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THE TREATMENT OF NAVAL OFFENDERS, WAR AND POSTWAR

Richard A. Chappell

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This article, which is an abridgment of a paper read before the National Probation Association, discusses the Naval correctional plan, the outlook for delinquency among veterans of World War II, and resources for treating veterans who commit offenses.—EDITOR.

The subject of this article naturally divides itself into two parts—war and postwar treatment of naval offenders. I confine myself to a few observations about the nature of the military offender and the treatment accorded him by the U. S. Navy. The problem of the veteran will be dealt with at greater length.

First of all, let us consider the extent of delinquency in the Navy. There are rumors to the effect that military offenses in both the Army and the Navy were alarmingly high. Readers will be interested in knowing that at no time during the war nor after the war did the population of naval places of confinement for Navy, Marine Corps, and Coast Guard personnel convicted by general courts-martial exceed one half of one per cent of the total personnel enrolled in the services. The peak population of naval places of confinement for general court-martial prisoners was approximately 17,300. By comparison, the records for the first World War indicate that at the close of that war 1.5 per cent of the total personnel of the Navy was confined by orders of general courts-martial. This percentage was three times the peak recorded in this war and indicates that we made some progress between wars. It is probable that the quality of the personnel in the recent war was better and that the methods of effecting discipline were superior. From the above figures we may conclude that delinquency in the Navy was not alarmingly high and that imprisonment statistics do not indicate a general breakdown in discipline.

The second question is: what kinds of offenses were committed by sailormen? Were they military offenses or crimes *mala in se*? Ninety per cent of the offenses committed were purely military offenses, and only 10 per cent were acts punishable by criminal laws. Of the 90 per cent who committed military offenses, 85 per

cent were guilty of absenting themselves from duty without proper authority. While absence without leave is serious to the Navy in wartime, truancy from the job is not considered serious in the civilian community.

As to the treatment of naval offenders, the question is asked whether they were dealt with in such a manner as to make them bitter and resentful toward society. Were they permanently damaged by their treatment in confinement? I believe that the treatment accorded naval offenders in the main will not permanently injure them. There were some isolated instances, particularly in the early days of the war before the establishment of a modern correctional program, when the treatment was damaging to the individual. Happily, early in 1944 the Secretary of the Navy directed the establishment of a program for persons in confinement calculated to fit them for restoration to duty benefited rather than damaged by confinement. The resulting program, which was participated in by 200-odd enthusiastic naval officers and specialists experienced in civil correctional work with the full backing of higher naval authority, is one of the bright chapters in American correctional history. In the Navy's correctional plan there were present the basic essentials of a progressive correctional system: enlightened policies, trained and competent personnel, and suitable tools in the form of equipment and facilities with which to work. Although little publicity has been given to the plan and no imposing array of big names in American penology graced its advisory board, it is, in my opinion, worthy of the careful study of correctional workers. Some of the cream of the personnel of the U. S. Bureau of Prisons, the U. S. Probation System, and the more progressive State correctional services helped to fashion and operate the Navy's correctional service. For once sound classification and screening procedures, psychiatry, psychology, education, and physical and trade training had an honest opportunity to make their contribution to correctional work. The plants and facilities made available for the Navy's retraining stations (so called to avoid the stigma of the designation of prison) and disciplinary barracks were usually the same as those available at recruit training stations except that the dormitories and usually, although not always, the classrooms, shops, swimming pools, drill halls, and gymnasium were enclosed by a wire fence. Emphasis was placed on training and returning men to duty in the naval service rather than on custody and punitive measures. The minds of the trainees were pointed toward the day of return to duty, and they responded by participating wholeheartedly in

the program. Since the discipline in effect was constructive rather than destructive, I seriously doubt that a substantial number of men received permanent injury from their experiences in naval places of confinement.

Since the proof of the pudding is in the eating thereof, let us consider some of the results of the Navy's correctional program. How many of the 59,158 sailormen who passed through the Navy's places of confinement for general court-martial offenders from Pearl Harbor day to March 31st, 1946 were restored to naval duty, and how many were discharged by bad-conduct or dishonorable discharge? Approximately 80 per cent of the 59,158 men were restored to duty, and the remaining 20 per cent were discharged with so-called "yellow tickets." I should point out that the 59,158 figure refers to separate commitments; and since a number of men, perhaps more than 10,000, were committed twice or more the number of individuals involved perhaps would be between 45,000 and 50,000. A strenuous effort was made by the Navy to salvage every man who gave reasonable promise of being able to adjust in the service. Some were unsuitable for the service in the first place and could not be restored. Sample studies made jointly by psychiatrists and psychologists indicate that at least 20 per cent of the persons confined were diagnosed psychopathic, psychotic, psychoneurotic, or subnormal mentally. These for the most part were nonrestorable. In returning as many men as possible to duty the Navy was conscious of its responsibility to the men themselves and to society. For this reason the number to suffer the consequences of a "yellow ticket" was held to a minimum.

Another question: what percentage of those restored to naval duty succeeded? This question I am not prepared to answer. One study made by the Corrective Services Division of the Bureau of Naval Personnel in the fall of 1945 on 14,000 offenders, six months after their restoration to duty, showed that 66 per cent successfully adjusted in the service while 34 per cent failed. As this study was made toward the close of the war when there was a higher percentage of recidivists among restored men than there was earlier, it is believed that the over-all percentage of successes is some higher. An earlier study of a much larger group made by the Discipline Section of the Bureau showed more than 80 per cent successful.

As of interest to probation and parole officers, I should bring out one further fact about naval offenders. In analyzing the group of 14,000 men, it was found that 10 per cent admitted to being graduates of juvenile and adult probation departments

or correctional institutions. Ninety per cent denied any previous delinquencies.

The whole question of the manner in which former offenders acquitted themselves in the military services is an intriguing one. The Navy was reluctant to accept persons with court records, considering them unfit for the services; while the Army was somewhat more liberal in accepting offenders. By comparison the ratio of military offenses to civil-type crimes in the Navy was 90 per cent to 10 per cent, while in the Army the ratio was 60 per cent to 40 per cent. Whether or not the liberality of the Army in accepting men with court records partly explains this situation, I am unprepared to say. I suspect, however, that there are other important factors involved in this large difference. Plans are now under way for a study of Federal probationers and parolees who entered the Army and Navy, to determine the adjustment and value of men with offense records to the military service. The findings should have significance for correctional workers as well as for military leaders.

Leaving the wartime naval offender and his treatment let us consider him as a veteran. First of all, what antisocial behavior may we expect from veterans who committed offenses while in the military service? Need we fear that these military offenders will become civilian offenders? In all probability very few of the 90 per cent of naval personnel and 60 per cent of the Army's personnel who committed military offenses will ever commit serious offenses against civil laws. The acts which they committed would not be classed as crimes in the civil community. From some, but by no means all, of the 10 per cent of offenders in the Navy and the 40 per cent in the Army who committed crimes *mala in se*, we may expect further delinquencies. A majority of these men received bad-conduct or dishonorable discharges. As a result of these discharges they will be deprived of some of the important privileges of the G. I. Bill of Rights. This will handicap them in their efforts to re-establish themselves in the community. A "yellow ticket" will serve to bar some from jobs in industry. Those who live in cities will be more handicapped in finding employment than those who live in rural areas as the farmer will not so quickly hesitate to employ laborers with "yellow tickets" as industrial personnel managers. I suggested earlier that a considerable number of these holders of "yellow tickets" suffer basic personality disorders. Their social histories reflect maladjustment in the home, the school, and the community. It was unfortunate that most of these maladjusted individuals were inducted into military service. Such men were not helped by the military service. As

they come before the courts in the future they will need sympathetic study and intensive treatment. They constitute among all veterans the greatest challenge to correctional workers.

With considerable trepidation I come to the question of crime on the part of veterans who received discharges under honorable conditions. I do not claim to be an expert at crystal gazing. For me to say that the amount of crime that we may expect from the normal veteran depends upon the extent to which society meets his social needs is to tell you what you already know. We all know that there is a definite relationship between family adjustments, employment, housing, medical care, etc., and crime.

Let us examine for a moment the extent of unemployment among World War II veterans. While the exact number of unemployed is not known we do know how many are now drawing readjustment allowances of unemployment compensation from the Veterans Administration. Of the 12 million veterans of World War II, as of May 15, 1946 about three million have applied for readjustment allowances, and approximately one and a half million are now drawing such allowances. The average length of time that veterans draw these allowances is six weeks. Only about fifteen thousand drew the allowances for the maximum of fifty-two weeks provided by law. Of the three million who have applied for allowances, approximately one million obtained work or for some other reason never accepted the allowances. I am informed by the Veterans Administration that recently, until the coal strike was called, a downward trend was shown in the readjustment allowance payment curve. Of those who have applied for allowances approximately two hundred thousand were self-employed, and the benefits were used to supplement income from the veterans' own businesses.

Loans have been advanced to veterans by the Veterans Administration as follows: One hundred thirty-three thousand G. I. loans have been made. One hundred twenty thousand of these were used for purchasing homes, nine thousand were used in businesses, and less than four thousand for farms. A total of 6-hundred million dollars in loans to veterans have been guaranteed by the Veterans Administration. Only 100 veterans have defaulted on their loans, and more than 300 have repaid them. The extent of unemployment among veterans is probably higher than the readjustment allowance payments would indicate as there are some veterans unemployed who do not apply for the readjustment allowances. There are also 35,629 veterans hospitalized by the Veterans Administration. These are unable to work.

The question of the stability of the veteran employee interests

many. The Veterans Administration says that the rate of voluntary withdrawals from jobs among veterans is slightly higher than among nonveterans. The War Department recently reported a high turnover among veteran employees. According to an article published in the *Newsletter* of the Veterans' Employment Service of Washington, D. C., for April 1946, quoting from a study made by Norman Alexandroff, President of Columbia College, Chicago, Illinois, and edited by Dr. Daniel H. Howard, the veteran is adjusting to his employment better than the nonveteran. A questionnaire was sent by Dr. Alexandroff to a number of large and small industries employing a total of 250,732 workers, of whom 9,354 were veterans. Employment managers and personnel directors cooperated in answering the questionnaire. The study indicates that 93.9 per cent of the veterans are as well-adjusted as the nonveterans in the industrial organizations studied. Some organizations reported a tendency on the part of veterans to "shop" around for better jobs. However, on such factors as attitude toward his supervisors, fellow employees, and management, personal habits, initiative, and neatness the veteran showed superiority or equality with the nonveteran. In a general summary of this same study of the adjustment of veterans with nonveterans for *all* plants, 60.5 per cent of the veterans were reported to be as good as nonveterans; 33.4 per cent, better; and 6.0 per cent, not as good. In a discussion of the study the author suggests the possibility that the nonveteran will be our social problem in the immediate future rather than the veteran.

What resources are available to us in your study and treatment of the veteran? As veterans appear before the courts, it is important that probation officers carefully study the social, military, and health histories of the individuals just as they should study the prior records of all offenders coming before the courts. Some veterans will paint glowing pictures of their accomplishments in the war and will attempt to gain sympathy by such stories. Probation officers will find some difficulty in obtaining transcripts from the War and Navy Departments of the medical and psychiatric records of discharged servicemen. There is a joint Army-Navy agreement which limits the release of data from medical records. However, I am told that a letter or order from a judge of a trial court to the Judge Advocate General of the Navy or the Adjutant General of the War Department will obtain a summary of the medical record. The information is intended to assist the court in shaping a sentence and is not for purposes of prosecution or publication. The joint Army-Navy agreement provides for the confidential re-

lease of medical records of members of the armed services to the War and Navy Departments; the Veterans Administration; Selective Service system (in the case of registrants only); Federal or State hospitals or penal institutions when the member or former member is a patient or inmate therein; registered civilian physicians, on request of the individual or his legal representative, when required in connection with the medical treatment of a member or former member of the armed services; the member or former member himself on request, except information contained in the medical record which would prove injurious to his physical or mental health; and the next of kin of the serviceman under certain conditions. In addition to the above, the Justice, Treasury, and Post Office Departments may, on request, be given pertinent information from medical records for use in connection with investigations conducted by these departments. As previously stated, appropriate information can also be released in accordance with court orders calling for the production of medical records in connection with litigation or criminal prosecutions.

I should like to offer a personal word of caution about the use of veterans' medical records obtained from the armed services. A diagnosis of psychopathy, psychosis, or neurosis should not be accepted without question. Wherever possible a thorough examination should be conducted by a court or other psychiatrist. It was my observation while in the service that some naval psychiatrists were inclined to be quite extravagant with labels of psychopathy or psychoneurosis, etc., while other psychiatrists were more conservative in their diagnoses. I recall two studies made about the same time on two similar groups of offenders. In one group approximately 20 per cent were considered subnormal mentally or were diagnosed psychopathic, psychotic, or psychoneurotic; whereas in the second group the comparable figure was 35 per cent. It is difficult to believe that there was actually that much difference between the two groups. We should make full use of military and medical records obtainable, but we should remember that medical diagnoses are subject to question under certain circumstances, and wherever possible a local psychiatrist should conduct another examination.

Certain helpful information, including a brief digest of the military history of the offender, a statement of his offenses before entering the service and during the service period, and pertinent social data, is available on former naval offenders at the Bureau of Naval Personnel and on former Army offenders at the Adjutant General's office of the War Department. Letters seeking information about former naval prisoners should be

directed to the Corrective Services Division, Bureau of Naval Personnel, Washington 25, D. C., and about former army prisoners to the Correctional Branch, Adjutant General, War Department, Washington 25, D. C. In many instances psychiatric reports and social data are available on former Navy and Army offenders and may be had for the asking. If an offender who is being studied was discharged by either a bad-conduct or dishonorable discharge, there is a good chance that you will find helpful social data available on him at one of the above sources. The information which you receive, it goes without saying, should be treated as privileged.

Most of us know the privileges of the so called G. I. Bill of Rights, which includes mustering-out pay up to a maximum of \$300; educational allowances of \$500 for tuition and \$50 per month for living expenses; and unemployment compensation of \$20.00 per week for a maximum period of one year. In addition the Veterans Administration will approve loans up to \$2000 for homes or businesses. In addition to cash benefits there are certain services, such as those provided by the U. S. Employment Service, which will assist the veteran to find a job. Veterans Administration Centers will provide vocational counsel. If the veteran has service-connected disabilities he may obtain pensions which range as high as \$115 per month, and may be hospitalized in a Veterans Administration Hospital. If a veteran needs hospitalization for an illness which is not service-connected he may be admitted to a Veterans Administration hospital providing he is unable to pay for hospitalization elsewhere.

In addition to services offered by the Federal Government, most States have enacted legislation providing for veteran benefits. The Commonwealth of Massachusetts, for example, offers the following: hospitalization and domiciliary care; maternity care for wives of veterans; medical care for infants during their first year; vocational rehabilitation services for veterans not eligible for training by the Veterans Administration; education in high school, vocational and trade schools, extension schools, colleges, etc. The children of Massachusetts veterans who have died in the service or as a result of such service are provided an educational grant for higher education. The Massachusetts law also provides for public employment and re-employment, the waiver of certain licenses, copies of records, bonuses, soldiers' relief, and burial allowances under certain circumstances. There are also unemployment compensation and farm-aid services under the Massachusetts statutes. The resources available to the probation officer for his veteran clients are more numerous than those available for nonveteran clients. Since

Massachusetts is one of the wealthier States it is probable that the benefits available to veterans under her laws surpass those in most States. However, all States offer some benefits.

Consider the question of the attitude of the probation officer toward the veteran client. Should we recommend to the court the extension of greater leniency to the veteran than to the non-veteran as a reward for the former's services or through sympathy? Should we attempt to excuse the ex-serviceman for his law violations? It seems to me that we should treat the veteran just as we treat any other client. His war record does not give him a license to violate the laws. If he is mentally irresponsible, of course, he should have medical treatment and hospitalization rather than imprisonment; but this statement applies equally to all offenders. In granting probation to the veteran or the non-veteran the question of leniency should not enter. The important considerations are the protection of society and the furthering of the best interests of the offender. If we apply this rule no distinction will be made between the veteran and any other offender. Some persons have advocated the establishment of special courts to hear veterans' cases. It is my view that this will be a mistake. We should not set the veteran apart as different from other citizens. It is important that probation officers understand the problems and the point of view of the veteran. While some experience in military service may be helpful to the probation officer in his work with the veteran, I do not believe that it is necessary for the probation officer to be a veteran in order to have this understanding.

In discussing the problems of dealing with veteran offenders with the public relations officer of a veterans' service organization recently, I was given two suggestions which I shall pass on to readers for whatever they may be worth. This officer's first suggestion was to be frank with the veteran. Do not "beat around the bush," hold out any promises that cannot be fulfilled, or give him the "run-around." Speak straight to the point. In a military organization straight talk is the rule, and after months of straight talk the veteran will learn to expect it. The second suggestion made by this officer was to refer the veteran to a veterans' service organization for assistance rather than to some other community social agency. These organizations are designed for this service. My advisor was clearly antagonistic to social agencies. He related some unpleasant experiences which he had with a casework agency. He expressed the opinion that veterans resent waiting in long lines at social agencies to answer an endless number of questions asked by a

young woman social worker. If his immediate problem is the need of a job or a house or medical attention for his wife, he resents giving his life history in order to obtain the immediate relief.

In conclusion, I do not expect a disproportionately great amount of crime to be committed by the veteran. Some persons are more pessimistic than I, saying that men trained for violence will continue to practice it and that we may expect many murders and other serious crimes by veterans. A few isolated crimes of violence already committed by veterans cause such forecasters to shake their heads and say: "I told you so." There are others who say that men who have enjoyed the experience of shedding family responsibilities for a period of many months will be reluctant to shoulder them again; that married men who in disloyalty to their wives have fraternized with frauleins will suffer emotional scars that will not heal; that the homecoming inevitably will fall short of the distant foxhole visions of that happy occasion. These pessimists predict that as a result of all these stumbling blocks we shall see extensive family discord resulting eventually in breakdown. Those who foresee marital difficulties point to a rising divorce rate to support their dire predictions.

While I can foresee many problems ahead for the veteran in his effort to readjust to civilian life, I believe that in the main he will prove himself to be a good and useful citizen. Of course, much depends on the Federal, State, and local agencies and the manner in which they meet the veteran's needs. Much also depends on us as correctional workers. We must provide guidance to those who err and assist them toward satisfactory social adjustment.