have ever seen in any prison have given very little evidence of artistic appreciation or

expression, unless one considers the drab furnishings and the pictures from the Sunday Supplement as such evidence. Nor, for that matter, do prison walls prepare parolees to exult in the beauties of nature. "The mountains and sky, the green field and the sea" may be "as open to him as to any of his brethren," but the average parolee would be about as much at home at a museum or charming seaside or mountain resort as a cowhand at a literary tea. What prison in the land gives a course in the old masters or the new schools of painting?

What prison gives scientific instruction in comparative anatomy or zoology so as to render zoological gardens intelligible? And what is more, how many parolees live within range of subway transportation to zoological gardens or art museums? Some parolees go back to the farm; some even live in small western college towns similar to the one in which I reside. These men *could* take advantage of the University lectures, of the concert courses, or an occasional visit of a symphony orchestra. But they do not; nor for that matter do their families who live here all the time, for the simple reason that they are uneducated in the values to be derived from such opportunities and they would not feel at home at such functions. The beer parlor and the low-grade dance hall are often the only social outlet for such men. If the parolee is a Negro he may have no place at all where he can meet "a few of the fellows" socially.

I am reminded of a probation officer I once knew who had a sixteen year old girl under her supervision. The probation officer was untrained, a good woman, a widow who needed a job. The girl, who had been a sex delinquent, came from a poverty stricken family whose moral standards were low. The probation officer placed the girl to work in a restaurant and forbade her to go out in the evenings. "That," the probation officer told me triumphantly, "will solve the situation."

Even in larger cities the problems of the parolee are seldom met adequately. Kansas City, Missouri, which is in my contiguous territory, harbors the largest per capita ratio of ex-convicts and parolees of any city in America, we are told. Three near-by prisons, the Federal Penitentiary at Leavenworth, the Kansas State Prison at Lansing and the Missouri State Prison at Jefferson City, explain this fact. On release, whether by parole or by the expiration of their sentence, these men seek the city, both for the anonymity it affords and the possibility of securing employment in the factories there.

By law these ex-prisoners are required to report to the police. Consequently, they are hunted as suspicious characters every time a local crime is committed. The ten dollars most of them receive

when released is soon exhausted. Their prison-made garments distinguish them as "ex-cons." There is a fine art gallery in Kansas City, and Swope Park is one of the most beautiful in the country, with its pool, picnic grounds, beautiful stretches of flowers, grass and trees; yes, even zoological gardens. But do prisoners flock here? They do not. Well dressed, well mannered people roll up in their automobiles to spend a few pleasant hours with their children.

The parolees flock to cheap men's hotels, which are clustered in the sordid Northside neighborhood. Here, too, an unique institution, by affording hostage to several hundred such men, justifies its name, *The Helping Hand*. As a quasi-religious, community chest organization this place gives the men shelter and food for a few hours' labor if they cannot pay, for a small fee if they have any money. I have visited this institution many times. Here, too, recreation is sadly lacking. There are a few games of checkers. Some read the daily papers. Each evening a sizeable number attend the mission service in the chapel. As a matter of fact the chaplain was himself once down and out, and his present status gives hope to the depressed group.

Most of the men, however, sit sad and glum in the lobby, their faces a veritable dark-grey, as though mirroring their life and thoughts. Yet, better than any non-official organization I know, this institution is helping men to help themselves. Men secure employment through the employment bureau. Some are hired by the institution itself, in the kitchen or on the general staff. Others find work and resuscitation on the farm which supplies the institution with food.

Splendid as the organization is, there is little or no recreation and certainly no opportunity for wholesome or decent contact with women. Perhaps we shall eventually recognize that parole supervision should aim at supplying decent and normal social contacts. That will of necessity be a difficult task, but will afford the only satisfactory method of eliminating sex offenses and "annoying young girls" among parolees.

And we must also recognize that we are not merely sitting in the seat of the scornful, but are hypocrites as well, when we seek to exact higher standards of conduct from parolees that we let pass unnoticed among civilians in the same and other walks of life. Psychiatrists would undoubtedly tell us that parole officers and persons who write the rules are assuaging their own sense of guilt in attempting to exact behavior norms for which the prison has in nowise prepared its parolees. Until we make our prisons a training school in proper conduct we "protest too much" if we expect parolees to behave according to the dictates of a gentleman when such behavior is beyond their education or their ken.