

HOW THE PAROLE BOARD DECIDES CONVICTS' FATES

Policies Followed in Picking Prisoners for Early Release— Three Main Considerations Cited—The Cases of W. H. Anderson and Robert P. Brindell

By EDWARD KAVANAUGH.

THE privacy which for years has been thrown around the all-powerful but obscure State Board of Parole, which annually lets 2,000 criminals out of New York State's prisons and keeps them on good behavior, has been shattered by publicity. Until William H. Anderson and Robert P. Brindell, the most distinguished malefactors now in prison, came up for parole lately, the board had worked in the dark.

Vested with more power over the criminal class than our courts, which must transact their business in public, the Parole Board conducts its affairs in private. The Commissioners do not wish to have the departure of convicts from prison generally known because of the embarrassment or persecution such knowledge might bring them in starting life anew.

Everybody knows why and where a culprit goes to prison. Few are aware of how or when he comes out. The ordinary offender can leave Sing Sing or any one of the other three State prisons without any fuss being made about it. It is different with an offender of prominence or wealth.

Controls Four Prisons.

The board has jurisdiction over all four State prisons. There is Sing Sing, called the "trade-mark of prisons," which has, because of its proximity to New York City, become so much talked about. It is there that Anderson stays. Great Meadow Prison, where Brindell is registered, is at Comstock, or less than 100 miles north of Albany. Auburn Prison is in the City of Auburn, and that dreaded bastille, Clinton Prison, is in the fastness of the Adirondack Mountains at Dannemora, a few miles from the Canadian boundary line.

Over these prisons James L. Long of Oyster Bay, the State Superintendent of Prisons, has sole supervision. By virtue of his office he is made by law a member of the Parole Board. He is a Democrat. Superintendent of Prisons Long has a five-year term.

Mr. Long's two associates on the Parole Board are Republicans. George Benham of Auburn is one of the Commissioners. He is a business man and a banker. Dr. Elmer Larkin is a practicing physician of Plattsburg. Like Mr. Benham, he is in his second term and has served eight years.

When the board was created, about twenty years ago, with the advent of the indeterminate sentence law, it was given jurisdiction solely over offenders committed to prison for the first time. When Governor Nathan Miller was in office and the authorities were doing everything possible to check the crime wave in the metropolis the laws were amended and all types of prisoners leaving State prisons were put under control of the board. Since then the work devolving upon the Commissioners has doubled and the field activities of the parole custodians, who keep track of paroled men, have correspondingly increased.

Getting out of prison today is a more complicated matter for the criminal than getting in. When an offender is received at Sing Sing, for instance, he is told upon what date he will be eligible to go free, providing that he obeys all the rules and meets all conditions of the Parole Board.

The procedure can best be described by selecting a case in point. Let us take Anderson. He reached Sing Sing March 24, 1924, with a sentence of one to two years, after, it was charged, he surreptitiously altered the books of the Anti-Saloon League while its State Superintendent, Chief Clerk Edward Hickey, who took his pedigree, told him as he entered that if he performed his work satisfactorily he would be entitled to three months off from one year as "compensation." Hickey, who has the delicate task of figuring up just how long each man must stay in prison after his credits are deducted, told Anderson that the so-called "expiration of earliest possible minimum" would be on Dec. 24, 1924.

Applications for Parole.

Under the rules of the board, the candidate must file his application blank before the monthly meeting of the board, at the prison he is confined in, previous to the month in which his sentence expires. For instance, because Anderson's sentence expires Dec. 24 he had to apply for parole to the board at its November meeting in Sing Sing. The first duty of an applicant is to fill out a questionnaire. This contains numerous questions as to his age, the nature and description of his crime, where he intends to live and what he intends to do for a livelihood.

The question blank has been described as being "as complicated as an application for a marriage license and equally hazardous." These blanks are carefully guarded from the eyes of the curious and from public inspection. Only those admitted to the councils of the Parole Board are allowed to peruse them. So confidential are the documents kept that the writer, who has spent twelve years reporting news of Sing Sing, never got a look at a blank form until Anderson made his bow before the tribunal. Through a "leak" in official channels, Mr. Anderson's answers to questions as to his future plans, meant only for the enlightenment of the Commissioners, reached the newspapers.

The applicant must state in writing if he has a trade, if he would go home if released or if offered employment. To which Anderson answered that he has no trade, intended to return to his family at 272 Van Cortlandt Park Avenue, Yonkers, and that he had "several tentative suggestions" of employment, but was undecided which to take.

A question the applicant must heed carefully is one as to whether he is capable of supporting dependents and Anderson wrote: "I have resources available to sustain me and my family until after expiration of maximum and release from parole, even if I did not work at all, and I intend to work."

In answer to the query about his age Anderson said he was 50 years old, and then came to a question that seemed like a hard rub for a man who has denounced liquor so long and volubly.

"Are you temperate or intemperate?" was the question. "Abstainer," answered the dry leader.

The applicant must also give eight references as to persons who could testify as to his character before he was imprisoned.

The Rev. Charles R. Ross of Yonkers, his pastor, and other clergymen Anderson gave as his references, sent testimonials to the Parole Board.

Another question on the blank, to which Anderson gave a qualified answer, was: "Where and when was the crime committed for which you are now in prison?"

"I deny the commission of any crime," responded Anderson. "The act was in New York."

Required to give a brief history of the crime in writing, Anderson began his version thus: "It was a highly technical matter."

With his application blank were filed

"feel out" his spirit toward those he wronged, the authorities who prosecuted him and the world in general. It is customary, before an application of an offender is acted upon, to ask the District Attorney of the county where he was prosecuted his attitude toward granting a parole.

In the case of Brindell, Samuel Untermyer, who as special Deputy Attorney General prosecuted the labor leader for extortion after he was alleged to have piled up \$1,000,000 by blackmailing builders, publicly asserted he received no forewarning of the parole. Mr. Long, however, now maintains that the notice was sent, through a misunder-



James L. Long, State Superintendent of Prisons.

reports of various prison officials, who testified to his good conduct, as the board was about to hear him in person.

When a man comes up for parole, Warden Lewis E. Lawes, Dr. Amos O. Squire, Principal Keeper Thomas McInerney, Principal N. J. Henzel of the Prison School and the Rev. Father John McCaffrey, as head chaplain, must certify in writing how the parole-seeker has observed the Sing Sing rules. All credited Anderson with good conduct.

Questions Put to Eligibles.

When the Commissioners have digested the written answers of an eligible, he is then ushered before the board. Usually he is apprehensive. Oftentimes he is plainly worried. The board usually undertakes by questioning a prisoner to

standing, to District Attorney Joab Banton's office in Manhattan.

When Anderson was being quizzed by the board Mr. Benham suddenly interposed this question:

"Have you any feeling against the courts?"

Anderson, with a lawyer's training and shrewdness, "sensed" the object of the question. He had frequently criticized the conduct of his trial since convicted, and at times courts, jury and prosecuting authorities. Cautiously he replied:

"I believe that under a constitutional form of government the courts should be supreme."

By this answer he hurdled the barrier. It afterward developed that Ferdinand Pecora, Assistant District

Attorney, had informed the board that Anderson, even after his conviction, had severely criticized the authorities.

In all cases the board requires, if a prisoner has no means to take care of himself or his dependents, that he have employment before being released. Special agents, co-operating with the board, find work for out-going charges.

The board is also averse about keeping men from going back to a job that was the means of getting them into prison. That is why Mr. Untermyer and countless others are insisting the board force Brindell to stipulate that he shall not be an officer or delegate of a building trade union for the next six years and three months that he will be on parole.

In one instance a pickpocket going out was told by Mr. Benham that he must keep out of crowds. The prisoner had asserted that whenever policemen, knowing him to have a record for dipping into others' pockets, saw him in a large gathering of people they would lock him up on suspicion.

"For your own safety," admonished Mr. Benham, "you should keep out of crowds."

Whenever a man who got into trouble over spurious bank checks is asking release, Mr. Benham takes a personal interest in his affairs.

"Checks are dangerous to tamper with," he always warns forgers.

Once when a prisoner was before the board seeking parole it was brought out that he shot and wounded his wife. She was insistent that he never go near her again. So a Commissioner told him his wife did not wish to see him.

"Are you willing to let her alone?" asked the Commissioner.

"Well, I want to visit her, anyway," rejoined the prisoner.

"Then stay right here," said the Commissioner, "until you get that notion out of your mind."

The man returned in five minutes asking a rehearing, but the Parole Board told him he had been given his chance and failed.

"Stay here another month and think it over," concluded the Commissioner, "and then come in at our next meeting." When another month rolled around the husband was more amenable to instructions. He went out on parole and made good.

Most First Offenders Reform.

The board is very careful about letting out second offenders. Whenever there is a crime wave in the cities it "tightens up" even on first offenders. It is, for all the criticism now aimed at it, quite responsive to public sentiment. That is why those familiar with the personnel and achievements of the board have predicted that it will, as Mr. Untermyer urged, restrict Mr. Brindell from meddling in the building trade situation when he goes free, by forbidding him to return to what Untermyer terms "the berth that has been kept warm for him."

"Eighty per cent. of the first offenders we parole never come back to prison, but make good," said Mr. Long. "The worst desperadoes, who shoot victims on sight and commit the boldest crimes, are in many instances men who were never in prison or on parole. Take the Diamond brothers of Brooklyn, for instance. They were never in prison before."

When a man is passed out of prison on parole the board's responsibility is not over. He is checked up regularly by the custodian to whom he was paroled. If he becomes delinquent or gets into the slightest difficulty with the authorities he is summarily rearrested, and, without the right to a hearing, returned to prison until the board sees fit to give him a second chance.

In considering a man's fitness for parole the board has three main considerations—the welfare of the prisoner and his dependents, his conduct while in prison, and how society will be affected by his release.