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THE PRISON WAR PROGRAM

W. H. Burke

The Chief of the Prison War Program in the Department of Justice in Washington, D. C., Major W. H. Burke, describes the wartime factors in the prisons that have produced an extraordinary elevation of morale. Great gains have been made in the direction of prison management. How can the gains be retained for the future?—Editor.

I like to think of this war period in prisons as a “renaissance,” ascribing thus the rebirth of enthusiasm and achievement in correctional philosophy and practice under the influence of wartime conditions.

Patriotic fervor, unity of purpose, public spirit and productive enterprise have united to bring about a truly new era in the penological history of America.

My work as chief of the Prison War Program Branch has brought me into direct and comprehensive association with the problems of prison administration and correctional theory and practice. It has been my duty to organize, as well as possible, potential manpower of penal institutions. Even before Pearl Harbor, industrial managers of prison industries were approaching the War Production Board with requests for priorities of raw materials. Wardens also came to Washington on professional business. From these conferences emanated a program, conceived and executed by Maury Maverick, that there was a large source of productive manpower that might be tapped in our penal and correctional institutions.

Out of this vision and impulse, the Prison War Program Branch was born. Its activities and accomplishments have already amply demonstrated the soundness of our conviction that prisoners are as susceptible to the appeal of patriotism as any element in the country, and that they can effectively be enlisted to cooperate with the war effort in many and important ways.

My work with the branch has brought me into wider and closer contact with prison problems. I have visited institutions from Alcatraz and San Quentin to Sing Sing, from Stillwater to Angola, and nowhere can you find a more responsive and patriotic group than in these institutions. Our early experiences were for the moment disheartening. Idleness was rampant in our prisons, and the industrial program was perhaps the weakest item in a generally retarded system of prison administration. This was probably the result of forces beyond the control of the prison wardens, or even State Departments of Corrections. A feeling of inertia and hopelessness pervaded the administration of our prisons in the industrial field. We were handicapped by the fact that most of our

prisons were forbidding stone tombs, a gloomy heritage from the primitive era of penal thought and practice.

Handicapped also by the so-called "better" systems of prison administration devoted to serving the custodial psychosis—to locking in prisoners and counting noses—than to adjusting prisoners to a law abiding existence after release. Many of our better institutions presented an appalling spectacle of economic waste and hopelessness at the time of Pearl Harbor.

Rome was not built in a day, and the progress that has been accomplished in our prisons since Pearl Harbor has not yet produced a permanent revolution in the prison administration and penal thought of our country, but enough has been achieved to indicate that an organized program to stimulate hope and effort can accomplish literal wonders.

Patriotic Participation and Morale

Our prisoners have responded to the appeal to their patriotism in ways, and to a degree, that would have seemed impossible a few years ago. Their blood donations per capita have exceeded those of free population outside. Our "Bomber Drive" was started to sell enough bonds to purchase one bomber; we wound up with three.

More than \$15,000,000 worth of war products, directly useable in military activity, has been produced, and the quality has matched that of civilian-made goods. Our agriculture production has been increased over \$10,000,000 beyond the pre-war level. Prisoners, even in institutions which pay no wages whatever, have gladly cooperated and worked longer hours—sometimes two or three shifts in a 24 hour period.

All of this has had a net effect of creating a higher morale in our penal and correctional institutions than has been known in the whole history of prisons, either in this country or abroad. Not only has it improved the spirit of the inmate population, but it has led them out of prison into the armed services of the country. We have over 100,000 men serving in the Army, Navy and Marines, with a previous record of conviction of felony. Their achievements on the field of battle thoroughly match any comparable group of soldiers.

The changed attitude has not only affected prisoners; it has been equally noticeable and gratifying on the part of the administrative officers of our prisons. These officials found themselves freed from the obstacles which hampered their efforts and suppressed their progressive aspirations and found on their hands a prison population filled with enthusiasm, rather than paralyzed by a sense of gloom and futility, with the result that these wardens and executives have thrown themselves into the new work with a

spirit, and in a manner, which has filled us with glowing pride for the present and bright hopes for the future.

These remarkable accomplishments in the prisons in two short years has been the product of a happy union of professional knowledge and public support. It is in this spirit and atmosphere that I seek for cooperation in discussing the future program for the improvement of the prisons and correctional institutions. It would be a calamity if the gains of wartime could not be carried over into the days of peace and made the corner-stone of a new era of philosophy and administration.

Sound Penology and Good Politics

In the past, we seem to have been afraid of politicians. We suffered from the failure to unite professional expertness and political understanding. All too often we have operated in a void with little influence on public practice. The practical politicians have resisted our efforts because they failed to understand the facts and principles involved. This divorce of professional competence and public practice must be brought to an end if desired results are to be obtained with the maximum economy of time and experience.

As a matter of fact, what we have already accomplished in our wartime program has, not only been sound penology, but good politics. Prison reform has often been hampered by the ignorance, venality and favoritism of some politicians. But it has also been obstructed through indiscriminate and universal denunciation of politicians by well-intentioned but impractical reformers.

So long as we remain a democracy, we can only move ahead in public matters through the aid of those who decide the filling of our public offices. We should eliminate political graft. But we should also aim to educate our politicians and gain their confidence and support. We should convince them that it is, in the long run, always good politics to have an honest and competent system of law enforcement and well-run prisons and parole system. The worst headaches of politicians result from the fact that they have to take the rap for legal incompetence and administrative evasion and futility. A constant appeal to politicians to secure premature pardons and paroles is just one illustration of what I have in mind. Only politicians fortunate enough to live in a state with a good penal and parole system can realize what a relief it is to escape the otherwise ceaseless importunity of favor-seekers by referring them to custodians of authorities who are above fear and favoritism and can be trusted to deal with all fairly, impartially and expeditiously.

We have heard much about the wisdom of looking at public affairs and international relations from a global vantage point.

Let's adopt a similar attitude toward delinquency and prisons which will give us a world perspective on crime and its repression. Crime is a universal phenomenon, growing out of the very conditions of living together anywhere on the planet. It has existed in all times and places, though what passes as crime varies greatly with time and space.

Global Aspects of Crime

Never were the planetary aspects of crime and abnormal living more obvious and overwhelming than in this day. We probably live in the greatest period of world upheaval of the human race. Millions of men are marching over deserts and mountains, through jungles, sailing the seven seas, diving beneath the surface and invading the clouds and stratosphere. They are torn from their homes and isolated in distant lands. In addition to these soldiers living detached and abnormal lives, there are millions of men and women living in exile or as political prisoners with their normal ways of life completely uprooted and their social ties and controls rent asunder. They find their ways of life even more abnormal and unsettled than the inmates of our penal institutions. For example, a young man in our country may commit a crime of passion and be in prison for a number of years in one of our better administered prisons. He may work, have good doctors, good intelligent attention from a wise warden and have special service by a psychologist and psychiatrist. It is possible that he will be released better fitted for orderly social life than when admitted to prison.

Compare his lot with another young man of the same age, who has been captured by the enemy and placed in a military prison. Here he lives in a strange land, guarded by those whose language he does not understand, with inadequate food, brutal treatment, isolated from his friends and in constant fear of death itself. Years of malnutrition, injustice and brutality may make a wreck of one who was, when captured, the flower of our youth.

We should give deep thought to the psychological effects of fear and isolation. I am trying to drive home the fact that with millions of people living disjointed and hazardous lives, the post-war problems of adjustment to family and society may produce one of the challenging crises that our civilization has faced.

Those service men who escaped the rigors of imprisonment in exile cannot avoid the hazards and abnormal living which war entails. This is more true than in the last world war. Our service men are scattered to the four corners of the earth, their furloughs will not permit their return to the home land. This time, our returned soldiers who have lived for years in jungles, in strange lands throughout the globe, will present unprecedented problems

of adjustment to routine life in western civilization. Their battle for economic security should be helped by every governmental agency possible.

Poverty and insecurity are not the only sources of crime, but they are potent causes thereof. Any reform which will increase security and well-being for the returning soldier, will go furthest toward reducing crime. We must use our best efforts to build a society which will assure plenty and security for all and lessen the allure of antisocial methods of gaining a livelihood.

Conditions of Rehabilitation

It has often been said that a prisoner has no rights. This may be true legally, but it cannot be true socially or penologically if we wish to rehabilitate the inmate and restore him to a law-abiding existence. A prisoner has a right to such treatment as may possibly restore him to society as a safe risk and we should insist that such treatment be given every prisoner. May I suggest a "Charter of Rights" for every prisoner who is not palpably a degenerate or psychopath?

1. The right to an understanding attitude on the part of prison authorities and to individualized treatment, in accordance to his special personality needs.

2. The right to a clean place in which to eat, sleep and work, access to sunlight and air, and the provision of adequate exercise and recreation.

3. The right to healthful and wholesome food, served hot and in an atmosphere free from fear and humiliation.

4. The right to prompt, efficient and adequate medical attention, including care of mental and nervous disease.

5. The right to humane, if firm, treatment, free alike from brutality and coddling.

6. The right to an opportunity for self-improvement in prison, by means of education, work; recreation, social and religious training.

7. The right to earn a reduction of sentence by evidence of such self-improvement.

8. The right to conditional release under proper parole supervision, free from persecution by vindictive prosecutors and from petty snooping, or worse, at the hands of the police.

9. The right to obtain employment without prejudice arising from his previous criminal record, and to maintain himself on the basis of service rendered, so long as there is no violation of the law or the rules of the factory.

10. The right to a restoration of the full rights of citizenship after five years of good conduct after release from prison.

Others might well be added but if these ten rights were guaran-

teed to each prisoner, we may be sure that the records of prisons, with respect to rehabilitating their charges would be vastly improved and the cost of crime and penal institutions to the public would be greatly reduced.

It means little to talk about the rights of prisoners in a rational correctional system unless we adopt a correctional program which is compatible with realization of these rights. A rational and humane correctional program, making possible a real "renaissance in penology might well embody the following minimum essentials: First—every effort possible to prevent crime and keep people out of prison altogether. Economic reforms, steady employment, better education, school and community clinics for problem children, improved recreational facilities, and the like, are ever recognized as steps and methods likely to reduce crimes. After crimes have been committed, and the culprits convicted, we should make the greatest possible use of probation, for adults as well as juveniles.

Second—a more intelligent, rational and humane sentencing procedure must be provided. We should have pre-sentence investigations and judges should take heed of the recommendations of experts when sentencing convicts. For youthful, first offenders, at least for those not guilty of heinous crimes, the time served to depend on the judgment of the releasing authorities as to the degree of improvement of the prisoner during his period of incarceration.

We have already mentioned probation. A rational correctional philosophy would insist on a far greater use of probation for both youngsters and juvenile delinquents. We should admit to probation every delinquent whose incarceration is not called for by the most elementary considerations of public safety. There is no sound justification for putting anyone in an institution who can safely be treated through probationary measures. There is every argument for probation where it can be safely employed. It can remove the stigma of imprisonment, it would cost far less than imprisonment in reformatories. It makes possible a more diversified and flexible correctional program and personal therapy. Finally, it permits the rehabilitative measures to be carried on in the social setting in the social setting in which the readjustment of the delinquent person must actually be accomplished. Successful adjustment to prison life certainly is no preparation for adjustment to life outside the walls. The good convict might make a very bad citizen.

From our wartime experience, we have learned that we can trust more prisoners outside the walls than we ever thought likely. As experience improves and enlightenment grows, it is likely that we shall employ probation for the overwhelming majority of all delinquents who are not habitual and non-reformable criminals requiring life-long segregation.

We should have fewer maximum security prisons. We need them for a small majority of our law-breakers, those who present little or no prospect of yielding to treatment. For the others, we should provide minimum security prisons with a regimen and administrative policy suited to the specialized needs of the more hopeful types confined therein.

It is about time we moved out of the "Stone Age" of penology. No prison nor correctional institution can be better than its staff personnel. If we want better prison administration, then we must improve the personnel and increase the reward of prison officials from the warden down to the newest guard. The office of warden should be a professional position, carrying with it respect, independence and a salary commensurate with the dignity and responsibility of the post. The custodial staff should be chosen from the better type citizen, possessing a good education and given rigorous professional training to qualify for their work.

Prisoners should be prepared for social life after they leave by being permitted to lead a more normal existence while in prison. The silence room should be abolished. Social relationship should be as natural as possible. Play and recreation should be encouraged to train in a sense of good sportsmanship and to drain off the abnormal pressures and strains of prison life. Prisoners should be neither cocky and defiant nor manifest a "Kicked dog" attitude.

We should have a greater extension of educational facilities in our institutions. Educational systems should aim to correct personality defects, remove illiteracy, make convicts self-supporting after release, and prepare them for the duties and responsibility of citizenship. Vocation training should be deliberately and systematically provided to insure a remunerative trade for those not so trained on admission to prison. Vocational education cannot remain a mere by-product of maintenance duties and shop work; it must be systematically planned, adequately supported by appropriations and manned by professionally trained instructors. While vocational education is important many are in prison because of personality problems and emotional kinks. They may be professionally or vocationally skilled.

The most efficient type of vocational education would not fit this type of prisoner for a free life. He must have specialized assistance rendered by psychologists, psychiatrists and social workers. There is no ground for expecting him to cease criminal conduct after discharge from prison if his personality problems have not been recognized and treated while in custody.

Greater attention should be paid the physical condition of the inmates. Unless good health can be assured and physical difficulties alleviated by correctional treatment, the physically handicapped delinquents are apt to go on committing crime after release.

Thorough medical facilities should be available in every institution to assure adequate physical therapy for every inmate. So far as possible, prison and parole authorities should see to it that every prisoner is discharged with a sound mind and sound body. This can never be more than an ideal goal. Yet medical treatment should aim to achieve this goal so far as circumstances permit.

Penal and correctional institutions are today a large burden on tax-payers in most states. There is no excuse for this condition of affairs. It grows out of lethargy, timidity and lack of imagination—as several prosperous state systems of prison industry have amply proved.

Planning for successful release of prisoners should be even more important to prison authorities than the responsibility of safe incarceration. Indeed, the main purpose of prison discipline should be to prepare men to live a law-abiding existence after discharge. Hence, proper parole planning should loom large in any sound penal prospective and should receive constant attention from all authorities. The opinions of the prison staff, especially of the classification clinic, should have paramount influence in determining the fitness of the prisoner for release on parole.

The authority of parole boards, after prisoners are released into their hands, should be complete and the responsibility equally unlimited. No parole board can function effectively unless adequately and professionally staffed. Paper parole is a travesty and only serves to discredit one of the most valuable agencies entrusted with the responsibility of adjusting prisoners to normal living.

One of the outstanding requirements of any true renaissance of penology must consist of a wider use of parole in the better administration of good parole laws. Prisoners might be released on parole much sooner than they are now. Most prisoners, if they are suitable for parole at any time, are better fitted for it one or two years after admission than they are five or ten years later. Long prison terms destroy hope, institutionalize the inmate, make him unfit for free life. Hence, a good parole system requires something pretty close to an indeterminate sentence.

Conclusion: Meeting Our Responsibilities

We must prepare right now for the greater responsibility which lies ahead for the penal and correctional systems at the close of this war. I can think of two main reasons for such planning today.

(1) Crime will greatly increase after the war and this increase will be accompanied by popular hysteria which will make sane correctional planning and prison construction very difficult.

(2) Great gains have been made in prison morale in the administration in the war period; therefore, these should be solidified and perpetuated by appropriate legislation while the public

can be expected to support such sane and ameliorative legislation. If we wait until the post-war crime problem is on top of us, it will be too late to plan or to avert popular pressure to return to hard-boiled and professional methods.

If we are to plan and bring about reforms now, we must learn to cooperate with politicians rather than concentrate on abusing them. We should cease beating politicians on the head and seek to get them lined up on our side. Politicians are alert and smart enough. They can be induced to cooperate if they are convinced that the correctional program is sound and has the backing of the public. Another effective way of converting the politicians is to show them that good prisons are good politics and they can avoid many headaches and much annoyance if they can refer petitioners to prison and parole officials in whom they have, for good reasons, complete confidence as to intelligence, integrity and commonsense.

No one, who has had experience with law breaking and law breakers, would expect that the penal and correctional program which we have roughly sketched would reform every prisoner. If it would reform a quarter of them and help another quarter it would border on the miraculous and far exceed anything ever accomplished in correctional history. We would at least have the satisfaction of knowing we had done as much as anyone can achieve in our day to reduce crime and rehabilitate criminals. We should not stop short of what we know to be our duty and our opportunity in the premises.
