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REHABILITATION OF ARMY OFFENDERS¹

Benjamin B. Ferencz²

Army penal authorities are faced with a peculiar type of offender. Many young men have been unable to make a successful transformation from a civilian status to the rigid discipline of army life. One of the manifestations of this maladjustment has been the violations of certain Articles of War which do not constitute offenses under the civil law. Absence without leave, desertion, insubordinate conduct toward a non-commissioned officer, disrespect toward or wilful disobedience of a superior officer, and improper conduct of a sentry, may all be punished "as a court martial may direct." Since there are few limitations on this power a possible result of such misbehavior is a prison sentence of many years.

During the last war, few, if any, distinctions were made between the disposition of such offenders and the treatment accorded the average criminal case. Today it is recognized that very many of these men are potentially good soldiers, and a dishonorable discharge would not only mar their future civilian life, but would be a present loss to the army itself.

To avert these evils the War Department has established a system whereby these offenders can be given an opportunity to re-establish themselves and be returned as fighting soldiers to regular combat units. In each of the Service Commands a Rehabilitation Center has been established to which such offenders can be sentenced. Here the army can further study and examine each case.

The Center at Camp Pickett, Virginia, is fairly typical. The staff of 160 enlisted men and 11 officers includes men trained in penal, psychiatric, and social work. The Commandant, Col. G. J. Shoemaker, is the former Chief-of-Police of Harrisburg, Pennsylvania. Lt. Col. A. E. Hesler, former Warden of Lewisburg Penitentiary, relinquished a higher rank in the Reserve to become the Executive Officer. The Psychiatric Department is headed by Capt. I. J. Cohen, a prominent New York psychiatrist. These men head the Psychiatry and Sociology Board, which makes important recommendations as to the disposition of over 300 prisoners stationed at Pickett.

When a man is sentenced to the Rehabilitation Center he is interviewed by the Executive Officer, who explains the program to him. He learns that the purpose of this particular program is neither punishment nor primarily deterrence, but the rehabilita-

¹ No. 2, War Penology Series.

² T/5, U. S. Army, Camp Pickett, Va. Hq. Btry., 115th AAA Gun Bn. MG.

tion of the offender so that he may become a credit to the army. With the very limited facilities available, rehabilitation in the sense of marked personality changes or advanced mental therapeutics can not be attempted. However, if the man can be restored to an army unit that in itself is a great contribution. That service is now being performed by these centers.

The prisoners are housed in regular army barracks, which are surrounded by a wire fence manned by armed guards, for security is basic. During the day there is a regular infantry program. The discipline and training is rigid but not harsh, and the men consider it a definite improvement over confinement in the usual camp stockade. The offender knows that here he is being given a chance to prove himself, and since, in many cases, the cause of his wrongdoing was a clash of personalities within his former organization, the change in a man's behavior is soon apparent.

Weekly reports are submitted by the guards and sergeants on the conduct of the men. The prisoner's behavior will determine whether he remains a general prisoner, becomes a trusty, or a member of the Honor Company. There is no segregation among these categories within the center itself, but increased privileges are the reward of good conduct. Members of the Honor Company have the use of an excellent Camp Pickett library, have fewer work details, and are treated almost the same as typical army recruits.

At regular intervals, starting about one month after an offender's entrance into the center, the "P. and S. Board" reconsiders his record and classification. A complete case history is gathered by calling upon the civic agencies in the prisoner's home town, the Red Cross, Federal Bureau of Investigation, local police, religious leaders and others, for information. As a result of these studies the Board generally has before it much more about the offender than was available to the members of the court martial who handed down the original sentence. In many instances inexperienced members of different courts have, in the authorized exercise of their discretion, imposed sentences of widely varying severity for similar offenses. When viewed in the light of a more complete record, and tempered by time, it often appears that the best interests of justice would be served by a reconsideration of the case. In estimating a prisoner's potentialities for rehabilitation the Psychology and Sociology Board is more interested in his pattern of living prior to his entrance into the army than in his army record. Based on their observations of the offender, his case history, and the nature of the offense, the Board is authorized to make recommendations to their respective Service Commands as to the final disposition of the case. These recommendations carry great weight, and may result in a transfer to the Disciplinary Barracks at Fort Leav-

enworth, Kansas, and a dishonorable discharge at the expiration of the sentence, or an eventual transfer to a newly activated unit with an excellent opportunity of becoming a non-commissioned officer.

The Rehabilitation Centers are less than a year old, and the completed records of their accomplishments are not yet available. The Commanders of Companies to which discharged men are sent are being asked to return certain questionnaires on the progress of the men. These already indicate that the results have more than justified the efforts exerted. These men, who would have been lost to the service in the last war, are now returning as members of fighting units, many have been given positions of trust and leadership, and all are being given the opportunity to wear with pride the uniform of the United States Army.

PRESIDENT LINCOLN ON MILITARY ARRESTS

(Selections from his Albany response)

Executive Mansion, Washington, June 13, 1863

“ . . . But the meeting, by their resolutions, assert and argue that certain arrests, and proceedings following them, for which I am ultimately responsible, are unconstitutional. I think they are not.

“ . . . Take the particular case mentioned by the meeting. It is asserted, in substance, that Mr. Vallandigham, was, by a military commander, seized and tried ‘for no other reason than for words addressed to a public meeting, in criticism of the course of the Administration, and in condemnation of the military orders of the General.’ Now, if there be no mistake about this; if this assertion is the truth and the whole truth; if there was no other reason for the arrest, then I concede that the arrest was wrong. But the arrest, as I understand, was made for a very different reason. Mr. Vallandigham avows his hostility to the war on the part of the Union; and his arrest was made because he was laboring with some effect, to prevent the raising of troops, to encourage desertions from the army; and to leave the rebellion without an adequate military force to suppress it. He was not arrested because he was damaging the political prospects of the Administration, or the personal interests of the commanding general, but because he was damaging the army, upon the existence and vigor of which the life of the nation depends. He was warring on the military, and this gave the military constitutional jurisdiction to lay hands upon him. If Mr. Vallandigham was not damaging the military power of the country, then this arrest was made on mistake of fact, which I would be glad to correct on reasonably satisfactory evidence. . . .” (Signed) A. Lincoln. (From John A. Curran.)

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