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Parole with Honor

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By the application of such a standard, would Ethiopia's war against Italy, Poland's war against Germany, or Finland's war against Soviet Russia be considered "defensive" wars in which the rest of the world would practice disregard of the belligerent rights of both combatants, or wars of self-defense in which they would recognize the belligerent rights of at least the defender?

Students of peace, war and neutrality will doubtless attempt to explore such and many other questions which this timely book is bound to inspire. For Americans, among whom the verbal battle over the issues herein presented has been fought with particular intensity during the last few years, the chief significance of Dr. Cohn's study lies in the fact that it brings to us a clear and reasoned appraisal of collective security which many of our people have advocated as the ultimate panacea for a warless world. His appraisal is doubly valuable since it comes from a country which has been a loyal and active member of the League of Nations since its foundation (an experience denied to the United States), whose people are as anxious as the American people to preserve peace, and which, by reason of size, equipment, resources and, above all, geographical position, is in an infinitely more exposed situation than the United States to the consequences of this system.

A word of praise is due to the translators who have discharged a difficult task with distinction, for there are few things requiring more acumen than the faithful and yet intelligible rendition in another language of a highly technical text.

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Parole with Honor. By Wilbur LaRoe, Jr. Princeton: Princeton University Press, 1939. Pp. x, 295. $3.00.

For a long time there has been a crying need for a fairly short, definitely readable book on parole, to which to refer the layman who wished to gain some genuine and reliable information on that much misunderstood and misrepresented subject. Decidedly Mr. LaRoe has filled that need. In his capacity as chairman of the Board of Indeterminate Sentence and Parole of the District of Columbia he has had ample opportunity for personal and practical knowledge of his subject. He is thoroughly convinced of the soundness of the theory of parole (and who who knows anything about it is not?), and his purpose is to present a logical analysis of it so as to convince even the most hostile reader that he is right. To this end his treatment is broad, rather than intensive. At times he allows himself to wander far afield, for the underlying clarification thereby to be brought to his main subject. Thus, for example, crime prevention, juvenile delinquency, the "big brother" movement, all get mention, but the charge of superficiality is, in the reviewer's opinion, fully overcome by the author's insistence that parole is only a single contact, only the final contact, in a long series that the individual has with the law, and that how he will react to that contact is dependent at least as much on how, cumulatively, these other contacts have affected him. Parole gets the praise or blame, like the final green apple in a boy's stomach. It is a wise course on Mr. LaRoe's part to stress so persistently, all through his book, the fact that parole is only a small part of the whole correctional process, and

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that in any given case success or failure is due to the whole of a prisoner's past experience, including even that occurring long before his first arrest.[1]

It is unfortunate that in so important a subject there should be such great misinformation—so strong a popular tendency to regard parole as merely a form of leniency, accorded on a haphazard basis to persons often undeserving of any sympathy. This is not the place to point out in detail that quite on the contrary the indeterminate sentence, ending in parole, has made for much longer average periods of incarceration, and that the root idea lying beneath parole is that it is safer *for society* to release an offender under supervision and subject to immediate return to prison than it is to release him at the expiration of a term set in advance, with no supervision whatsoever, and with no threat of reincarceration short of a new offense, a new trial and a new conviction. It is society—not the prisoner—which is entitled to have releases made under the safeguards of parole. Leniency and sentiment alike have nothing to do with it.[2] This is the idea that Mr. LaRoe ceaselessly hammers away at, especially in his opening chapter.

This appeal to the common sense of the open-minded reader being his constant approach, it is a pity that such an unfortunate title was selected for the book. When those of Mr. LaRoe's opinion are so regularly and unfairly accused of being sentimentalists, why of all things must a title so suggestive of the sob-sister have been selected? At the very outset it will alienate many and make his task that much the harder. Sometimes, too, the author adds signally to his job by needlessly assuming that other branches of the criminal law machinery have merits and a lily-white purity which many readers will question. Why assign to your competitor excellences that, to say the least, are highly questionable?[3] On the other hand this general tolerance toward the other fellow and what he is doing shows itself at its best in his discussion of the need for co-operation between parole authorities and police forces—a co-operation sadly lacking in most places and one which has come nowhere near receiving the attention that it calls for.

Occasionally, but only occasionally, the extremely broad treatment that the author gives to his subject leads him into generalized statements somewhat lacking in accuracy. Thus in discussing the indeterminate sentence he says: "Under such a system the sentencing judge shares with the board of parole responsibility for deciding the

[1] "If the public wants to know why parole is far from completely successful in this country, the answer will be found partly in the fact that the public is making successful parole administration impossible by tolerating a medieval system of prisons and jails in many of our states" (p. 92). As the author points out, the federal system of parole administration is so much better than those of most of the states, partly at least because the federal prisons have a much more highly developed program of pre-release rehabilitation work.

[2] "The more dangerous the criminal, the greater the need for the *safeguards* which parole provides [as compared to the total lack of safeguards on outright release]" (italics added) (p. 124).

[3] For example, p. 72: "There has been developed in this country a wholesome tradition to the effect that politicians will not interfere with our courts or attempt to influence their decisions." Compare, however, E. H. Sutherland in his Principles of Criminology, p. 485: "In general, parole boards have been less influenced by bribery than have the police forces and the courts." Maybe Mr. LaRoe, rather than Mr. Sutherland, is right. As a Chicagoan the reviewer is at least in doubt. Anyway, why assume it against yourself?

length of sentence, the court fixing the minimum and maximum, but the board determining at what precise point between the minimum and maximum the prisoner is ready for release."[4] It is true that in a few states the court has the authority to restrict the parole board's action in this manner. But it is not a necessary feature of the indeterminate sentence, and generally there is no such judicial power to hedge it in and even hamstring it.[5] Most of the states having this highly undesirable feature in their statutes appear to be planning to do away with it.[6]

A few topics suggest themselves which receive either inadequate attention or even none at all. Thus little is said of the need to create pre-release prisons, viz., institutions in which by a gradual increase in the freedom accorded a prisoner who is shortly to be entirely released, the tremendous step from the irresponsibility of incarceration to individual responsibility can be made by easy degrees. Our practice of the cold plunge from wholly one to wholly the other subjects the ex-prisoner to such a strain of adjustment as hardly any one of us would care to face even with a friendly, instead of an unfriendly, community around us.

There is nothing at all on the valuable investigation being done in Illinois in the matter of parole prediction charts—tables, that is, covering thousands of cases and determining for a large number of factors the percentage of favorable and unfavorable results shown by parolees illustrating these factors. It is easy enough to see, even without such charts, that having an established home and a family is a favorable factor, or that a record of addiction to drugs is an unfavorable one, but the Illinois work, carried on in a purely statistical manner and with no advance bias for or against particular factors, is already beginning to bring out some highly interesting results as to a large number of factors whose importance, pro or con, is nowhere nearly so obvious. While the granting or refusing of parole never will be, and never should be, the mere final result of mechanical adding and subtracting of factors, such studies as this will contribute invaluable background information. Their very existence proves how unjust the claim of enemies of parole is, that boards merely "guess them in and guess them out."

Another important matter which has been overlooked—not only by the present author, but also, unhappily, by writers generally—is the subject of parole for minor offenders. All of us, even the opponents of parole, insist that it is most likely to be appropriate in the case of first offenders. Yet we restrict parole to inmates of penitentiaries. How many genuine first offenders are to be found in our penitentiaries? Very few. If a number of crimes of personal violence are eliminated, where sudden anger or passion was involved, almost none. The place where the real first offender is much more likely to be found is in the county jail or the house of correction. If we

[4] P. 187.

[5] For example, by some such sentence as "not less than five years and not more than five years and one day." Despite the fact that thereby the trial judge is forcing the community to take back an ex-convict who is exempt from any supervision or any fear of reincarceration, and despite the fact that the community, by enacting a parole law, has shown its wish to free itself from this menace, such sentences have been upheld.

[6] Illinois readers will recall that it was precisely this undesirable feature which a small group sought (under the wholly misleading name of "parole reform") to get into the Illinois statute. Despite the support of the Chicago Daily News and, even more, of the Chicago Tribune, they were, fortunately, unsuccessful in their attempts, both in 1937 and in 1939.

really believe that parole's best opportunity lies with the novices in crime, why, in the name of common sense, do we rigidly exclude almost all these from it?

Among the minor observations to be made, is to note the fact that the book contains a lengthy appendix giving (among other items) an extremely useful summary of the parole laws and general situation state by state. At times the proofreading seems not to have been given quite the attention that it deserves.[7] These, however, are trivial matters. The important point is that now at last we have a well-written, accurate and readable statement of the case for parole, to recommend to the layman. Mr. LaRoe can feel that he has done a piece of civic work of the first order.

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[7] Thus, on p. 180 in footnote 2, four authors are named. The names of no less than two are misspelled.

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