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Modern Court Services For Youths and Juveniles

Glenn R. Winters

MODERN COURT SERVICES FOR YOUTHS AND JUVENILES

GLENN R. WINTERS*

A frequent sight around Ann Arbor the past week or two has been an automobile driven slowly down a busy street with a deer fastened to the fender or hood. Drivers of cars so decorated never seem to be in a hurry, at least after they reach town, and I doubt if Judge Payne ever has been called upon to discipline one of them for speeding. The newspapers said there were more deer this year than last year, and hunting was permitted even in the lower counties of the state, for the first time in many years. This did not come about by accident. There would be no hunting at all, and very little fishing, in Michigan, without our state's carefully planned program of wild life conservation.

American is a land of vast resources—not only wild life, but timber, coal, oil, minerals, farm lands. They once were looked upon and treated as though they were inexhaustible. Hunters ate only the hump of the buffalo and let the rest of the carcass go to waste. Today only a few buffalo survive in the national parks. We have come to realize in recent years that the rest of our resources will go the same way unless conservation measures are undertaken, and conservation is getting major consideration from both state and federal governments these days.

Natural resources alone cannot make a nation great. Petroleum in the ground is worth no more than dirt. It becomes valuable only as *men and women* bring it up and put it to use. The most important resources of any nation are its human resources. Human beings are at once cheap and priceless. Throughout a large part of the earth's surface overpopulation has been a problem for centuries, and in those lands human beings are almost literally a dime a dozen. At the same time they are priceless in that each individual is unique and irreplaceable. A burnt-over forest can be reseeded and in forty years you have another forest as good as the old and probably better. No increase in population, however, ever can make up for the boys we lost in the recent war. Other generations will be other people. Those people are lost forever. Every person is unique, priceless, irreplaceable, sacred. This principle is fundamental to American religious and political tradition. The parable of the ninety and nine gives the Christian view of the importance of the individual, and a major difference between our government and those we speak of sometimes as totalitarian and some-

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times as "collectivist" is that they believe the group is more important than the individual and we believe the individual is more important than the group.

The death of a person is a loss both to himself and to the society to which he belongs, and part of the conservation of human resources is the prevention of needless loss of life. Men throughout all ages have realized, however, that there are some things worse than death. A man is lost to society not only if he is physically removed from it by death, but also if he ceases to be a cooperating member of it and conducts himself in a manner inimical to the welfare of other people. Such a man becomes a liability instead of an asset to his community, and his presence not only endangers other people but necessitates the expenditure of money and the time and effort of other people to protect the public from him. Complete conservation of human resources means ensuring so far as possible a normal, useful, constructive, happy life for every person.

Fortunately, the great majority of us prefer and attempt to live that kind of life, and succeed to some extent. Probably none of us reaches his full potentialities, but the problem of aiding and stimulating such people to greater achievement is outside of the scope of our subject. For the present we are concerned about the conservation of every man and woman, every boy and girl, as a participating, cooperative member of the social group, and the measures to be taken with those who for any reason at all find themselves at odds with society.

The "Lex Talonis"

At the dawn of human community life this was strictly the problem of the individuals concerned. If one man committed an act of violence against another, it was up to the victim or his relatives to take action, usually in the form of reprisal. Groups went to war against other groups, and perhaps the first group action against a member was for treason—an insider working for the other group. At any rate, both when justice was on a man-to-man basis and later when the group did take it over, it was a matter of warfare. If a man declared war on society, society declared war on him. Punishment was retaliatory—an eye for an eye and a tooth for a tooth, and the death penalty was the most frequent of all.

I would like to be able to say that this primitive concept of society's attitude toward an erring member disappeared about the time of the iron age, or somewhere around the dawn of recorded history, or at least far back in antiquity, but the fact is it has not disappeared yet. Criminal justice still is administered on that basis more than any other, not only in less enlightened countries but in our own as well, and with public approval too. The enforcement of the criminal law still means,

to the general public, a war against the lawbreaker, and on the radio, on the screen, in the funny paper, in our magazine stories and in our books it is endlessly dramatized in that fashion for our amusement.

Some of the corollaries of the warfare theory are both interesting and important. It assumes, in the first place, that people commit crime because they deliberately choose to do the wrong thing rather than the right. Little four-year-old Kathie astonished Mrs. Winters and me the other day by remarking at the dinner table, "Mama, it's *on purpose* to kill people, isn't it?" A little reflection brought out the source of that thought. She had often heard her playmates defend themselves by saying, "But I didn't do it on purpose!" What could be more natural than to identify "on purpose" with wrong itself? Her idea, quaint as it was, long ago constituted one of the first great reforms in criminal justice. Primitive peoples were not interested in motives. If a man killed another by accident he paid the penalty just the same as if he had done it "on purpose." It was the Church that stepped in, ages ago, in defense of the man who had not done it "on purpose" and established the principle still basic to our criminal law that without an intent to commit crime, there is no crime. As Blackstone put it,

> "Punishments are inflicted for the abuse of that free will which God has given to man; consequently it is just that man should be excused from those acts done involuntarily or through unavoidable force or compulsion. . . . An involuntary act has no claim to merit, neither can it induce any guilt."[1]

The identification of crime with sin resulted in identification of the fate of the criminal with the fate of the sinner—punishment to expiate or atone for the crime. It is important to note that expiation is concerned with the deed, not with the person. The greater the crime, the greater the punishment, no matter who the person involved might be. This idea is embodied in the conventional representation of the goddess of justice, holding in her hand a set of scales and with a blindfold across her eyes. One side of the scales is for the crime, the other side for the punishment, and justice is done when they balance; while to make sure that the goddess treats everybody alike, she is kept from looking at the person involved.

It was once a mark of progress to identify crime with sin and thus protect some who would otherwise have been unfairly punished, and to blindfold Justice to keep her from letting off the rich and influential with a slap on the wrist and venting her fury on the poor and friendless, but both of these concepts need reexamination today. It is not true, for example, that all crimes are committed because of a deliberate choice of wrong over right. One girl entirely normal up to the age of

[1] Quoted by Clarence E. Manion, 32 J. Am. Jud. Soc. 71 (1948).

sixteen suffered an attack of encephalitis—inflammation of the brain—and thereafter was a confirmed liar and thief. Physical damage to portions of her brain tissue was responsible for the change in her conduct.[2] One boy turned up in court with a long record of truancy and petty crimes of increasing magnitude. It was discovered that the nickname "Stinky" particularly enraged him and incited him to misconduct, and that because of a glandular irregularity his body did have an offensive odor. Once this was corrected by surgery, nobody called him "Stinky" any more, and he was more than eager to live and act like other boys.[3] All of us know that many physical and environment factors influence our conduct—there is not a one of us that is not more nervous and irritable after a sleepless night. Actually, our conduct from day to day —from minute to minute—is guided by an infinitely complex pattern of influences, hereditary and environmental, physical, mental and emotional, extending from birth and before right down to the events of the preceding moment. This alone, entirely apart from the question of conserving human resources, is sufficient reason for unpinning the handkerchief from the eyes of the goddess of justice and giving her a chance to look at the person, and, in some instances, also permitting her to ignore the deed.

Small Children and the Law

With respect to criminal behavior it is convenient to divide people into four age groups: 1. Children under the age of seven; 2. Youngsters from seven up to around sixteen; 3. Youths from that age up to twenty-one; 4. Adults of twenty-one and over.

Medieval churchmen, unwilling to consign dying babies and small children to eternal punishment for their childish misdeeds, established seven years as the age below which sin could not be committed. The criminal law followed along and fixed seven as the youngest age at which a child was capable of crime. The relation between the civil government and children under seven was that of guardian and ward. The Latin phrase was *parens patriae*—the state was a foster parent, and as such concerned with the care, protection and training of children left in its charge. All this abruptly ended at the age of seven, however, so far as legal theory was concerned, and too often practice as well. Criminal offenders from that age on up were dealt with as enemies of the state, tried in the regular criminal courts, and confined in penitentiaries along with older convicts of all types. Again, I would like to be able to say that this is a matter of ancient history, but it is too true that locked up in jails and other houses of detention this very day and

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[2] John R. Ellingston, *Protecting Our Children from Criminal Careers* (1948), p. 16.
[3] *Ibid.*, p. 69.

hour are thousands of children from seven to sixteen years of age actually serving sentences imposed by the courts of our land.

THE JUVENILE COURT

Charles Dickens and his great social novel *Oliver Twist* led off the movement for reform of this deplorable condition both in England and in other English-speaking countries, including our own, about a hundred years ago, although without doubt many sympathetic judges stretched the law for that purpose long before and made use of the suspended sentence and probation to mitigate its severity as they were introduced. In 1869 a Massachusetts law was passed to provide for a "visiting agent" to sit in on hearings and advise judges regarding disposition of children under sixteen, specifically charged with the duty of working "not for the punishment of the child, but for the child's welfare." A year later provision was made for separate hearings for juveniles in Massachusetts. Rhode Island, New York and various other states soon followed Massachusetts' example. It became increasingly clear that an ordinary criminal court was no place at all for young boys and girls, and in 1890 Australia led the way with the establishment of the first children's courts. In this country, a special juvenile court was first proposed in the 1891 Illinois legislature for Chicago. It passed in 1899, simultaneously with the setting up of the Denver Juvenile Court, which was the first to go into operation, under Judge Ben Lindsey, outstanding authority on juvenile delinquency, since removed to Los Angeles. The idea spread rapidly, and juvenile courts now exist in every state. In most localities they are operated in conjunction with other courts, such as district, superior, common pleas and probate courts, but in every city of metropolitan size there is an entirely separate court especially designed for children's work.[4]

The properly organized and managed juvenile court differs so much from other courts that the very word is hardly applicable to it, and indeed it would be all to the good if it were abandoned. In the first place, there is a complete absence of courtroom atmosphere. The attitude of the judge and officers of the court is one of sympathetic understanding and concern for the child's welfare. The particular act which brought the child under the jurisdiction of the court is of interest only as it sheds light on the problems and needs of the child. Probation, under expert supervision of the court, is the rule for disposition of cases, and when detention is necessary, either before or after the hearing, it is in special detention quarters unlike a jail or prison, and not in company with older criminals. Juvenile court records are complete and adequate, but they are kept in strict confidence, in contrast with most other court records which are public property avail-

[4] Barnes and Teeters, *New Horizons in Criminology* (1943), p. 922 ff.

able for inspection by any one. Finally, a good juvenile court makes routine mental and physical examinations of all children that come before it, and supplies the judge with complete background information from home and school to assist him in deciding what should be done.[5]

The Juvenile Court As A Hospital

Judge Paul W. Alexander of Toledo, one of the leading juvenile court judges of the country, has compared the juvenile court to a hospital:

> "If a person's bodily functions deviate so far from the normal that he cannot be properly treated in his home, he is ordered to a hospital. If a child's conduct deviates so far from the normal that it cannot be successfully corrected in the home, he is ordered to a juvenile court. The hospital's function is to cure the patient and prevent him from becoming a chronic invalid; the court's is to correct the child and prevent him from becoming a chronic criminal.
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> "The hospital's primary concern is the individual patient; it serves society first by curing the patient and restoring him to society as an able-bodied citizen, and second through research, developing techniques, disseminating knowledge, preventive medicine, and by quarantining the occasional dangerous patient. The court's primary concern is the individual child; it serves society first by reclaiming the future citizen, second through research, developing techniques, disseminating knowledge, leadership in preventing delinquency and crime, and by quarantining the occasional dangerous child. . . .
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> "After diagnosis, medical science prescribes the proper treatment for the patient; after diagnosis, the court does the same thing for the child. The hospital doesn't treat symptoms. It doesn't try to cure the fever patient by locking him in a refrigerator. No more does the court treat symptoms. It doesn't try to cure the truant by locking him in a school-room.
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> "The hospital sometimes inflicts pain upon the patient, but only to cure or protect—never to get even. If the court finds it necessary to hurt the child it is always done for the purpose of disciplining or teaching him—never for the purpose of punishing or getting even with him. Juvenile courts do not punish."[6]

The Child Guidance Clinic

Judge Alexander would approve a slight extension of his analogy. Associated with most hospitals, but sometimes independent of them, are clinics where patients may go for examination, diagnosis and preventive treatment before anything as drastic as hospitalization is required. Facilities for investigation and examination already have been mentioned as part of the equipment of an adequate juvenile court. The

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[5] See *ibid.*, pp. 923-929, for full discussion.

[6] Paul W. Alexander, "Of Juvenile Courts and Judges," *National Probation and Parole Association Yearbook* (1947), p. 187, at p. 191 ff.

services rendered by an enlightened community to its children are not complete unless those or similar facilities are made available on an out-patient basis to juveniles who have not yet run afoul of the law but are in danger of doing so unless their maladjustments are corrected and their difficulties straightened out by someone who can reach them in time and knows how to go about it. Such an institution may be called by a variety of names, but it is known generically as a *child guidance clinic.*

The first pioneering in this field was at the University of Pennsylvania around the turn of the century when so much progress was made in dealings with juvenile offenders. The first institution properly fitting the name was called the Juvenile Psychopathic Institute, and was established in Chicago in 1909, originally primarily as a research organization, but in cooperation with the Chicago Juvenile Court it developed extensive services in the fields of diagnosis and prognosis. About twenty-five years ago the National Committee for Mental Hygiene set up a Division on the Prevention of Delinquency, and about the same time the Commonwealth Fund of New York established a Joint Committee on Methods of Preventing Delinquency to coordinate, encourage and publicize the work of the Mental Hygiene group and certain other organizations at work on like projects. By means of demonstrations made possible through their joint efforts, they were able in five years to establish permanent child-guidance clinics in eight important metropolitan communities. The results were amazing. New clinics sprang up by the hundreds in all parts of the country, and today there are few communities of any size without their services.[7]

From the report of Michigan Governor Sigler's Advisory Council on Corrections, I quote the following excellent description of the work of a child guidance clinic, as exemplified in the Michigan Children's Centers:

> "The purpose of the Children's Centers is to provide public resources for the study of and assistance to maladjusted children, including both the delinquent and the non-delinquent child. All ages of children are included, from birth to even beyond the high school period. Besides the children actually admitted to the Children's Centers, they serve in a consultive capacity to local groups interested in problems of child development. Their primary function is preventive, but within the limits of their facilities and personnel they also undertake correctional therapy.
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> "The Children's Centers are organized under the state Department of Mental Health. The state provides the salaries of their basic staff, which in each case consists of a psychiatrist, a psychologist and a psychiatric social worker. [In other states a medical doctor usually is included, and here, too, provision is doubtless made for physical examination whenever necessary.]

[7] Barnes and Teeters, *loc. cit.,* p. 930 ff.

In addition, local groups, including counties and community chests, assume responsibility for providing office space, secretarial help and other incidental expenses. For each Center there is a local advisory board which acts as a liaison between the community and the clinics. Service is free to all children who are accepted by the clinics.

"A wide variety of child problems come to the attention of these clinics maintained by the Children's Centers, including behavior disorders, personality and habit defects, and educational maladjustments. Referrals are made by parents, schools, visiting teachers, courts, ministers, physicians, as well as by other private and public agencies. The Centers maintain the right to select the types of children who will presumably benefit most from their service. In relation to delinquents the Children's Centers function in two ways: They afford a diagnostic service available to the probate courts in determining the disposition of the case of a given delinquent child, and children on probation may be required to make use of the clinical services of the Children's Centers. This latter type of service may mean that the parents are required to make several visits to the clinic with the child during his probationary period."

From the standpoint of conservation of human resources, here is the most useful and promising institution of all. A fence around the top of the cliff is better than an ambulance down in the valley.

Many other institutions and agencies besides those here mentioned are at work in the prevention of juvenile delinquency and the restoration of delinquents. We will not attempt to discuss any more of them here, for we are concerned with the problem from a legal and judicial standpoint, and the medical, psychiatric and social aspects, which are of predominating importance even in the juvenile court, completely take over elsewhere.

The Wayward Minor Group

The age of sixteen or thereabouts is an important dividing line in the classification and treatment of criminal offenders. Juvenile court procedure is predicated upon the invariable practice of children to confess their crimes in full. Older boys have learned to stand mute or deny them, and justice demands in such cases that their guilt or innocence be established by conventional legal process. Youngsters may steal an automobile, set fire to a building or do other felonious acts, but the bulk of their offenses are such matters as truancy, malicious mischief, petty thievery, and other lesser crimes. Youths in their later teens, however, not only indulge in all the crimes in the catalogue, but play a leading part in them. Just before the war the group between the ages of sixteen and twenty-one constituted over 35 per cent of all admissions to prisons, reformatories and like institutions in New

York.[8] These youths commit a major portion of the crimes of violence which make the headlines, and their inexperience and lack of judgment make them relatively easy to catch. They present quite a different problem from criminals of any other age group, and a special terminology has been applied to them. Younger offenders are juvenile delinquents; these are "wayward minors." Both phrases really mean about the same thing, but they are not used interchangeably.

More than a hundred years ago a voluntary group established a work colony in England for the reclamation of criminal youths between the ages of sixteen and twenty, taking advantage of an ancient law by which such persons might be hired out in husbandry. In 1897 Sir Evelyn Ruggles-Brise, director of English prisons, set aside for male prisoners between the ages of sixteen and twenty-one a special prison in a Kentish village named Borstal, and organized an association of volunteers afterwards organized as the Borstal Association, for the purpose of visiting and befriending these boys during their imprisonment and helping them after their discharge. From these beginnings developed the renowned English Borstal System, now embracing youths of sixteen through twenty-three, and consisting at one time of nine corrective institutions, some of which have since been closed, of various types and grades ranging from a maximum-security walled prison for hardened criminals within that age group to agricultural and other work camps for more promising boys, all of whom are kept until ready to resume the responsibilities of free life, when they are released under the supervision of the Borstal Association.[9]

In this country, Chicago again has the distinction of being the pioneer. In 1914 the Chicago Municipal Court instituted a special division known as the Boys' Court with jurisdiction over misdemeanors and quasi-criminal offenses committed by boys from seventeen to twenty-one. This was not an extension of the juvenile court. Its original purpose was to separate young from adult criminals. It did, however, attempt to dispose of as many cases as possible without court action, and to substitute preventive for disciplinary treatment. This has been the pattern of special adolescent courts throughout the country.[10] Once a person has been convicted and sentenced, serious consequences follow, some of them for the rest of his life. He is denied important civil rights; he may never enter the leading professions, he has a handicap in securing employment; in short the plight of Jean Valjean in Victor Hugo's *Les Miserables* was only an exaggeration of that of every released convict today. Going through a juvenile court does not

[8] Ellingston, *loc. cit.*, p. 11.
[9] For a full account of the Borstal System, see Barnes and Teeters, *loc. cit.*, pp. 560-568, which draws extensively from Healy and Alper, *Criminal Youth and the Borstal System* (1941).
[10] Barnes and Teeters, *loc. cit.*, p. 938 ff.

ordinarily attach that stigma, but a conviction by any other court does, and a leading objective of proceedings under the Wayward Minors Acts of New York, Michigan and other states is to attempt to get the youths on their feet again without the stigma attached to the word felon. Adolescents courts in Brooklyn and Queens and the General Sessions Court in Manhattan, the former two operating under the Wayward Minors Act, have done the best they could under a well-meaning but imperfect law. In the middle of the last decade a Delinquency Committee of the Community Service Society of New York City made some shocking findings as to the shortcomings of legal treatment of this class of youths in that city, and two of its members, Leonard V. Harrison and Pryor McNeill Grant, published just ten years ago an epoch-making book entitled *Youth in the Toils* to arouse public interest in the problem.[11] A few years before that, the American Law Institute, upon the completion of its model code of criminal procedure, had brought together a group of experts in criminology, psychiatry, sociology and social work along with leading lawyers and judges to see what might be done to improve the administration of criminal justice. The result was the model Youth Correction Authority Act, published in 1940.[12]

The Youth Correction Authority

The Youth Correction Authority Act is beamed at the wayward minor group—ages sixteen to twenty-one. It assumes that they will go through the regular criminal courts of the state up to and including the point of conviction. At that point, unless the youth is merely to be fined, or sentence suspended, or unless he has committed a capital offense, he is commtted to the Authority. That is the only sentence pronounced by the judge, and from there on the Authority takes over, makes such investigation as is warranted and administers whatever treatment it considers most appropriate for whatever length of time it deems necessary, the objective being the restoration of the subject to normal, productive life as soon as possible. Treatment may range from probation under supervision of the Authority through occupational therapy in camps and on farms, to confinment in institutions of various grades of security.

Fortunately, one state was ready for this ambitious and revolutionary program. California had a tradition of social pioneering and experimentation, had led the way in development of the indeterminate sentence, and had already in existence an excellent forestry camp pro-

[11] Macmillan, 1938.

[12] The report of the original advisory committee presented to the Council of the Institute on January 30, 1935, appears in the Appendix to Vol. 12 of the Institute's *Proceedings* (1935), pp. 369-407. Progress reports appear in the reports of the director ,Vol. 15 (1938), pp. 52-54, and Vol. 6 (1939), pp. 42-46. The final draft was adopted and published by the Institute in June, 1940.

gram for adolescent offenders. A remarkable coincidence paved the way for the introduction of the American Law Institute proposal. The state school for boys at Whittier had been an exhibition piece as the last word in scientific treatment of juvenile delinquents. When two boys committed suicide there in 1940 the governor appointed an investigating committee headed by Judge Ben Lindsey, the same man who established the Denver Juvenile Court, now removed to California. The Lindsey report, submitted December 6, 1940, was a devastating recital of medieval brutality and sadism carried on behind official indifference, and it profoundly shocked the faith of the people of that state in their existing correctional program. A statute setting up a system substantially in accord with the American Law Institution pattern was enacted by the 1941 legislature just a few months thereafter, and about a year after it had been published by the Institute. Bills were introduced at the same time in New York, Michigan, Pennsylvania, Rhode Island and Illinois, but no others were passed until last year when Wisconsin[13] and Minnesota set up similar bodies. Massachusetts followed, with some modifications, this year, and others may follow in the legislative sessions soon to begin throughout the country. Important parts of the program meanwhile have been adopted in New York and New Jersey, and bills for a Federal Youth Authority were introduced in both houses of the Eightieth Congress.

None of these others have yet had a chance to get under way, and we must depend for a view of the Youth Correction Authority in action on the California experience, which is now nearly eight years old.[14]

The first unit of the California program is the diagnostic clinic. Here takes place the medical examination; the assemblage of a complete social and environmental background picture; psychological diagnosis to learn of possible psychological factors inclining the subject to crime and to uncover clues to constructive interest and activities that will assist in his rehabilitation; and a period of personal observation extending from four to six weeks. At the conclusion of this period all specialists who have participated in the case join in a conference where all findings are brought together and discussed and the most promising type of treatment is agreed upon.

A variety of facilities for different types of treatment are available. The Youth Authority has assumed charge of the state's probation department, which as in most states was undermanned and underpaid, and is making unprecedented use of this valuable corrective tool which not

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[13] See Kennedy, *"Wisconsin's Proposed Youth Service Act,"* 31 MARQ. L. REV. 90 (1947).

[14] The bulk of John R. Ellingston's book *Protecting Our Children from Criminal Careers* (1948), previously cited, is devoted to a survey and analysis of the first seven years of experience in California under this Act.

only saves the state most of the $1,000 a year which it currently costs to maintain a prisoner but in properly selected cases offers a maximum opportunity for rehabilitation by giving the subject the sympathetic and expert guidance of the probation officer in the favorable surroundings of normal life. For boys not quite ready for this kind of treatment two highly successful projects were developed during the war—employment of several hundred of them under the Authority's supervision in a wartime government arsenal and an ordnance depot, and in a forestry camp to fight fires and carry on conservation work. The boys responded amazingly well to the challenge of this useful and necessary work and the regular wages paid them. The forestry program has been continued and expanded as a permanent thing, to the immense benefit not only of the boys involved but the state's conservation program as well. For those not adapted to this type of treatment there are institutions of minimum, medium and maximum security, in all of which rehabilitative and corrective procedures so far as possible are the order of the day.

It is not possible here to make anything like a complete survey of the operation and effectiveness of the California program. It was handicapped at the start by the added burdens resulting from the war, and was subject to some criticism at times. Other states held off from following its example for several years, but the enactment of similar legislation by three other states in the past two years is an indication that the experimental stage is over and that the system is commending itself to others who have been watching it. Perhaps the greatest danger in connection with the establishment of a state Youth Correction Authority is the tendency of many people to feel that that in itself will be a solution to the problems of the juvenile delinquents and wayward minors. No change in administration can be of any advantage as long as the same old things continue to be done in the same old way. Neither is it possible simultaneously with the establishment of a Youth Authority to scrap overnight all existing institutions, personnel and procedures for the handling of young offenders. What a state Youth Correction Authority can do at once is establish conservation of human resources as the objective of the state correctional system at the top level of management, and by a gradual process of education and infiltration extend that policy throughout the system not only among the faithful staff members already devoted to it but elsewhere where too often it is held in cynical contempt or where lip service is paid to it along with methods and procedures inconsistent with it.

To avoid the unpleasant connotation existing in some minds against both of the words "Correction" and "Authority," the newer statutes have adopted more inoffensive titles for the agency created. Thus, we

have the Minnesota Youth Conservation Commission, the Wisconsin Youth Service Division,[15] and the Massachusetts Youth Service Board. Such a commission or board must be in a position to spend money on its program if results are to be expected, and it must be able to enlist public opinion in support of such a program by making people realize not only the value of the conservation of human resources, but that the pecuniary cost of crime is always with us in one form or another, that prevention and rehabilitation save more money than they cost, and that of all possible varieties of treatment straight institutional confinement is both the most wasteful of human resources and the most costly to the taxpayers.

The Adult Group

There is nothing about the corrective methods of either the juvenile court or the youth authority that would automatically make them inapplicable to adult offenders. Correctional work along these same lines undoubtedly would pay big dividends in that field also, and in 1944 California established an Adult Authority for that purpose. The emphasis on youth correction which has existed in the past and will continue to exist in the future is based simply on the principle that when you cannot reach everybody you should work where you can do the most good. Restoring to society a youth rather than a man saves the state more money in institutional costs avoided, and enriches the state by giving it the benefits of a longer productive life.

The time will some day come, however, when prisons and penitentiaries, except as segregation centers for hopeless misfits, will be looked upon as relics of a primeval system of criminal justice, when the combined resources of all available physical and social sciences together with churches and allied institutions will be focused on salvaging from the human scrap heap as high a percentage of usable residue as Swift and Company is able to recover from the carcass of a steer, and when those same resources will reduce accretions to the scrap heap to a minimum by affirmatively helping every member of a society to find the niche where he can fit in with happiness and satisfaction.

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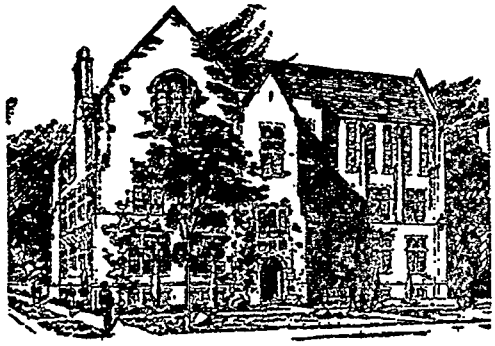
[15] *Supra,* note 12.

MARQUETTE LAW REVIEW



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