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# CORRECTIONS

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## HEARING

BEFORE THE

SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES,  
AND THE ADMINISTRATION OF JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

ON

CORRECTIONS

JANUARY 24, 1974

Serial No. 24



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## CORRECTIONS

THURSDAY, JANUARY 24, 1974

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES,  
AND THE ADMINISTRATION OF JUSTICE  
OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met at 10:35 a.m., pursuant to call, in room 2226, Rayburn House Office Building, Hon. Robert M. Kastenmeier [chairman of the subcommittee] presiding.

Present: Representatives Kastenmeier, Danielson, Owens, Mezvin-sky, Railsback, Smith, and Cohen.

Also present: William P. Dixon, counsel; Bruce A. Lehman, counsel; and Thomas E. Mooney, associate counsel.

Mr. KASTENMEIER. The Subcommittee on Courts, Civil Liberties, and the Administration of Justice is meeting this morning for the purpose of hearing testimony on the subject of corrections. Our witness is the distinguished Representative from Florida, the Honorable Claude Pepper, a friend of every member of this committee.

As chairman of the Select Committee on Crime which was created by the 91st Congress, and which functioned until June of last year, Mr. Pepper was responsible for conducting a most important and far-reaching investigation of crime and our criminal justice system. During that period, apart from their extensive duties related to all areas of crime, the select committee visited seven correctional institutions and heard testimony from leading correctional authorities, corrections officials, inmates, and others concerned with the issues involving corrections today.

The select committee issued two major reports on corrections constituting a valuable contribution to the legislative literature on the subject. So it is with a great deal of personal pleasure that I welcome the distinguished chairman of that committee, Mr. Pepper, appearing before our committee today.

### TESTIMONY OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. PEPPER. Thank you very much, Mr. Chairman and members of the committee.

First, let me express my appreciation for the opportunity to be here today on behalf of myself and the former members of the House Select Committee on Crime to lay before this distinguished legislative subcommittee the experience and the recommendations of our select committee in respect to this very critical matter of correctional

institutions and the problem of crime and its curbing and prevention in our country.

Your distinguished subcommittee has already done a very creditable job. And I know that in the period ahead you are going to make a significant contribution to trying to reduce the number of people who get into careers in crime, to try to make the correctional system of the country as much of a deterrent as it possibly and properly can be, and at the same time make it as effectively as possible an instrumentality to prevent recidivism, the repeating of the commission of crime by the people who have been incarcerated in these institutions.

From a task force report of the President's Commission on Law Enforcement and the Administration of Justice, there is a little summary as to the magnitude of the correctional system that we have in this country. It says:

The American correctional system is an extremely diverse amalgam of facilities, theories, techniques and programs. It handles nearly 1.3 million offenders on an average day; it has 2.5 million admissions in the course of a year, and its annual operating budget is over a billion dollars.

Now, that is Federal, State, and local.

So we see something of the magnitude of this correctional system with which your distinguished subcommittee is dealing.

In addition to that, it might be well to note, in general, who these people are; a little bit of a description of who these people are that make up the inmates of these correctional institutions. I have some figures here that are taken from the Bureau of Census report of 1970 saying that in prisons and reformatories there are 130,619 persons 25 years and older of both sexes confined. I notice that about 40 percent of those people have had an elementary school education, that is, from 1 to 4 years, 5 to 7 years, and as much as 8 years. About 40 percent have not had any elementary school education at all. And about 50 percent have had from 1 to 3 and 4 years or more of high school education—roughly 50 percent.

The study, to which I averred, of the President's commission indicates something of the skill level of these people who are in our correctional institutions. There is a comparison between the economic attributes or the vocational activities of the general population as compared with the people who are inmates of our correctional institutions.

For example, professional and technical workers make up 10 percent of our general population, but only 2 percent of the prison population, that is, only 2 percent have come from the group of professional and technical workers.

Managers and owners of enterprises, including farms, in the general population are 16 percent. In the prison population, they are only 4 percent.

Clerical and sales activities, in the general population 14 percent of the people are involved, while in the prison population only 7 percent have had that kind of a background.

Craftsmen, including foremen in the general population, are 10 percent; in the prison population, 17 percent.

Operatives, there is a little excess—I do not know just what the term "operative" means, I suppose people generally employed in

factories—21 percent in the general population, 25 percent in the prison population.

Now, service workers, including household workers, make up 6 percent of the general population, and 11½ percent of the prison people come from that category. In other words, practically twice as many were from this lower skill area of employment. And I think this is a significant figure.

In the general population, 11 percent are laborers, and we know that that is generally the lowest skill, the lowest paid segment of our employed population. In the prison population, 32 percent of the people come from that group.

So we see, what we are dealing with primarily is a group of people with a relatively poor education and relatively few skills to enable them to make an adequate livelihood in a competitive, economic society such as we have in this country.

Now, in addition to that, we have the general figure—and I will refer to this a little bit later here—that roughly half of the people who are arrested for crime in this country are under 25 years of age.

So that the crime population, the people who commit crime in the country, relatively come from two major categories: the young people moving into the crime category, and the people who have already been convicted of crime moving back into a free society and becoming recidivists, repeaters in the commission of crime.

Chief Justice Burger, speaking in New York a year or two ago, used the figure 75—that 75 percent of the people who are convicted of crime and incarcerated in penal institutions are later, and usually within a relatively short time, rearrested and serve again, again, and again, in many instances, in penal institutions because they commit crime again and again and again. We know from our figures and experience that usually a person commits several crimes before he is arrested and convicted.

We had evidence of young men who testified before our committee that they had committed as many as 100 burglaries before they were ever caught and convicted of one.

I went to the Ditchley Conference last year in England, and the British and Americans were discussing our correctional system in our two countries, and had some little debate about what should constitute a long term inmate. We generally sort of agreed—we Americans, rather, suggested 10 years—that anybody who had a sentence of 10 years would generally be regarded as a long term inmate.

We both agreed that in general the people who were long term inmates, both in Britain and in the United States, were serving their fourth conviction. They had already been convicted three times before, and successively had been sentenced again and confined again in penal institutions. And here they were the fourth time, or rather for the fourth conviction, incarcerated again.

So that what we are trying to do is to examine the purpose of our correctional institutions to determine how we can make them more effective in deterring crime, or in preventing people who have committed crime from committing it again.

As a matter of fact, if we could just prevent people who are convicted of crime and incarcerated in penal institutions from committing

the second and the third and often the fourth crime, we would make an immeasurable impact upon the problem of crime in the United States.

Now, the problem of, what do you do to prevent the commission of the first crime?

Well, I suppose ever since Cain killed Abel, those in authority have been trying to figure what do you do. Ever since that time, public authorities and private people who have been the victims of crime have been trying to figure out what to do.

We know of course that in times past, up until what we call the Age of Enlightenment in the 18th Century, those who committed crime were dealt with very severely. At one time in Great Britain I think the number of capital offenses was over 100. You could be executed for stealing a few shillings, sometimes I believe only a loaf of bread. And they tried, sometimes, all sorts of tortures.

My wife and I were traveling in England some time ago, and we passed through a little village, and my host pointed out the stocks that there were at the intersection of roads, which were a carry-over from the old days when they used to confine in the stocks people who had committed offenses and subject them to public ridicule and being the target of things that the public might throw at them.

So I do not know. I think, of course, that the best thing to do in trying to prevent the commission of the first crime is to try to have a wholesome society. I will speak in a minute about the dropout programs, which I consider most important, and what little our Congress has provided in that area.

Mr. KASTENMEIER. If I may interrupt, I would like to comment.

It is true, in visiting correctional institutions and talking to prison authorities and wardens and institutions, that they will say to you that the men that they may have imprisoned are those with a proven record of failure, that they have been given many chances and failed in the past, and literally they say, do not expect us in this prison setting to provide a miracle in terms of these people who may indeed become recidivists.

So going back somewhat earlier in the genesis of how they got there is obviously a valuable thing to do, if one wants to analyze this correctly.

Mr. PEPPER. Mr. Chairman, let me first run through these remarks that I have here, if I may.

For the past 4 years, the Select Committee on Crime has conducted an extensive study of crime in the United States. A very important phase of our study focused on the working of our correctional systems. I know your distinguished subcommittee, Mr. Chairman, has visited many institutions and has already done a magnificent job of inquiry in this area. The members of the Select Committee on Crime also visited correctional institutions in New York, Minnesota, Michigan, New Jersey, Connecticut, and Pennsylvania. The committee staff interviewed hundreds of potential witnesses and other persons knowledgeable in the field.

Following the riots at Attica State Prison in New York in September 1971, the committee launched a thorough investigation of this disturbance and the underlying problems of our correctional system which precipitated it.

We also investigated the prison disturbance at the Raiford correctional institution in my own State of Florida, the State's principal correctional institution.

During these investigations, we took testimony from more than a score of witnesses—including elected officials, prison authorities, personnel, members of the academic community, and the inmates themselves.

In addition to examining some of the failures of our correctional systems as indicated by the riots, we looked at examples of successful programs of all types. It was our intention to determine the major problems of our correctional system as a whole and to make recommendations to the Congress on possible courses of action the Federal Government might pursue to remedy them. For it was our firm belief, and still is, that the Nation's best hope in fighting crime lies in reducing recidivism. And the only way we can accomplish this is by improving the correctional process.

Now, that includes youth, because ordinarily youth gets repeatedly into the commission of crime. Once they become a school dropout, then they get into the juvenile justice system, and they tell us that about half of those who get incarcerated under the juvenile justice system later on wind up in the penal institutions of the country.

We can go back, as the distinguished chairman said, and start examining these young people as they come through the school system and try to detect those that show a tendency toward aberration that we call crime and see if we cannot diminish—like a twig that is about to grow twisted or crooked—see if we cannot maybe prevent those from growing into the character of a criminal.

The Select Committee on Crime also focused on the juvenile correctional system. Juveniles under the age of 25 are responsible for over one-half of this country's criminal arrests. And young offenders under 20 have the highest recidivism rates of any other age category. Approximately four out of every five young people committed to a correctional institution will one day return. Such a deplorable rate of failure convinced the members of our committee that any solution to the street crime problem depends on our ability to create and utilize more effective rehabilitation programs.

Today, I would like to submit for your consideration some of the major recommendations of the Select Committee on Crime based on our 4 years of intensive investigation and study. I will support each recommendation with facts and findings based on our hearings.

First and foremost, we recommend paying the State and localities one-half the cost of establishing small community-based facilities and programs to replace their large, antiquated correctional institutions. The facilities would be urban-centered and have a capacity of no more than 300 to 400.

Let me state, Mr. Chairman, that we do not contemplate continuing Federal payment for the operation of these institutions, but in order to encourage the States and the local communities to get away from the Atticas and the Raifords, to start these small community-based 300 to 400 population institutions, that the Federal Government, in order to encourage their doing that, would put up half of the cost of construction.

Mr. KASTENMEIER. This would be similar to the plan in California—the California subsidies plan?

Mr. PEPPER. Yes.

Mr. KASTENMEIER. Whereby, getting away from centralizing prisons, they turn prisons back to communities and turn subsidies back to communities to handle offenders?

Mr. PEPPER. Exactly right.

Once established, the States and the communities can pay the cost of operating these facilities, we assume—I think they can. But every one of them has a problem in its own budget.

For example, on our way up to Attica, we stopped and had an interview with Governor Rockefeller of New York. Very soon in the interview, Governor Rockefeller said, "Gentlemen, you do not need to tell me of the need for rehabilitating and modernizing the correctional institutions system of New York, I am as well aware of that as anybody." But he turned to the chairman of the State Crime Committee in the State Senate, I believe, who was there, and he said, "Senator, how much do you think it would cost for us to modernize the correctional institutional system of New York?" And they agreed that it would probably cost \$200 million.

He said, "We do not have \$200 million. We already have a deficit budget here. Where is the money coming from?"

And so, in spite of all the trouble he had in Attica and in spite of all the trouble we had in Raiford, we are just making a very stumbling progress toward providing some adequate alternative for those institutions.

At the time violence erupted, Attica prison housed over 2,200 inmates, and Raiford over 3,000. You know we had violence break out down there—not as bad as Attica—but we had at that time over 3,000 in an institution which was supposed to contain only about 1,500 people.

By the way, a witness before our committee one day was a State judge in Florida who went into the institution as an observer and stayed overnight there. He told about one instance of seeing a young man—I judged a teenager around 19 or 20 years old—standing at a certain place there in that prison. He had white coveralls on, and there was blood all on the front of his clothes and on his hands. He had mutilated an organ of his own body there.

That kind of a man was running loose, and just confined there in that institution.

Both Attica and Raiford are located in small rural towns quite removed from the homes of the majority of inmates. Repeatedly, witnesses pointed to the size and overcrowded conditions at these institutions as principal reasons for their insuing trouble. With such large inmate populations, the emphasis in the correctional institutions necessarily shifted from rehabilitation and treatment to security and regimentation.

By the way, the head of the prison testified before your committee and said, gentlemen, I know how to run a prison as well as anybody, I am knowledgeable in that subject, but I did not have any money, the legislature did not give me any money.

And they did not have a single man in charge of a recreational program for the institution. They had very few people involved in training

or educational programs and the like. As I will point out, they spent 62 percent of their time, the inmates, sitting in their cells. Moreover, communication between inmate and staff, and even among the staff members themselves, appeared to break down.

The remote location of the prisons was also cited as an important reason for their difficulties. According to the superintendent of Attica at the time, the isolation of the institution made it extremely difficult to attract a racially-balanced corrections staff. While the inmate population was 55 percent black and 7 percent Puerto Rican, there was only one black and one Puerto Rican on the entire 540-man prison staff.

At Raiford, 60 percent of the population was black, while there were only three black guards. In addition, the typical guard in both these institutions was in his mid-fifties and from the surrounding rural area, while the typical inmate was under 25 and from the city. Thus, few staff members had the ability or the background to understand and communicate with the majority of the inmate population.

Mr. DANIELSON. May I ask a question on that point?

Mr. KASTENMEIER. Mr. Danielson.

Mr. DANIELSON. You said the staff were in their mid-fifties and from rural areas, whereas the inmates were—what?

Mr. PEPPER. Under 25 and ordinarily from urban areas.

Mr. DANIELSON. Since the prison was located in a rural area, I think it is safe to assume that the personnel would be residing in the same rural area.

Mr. PEPPER. That is right.

Mr. DANIELSON. Are we justified in inferring from that that they also came from the rural area?

Mr. PEPPER. That is right.

Mr. DANIELSON. Or could they have been recruited from the urban area?

Mr. PEPPER. In Attica and Raiford, the guards lived around there, and not many blacks who were qualified to be guards lived there.

Mr. DANIELSON. Did they come from urban areas?

Mr. PEPPER. By and large they came from rural areas. Attica is a small town. You do not find many Puerto Ricans or black people living there. A few guards come there from other parts of the State, but in general they recruit them there.

The remote location of the prisons also made it difficult to find on-the-job training or employment opportunities for qualified inmates.

At Attica, for example, only six inmates out of the total population were on the work-release program at the time of the riot. According to prison officials, there were too few job opportunities in the small town of Attica, and Buffalo was too far away to commute.

In addition, the remoteness of these institutions made it difficult for families and friends to visit the inmates, thus depriving them of necessary support and encouragement during their time of incarceration.

Unfortunately, in our investigation we found that Attica and Raiford were typical of too many of our so-called correctional facilities. Even in our Federal system, a quarter of the prisoner population is confined in institutions built over a century ago, and most of the major State institutions were built in the last century. And the rest are confined in institutions now operating at or above capacity.

Five years ago, the President's Crime Commission recommended the phasing-out of these large ineffective facilities and replacing them with small community-based facilities and programs. We make the same recommendation today and ask for the added incentive of financial assistance to the States and localities to make this transition.

Community-based facilities and programs have been tried in a number of States and communities, and have proven successful. We have heard testimony from a number of heads of State departments of corrections who claim that these small community-centered facilities and programs are better suited to the individual offender's needs, are more humane, and are less expensive to operate.

Dr. Jerome Miller gave very important testimony on the subject. As head of the Department of Youth Services in Massachusetts, Dr. Miller in 1971 closed down all of that State's traditional correctional institutions for juveniles.

Today, Massachusetts operates a range of community-based facilities and programs, such as group homes, halfway houses, and innovative probation programs in lieu of the traditional reformatory or training school.

As Dr. Miller explained to the committee, the juvenile correctional system as it was constructed in Massachusetts was nothing but a school for crime. And the President I think was right a year or two ago when he described the correctional institutions of this country in general as colleges for crime rather than correctional institutions.

I saw at Attica a 19-year-old boy back there in a cell. What can you expect from that boy, associated with some of the worst criminals in the country there in that institution, having to be there in that kind of an environment?

Juvenile corrections in Massachusetts was based on large institutions that were impervious to change and incapable of responding to the needs of the young people they were supposed to help. As a result recidivism rates for juveniles were close to 80 percent, despite the fact Massachusetts taxpayers were paying up to \$36,000 a year just to incarcerate one juvenile. Moreover, according to Miller, very few of the youngsters placed in these institutions were a threat to public safety. Many were there on juvenile status offenses, such as running away and truancy, not considered crimes if committed by adults.

As Dr. Miller told us, for what it costs to keep a youngster in a training school under that program, you could send him to the Phillips Exeter Academy, provide him with individual analytic therapy, give him a \$50 allowance and send him to Europe in the summer, and still have money left over. So we are talking about economy not only in lives and in careers, but in money, when we talk about modernizing these institutions. In his words, that is what Massachusetts was spending on a "system which generally is a failure and generally makes things worse rather than better."

Under the new system, a young offender is first committed to a regional office where his problems are diagnosed and a determination is made regarding appropriate rehabilitation resources. He then may be sent to a range of community-based alternatives, such as a halfway house, group home, State-run conservation camp, or a drug treatment center. If he has severe psychiatric problems and his behavior is a

clear threat to public safety, he would be sent to a private locked psychiatric hospital or other closed, secure setting.

An important feature of the Massachusetts program is that it gives a judge a wide spectrum of sentencing alternatives. All too often our judges have been hampered by the lack of available treatment options—to the detriment of the offender and society both. Most commonly, he has had two choices—sentencing the youth to a training school, frequently an overkill approach, or placing him on probation, which is often too lenient.

The committee also received testimony on the operation of community-based facilities for juveniles from correctional officials in Florida, Minnesota, and Kansas, all of which offered innovative approaches to dealing with juvenile offenders. All of these concurred with Dr. Miller that operating community-based facilities was much less expensive than maintaining large institutions. However, they stressed that the period of transition was particularly expensive and that Federal assistance at this time would be very helpful.

One of the most stimulating experiences that I had was to visit Red Wing, an institution that some of you and your staff have been out to—

Mr. KASTENMEIER. No, we have not been there.

Mr. PEPPER. Well, that institution was so bad, prior to the institution of this modern system, that the community gathered together and demanded that the Government and the head of the correctional institution of the State come down there, because the boys were breaking out, leaving, stealing cars, breaking in homes and robbing, and doing all sorts of things.

Mr. KASTENMEIER. Was this, Mr. Pepper, a State facility?

Mr. PEPPER. It is a State facility.

Mr. KASTENMEIER. As opposed to the Federal facility at Sandstone, Minn.

Mr. PEPPER. I am talking about the State one at Red Wing.

Well, a professor from the University of Minnesota, who had been head of the correctional system of Kentucky, installed this new system. They live in groups of 10 in small buildings. It is not locked up. The place does not have a fence around it. There are a few in an institution nearby where there is a fence around it, and they are locked. But the great majority are free to leave when they want to. They have about 20 to a house, never more than two to a room. They live together and work together and go to school together and all that. In that institution they have applied a principle of group therapy. The group of 10 is an entity. They work together.

Somehow they have appealed to one of the noblest instincts there is in the human heart, and that is the desire to help somebody. They somehow or other arouse in each one of those boys a desire to try to help the other person, his primary motivation is to try to help Jim and Tom and Bill and these other fellows.

One of my committee members and I sat in one evening at one of these 7 p.m. meetings that the group of 10 had. One of the investigators sat up at the desk and in a low key manner, just in the most vague way, sort of supervised their consultation. But they somehow or another get so much involved, and so deeply do they feel the desire

to help one another, and they get seemingly so much strength from that association, that they had one boy who was released—and by the way, the permission of the group generally determines when a boy gets away, the management generally recognizes the recommendation of the group—one boy had been away about 3 weeks, and he called back up to a friend of his who was still in his group and he said, listen, I am getting scared of myself, I am slipping. Will you see if it would be all right for me to come back and stay a little while more? I need some more help.

And they arranged for that boy to go back and he went back and rejoined his group and stayed for about 10 days. He said, all right, now, I think I can make it.

But that is the kind of thing, instead of beating them over the head, or brutalizing them, or subjecting them to some sort of a barbarity, they were able to get better results, and the rate of recidivism is immeasurably lower there than in the ordinary institutions.

In recommending that we provide such assistance to the States, I would like to emphasize that the Federal Government would only be responsible for paying 50 percent of the cost of getting the programs initiated. The State and local authorities would be responsible for the other 50 percent and the cost of continued operation.

In addition, I would like to make quite clear that we recommend that the States make use of existing facilities in their communities as much as possible and not embark on any new construction campaign. It is not brick and mortar that we need, it is people, personnel, and the right kind of system in the country. Old hospitals, Government buildings, and residences are often available and would be just as suitable as new buildings. For success will depend on the quality of correctional programs and staff, not on the physical design of the building.

Now, Florida is beginning this experiment. We are getting a few of these built. And I think if your distinguished committee could recommend a Federal program to start—let the State start, and then keep statistics on what results you get from this kind of an institution located in an urban area where they will have an opportunity to go out and get a job, and where there will be a small number of people confined, where more protection can be given to the individual incarcerated there, and perhaps less sexual abuse of the inmates by other inmates, and I think that it can be a pioneer program in the modernization of the whole prison system of this country.

Our second recommendation is that the Federal Government financially assist the States in training and educating inmates and finding them proper jobs upon release.

In this context, the committee also supports the removal of restrictive legislation that prevents prison industries from manufacturing and selling convict-made goods on the open market.

In my prepared script it was an error not to include the additional recommendation that that is conditioned upon the prevailing wage being paid to the workers. There are about 50 percent of the State inmates are working in the institutions. But even under a lot of the State laws, you cannot sell the products in ordinary commerce.

I prefer the location of these institutions of small size in urban areas where there is a job available right in the community for those

that are found to be worthy to be released during the day and to come back to the institution at night for confinement. It seems to me that with the public interest in the prevention of recidivism, that is, in the prevention of crime, and provided the safeguards that I speak of are thrown around such a course of allowing prisoners to work, I would prefer that they work in the community which is already there.

If you cannot do that, my next preference would be for the public, the State or the Federal Government to encourage industries to move into the area which would employ prison inmates at the prevailing wage. The Government would not be operating those industries, they would be privately operated. And there is no reason whatsoever why goods made by those people could not move in intra- and interstate commerce as well as goods made by any other private enterprise.

Mr. KASTENMEIER. The gentleman from California.

Mr. DANIELSON. Senator Pepper, I am in full sympathy with your comments about work in the community for those prisoners who are qualified to leave the place of confinement. Do you know whether this has been tried to any extent anywhere?

Mr. PEPPER. Yes.

Mr. DANIELSON. Where?

Mr. PEPPER. As I will mention a little bit later, in South Carolina. We had the head of the State correctional institution in South Carolina, Leeke. And he came and told us about the South Carolina experience. They have quite a number of their inmates that are engaged in employment, work release programs around in the community. And they let them contribute to their cost of keep, and they pay the prison for their cost of keep, and they pay the prison for their board and lodging. They send some money home to their families. And he had quite an impressive array of figures as to how well that program had worked out.

Mr. DANIELSON. I think it is a very worthy goal to achieve. I am asking you that question in this context. We are today, for example, experiencing aggravated unemployment in many areas resulting from a number of things in our economy. Have you any information as to the response of the community or labor unions and the like to the competition that they would of course have for jobs with the persons from the prisons?

Mr. PEPPER. In none of our hearings where we had a number of people who testified about these work relief programs did any witness—we did not call labor unions—but did any witness, any public official, having charge of these programs ever remark about any community opposition. As a matter of fact, they gained, apparently, rather remarkable community acceptance.

You see, if they worked in private industry in the community, which is what they were doing, they were being paid the prevailing wage in the community. And they are people after all, and they ought to have a right to work, it seems to me.

Mr. DANIELSON. I do not quarrel with your philosophy at all.

Mr. PEPPER. I know what you mean. The question might arise and—and I would not see any opposition to it—where, suppose a man gets a job in a place of business where there is a union. I would not see any objection to that individual joining the union just like everybody else.

Mr. DANIELSON. My question is in a little different context.

Suppose you have 8 percent unemployed, and in this area you have now persons who are technically at least prisoners, and they are enter-

ing the job market to compete with those who are unemployed. I think this will pose a problem. I do not know. But I think it is something that we should keep in mind.

On prison-made goods, I have had a little experience. I was in the State Legislature in California for a long time, and we do have restrictions on what they can make which will compete with nonprison-made goods. I think we have prisons making license plates for automobiles. And there is a printing plant that makes certain forms used by the State government and the like. But beyond that you run into tremendous resistance from the regular industrial community because of competition, even for such seemingly specialized things—we had a program thinking we could help people if we could make them feel that they were helping others less fortunate to make prosthetic devices for the crippled, wheelchairs, canes, wooden legs, and glass eyes, any of that sort of thing, which the community has to pay for anyway generally through some type of welfare. And even so, the opposition was almost unbelievable.

So I think we ought to think of those things.

Mr. PEPPER. Mr. Danielson, would you not think the basis of that opposition was that it was sort of State-made goods? You see, so long as these goods are made in the prison, the overhead is paid by the State or Federal Government, it is not in any sense of a word a private enterprise. And so laborers would resent it. Whatever it is, somebody has to make everything, the luxury goods as well as the essential goods of the country. And whatever they make would compete with somebody who is making that kind of thing in private enterprise.

But I think the secret of how we can overcome that or avoid that resistance is, rather than paying them the minimum wage in a prison where again the overhead would be paid by the government, I would prefer that you use a work release program in an area round about where they could get what jobs were available.

After all, one man is as much entitled to a job as the other who is a citizen.

The second thing is to try to encourage private enterprise to move into an area where there might be a sizable labor supply available in these institutions, but with the definite understanding that it would be run as a private enterprise, the prevailing wages will be paid, and if they want a union they could have a union as well as anybody else.

If we normalize the employment, I think we would avoid a lot of the opposition.

Mr. DANIELSON. The opposition on these prosthetic devices does not come from the workers or from the labor unions, it comes from the entrepreneurs.

For instance, on wooden legs, artificial legs, it was not from the labor unions, it was from the entrepreneurs who had a shop that made them for sale, and they did not want competition.

Mr. PEPPER. That is what I was just pointing out. But if the fellow who makes wooden legs wants to move into a community where there are a good many people who could be employees available, and if he wants to pay the prevailing wage, let him have a union in that private enterprise.

If we continue to do the same things we have been doing in this area, we are going to get essentially the results we have been getting. We have to carry through some innovations, if we are going to make our correctional programs effective.

While we are talking about this subject, I have a whole lot of other data which indicates that one of the reasons that these people commit additional crime upon release from these institutions is the fact that they do not get a job. I asked one of these inmates at Raiford, for example, who was behind these heavy iron doors. I said, let me ask you something. This terrible place here with all those walls out there and those towers at the gates and these heavy doors and all these prison rooms that you are incarcerated in, goodness knows when a man gets out of here, why in the world does he ever come back?

You are cut off from your family, from your normal friends, your freedom of choice as to how you live your life. Why do you ever come back again as so many do?

Well, he paused a minute and he said, well, it is not so easy to avoid coming back. He said, you know most of us here haven't had very much education, and we don't have very many skills. And many of us who have been here a good long while have lost contact with our friends, and in some instances with our families. And sometimes our families have become estranged from us while we are here. And he said, when we finally get out they give us \$40, or whatever it is, and a cheap suit of clothes, and we get out to go home. Well, we don't have a job. And incidentally, I believe New York State does restore a man's civil rights as soon as he gets out of prison. In my State of Florida I think you still have to wait and get it restored by the Governor or the pardon board. Anybody who has served his time and gets out ought to get his citizenship back and have a chance to start over again.

Anyway, he said, we go back home, and we don't know many people, and maybe our families are broken up. And we look around, and the first thing they ask us is, have you ever been in prison. We tell them yes, and we don't get a job.

Most of us would feel reluctance in taking into our office somebody who has been a former inmate of a correctional institution for the commission of a crime.

And so he said, in a little bit we get lonesome and the few dollars that we brought home with us are gone. And we don't have fixed associations, and we run up on some old pal that we used to run with, and the first thing we know we are back again running with a crowd of people who commit crimes, and in a little while we are arrested, and here we are back again.

It is not an unlikely story.

Our study and investigation convinced the Crime Committee that productive in-prison job training, education, and employment are absolute prerequisites to effective rehabilitation, and the best way to assure that they can get a job when they get out is for them to have a job before they get out. If they do not want to stay in that city, they can go to another place and say, yes, I had a job doing so and so at such a time, I know how to do that.

Perhaps the greatest single travesty in our correctional system is the enforced idleness of a substantial number of our inmate population. I was shocked to learn that 62 percent of the Attica inmates sat idle in

their cells all day long, with no constructive training, not even recreation. And I have no doubt that this idleness was one of the major contributing factors to the violence that erupted that week.

Almost three-quarters of the inmates at Attica lacked marketable job skills when they entered. They left no better off. The prison job training programs which did exist were simply too few to go around, and often irrelevant to the demands of the outside labor market.

We talked to one of the guards at Attica about that institution's training program. He informed us that although there was a metal shop at Attica in which inmates could receive job training experience, it only employed 450 men out of the total prison population. Moreover, within the shop itself, there was not enough work to go around. Two or 3 hours of work were spread over an 8-to 10-hour day, so that many inmates spent their time as mere onlookers.

Raiford also lacked training and job opportunities as do most of our correctional institutions today. Over a third of our Nation's prison population of 200,000 sit idle or are assigned to overmanned maintenance details, which require little or no skill. Training equipment is obsolete, and most correctional industries simply are not geared to the demands of the outside labor market.

We heard that they were training them on some kind of a printing press that nobody had used for 50 years in the commercial establishments of the country. It is no wonder the unemployment rate for ex-offenders is 4 to 5 times the national average. And it is no surprise that recidivism rates reach as high as 80 percent.

Studies have shown conclusively that the postrelease success of an offender is directly tied to his ability to get and maintain employment upon release.

We need to increase the number and upgrade the quality of institutional work programs if we truly want to see a reduction in our recidivism rates. These jobs should be suited to inmate populations and reflect the demands of the outside labor market.

In addition, we need to expand on-the-job training opportunities, involving the private sector, such as work release. According to testimony received from William D. Leeke, the director of the South Carolina Department of Corrections, experimental work-release programs have proven to be very successful in lowering recidivism rates. He testified that since 1968 when South Carolina began a series of community-based prerelease centers, less than 10 percent of the people who have successfully completed work-release programs have returned to the South Carolina Department of Corrections for parole violations or new offenses. So we are talking about protecting the public as well as helping these people.

Director Leeke also pointed out some of the other benefits of work release. It saves the taxpayer money. Since the prisoner on work release is paid the prevailing wage, he is able to help pay for his keep in prison, and contribute to the support of his dependents, which helps keep them off the welfare rolls. His earnings also enable him to put aside a considerable sum of money against the time of his discharge.

In addition, work release gives the offender an opportunity to obtain a job which he might be able to keep upon release, thus helping him overcome the difficulties of finding postprison employment. Despite

these advantages, however, work-release programs have been implemented in only 24 of our States, and even there on a limited basis.

In order to prepare offenders for the competitive job market of today, we must equip them not only with adequate job skills, but with the necessary academic tools as well.

Testimony by Director of the Federal Bureau of Prisons Carlson revealed that 95 percent of the Federal prisoner population lack high school diplomas. State prisoners also have a low level of proficiency. Eighty percent of the inmates at both Attica and Raiford were high school dropouts. Many were functionally illiterate. Despite their academic deficiencies, however, there were few opportunities for them to improve. The lack of this educational opportunity caused frustration, resentment, and bitterness among the prisoner population. It was too clear that without a high school diploma and the necessary vocational training, postrelease employment opportunities would be scarce.

Financial assistance should be made available to any State that will provide its inmates with an opportunity to at least complete high school, if they have not yet done so.

Mr. Chairman, providing meaningful educational and vocational training and employment opportunities for offenders is perhaps the single most effective step we could take to reduce this Nation's recidivism rates. Yet budgetary limitations have thwarted even the most well-intentioned correctional official. The Federal Government should assist the States. It might be expensive, but the cost to us would be more than offset by the cost to society of the crimes committed by ex-offenders deprived of these opportunities.

I would like to recommend also that the Federal Government establish a National Corrections Academy for the training of correctional personnel; in other words, to help the State and the Federal Government to qualify the kind of people that are able to do an effective job. You know what happens generally. The relatively untrained people who are the guards make relatively low incomes, and they are not in a position to help very much. The average guard is paid between \$3,000 and \$4,000 a year. You realize, you cannot get much direction in rehabilitating people from those people.

We need correctional officers who are trained and paid in a manner consistent with the difficulties and responsibilities of their duties. They must be able to communicate and understand the typical young inmate of today, should be sensitized to racial discrimination, and should be ready and able to participate in rehabilitative as opposed to merely custodial programs.

A Federal Corrections Academy would allow us to bring together correctional experts from all over the country. The training program could be patterned after the highly successful FBI Academy and it could serve as a model for our States.

There were a number of other recommendations, Mr. Chairman, which I will just summarize.

One, prison riot prevention.

First, we recommend the Federal Government fund the establishment of an Office of State Correctional Ombudsman in each State or jurisdiction. This office would be funded under part E of the LEAA legislation, and its establishment and operation would be required before any State could receive its annual LEAA block grant funds.

We also recommend the establishment of a National Correctional Ombudsman who would perform the same duties on the Federal level as the State ombudsman. In addition, the national ombudsman would coordinate the activities of the State ombudsman and provide them with technical assistance.

In addition, we recommend that every State require each of its prisons and correctional facilities to have an up-to-date riot and disorder control plan that has been formulated in concert with State and local law enforcement authorities.

Let me just say this in addition. At Attica you remember a helicopter came in over this institution. Here was a vast yard with high walls, and these inmates were all down in there, they could not get out. They did have some of the hostages with knives at their throats. And the authorities were fearful that those hostages were going to be killed. They brought in a group of sharpshooters stationed around on the top of the walls or the perimeters of the buildings at elevated positions. The theory was that, while the masses of the law enforcement officers rushed into this courtyard, with guns of course, that, to prevent these hostages from being killed, the sharpshooters would try to shoot each one of the fellows that had a knife at a hostage's neck.

With that plan on the part of the law enforcement officers, then the helicopter came over and dropped tear gas down upon the inmates below. Well, a lot of people told us that immediately the gas came up in a cloud and blinded a lot of the sharpshooters, so they could not be sure who they were hitting, and a lot of people got killed. And of course the officers came in with their guns blazing. And so some hostages were killed, and there is some controversy as to whether the prisoners killed them or not. Maybe they did kill one or two, but a number of the hostages seemed to have been shot in the general melee that ensued.

Though I was in the rear rank of World War I in the Army for a while, I am not smart in military operations. But it occurred to me—I tried it out on a few high officials in the Marine Corps where they have these good armed helicopter ships and gun ships—that if instead of that gas helicopter coming over and dropping gas, if a gunship with a few good officers up there with machineguns—the men down below didn't have a single weapon that could go higher than they could throw a little rock—if they had come right in over there and all of a sudden hovered down over them and said, we have got you covered, if any hostages throat is cut we will shoot everybody in the area where the act occurred, immediately I think they would have become aware of their helplessness that they would have—if they had said, everybody lie down, we will shoot everybody standing up they would have done it.

What I am saying is, Federal training in dealing with those situations, if we had been prepared properly beforehand, maybe we could have diminished the tragedy of these things.

This would be a requirement for receipt of funds under parts C and E of the LEAA legislation.

The role of the ombudsman would be to serve as an impartial arbiter in all correctional disputes, and to investigate and report on all complaints from inmates, probationers, and parolees. His purpose,

quite simply, would be to help resolve prisoner grievances on a day-by-day basis before they reached crisis proportions.

A breakdown in communications almost always precedes a riot. Hopefully, if we can improve communications within the prison between inmates and staff and between staff and correctional officials themselves, we can prevent future Atticas. If a riot should occur, however, we should make sure our States are prepared to handle it in a coordinated, efficient way without bloodshed.

Then prison rules and regulations.

You may recall the moment when one of the leaders of the Attica revolt cried, "We don't want to rule, we want to live, but if we cannot live like people, let us at least try to die like men." A correctional system that robs a man of his dignity cannot possibly rehabilitate him. It merely alienates and embitters him and creates a climate ripe for violence.

Accordingly, the Select Committee on Crime recommends that correctional policies be formulated—on the Federal, State, or local level—which attempt to enhance the dignity, worth, and self-confidence of inmates, rather than debasing and dehumanizing them.

We urge our prison system to adopt simple written rules regarding prison discipline and the penalties for infraction, and to provide that no inmate be disciplined except in accordance with these rules.

We urge the prison systems to review existing policies regarding mail censorship and eliminate or relax those not bearing directly upon prison security. There is no reason why a man cannot get ordinary mail in a prison.

And, most importantly, we urge the elimination of unfair parole procedures. All grants or denials of parole must be made on the basis of clear and comprehensive standards which are made known by the inmates. They must be notified promptly as to the decision and given reasons for any denial.

And then I have mentioned already that I thought every prisoner who is released lawfully from his institution should immediately be restored to his full civil rights. So he is a man again, and he is given an opportunity again as a citizen. And it should be emphasized to him that he is a citizen again; he has the responsibilities and the opportunities of a citizen.

In respect to juvenile correction, our principal recommendation is that the States follow the lead of Massachusetts and abolish their traditional juvenile prisons and institutions and replace them with smaller, community-based facilities which emphasize the rehabilitation of the offender. We are doing that in Florida and getting very effective results from that new program. We used to have a big old State prison and they came out of that embittered.

We recommend the Federal Government assist the States, as well as other private and public agencies, to establish such facilities in the community, including group homes, residential centers, and foster homes.

We also recommend that LEAA give priority to State and local plans emphasizing community-based juveniles rehabilitation centers.

We concluded from testimony given to us by experts in the field that the various States which rely on institutionalization to solve delinquency are spending large sums of the taxpayers' money with

little regard to the amount actually being spent on rehabilitation. Rehabilitation would be better served if the tax dollar could be spent on a range of community-based alternatives with formal incarceration reserved for those few juveniles presenting a real threat to society.

Secondly, we recommend that special efforts be made to stimulate, with Federal funds, the study and development of new juvenile correctional and rehabilitation programs.

Several new approaches to juvenile corrections impressed the committee in our investigation of promising rehabilitation concepts. One I would like to emphasize is the guided group interaction concept, which involves the application of group therapy and peer influence techniques to groups of young offenders in either residential or non-residential correctional facilities. This approach, which gives the youngster a greater sense of usefulness and personal worth, is being employed at the Minnesota School for boys at Red Wing with much success.

Another concept worth noting is the differential treatment approach where youths with a common personality pattern work and live together, participate in programs particularly designed to fit the needs of their personality pattern, and are managed by personnel specifically experienced with that pattern.

Incentives and rewards are used to modify their antisocial behavior, with interesting results. The best example of this approach is the Robert F. Kennedy Youth Center in Morgantown, W. Va.

A third approach I will mention is the "Outward Bound" concept, which has been incorporated in the juvenile rehabilitation programs in both Massachusetts and Florida.

In Massachusetts, the Outward Bound program is a wilderness camp experience for adjudicated delinquents. It's a 6-week program of physical challenge, excitement, and even a modicum of danger. Its thrust is to accept the young offender, emphasize his worthiness, build up his self-esteem and confidence and, through personal achievement, grant him an identity that hopefully will not be prone to extinction once he leaves the program.

In Florida, this concept has been adapted to create a special mariner program for its delinquents, which emphasizes the same values of self-worth and confidence.

All of these programs which I have described have one thing in common. Their success depends in large part on the commitment, character, and motivation of adult staff members.

We heard of one instance of a man who had made a lot of money as a singer making records and selling his records commercially who wanted to do something. And at his own expense, he took off the time from his own work, took 3 months, and took five boys who had been adjudicated as serious offenders in juvenile courts, and he and the five boys took a canoe trip from the Pacific to the Atlantic Ocean across the northern part of the country. Well, you can imagine what a thrilling experience that was to those boys.

When I was speaking to the Florida Bar Association a little while ago I said, listen, gentlemen, how about this: the next time your son or your sons and you are going fishing or going on some interesting adventure or occasion, how about asking one of your sons or your son if he has any boyfriend that is having trouble in school, that has been

getting in trouble with the authorities, that does not have the kind of an opportunity that you are going to have with me today or tomorrow, ask him if he would like to go along with us. Just think how many young boys—the Florida bar made up of a thousand members—how many boys you might help or stimulate if more concern was shown.

We found program after program all over the country where many volunteer citizens are doing something similar to that. And that is of course the best thing we could possibly do.

Accordingly, the committee recommends that LEAA give preference and priority to programs designed to train correctional personnel in the application of these new techniques, and that it support programs of personnel exchange between these more innovative programs and the more traditional correctional institutions.

Third, we recommend that Federal, State, and local governments provide appropriate training for correctional volunteers and the administrative framework for seeing to it that volunteers and probationers in need of volunteer services are matched.

The committee feels strongly there is a pressing need for more communities in this Nation to follow the lead of cities such as Royal Oak, Denver, Minneapolis, Seattle, and others in tapping the vast resources of citizen volunteers for work in probation. Repeatedly our witnesses described the desirability of volunteer workers. Using volunteers was not only a more economic approach but, in many cases, volunteers had better rapport with the youth. Of course, this kind of service and commitment is personal and beyond the scope of Government to provide but, nevertheless, we feel that Government can certainly encourage its development.

These are only a few examples of the many innovative approaches to juvenile corrections that are being tried across the country. We feel that they are approaches worthy of emulation and feel that the Federal Government should encourage the States to try these and other more innovative programs. The time to nip a criminal career is in its bud, and this is where the bulk of our assistance should be.

Let me add, Mr. Chairman, I called up the Education and Labor Committee of the House this morning to ask them what is being done under Federal programs now to prevent school dropouts or to give special assistance to those who are dropouts, because the school dropout is the best candidate for a criminal career that you can find, almost. They begin to drop out along about the seventh or eighth or ninth grade.

And in many of the States, by the way, and except, I believe, in one county in my State, in the State of Florida, you cannot get vocational training in the schools until you are in the 10th grade. By that time, most of the dropouts have already dropped out. So they never had a chance.

There are a lot of boys and girls that have a lot of ability with their hands. I am not a hand worker. I could only make a very crude box. But there are a lot of people whose primary inclination is to make things. I know a banker at home who has an extensive workshop right next to his home, and he goes out there, and he has all sorts of tools, and he works with wood and metal and everything. He likes that. But most bankers and most people do not have that inclination. But we get an idea in the schools that the boy who does not keep up

with his class, who somehow begins to drop behind, to be ridiculed by his colleagues or by the teacher, maybe, and in a little while he drops out, and then he cannot make any money, and he wants shoes and clothes and this sort of thing, and recreational opportunities, so he gets out and holds up a service station or the like, and here he is on a career of crime.

I found out that last year, fiscal 1973, Congress appropriated \$10 million under title VIII under the Elementary and Secondary Education Act. In our last appropriation we reduced that to \$4 million. Instead of doing more here, we are—I was not aware that that reduction took place in the appropriation—so the Government of the United States is doing less in providing funds to try to do something about school dropouts, which is the greatest area of source material for the crime population.

All we are doing is \$4 million a year to try to help.

Now, in the area of training these school dropouts once they have dropped out, there are \$400 million that Congress has made available under the Vocational and Educational Act for aid to the States generally. But the chief counsel over there in the Education and Labor Committee told me that very little was earmarked to train school dropouts. So here these people are just certain to be criminals in a little while. Yet we are doing so little to keep them from coming into that criminal class.

So, Mr. Chairman, the recommendations which I have just put forth on adult and juvenile corrections are based on 4 years of intensive research and investigation into the correctional systems of the United States. We believe their implementation will significantly improve the correctional process, reduce recidivism, and diminish the overall level of crime in this country.

In 1967 President Johnson's Crime Commission concluded that "controlling crime in America is an endeavor that will be slow and hard and costly. But America can control crime if it will." The time for rhetoric and indecision is past, and the time for commitment has come. We need effective prison reform legislation now if we want to avoid future Atticas and enjoy safe streets once more.

I want to thank you for this opportunity to express the views of the Select Committee on Crime, and earnestly hope you will give full consideration to our recommendations for legislative action, and I apologize for my lengthy presentation.

Mr. KASTENMEIER. I want on behalf of the committee to commend you for your statement, and commend you and your committee on its work and your recommendations to us.

I take it that you have before you various reports relating to corrections.

Mr. PEPPER. We have our committee report. I think we have already given you some, but we would like to give you some more for distribution to your committee. We will leave them with you.

Mr. KASTENMEIER. We will be pleased to receive the additional copies of those reports.

Your statement will be reprinted in the record in full without objection.

[The prepared statement appears on p. 27.]

Mr. KASTENMEIER. I might say, speaking for myself and I think the subcommittee, we agree with you almost entirely that many of the

things you suggest be undertaken are in the process of being undertaken.

Last month the President signed a bill into law extending the Federal prison furlough system whereby inmates can be released both for the purposes of finding jobs where necessary to their rehabilitation, and also to reacquaint them with the community which they will be re-entering.

Next week we will have a hearing on ex-offenders voting, a necessary component, we believe, in a Federal system to rehabilitate ex-offenders.

Following that we will have, in the week subsequent, hearings on pretrial diversion sponsored by Mr. Railsback and others, which we look forward to enactment at some point.

At the present time we also have been conducting inquiries into the Federal system of behavior modification of prisoners, and into the Federal building program, a part of which has been devoted, in the case of North Carolina, to a new concept. We are very interested in this.

At the present time, this committee is engaged in extensive deliberations with the Senate and with the Board of Parole on our bill to reform the Federal parole system. And it is a rather extensive reform that we passed out of this committee in a bill a year ago, many parts of which have subsequently been adopted by administrative action of the Federal parole system.

These and other matters in the direction of the recommendations and observations you have so eloquently made this morning in terms of the recommendations of your committee are being undertaken by us. While not all of these matters will be, I suppose, universally accepted, we will look forward to working with you and to soliciting your help on the floor when we must convince our colleagues that this is a worthy cause for the corrections in our country if we are ever to meet the problem.

I would like to yield to my colleague from California.

Mr. DANIELSON. Thank you, Mr. Chairman.

And thank you, Mr. Pepper.

I take issue with you on only one thing. Your statement was not unduly lengthy. I think you have made a very great contribution. Your knowledge of this subject is encyclopedic. In fact, I do not think there is anybody in the country who knows more about it. And the motivations are excellent. So I am very appreciative.

I have a couple of questions only, and do not answer any of them until I ask all of them, because they sort of relate to one another.

One is, where are the best prisons in the United States, and what makes them the best.

And the second is, to your knowledge, where are the best prisons in the world, and what makes them the best? We probably ought to take a look at some of these and see if there are any good ones.

And third, your closing comment was that America can solve the problem of crime. And I hope that is right. Do you know of any country or any state anywhere which has solved the problem? Maybe we have to lead the way.

On the other hand, if we can pick up some information elsewhere, I am eager to do it. Just take a swing at anything you want to on that set of questions.

Mr. PEPPER. First, let me thank my distinguished friend Mr. Danielson for his kind remarks.

Second, the best prisons in the country, I think, are some of the newest of the Federal prisons. They are smaller, and some of them are around 400, 400 or 500 population. Of course, the Federal Government has more money to devote to this than most of the States have. I think you will find that some of our new Federal prisons are probably the best run—although I regret that some of them have been located in relatively rural areas, which I think was a tragic mistake.

I think I mentioned that the Minnesota system is on the whole a good one. And its head is a very good man, who testified before our committee. In fact, Dr. Miller is there now, I believe.

Illinois is doing some creative work in their State institutions, and the like.

I think Red Wing is the best—I went personally to five of the youth correctional institutions. And the staff examined a great many in the country. We tried to find the best and the worst. We found the best at Red Wing, the most effective results. And I regret to say that one of the worst we found was over in Connecticut, where it was an old building, the old techniques, the old principle. And they spent \$300,000 to build a facility from which the inmates could not escape, and the young people, and they found out that there was an easy way for them to pick the lock, and they did not have anything in there after having wasted \$300,000 in what they thought was a maximum security facility. And they had the building hid away in isolation, and that sort of thing.

In England—I do not recall the name of it, but Mr. Railsback was in Ditchley with me last year; maybe he might remember it—the British have selected a given institution as a model. They have selected inmates from the prisons of the country and put them in there. They have capable people, who were at this conference, in charge of it. And it would be, I think, very interesting for some of your committee maybe to go looking at some of the things they are doing in this institution.

By the way, on the whole, for one reason or another, the rate of crime is less in Britain than it is in this country. Part of it no doubt is due to their justice system, their court system.

You know there you are tried pretty soon after you are charged with an offense, and once you are convicted, you go right to prison if you are sentenced, you do not wait around a year or two for an appeal to be disposed of. The appeal is handled while you are incarcerated. But they are trying to modernize it and trying to develop all these new techniques.

I think it would be interesting for your committee, if you have not done so, to examine that particular institution. I will get the name of the institution and the man in charge of it and supplement the information that might be given by Mr. Railback.

You asked about the best and the worst of the institutions.

Mr. DANIELSON. I am mainly interested in the best one, because we have some real bad ones.

Mr. PEPPER. California has a very progressive approach. They are trying to help the prison population all the way down to the bottom. The State pays the counties, as you know, to keep offenders in the

local community. On the whole, our observation was that California was one of the most advanced systems of the country. And they are trying to get away from these big old State institutions. They are using the county unit; they pay the counties to keep them in the local area.

Well, that has the advantage of primarily keeping the men at home where their families and friends generally are, and decentralizing the system. That is a way to keep the State from putting so much money in brick and mortar. They pay the community and they let the community try to find adequate facilities.

One of the advantages of having this community-based program and using whatever facilities are available—and they do not have to be great big beautiful buildings of brick and stone and that sort of thing—is that such facilities are most appropriate for most of those correctional programs. Prison authorities who are most knowledgeable say that relatively few of the people confined require maximum security confinement.

By the way, let me say one other thing. There are a certain number of people who cannot in my opinion be rehabilitated, regrettably. They just seem to be born with deficiencies in whatever the qualities are that normalize the conduct of an individual. You do not need to electrocute them or hang them, but there are certain people who definitely have forfeited their right to live as free men in a free society, and there comes a time when that ought to be determined. But that does not mean that you have to have them sit 20 hours a day in steel cell with heavy bars. I would provide some sort of a village away somewhere they could live and work and sort of make their keep, but they would know that at a certain period they have forfeited their right to live as a free man in a free society. They should know we are not going to brutalize them, we are not going to torture them, we are not going to treat them in a barbaric manner, but they are just going to be segregated from society, and there are a certain number of people who ought to be segregated from society.

We have to be very careful in condemning these people. There will be a considerable number of them, I suspect, but you do not need to pervert the whole system because there are some people like that. If we had more of these small institutions, we could put different types of people in there. Maybe if there are maximum security problems we could have a maximum security place for those people.

Mr. DANIELSON. I appreciate this. But I feel that I am taking all the time here.

Mr. PEPPER. I am sorry, I was too lengthy.

Mr. DANIELSON. Thank you very much. We can talk privately some more.

Mr. KASTENMEIER. The gentleman from Maine, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Chairman.

I would join the chairman in commendation of your presentation here today. I am not in the habit of apologizing for the actions of my colleagues, but Congressman Railsback wanted me to pass on to you his appreciation to you for your outstanding efforts in the field of corrections, and his regrets that he had to go to another meeting with Henry Smith on the Rules Committee.

I think in my own experience in dealing with criminal offenders on the prosecution as well as on the defense side that we do tend to spend

a great deal of money, hundreds and perhaps even thousands of dollars, in securing the conviction of a crime such as breaking and entering and larceny, only then to pass the offender into a penal system which is calculated almost to produce recidivism. And it seems to me that what you are saying is that only when we are as concerned about the rights of the individuals after they have been convicted as well as prior to their conviction that we can hope to reduce the problem.

I wanted to pick up on a couple of points made in your statement, one dealing with, what sort of incentive would you give to industry to employ offenders?

What did you have in mind in that regard?

I want to pick up a point that Mr. Danielson mentioned, because it seems to me that there is a lot of misconception on the part of the American people toward this question of law and order, and the feeling that America is soft on criminals, when all the statistics seem to reveal that in this country, on the average, the length of sentences are much harsher and longer than perhaps any other civilized country.

But there is real sentiment that is running through this country, that perhaps while it is nice to talk about the problem, it seems to me that we will never have a community approach in this until we come to grips with community relations. Part of the problem I see in terms of talking about the failure of industry to hire offenders is that, if you go into a State, perhaps even my own where you have a high unemployment rate to begin with, it is very difficult to convince and persuade the members of that community that their tax dollars must in some way go to provide employment for those who are in prison or have been convicted of crime when they have as high a rate as nine or ten or even a higher percent of unemployment.

This seems to me one of the most severe problems that we have, and I would like to know what you recommend on this.

Mr. PEPPER. I thank you very much for asking those questions.

First, with respect to the first one, I have given a great deal of thought—as I walked over here this morning I talked to my administrative assistant about the first question you asked, what do you do with anybody who commits a crime? What do you do? There are a lot of the people who have studied this who suddenly feel that probably you get as much benefit from confining a person 5 years as you get from confining him 25 years, or 15 years, and that the chances are that the time when he is subject to rehabilitation diminishes after you, say you have kept him for 5 years.

So you have to decide, what are you putting the person behind the bars for? Deterrence has been tried from time immemorial, with the most savage procedures imaginable known to sadistic minds, as it were, in the effort to discourage people from committing crimes. And they went right on committing them.

So I realize we have to have community acceptance. But if the leaders will say, listen, you good citizens of Miami, let's say, where I live, I cannot help that crime that has been committed, heinous as it may have been, by the man who committed it, but are you not also interested in that man not committing a second and a third and maybe a fourth crime upon the people of this area? Experience has shown that we do not stop them from committing crimes, two, three and four times by the procedures that we have employed in the past.

Besides, they have been expensive, more expensive than they necessarily should be.

So I would say this: First, I do think anybody who has committed a serious crime, and has been convicted, ought to not go and stay 6 months and come home. That is what affronts the public.

Senator Stennis told me that the man who shot him right in front of his home here in Washington looked him right in the eye as coolly as if he shot a man every day and pulled the trigger and nearly killed him. I do not know what has happened. One of them was given the status of a juvenile by the trial court, and I do not know what penalty he will be subjected to. It was one of the confederates in that crime. I do not know whatever happened to the one that was tried. I doubt if he is going to get a great deal.

Well, that is what affronts people, that you can just shoot a man down, unoffending, in front of his home, and nothing happens to the fellow. So regardless of rehabilitation, I do think anybody ought to know that if he commits a crime—I do not say subject him to barbarity, or brutalize him, or torture him in the prisons, that is not going to do any good, it will make him worse for the future—but at the same time he should be subjected to some privation that is helpful to him, if we just keep him away from his home and his community and that sort of thing for a short length of time. He ought not to be subjected to parole in my opinion until he has suffered a certain amount of deprivation in a humanized institution. And the judges or the Parole Board then should determine, after a man has served—even for a previous crime—after he has served 5 years, but assuredly served it, then I think they ought to begin to give consideration to his individual predeliction.

Mr. COHEN. Just one other question.

On page 20 of your statement, one of your recommendations is that you would have a program “designed to fit the needs of the personal pattern and managed by personnel specifically experienced with that pattern. Incentives and award are used to modify their antisocial behavior, with interesting results.”

We have incurred another problem in this area called behavior modification, the START program, and it presents very serious moral and ethical problems for the penalogist when you start altering or attempting to alter personal behavior patterns. And I know this is something the chairman is very concerned with, and we are also.

I think that is one recommendation that we have to look at very carefully.

Mr. PEPPER. Let me say this, Mr. Chairman: You have touched on a very critical point there. I live down in Miami, where we are very proud of the Dolphins. Imagine having a fellow like one of the Dolphins that could take off a little time and go off a while and go into an institution where boys are and work with them, as compared to an ordinary guard making \$3,500 a year.

There are many in my own life—aside from what I owe my father and mother—if I have ever achieved anything, I owe most of it to my high school principal and my college president, who were very good to me. But both of them, especially my high school principal, had the genius of making boys want to do something, to want to be somebody. And those are the kinds of people that we need in these institutions that can lead them, and have rapport with them, or the

like, and not just some guard around there to keep them from getting out. Thank you.

Mr. KASTENMEIER. The gentleman from Iowa, Mr. Mezvinsky.

Mr. MEZVINSKY. Thank you, Mr. Chairman.

I want to say, Senator, that I am deeply impressed by the statement. I know the work that your committee has done.

I really have two points that I want to raise. One is an observation on your part. There has been a lot of focus laid on human experimentation, and the role that prisoners may be asked to play in so-called voluntary acts for medical research.

Did your committee take a look at that at all as to human experimentation and voluntary acts by prisoners?

We have seen the Tuskogee study and other areas that have raised serious questions.

Mr. PEPPER. We did not look into medical research or experimentation. We more or less assumed the psychological change involved in the group therapy principle, and in the putting of boys and girls into homes, halfway houses, and that sort of thing. We did not go into the psychological incidence of changing behavior, except to put them in a new environment.

Mr. MEZVINSKY. Basically, in that area you did not take a close look at that problem?

Mr. PEPPER. No, we did not have psychiatrists to come and testify. We dealt with the change in behavior by environmental associations and by leadership, the kind of people that could stimulate a desire within the individual to lead a better life.

Mr. MEZVINSKY. The other question is, would you have any comment concerning the system we have now?

Your first recommendation was a small community-based facility. What about the recommendations—when you have a judge, and a person is brought before the judge for sentencing, the judge can have several options. One is, of course, to incarcerate, and another is probation. Did you look at the third option of—prior to incarceration—considering a work release program, or a third step, which would not necessarily mean that this person should be totally put back into society, but yet the incarceration was questionable, so we would move into a third option of a community-based operation or a work release program that would possibly result in that person never having to be incarcerated at all?

Mr. PEPPER. I appreciate your asking that, Mr. Mezvinsky. That is one area that we went into that had some valuable evidence that I did not cover. I can mention two of those programs.

One is in Chicago, the State's attorney or the prosecuting attorney—in the case of young offenders who are up for the first time, they are brought before him, and then he has volunteers and people in the community who are knowledgeable in the general area. These particularly may be boys and girls who got into some drug abuse, and they got arrested for some serious thing. Before presenting a formal charge against those offenders, he puts them in these community institutions, or rather, puts them in contact. They are not incarcerated. They report regularly to him, or to an assigned individual. They are supervised. If they are deficient in education, they are put in schools. And if they need health care, they are sent to a community institution which

gives them health care, and the like. If they have anything like speech or hearing defects or some other physical defect, they send them to somebody who can help with them.

They try to put them in the hands of counselors, and they do not put the charges in formal form against them unless they just refuse to cooperate with this program.

Now, there are several of those programs going on in the country. In other areas, the police themselves do that same thing, according to the authority they have. They just do not make a case against a young person particularly. They go through the same process. But you will find some stimulating experiences if you read our report and read our hearings.

They call them diversion programs. In other words, before they ever put a boy or girl in the incarceration system, in the correctional system, they try to keep them out. They are able to do it in most cases. But then you see, you have a club over that boy's head, for example. If you don't behave, if you don't cooperate, we will just send you to prison, or we will put the thing in court for you. So that is a very important aspect of the program.

Mr. MEZVINSKY. Thank you.

Thank you, Mr. Chairman.

Mr. KASTENMEIER. That concludes our hearing this morning. On behalf of the committee, I would like to extend to you our gratitude for your contribution to our understanding of the problems and the recommendations concerning corrections, and we look forward to working with you.

Mr. PEPPER. Mr. Chairman, I want to thank you and your committee members very warmly on behalf of myself and the other members of the select committee. All of them would have come here this morning, but they understood that I was going to make the presentation as chairman of our committee. But every member of our committee on both sides of the aisle will help your committee in every way we can to implement any recommendation for legislation that you may have in any aspect of this matter of crime.

Thank you. You are doing a great job.

Mr. KASTENMEIER. Thank you.

That concludes the morning hearings. The subcommittee stands adjourned.

[Whereupon, at 12:10 p.m., the subcommittee adjourned, subject to call.]

[The document referred to on p. 20 follows:]

STATEMENT BY CONGRESSMAN CLAUDE PEPPER BEFORE THE SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES AND THE ADMINISTRATION OF JUSTICE, HOUSE JUDICIARY COMMITTEE, THURSDAY, JANUARY 24, 1974

#### REFORM OF OUR CORRECTIONAL SYSTEMS

Mr. Chairman, it is my privilege to appear before this committee as former Chairman of the Select Committee on Crime to report on my committee's finding and recommendations regarding the corrections component of our criminal justice system.

For the past 4 years the Select Committee on Crime has conducted an extensive study of crime in the United States. A very important phase of our study focused on the workings of our correctional systems. The members of the Select Committee on Crime visited correctional institutions in New York, Minnesota,

Michigan, New Jersey, Connecticut, and Pennsylvania. The committee staff interviewed hundreds of potential witnesses and other persons knowledgeable in the field.

Following the riots at Attica State Prison in New York in September 1971, the committee launched a thorough investigation of this disturbance and the underlying problems of our correctional system which precipitated it. We also investigated prison disturbance at the Raiford Correctional Institution in Florida. During these investigations we took testimony from more than a score of witnesses, including elected officials, prison authorities, line personnel, members of the academic community, and the inmates themselves.

In addition to examining some of the failures of our correctional systems as indicated by the riots, we looked at examples of successful programs of all types. It was our intention to determine the major problems of our correctional system as a whole and to make recommendations to the Congress on possible courses of action the Federal Government might pursue to remedy them. For it was our firm belief—and still is—that the Nation's best hope in fighting crime lies in reducing recidivism youth. And the only way we can accomplish this is by improving the correctional process.

The Select Committee on Crime also focused on the juvenile correctional system. Juveniles under the age of 25 are responsible for over one-half of this country's criminal arrests. And young offenders under 20 have the highest recidivism rates of any other age category. Approximately four out of every five young people committed to a correctional institution will one day return. Such a deplorable rate of failure convinced the members of our committee that any solution to the street crime problem depends on our ability to create and utilize more effective rehabilitation programs.

Today, I would like to submit for your consideration some of the major recommendations of the Select Committee on Crime based on our 4 years of intensive investigation and study. I will support each recommendation with facts and findings based on our hearings.

#### *Phase out large prisons*

First and foremost, we recommend paying the State and localities one-half the cost of establishing small community-based facilities and programs to replace their large, antiquated correctional institutions. The facilities would be urban-centered and have a capacity of no more than 300 to 400.

The committee shares the opinion of leading authorities on penal reform that we cannot successfully reintegrate the offender into the community by "warehousing" him in bastille-like fortresses, such as Attica and Raiford prisons. Such institutions, which are located in remote rural areas and are almost always overcrowded, have failed as either deterrents to crime or as institutions able to correct and rehabilitate criminal behavior.

At the time violence erupted, Attica prison housed over 2,200 inmates, and Raiford over 3,000. Both were located in small rural towns quite removed from the homes of the majority of inmates. Repeatedly witnesses pointed to the size and overcrowded conditions at these institutions as principal reasons for their ensuing trouble. With such large inmate populations, the emphasis in the correctional institutions necessarily shifted from rehabilitation and treatment to security and regimentation. Moreover, communication between inmate and staff, and even among the staff members themselves, appeared to break down.

The remote location of the prisons was also cited as an important reason for their difficulties. According to the superintendent of Attica at the time, the isolation of the institution made it extremely difficult to attract a racially balanced corrections staff. While the inmate population was 55 percent black and 7 percent Puerto Rican, there was only 1 black and 1 Puerto Rican on the entire 540-man prison staff. At Raiford, 60 percent of the population was black, while there were only 3 black guards. In addition, the typical guard in both these institutions was in his midfifties and from the surrounding rural areas, while the typical inmate was under 25 and from the city. Thus, few staff members had the ability or the background to understand and communicate with the majority of the inmate population.

The remote location of the prisons also made it difficult to find on-the-job training or employment opportunities for qualified inmates. At Attica, for example, only six inmates out of the total population were on the work release program at the time of the riot. According to prison officials, there were too few job opportunities in the small town of Attica, and Buffalo was too far away to commute.

In addition, the remoteness of these institutions made it difficult for families and friends to visit the inmates, thus depriving them of necessary support and encouragement during their time of incarceration.

Unfortunately, in our investigation we found that Attica and Raiford were typical of too many of our so-called correctional facilities. Even in our Federal system, a quarter of the prisoner population are confined in institutions built over a century ago! And the rest are confined in institutions now operating at or above capacity.

Five years ago, the President's Crime Commission recommended the phasing-out of these large ineffective facilities and replacing them with small community-based facilities and programs. We make the same recommendation today and ask for the added incentive of financial assistance to the States and localities to make this transition.

Community-based facilities and programs have been tried in a number of States and communities, and have proven successful. We have heard testimony from a number of heads of State departments of corrections who claim that these small community-centered facilities and programs are better suited to the individual offender's needs, are more humane, and are less expensive to operate.

Dr. Jerome Miller gave very important testimony on the subject. As head of the department of youth service in Massachusetts, Dr. Miller, in 1971 closed down all of the State's traditional correctional institutions for juveniles.

Today, Massachusetts operates a range of community-based facilities and programs, such as group homes, halfway houses, and innovative probation programs in lieu of the traditional reformatory or training school.

As Dr. Miller explained to the committee, the juvenile correctional system as it was constructed in Massachusetts was nothing but a school for crime. It was based on large institutions that were impervious to change and incapable of responding to the needs of the young people they were supposed to help. As a result, recidivism rates for juveniles were close to 80 percent, despite the fact Massachusetts taxpayers were paying up to \$36,000 per year just to incarcerate one juvenile. Moreover, according to Miller, very few of the youngsters placed in these institutions were a threat to public safety. Many were there on juvenile status offenses, such as running away and truancy, not considered crimes if committed by adults. As Dr. Miller told us, for what it costs to keep a youngster in a training school, you could send him to the Phillips Exeter Academy, provide him with individual analytic therapy, give him a \$50 allowance and send him to Europe in the summer, and still have money left over. In his words, that is what Massachusetts was spending on a "system which generally is a failure and generally makes things worse rather than better."

Under the new system, a young offender is first committed to a regional office where his problems are diagnosed and a determination is made regarding appropriate rehabilitation resources. He then may be sent to a range of community-based alternatives, such as a halfway house, group home, State-run conservation camp, or a drug treatment center. If he has severe psychiatric problems and his behavior is a clear threat to public safety, he would be sent to a private locked psychiatric hospital or other closed, secure setting.

An important feature of the Massachusetts program is that it gives a judge a wide spectrum of sentencing alternatives. All too often our judges have been hampered by the lack of available treatment options—to the detriment of the offender and society both. Most commonly, he has had two choices—sentencing the youth to a training school, frequently an overkill approach; or placing him on probation, which is often too lenient.

The committee also received testimony on the operation of community-based facilities for juveniles from correctional officials in Florida, Minnesota, and Kansas, all of which offered innovative approaches to dealing with juvenile offenders. All of these concurred with Dr. Miller that operating community-based facilities was much less expensive than maintaining large institutions. However, they stressed that the period of transition was particularly expensive and that Federal assistance at this time would be very helpful.

In recommending that we provide such assistance to the States, I would like to emphasize that the Federal Government would only be responsible for paying 50 percent of the cost of getting the programs initiated. The State and local authorities would be responsible for the other 50 percent and the cost of continued operation. In addition, I would like to make quite clear that we recommend the States make use of existing facilities in their communities as much as possible and

not embark on any new construction campaign. Old hospitals, government buildings, and residences are often available and would be just as suitable as new buildings. For success will depend on the quality of correctional programs and staff, not on the physical design of the building.

*Education, training, and employment*

Our second recommendation is that the Federal Government financially assist the States in training and educating inmates and finding them proper jobs upon release.

In this context, the committee also supports the removal of restrictive legislation that prevents prison industries from manufacturing and selling convict-made goods on the open market.

Our study and investigation has convinced this committee that productive in-prison job training, education, and employment are absolute prerequisites to effective rehabilitation.

Perhaps the greatest single travesty in our correctional system is the enforced idleness of a substantial number of our inmate population. I was shocked to learn that 62 percent of the Attica inmates sat idle in their cells all day long, with no constructive training, not even recreation. And I have no doubt that his idleness was one of the major contributing factors to the violence that erupted that week.

Almost three-quarters of the inmates at Attica lacked marketable job skills when they entered. They left no better off. The prison job training programs which did exist were simply too few to go around, and often irrelevant to the demands of the outside labor market. We talked to one of the guards at Attica about that institution's training program. He informed us that although there was a metal shop at Attica in which inmates could receive job training experience, it only employed 450 men out of the total prison population. Moreover, within the shop itself, there was not enough work to go around. Two or 3 hours of work were spread over an 8- to 10-hour day, so that many inmates spent their time as mere onlookers.

Raiford also lacked training and job opportunities as do most of our correctional institutions today. Over a third of our Nation's prison population of 200,000 sit idle or are assigned to overmanned maintenance details, which require little or no skill. Training equipment is obsolete, and most correctional industries simply are not geared to the demands of the outside labor market. It is no wonder the unemployment rate for ex-offenders is four to five times the national average. And it is no surprise that recidivism rates reach as high as 80 percent.

Studies have shown conclusively that the postrelease success of an offender is directly tied to his ability to get and maintain employment upon release.

We need to increase the number and upgrade the quality of institutional work programs if we truly want to see a reduction in our recidivism rates. These jobs should be suited to inmate populations and reflect the demands of the outside labor market. In addition, we need to expand on-the-job training opportunities, involving the private sector, such as work release. According to testimony received from William D. Leeke, the director of the South Carolina Department of Corrections, experimental work-release programs have proven to be very successful in lowering recidivism rates. He testified that since 1968 when South Carolina began a series of community-based prerelease centers, less than 10 percent of the people who have successfully completed work-release programs have returned to the South Carolina Department of Corrections for parole violations or new offenses.

Director Leeke also pointed out some of the other benefits of work release. It saves the taxpayer money. Since the prisoner on work release is paid the prevailing wage, he is able to help pay for his keep in prison, and contribute to the support of his dependents which helps keep them off the welfare rolls. His earnings also enable him to put aside a considerable sum of money against the time of his discharge. In addition, work release gives the offender an opportunity to obtain a job which he might be able to keep upon release, thus helping him overcome the difficulties of finding postprison employment. Despite these advantages, however, work-release programs have been implemented in only 24 of our States, and even there on a limited basis.

In order to prepare offenders for the competitive job market of today, we must equip them not only with adequate job skills, but with the necessary academic tools as well. Testimony by Director of the Federal Bureau of Prisons Carlson revealed that 95 percent of the Federal prisoner population lack high school diplomas. State prisoners also have a low level of proficiency. Eighty percent of the inmates at both Attica and Raiford were high school dropouts. Many were func-

tionally illiterate. Despite their academic deficiencies, however, there were few opportunities for them to improve. The lack of this educational opportunity caused frustration, resentment, and bitterness among the prisoner population. It only was too clear that without a high school diploma and the necessary vocational training, postrelease employment opportunities would be scarce.

Financial assistance should be made available to any State that will provide its inmates with an opportunity to at least complete high school, if they have not yet done so.

Mr. Chairman, providing meaningful educational and vocational training and employment opportunities for offenders is perhaps the single most effective step we could take to reduce this Nation's recidivism rates. Yet the budgetary limitations have thwarted even the most well-intentioned correctional official. The Federal Government should assist the States. It might be expensive, but the cost to us would more than offset the cost to society of the crimes committed by ex-offenders deprived of these opportunities.

#### *National Corrections Academy*

Third, I would like to recommend that the Federal Government establish a National Corrections Academy for the training of correctional personnel.

The critical shortage of well-qualified and well-trained correctional staff is one of the most serious problems corrections faces today. This became very apparent to the members of the committee when we were investigating the Attica and Raiford riots. For example, at Attica there was a staff of 540 charged with taking care of and supposedly rehabilitating over 2,200 inmates. Over 70 percent of the staff, however, were solely concerned with custody, and had no rehabilitative duties. The correctional line officer is possibly one of the most important influences on an inmate's life while he is incarcerated.

Yet at both Attica and Raiford, which had predominantly young, black and urban-bred populations, the guards were middle-aged, white and from the country. Many could not even speak the same language as the inmates much less communicate to them about their problems. Moreover, inservice training programs which might have improved their ability to deal with the offenders were also missing. No wonder communications broke down. As one witness phrased it "there was a wall of insensitivity between the inmates and their keepers." What was needed was training not only in offensive and defense tactics but also in sensitivity involvement so that the correctional personnel could relate to the inmates, irregardless of their color or family background.

Professionals such as doctors and teachers were also in short supply. At Attica there were only 11 staff members responsible for improving the entire inmate population's academic proficiency. And at Raiford, despite the sizable number of prisoners who needed psychological help, there was only one part-time psychiatrist available.

The correctional officer starting out at Raiford at the time of the outbreak made \$465/month—less than the average zoo keeper was making in the city of Miami!

The staff problems we saw at Attica and Raiford reflect those of too many of our correctional institutions. Only 20 percent of our Nation's correctional personnel are assigned to rehabilitation. The rest are mere custodians. While an estimated 15 percent of the prisoners are in need of psychiatric help, and an estimated 5 percent are seriously mentally ill, there are only 50 full-time psychiatrists and psychologists employed in prison work. The average guard is paid between \$3,000 and \$4,000 and is undertrained both before and after acceptance for employment, and is usually poorly educated. Less than half of the correctional systems have any type of inservice training at all. In short, prison staffs are undertrained, overworked, and underpaid—and they are not large enough to be effective.

Mr. Chairman, the days of billy clubs are gone. We need correctional officers who are trained and paid in a manner consistent with the difficulties and responsibilities of their duties. They must be able to communicate and understand the typical young inmate of today, should be sensitized to racial discrimination, and should be ready and able to participate in rehabilitative as opposed to merely custodial programs.

A Federal corrections academy would allow us to bring together correctional experts from all over the country. The training program could be patterned after the highly successful FBI Academy and it could serve as a model for our States.

I have spent considerable time on these first three recommendations because I feel that these are the areas where Federal Government can make the most impact. If we could abandon our old Attica-type correctional institutions and replace them

with small community-based programs and facilities—staff them with well qualified and enlightened correctional personnel—and provide all inmates with the wherewithal to obtain meaningful employment upon release, I have no doubt we would see a significant reduction in recidivism and the rate of overall crime in this country.

The crime committee has also made a number of other recommendations, which I feel would improve the correctional process. These we have outlined in our June 1973 reports on correctional systems and street crime. Although time does not permit me to describe them all, I would like to mention a few that I feel would be particularly effective in forestalling future prison riots.

#### *Prison riot prevention*

First, we recommend the Federal Government fund the establishment of an Office of State Correctional Ombudsman in each State or jurisdiction. This office would be funded under part E of the LEAA legislation, and its establishment and operation would be required before any State could receive its annual LEAA block grant funds.

We also recommend the establishment of a National Correctional Ombudsman who would perform the same duties on the Federal level as the State Ombudsmen. In addition, the National Ombudsman would coordinate the activities of the State Ombudsmen and provide them with technical assistance.

In addition, we recommend that every State require each of its prisons and correctional facilities to have an up-to-date riot and disorder control plan that has been formulated in concert with State and local law enforcement authorities.

This would be a requirement for receipt of funds under parts C and E of the LEAA legislation.

The role of the Ombudsman would be to serve as an impartial arbiter in all correctional disputes, and to investigate and report on all complaints from inmates, probationers, and parolees. His purpose quite simply would be to help resolve prisoner grievances on a day-by-day basis before they reached crisis proportions.

A breakdown in communications almost always precedes a riot. Hopefully, if we can improve communications within the prison between inmates and staff and between staff and correctional officials themselves, we can prevent future Atticas. If a riot should occur, however, we should make sure our States are prepared to handle it in a coordinated, efficient way without bloodshed.

#### *Prison rules and regulations*

You may recall the moment when one of the leaders of the Attica revolt cried, "We don't want to rule, we want to live, but if we cannot live like people, let us at least try to die like men." A correctional system that robs a man of his dignity cannot possibly rehabilitate him. It merely alienates and embitters him and creates a climate ripe for violence.

Accordingly, the Select Committee on Crime recommends that correctional policies be formulated—on the Federal, State, or local level—which attempt to enhance the dignity, worth, and self-confidence of inmates rather than debasing and dehumanizing them.

We urge our prison system to adopt simple written rules regarding prison discipline and the penalties for infraction, and to provide that no inmate be disciplined except in accordance with these rules.

We urge the prison systems to review existing policies regarding mail censorship and eliminate or relax those not bearing directly upon prison security.

And, most importantly, we urge the elimination of unfair parole procedures. All grants or denials of parole must be made on the basis of clear and comprehensive standards which are made known by the inmates. They must be notified promptly as to the decision and given reasons for any denial.

#### CITIZENSHIP RESTORED WHEN RELEASED

All of these recommendations are designed to eliminate the arbitrary, unfair, and unnecessary treatment of prisoners which takes away their dignity and embitters them further against society and society's standards.

#### *Juvenile corrections*

Mr. Chairman, the Select Committee on Crime also made a number of recommendations regarding juvenile corrections.

Our principal recommendation is that the States follow the lead of Massachusetts and abolish their traditional juvenile prisons and institutions and replace them with smaller, community-based facilities which emphasize the rehabilitation of the offender.

We recommend the Federal Government assist the States, as well as other private and public agencies, to establish such facilities in the community, including group homes, residential centers, and foster homes.

We also recommend that LEAA give priority to State and local plans emphasizing community-based juvenile rehabilitation centers.

We concluded from testimony given to us by experts in the field that the various States which rely on institutionization to solve delinquency are spending large sums of the taxpayers' money with little regard to the amount actually being spent on rehabilitation. Rehabilitation would be better served if the tax dollar could be spent on a range of community-based alternatives with formal incarceration reserved for those few juveniles presenting a real threat to society.

Secondly, we recommend that special efforts be made to stimulate, with Federal funds, the study and development of new juvenile correctional and rehabilitation programs.

Several new approaches to juvenile corrections impressed the Committee in our investigation of promising rehabilitation concepts. One I would like to mention is the guided group interaction concept, which involves the application of group therapy and peer influence techniques to groups of young offenders in either residential or nonresidential correctional facilities. This approach, which gives the youngster a greater sense of usefulness and personal worth, is being employed at the Minnesota School for Boys at Red Wing with much success.

Another concept worth noting is the differential treatment approach where youths with a common personality pattern work and live together, participate in programs particularly designed to fit the needs of their personality pattern, and are managed by personnel specially experienced with that pattern. Incentives and rewards are used to modify their antisocial behavior, with interesting results. The best example of this approach is the Robert F. Kennedy Youth Center in Morgantown, West Virginia.

A third approach I'll mention is the "Outward Bound" concept, which has been incorporated in the juvenile rehabilitation programs in both Massachusetts and Florida. In Massachusetts, the Outward Bound program is a wilderness camp experience for adjudicated delinquents. It's a 6-week program of physical challenge, excitement, and even a modicum of danger. Its thrust is to accept the young offender, emphasize his worthiness, build up his self esteem and confidence, and through personal achievement grant him an identity that hopefully will not be prone to extinction once he leaves the program. In Florida this concept has been adapted to create a special mariner program for its delinquents, which emphasizes the same values of self-worth and confidence.

All of these programs which I have described have one thing in common. Their success depends in large part on the commitment, character, and motivation of adult staff members.

Accordingly, the committee recommends that LEAA give preference and priority to programs designed to train correctional personnel in the application of these new techniques, and that it support programs of personnel exchange between these more innovative programs and the more traditional correctional institutions.

Third, we recommend that Federal, State, and local governments provide appropriate training for correctional volunteers and the administrative framework for seeing to it that volunteers and probationers in need of volunteer services are matched.

The Committee feels strongly there is a pressing need for more communities in this Nation to follow the lead of cities such as Royal Oak, Denver, Minneapolis, Seattle, and others in tapping the vast resources of citizen volunteers for work in probation. Repeatedly our witnesses described the desirability of volunteer workers. Using volunteers was not only a more economical approach, but in many cases, volunteers had better rapport with the youth. Of course, this kind of service and commitment is personal and beyond the scope of Government to provide, but, nevertheless, we feel that Government can certainly encourage its development.

These are only a few examples of the many innovative approaches to juvenile corrections that are being tried across the country. We feel that they are approaches worthy of emulation and feel the Federal Government should encourage the States to try these and other more innovative programs. The time to nip a criminal in its bud, and this is where the bulk of our assistance should be.

Mr. Chairman, the recommendations which I have just put forth on adult and juvenile corrections are based on 4 years of intensive research and investigation into the correctional systems of the United States. We believe their implementation

will significantly improve the correctional process, reduce recidivism, and diminish the overall level of crime in this country.

In 1967, President Johnson's Crime Commission concluded that "controlling crime in America is an endeavor that will be slow and hard and costly. But America can control crime if it will." The time for rhetoric and indecision is passed, and the time for commitment has come. We need effective prison reform legislation now if we want to avoid future Atticas and enjoy safe streets once more.

I want to thank you for this opportunity to express the views of the Select Committee on Crime, and earnestly hope you will give full consideration to our recommendations for legislative action.

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