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Twelfth Lecture, Orientation Course for  
Japanese Officials Connected with Office  
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Delivered Public Safety Division, Conference  
Room, NYK Building, 1000-1200, 9 August 1948

By: Dr. Burdett G. Lewis

Subject: Prison Industries - Public Corporations

ADVANTAGES OF PUBLIC CORPORATIONS OVER  
BUREAUCRATIC MANAGEMENT

The people of Japan have recognized some advantages of having their publicly owned railways, communications, and some other important enterprises managed by public corporations. The same advantages lead the government of the United States from the opening years of the Twentieth Century down to the present to develop public corporations to operate public enterprises. Some times these have been named corporations; some times they have been called authorities. The latter name has been used where enterprises of an interstate character have been created to own and operate interstate hydro-electric enterprises, bridges over rivers or tunnels under them. Examples of the latter are the New York and New Jersey Port Authority which owns and operates bridges over the Hudson River and tunnels under this river which forms a boundary between New York and New Jersey. There are other examples which we will discuss presently.

In the case of the government of the United States, the first public corporation was the Panama Railway formed in 1905 to own and operate the railway paralleling the Panama Canal. The second was the Alaska Railways formed to operate all rail-



way lines in the territory of Alaska. There was a quasi-public corporation formed to operate the Philippine Island Railways. Then in 1908-1915 came the New York and New Jersey Port Authority and the largest and most diverse of all, the Tennessee Valley Authority and many others. The American Cyanamid Company and its Air Nitrates Corporations, with which I was one of the organizing operating executives, developed the foundations for TVA. I also was able to observe the many continued advantages of the public corporation form of organization and operations after the United States Government furnished all of the funds for the development of TVA hydro-electric and coordinate or subsidiary enterprises in the five states in which TVA operates.

#### THE EXACT ADVANTAGES OF PUBLIC CORPORATIONS

1. As in business corporations the President is made responsible for all operations.
2. As in business corporations, the Board of Directors functions as a policy-making, not an operating organization.
3. Executives are chosen because of known and demonstrated training, experience, and ability to perform definite functions.
4. Men are easily demoted, transferred, and retrained for different tasks.
5. Promotions are usually based upon merit and actual demonstrated performance rather than mere passage of time.



6. Retirement systems are usually easier to manage and more satisfactory than the general social security systems.

7. The appointment, services, and work of experts are usually easier to manage and more satisfactory where the corporate form is used.

8. Relations with using agencies and contracts with producers of equipment and raw materials are easier to manage where the operations are of a corporate nature.

PUBLIC CORPORATIONS FOR PRISONERS:  
EMPLOYMENT IN THE USA

Article VII of the Code of Laws establishing the New Jersey Department of Institutions and Agencies is quoted fully below to show how the corporate form was first inaugurated in the United States.

"Institutional Labor and Its Products

"701. (Amended April 11, 1919) The inmates of all correctional and charitable, hospital, relief and training institutions within the jurisdiction of the State Board shall be employed in such productive occupations as are consistent with the health, strength, and mental capacity of the persons so employed, who shall receive such compensation therefor as the State Board shall determine.

"702. No contract shall be made by which the labor or time of any inmate of any of the institutions within the jurisdiction of the State Board, or the product or profit of his work, shall be let, contracted for, leased, farmed out, given or sold to any person, firm or corporation, except in



accordance with the provisions of this act.

"703. The State Board shall cause to be prepared a catalogue containing a description and a price list of all the articles manufactured or produced by the institutions within its jurisdiction. Copies of this catalogue shall be sent to all institutions supported in whole or in part by the State, to all State departments and branches and agencies of the State government, to the governing bodies of each county in the State, and to each of the institutions maintained by each county, and the receipt of said catalogue by each of them shall be sufficient notice to each of them that the articles described in said catalogue are or are about to be manufactured or produced by the labor of the inmates of the institutions within the jurisdiction of the State Board.

"704. The several institutions, maintained in whole or in part by the State, non-institutional agencies, and all departments and agencies of the State and all counties in the State, and the institutions maintained by the counties of the State, are hereby required to purchase from the State Board all articles or supplies manufactured or produced under the provisions of this act which are needed for use therein or thereby, and they shall not purchase any supplies or articles so manufactured or produced from any other source until and unless the State Board shall first certify on requisition made to it that such articles or supplies, or the equivalent thereof, cannot be furnished. All requisitions for articles or supplies made as herein provided shall be honored by the State Board as far as practicable.



"705. At least thirty days before the commencement of each State fiscal year, the proper officials of each institution, noninstitutional agency, department or agency of the State or the counties thereof, shall report to the State Board estimates for the ensuing year of the amount of supplies of different kinds required by them, which shall refer to the catalogue issued by the State Board, in so far as the articles indicated are included within such catalogue. No purchasing agency shall be allowed to evade the intent and meaning of this act by specifying slight variations from the standards adopted by the State Board, when the articles provided by it in accordance with its standards are reasonably adapted to the actual needs of the purchasing agency.

"706. Any surplus product may be sold in the open market under such terms and conditions that it shall not compete unfairly with the product of free labor. Any non-perishable articles so marketed shall be stamped in a legible and conspicuous manner "Manufactured in the New Jersey \_\_\_\_\_," naming the institution of manufacture; provided, that whenever from the nature of the articles made or manufactured it shall be impracticable to stamp each article, or if such articles are usually put up in packages, it shall be sufficient for the purpose of this act to put a stamp, label or tag upon such package, showing where such articles are made, provided that said stamp, label or tag shall be put on said package in a good, lasting and permanent manner.

"707. The State Board shall have power to---



a. Assign to each institution the industries, occupations, vocations and labor to be operated or performed by the inmates thereof;

b. Establish for each institution and for each industry, occupation and vocation, hours and days of labor, determine the rate of compensation to be paid therein and pay or cause the same to be paid to the worker or his dependents, or apportion the pay between the worker and his dependents;

c. Procure and install in each institution the machinery and equipment and furnish the tools, supplies, raw material, seeds, fertilizers and each and every article necessary for the operation of the assigned industries and the performance of the assigned occupations and vocations with relation to the determined standards of quality and quantity;

d. Establish standards of machinery equipment, tools, supplies, raw materials, adopt in conjunction with the State Purchasing Commission, styles, patterns, designs and qualities of finished products, determine the cost of production and fix the selling price thereof;

e. Establish a uniform system of accounting and cost of production for materials and labor including maintenance and wage payments;

f. Prepare and issue a catalogue containing a description and price list of all articles manufactured or produced by all institutions within its jurisdiction;

g. Assign any number of the inmates of any institution



to the performance of labor outside the usual limits of the institution of which they are inmates, of whatever character, and wherever, within the boundaries of this State, may be determined by the State Board, provided such labor shall only be employed in enterprises of a public nature or connected with the public welfare or in such work in such places as may be necessary to meet any emergency arising from scarcity of labor on farms. Such labor shall be performed under the direct supervision of an officer or officers authorized by the commissioner;

h. Pay from the working capital account or any other funds at its disposal, for the transportation of such laborers to and from the place of detention to the place of assigned labor, and for the proper clothing, maintenance, guarding and medical attention of the assigned laborers;

i. Determine the amount to be charged for the labor of such inmates as may be assigned to any work for any other department or branch of the State government not included within the jurisdiction of this department, and contract and agree with the chief executive officer thereof as to the performance of the work, the rate to be paid therefor, the number of inmates to be assigned and such other details as may be necessary and proper;

j. To determine and apportion between the institution furnishing the labor and the institution receiving the benefit thereof, the cost of such labor and the expenses incident thereto, when such labor is assigned from one institution to another within the jurisdiction of this department;



k. Detail keepers, guards or attendants from the employees of any institution as guards for the inmates thereof when out of the institution on assigned labor or to hire additional keepers or guards as may be necessary, paying therefor from the working capital account of such institution and including the cost thereof in the calculated cost of such labor;

l. Perform as an independent contractor, with the labor of the inmates of the institutions within its jurisdiction, any public work, either upon lands of the State or elsewhere;

m. Employ the inmates of any or all the institutions within its jurisdiction upon any work for the United States government or any department thereof, upon such terms as the State Board may determine.

"708. The employment of the inmates of any institution within the jurisdiction of the State Board shall be subject to the following specific limitations:

a. Marching or transportation of convicts in irons through the public streets or to or from their places of assigned labor shall not be permitted except in case of absolute emergency;

b. Convict labor under armed guard shall not be used on public improvements in conjunction with free labor;

c. Convict labor shall not be used to take the place of free labor locked out or on strike.

"709. The Legislature shall annually appropriate to the department a sum for working capital, which may be allotted by the State Board among the several institutions, which the State Treasurer shall, upon the warrant of the Comptroller,



as directed by the rule or order of the State Board, advance to the several officers of the respective institutions designated as the custodians of the working capital thereof. Settlements between institutions, departments, boards and other State agencies, shall not be made in cash, but shall be made by debits and credits on the books of the State Comptroller. The custodian of working capital funds of any institution shall, on or before the tenth day of each month, file with the State House Commission a statement showing all deliveries made by such institution during the month immediately preceding. Delivery shall be considered to have been made only when the producing institution shall have received and submitted, with its monthly report, the acknowledgment of receipt from the receiving institution, board, commission of other State agency, or in event of sales in the open market, acknowledgment of receipt by the purchaser. A separate report to be submitted, with the report of deliveries shall show all products sold, acknowledgment of delivery of which has not been received. All receipts from sales to be credited to the working capital appropriation for the then current fiscal year as replacement thereof, and any excess of receipts from sales over the amounts paid or due for materials and wages of inmates at the end of the fiscal year shall pass into the general treasury of the State. The proceeds of the sale of any articles or products, the cost of which is properly chargeable to maintenance, during any fiscal year, shall be credited to the maintenance account of the producing institution."



(FEDERAL) PRISON INDUSTRIES INC.

In 1930-31 the Prison Industries, Incorporated, was established through the efforts of Sanford Bates, then Federal Director of Prisons, Deputy Director James V. Bennett, A. H. Conner, once acting Director of Federal Prisons, and a National Committee composed of representatives of private industry, labor organizations, and prison industries, of which Sam A. Lewishon of New York was chairman. The corporation has much the same authority as that granted by the quoted provisions of the New Jersey Law. The management of purchasing and storage of supplies, material and equipment, the processing, storage, shipment and delivery of the products of the prison industries are more particularly like those of any manufacturing corporation than is provided by the New Jersey Laws.

GENERAL SUMMARY

The public corporation has so many points of superiority over bureaucratic forms of management that it could with advantage be adopted for the prison industries and prison employment in Japan.

BURDETT G. LEWIS  
Chief Prison Administrator



Prison Branch Orientation Lectures, PSD Conference  
Room, NYK Building, Fourth Floor

General Subject: Attorney-General Law -  
Functions of Three Bureaus and Sections - Executive  
Assistant AG; Correction District Organization,  
Also New Reformatory and Court Laws

<u>No. of Lecture</u>	<u>Subject of Lecture</u>	<u>Lecturer</u>	<u>Date</u>
1	Office of Ex. Asst. Attorney-General	Dr. Lewis	19 July 1948
2	Functions Bureau of Correction and Rehabilitation General Affairs	Dr. Lewis	20 July 1948
3	Functions of Adult Correction and Rehabilitation Bureau	Dr. Lewis	21 July 1948
4	Functions of Juvenile Correction and Rehabilitation Bureau	Dr. Lewis	22 July 1948
5	The Functions of the Three-Bureau Organization of Attorney-General's Office	Dr. Lewis	23 July 1948
6	Implementation of Correctional District Organizations	Dr. Lewis	26 July 1948
7	Functions of the Educational System, CARGAB	Mr. Cranor	27 July 1948
8	Visual Aid Educational Imple- mentation Educational Section, CARGAB	Major Kimmel	28 July 1948
9	Functions of Custody Section, CARGAB, Relating to Maximum Security	Warden Dowd	29 July 1948
10	Functions of Custody Section Relat- ing to Medium and Minimum Security	Dr. Lewis	30 July 1948
11	Functions of Industry Section, CARGAB Factories	Warden Dowd	2 August 1948
<u>Proposed Orientation Lectures, PSD</u>			
12	Prison Industries - Public Corporations in the States	Dr. Lewis	9 August 1948
13	Why Correctional Classification Had to be Resurrected	Dr. Lewis	10 August 1948



Proposed Orientation Lectures, PSD

<u>No. of Lecture</u>	<u>Subject of Lecture</u>	<u>Lecturer</u>	<u>Date</u>
14	Educational Program for Reformatories	Mr. Umeda	11 August 1948
15	Fire Prevention in Correctional Institutions	Mr. Ankrom Fire Branch	12 August 1948
16	Fire Protection in Correctional Institutions	Mr. McKibben	13 August 1948
17	Statistical Analyses, Juvenile Correctional Institutions	Capt. Newton	16 August 1948
✓ 18	The Service of the Psychiatrist In Classification and Medical Service	Murumatsu	17 August 1948
19	Duties of Personnel Section Less Education and In-Service Training	Major Kimmel	18 August 1948
20	Functions of Personnel Section Regarding In-Service Training	Mr. Cranor	19 August 1948
✓ 21	Function of Doctors in Medical, Scientific and Classification Section Services	Dr. Otsu	20 August 1948
22	Statistical Measures of Reformatory Progress	Capt. Newton	23 August 1948
23	Co-ordination of Research, Illinois Dept. of Welfare	Dr. Piersel	24 August 1948
24	Duties of Budget Control Concerning Making and Administering Budgets	Mr. White	25 August 1948
25	Duties of Budget Control Section, Planning New Institutions	Marumatsu Budget Control	26 August 1948
26	Measures for Co-ordinating Tokyo's Three Bureaus with Eight Correction District Organizations	Dir. Furuhashi	27 August 1948
27	Functions of Four Classes of Reformatories	Dr. Lewis	30 August 1948
28	Relation of Reformatories to Courts and Procurator Under New Law	Dir. Saito JUCARB	31 August 1948
29	Functions of Adult Probation and Parole	Dir. Ogawa	1 Sept. 1948



(Continued)

Proposed Orientation Lectures, PSD

<u>No. of Lecture</u>	<u>Subject of Lecture</u>	<u>Lecturer</u>	<u>Date</u>
30	Meaning of Original Jurisdiction Family Court Law	Mr. Moeller	2 Sept. 1948
31	Relation Family Court and Other Courts	Mr. Moeller	3 Sept. 1948



Ninth Lecture, Orientation Course for  
Japanese Officials Connected with Office of  
Executive Assistant Attorney-General,  
Delivered Public Safety Division Conference  
Room, NYK Building, 1000-1200, 29 July 1948.

Subject: Functions of Custody Section, CARGAB,  
in Respect Maximum Security

In these orientation meetings I have been assigned the subjects of "Custody and Industry." I don't know anything that is closer to my heart than that of custody. For years I have been principally engaged in this field of penology. On the Chart, "Organization and Functions of Correctional Bureaus," you will find custody as listed first among the seven subdivisions of CARGAB. Perhaps, there was a special reason for this particular assignment - heading the list of these important divisions - because it is probably due the most outstanding consideration. Primarily, people who commit crime are sent to prison to be held there until regularly released by law. Consequently, custody is the very essence of imprisonment. But when we think of custody, we don't necessarily think in terms of high walls and iron bars, but that kind of imprisonment which will guarantee the confinement under such conditions as will not cause physical atrophy and mental stagnation.

Custody in its entirety does not mean simply the close confinement of a prisoner behind high walls to the absolute disregard of other important phases of penology. While we recognize the importance of holding a person secure during



the term of his imprisonment, we must not lose sight of the fact that he is a human being deserving of decent treatment. We must think of custody as it is related to the well-being of the prisoner from the time of his entry into the prison until he is released on parole. A Prison Administrator who thinks of custody only in its physical aspects is doing a disservice not only to the individual prisoner but to society as well. While it is true that custody begins from the first day of the prisoner's commitment and continuing during his term and the terms of each and every prisoner in the prison, much of the success any prison administrator may have in assuring the security of his prison will depend on how he administers the various departments under his jurisdiction.

Fundamentally, the most important thing to good custody is a strong physical plant. A prison should be secure in its walls, cell houses, shops, and other buildings used by prisoners. Special attention should be given these matters and every attempt made to close up potential avenues of escape. But when the prison has been made secure in this respect, special attention should be given to other considerations which are as much a part of the custodial care of prisoner as walls and iron bars. I am thinking of the manner in which the prisoners are handled. The treatment of the prisoners determines the kind of discipline in the prison. The term "discipline" in correctional institutions is commonly



thought of in a rather narrow sense, as referring to the process of preventing misconduct, disturbances, escapes, etc. and punishing them when they occur. A realistic definition of discipline is much more inclusive. It includes the maintenance of proper standards of work, education, and sanitation, for example, and not merely standards of conduct in the narrow sense of the word.

If prisoners are not treated properly, given the things which they have a right to expect from the Warden and his assistants, there is every possibility that a bad morale in the prison will exist and this usually leads to the fomenting of trouble by malcontents. Any trouble in the prison taxes the custodial facilities of the plant.

I said in the beginning that custody was close to my heart. In fact it has been a kind of a fetish with me. It was because of the custodial breakdown at the State Prison in Indiana that I was transferred from a position as deputy warden at the Indiana Reformatory to the "big house." With the famous Dillinger break and several other spectacular group escapes staring me in the face, I took over the Wardenship of this old prison built in 1860. The prisoners, many of whom knew me while serving at the Reformatory on previous sentences, had mixed feelings about my coming to the prison as Warden. I had befriended many a deserving prisoner and had help mete out some stern disciplinary measures to others who had little respect for the rules and regulations. In all my dealing I had tried hard to be fair with the prisoners coming under my



jurisdiction. With some prisoners, I was regarded as "being tough but square." To others, who apparently had no respect for law and order no matter how fairly it was administered, I was just plain "no good."

The physical plant of the prison needed many things to make it secure. Escapes out of the cell houses and over the administration building had been effected on several occasions. This needed additional protection and a special wall was constructed to correct it. I began a program of definitely making the prison secure, but I did not lose sight of the fact that with the closing up of each potential avenue of escape, there were other matters covering the care and treatment of the prisoners needing special attention. The discipline of the prison was poor. In cracking down on the discipline, correcting certain abuses of sound regulations, I gave privileges that were considered good penology. Space does not permit me to go into the many things that were done. But it was all on a "take and give" basis - the giving of the things considered fitting and proper and the taking of privileges not deemed good for the best interests of the prison. The discipline of a prison can be torn down overnight and take months, sometimes years, to build it back. I knew that it was important to build up the morale of the prisoners. So, in consideration for their foregoing conditions which they had been permitted to acquire through lax disciplinary methods, I instituted all kinds of sports--gave more recreational privileges--and helped build up



a fine competitive spirit among the various departments by organizing tournaments in baseball, boxing, football, track meets, etc. A commissary was placed in the prison, affording prisoners to purchase tobacco, candies, cakes, etc. and from the profits of this enterprise we installed a complete radio system with every prisoner being supplied with a head set in his cell through which he could listen. He could, by a simple turn of the switch on his set, listen to anyone of three leading broadcasting programs. As one prisoner said in a magazine article sent out for outside publication, "It was like opening a window in his cell and letting the sun shine in." Prisoners could lie on their bunks and listen quietly to the radio with the utmost satisfaction.

Another important feature in a prison is a well-rounded educational program. Classes were organized for the illiterate and there were opportunities for all prisoners to take a complete course in elementary, high school, and even university work. The State Universities co-operated with the prison in affording extension work in higher education and through connections with the International Correspondence School at Scranton, Pa., many prisoners were able to avail themselves of the opportunity to get theoretical knowledge about any one of thirty-five different trades. Whenever possible, the prisoners were assigned to a shop for the practical knowledge about the trade in which they were interested.

Space does not permit me to take up all the different phases of penology which are closely related to custody. There



is no question that it is essential to have a broad program of education, recreation, trade-training, etc. in every well-regulated prison. It helps to keep the spirit of the prisoners high, to give them the impression that the management of the prison is interested in something else besides the close custodial confinement of the prisoner. However, while the treatment of the prisoners is paramount and of great importance in a prison, helping to keep the most of the prisoners in a good frame of mind, there will always be need for giving close attention to that small per cent of the population that will take advantage of any chance to escape, even to the committing of murder. So the Warden of the prison must give special attention to closely scrutinizing the things which make for security. Well trained personnel--guards who are well aware of their duties and understand good security methods. I recently read a rule book covering the duties of a guard in one of your Kanto district prisons. It covers very minutely every detail of good custodial procedure. I could add no more than what is contained in this little booklet - except to say that it is important for all prison administrators to keep their personnel security-minded by frequent group meetings and "refresher" courses. I always made it a point to make frequent talks to the guards and conduct security meetings in which all were permitted to discuss freely methods by which the prison could be made more secure.

Next to good personnel comes the importance in seeing that it functions along good security lines. This means the



safeguarding of the gates or openings in the wall. In America much consideration is given to the type of personnel in charge of the main entrance and the railroad gates. Usually, the best guards are placed there and considerable attention is given to handling traffic through these openings, calling for careful shakedown of all persons and vehicles. I had an electric eye installed in the front entrance of the Indiana State Prison and all persons, whether employees or persons visiting prisoners, were required to submit to a "shakedown" to prevent the carrying of dangerous instruments inside the prison. Even the Warden submitted to this procedure as an example to all other employees. In order to prevent the possibility of weapons coming in through the railroad gate hidden in a car of coal or some other convenient place, a spur was laid along the outside of the wall, the coal dropped in a bin between the tracks and carried up by an electric conveyor to be dropped through a hole in the wall. Our walls were about thirty feet high and every four hundred feet there was a tower occupied by a guard well armed. All ropes and ladders were kept outside the prison wall when not in use. No one could get a ladder or a rope for use inside without an order from the deputy. All shipments of goods either to the inside or the outside were carefully inspected in a warehouse outside the wall. It was in a box of buttons that the guns were shipped inside the prison, setting the stage for the spectacular Dillinger escape of 1933. Hacksaws inside the prison were guarded carefully at all times and brought out each evening by the Officer in Charge of the shop where used. All trusty



prisoners working outside walls slept in dormitory outside, eliminating the danger of contact with inside prisoners, the carrying of contraband inside, etc.

When I first came to Japan, I was struck with the low walls, the lack of tower guards, and other apparently loose methods of custodial care in Japanese Prisons. There seemed to be only one answer to the success ordinarily obtained by the custodial officials in this country and that was the cultural or traditional history of the Japanese making them, perhaps, more subservient to law and order. Having come from the States where it is generally a trying and difficult job to keep prisoners in the prisons even with the high walls and reinforced cement cell houses and many other high-powered security measures, it was difficult for me to understand how the prisoners could be kept confined in some of the prisons of Japan. Many of them have been badly bombed and their original physical structures given to improvised conditions, which hardly seemed sufficient to do the job. Most assuredly it would have been difficult to keep many of our American prisoners in these institutions. Much credit and consideration is due the officials of Japanese institutions for the splendid job they have done under adverse conditions. However, some of the situations need not necessarily continue without some special attention to certain glaring weaknesses. Seeing guns inside Japanese Prisons called to my mind many an unhappy experience in the States on this score. It taught us that it is a serious



mistake to keep guns inside of prison. Personally, I have seen a few incidents, myself, which have definitely taught me that it is far better to leave the guns outside the prison in the hands of some one apt to use them judiciously than to take a chance on the guns falling in the hands of prisoners. Some situations have already happened in Japanese institutions which lead me to believe that such an incident is not beyond the realm of a possibility here if the practice is permitted to continue. One such incident is usually enough for a life time. I know.

Also, there is perhaps nothing so important to the general welfare of the prison than for the warden to hold frequent interviews with the prisoners. It is through this medium the Warden keeps his pulse on the prison. Prisoners will come with all kinds of requests, but they look upon the Warden as the man to whom they should be able to go for most anything. Sometimes, the interviews will appear very insignificant and tiresome to the Warden, but you never know when a prisoner is going to drop a hint that will be the means of forestalling an escape - and perhaps the death of some valuable employee. Some prisoners pride themselves on not being "stool pigeons" or "informers" - but when it comes to a matter of life and death, rather than see some one hurt they will drop a word in the right place, usually with the Warden before anyone else. I always liked the idea of talking with the prisoners--no matter what they<sup>wanted</sup> to see me about. The requests run the gamut from matters pertaining to their own personal



interest, their chances for parole, a change of jobs, trouble with a certain officer, etc., to perhaps what is more important to them than life itself--the welfare of their loved ones at home. A Warden can do many things to help "adjust the pad under the collar," as it were, and thus keep the prisoner morale high with the feeling that "the man" out front has their interest at heart and is concerned about other things beside just keeping them "locked up."

Last, but not least, is the need for every Prison Administrator to have a smooth operating Classification Committee. This feature of prison work is related to custody, because it is through the medium of the Classification Committee proper adjustments are made of the prison population as is calculated to operate to the best interest of the prisoners. Classification implies not only a thorough analysis of the individual and the factors in his background and environment which influenced his personal development, but also a procedure by which this information can be utilized as the basis for a well-rounded, integrated program for him, looking toward his improvement as a social being. Anything that helps him socially as a human being is bound to bring about a good morale among prisoners. Classification is the whole process of studying the individual prisoner, determining and prescribing the custodial care, work, education, vocational training, medical treatment etc. that best suited his particular needs and abilities, following his progress by periodical check-ups, modifying his program from time to time,



if necessary, and making recommendations with respect to his readiness for parole at the appropriate time.

All of these things count considerably in the working out of a good custodial program--a good physical plant and a good program within the institution. It is important to observe carefully the prisoner as he progresses through the term of his sentence for such incidents as might suggest help in some phase or other. A good administrator and his staff will look upon every prisoner as an individual problem to receive such attention as is necessary for his proper adjustment. If reasonable consideration is given to the personal welfare of each prisoner with all personnel keeping in mind that they are dealing with human beings, who ultimately will take their places in society again, and the proper attention is given to maintaining standards of security considered advisable for the particular institution involved, a good custodial job can be expected. However, there are times even in the best of regulated institutions when incidents will arise testing the soul of the most security-minded administrator. But eternal vigilance is the price of good security and we can only give our best efforts and leave the rest with Fate.

ALFRED F. DOWD  
Prison Administrator



Ninth, Lecture, Orientation Course for Japanese Officials Connected with Office of Executive Assistant Attorney-General, Delivered Public Safety Division Conference Room, NYK Building, 1000-1200, 29 July 1948.

Subject: Functions of Custody Section, CARGAB, in Respect Maximum Security

In these orientation meetings I have been assigned the subjects of "Custody and Industry." I don't know anything that is closer to my heart than that of custody. For years I have been principally engaged in this field of penology. On the Chart, "Organization and Functions of Correctional Bureaus," you will find custody as listed first among the seven subdivisions of CARGAB. Perhaps, there was a special reason for this particular assignment - heading the list of these important divisions - because it is probably due the most outstanding consideration. Primarily, people who commit crime are sent to prison to be held there until regularly released by law. Consequently, custody is the very essence of imprisonment. But when we think of custody, we don't necessarily think in terms of high walls and iron bars, but that kind of imprisonment which will guarantee the confinement under such conditions as will not cause physical atrophy and mental stagnation.

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thought of in a rather narrow sense, as referring to the process of preventing misconduct, disturbances, escapes, etc. and punishing them when they occur. A realistic definition of discipline is much more inclusive. It includes the maintenance of proper standards of work, education, and sanitation, for example, and not merely standards of conduct in the narrow sense of the word.

If prisoners are not treated properly, given the things which they have a right to expect from the Warden and his assistants, there is every possibility that a bad morale in the prison will exist and this usually leads to the fomenting of trouble by malcontents. Any trouble in the prison taxes the custodial facilities of the plant.

I said in the beginning that custody was close to my heart. In fact it has been a kind of a fetish with me. It was because of the custodial breakdown at the State Prison in Indiana that I was transferred from a position as deputy warden at the Indiana Reformatory to the "big house." With the famous Dillinger break and several other spectacular group escapes staring me in the face, I took over the Wardenship of this old prison built in 1860. The prisoners, many of whom knew me while serving at the Reformatory on previous sentences, had mixed feelings about my coming to the prison as Warden. I had befriended many a deserving prisoner and had help mete out some stern disciplinary measures to others who had little respect for the rules and regulations. In all my dealing I had tried hard to be fair with the prisoners coming under my



jurisdiction. With some prisoners, I was regarded as "being tough but square." To others, who apparently had no respect for law and order no matter how fairly it was administered, I was just plain "no good."

The physical plant of the prison needed many things to make it secure. Escapes out of the cell houses and over the administration building had been effected on several occasions. This needed additional protection and a special wall was constructed to correct it. I began a program of definitely making the prison secure, but I did not lose sight of the fact that with the closing up of each potential avenue of escape, there were other matters covering the care and treatment of the prisoners needing special attention. The discipline of the prison was poor. In cracking down on the discipline, correcting certain abuses of sound regulations, I gave privileges that were considered good penology. Space does not permit me to go into the many things that were done. But it was all on a "take and give" basis - the giving of the things considered fitting and proper and the taking of privileges not deemed good for the best interests of the prison. The discipline of a prison can be torn down overnight and take months, sometimes years, to build it back. I knew that it was important to build up the morale of the prisoners. So, in consideration for their foregoing conditions which they had been permitted to acquire through lax disciplinary methods, I instituted all kinds of sports--gave more recreational privileges--and helped build up



a fine competitive spirit among the various departments by organizing tournaments in baseball, boxing, football, track meets, etc. A commissary was placed in the prison, affording prisoners to purchase tobacco, candies, cakes, etc. and from the profits of this enterprise we installed a complete radio system with every prisoner being supplied with a head set in his cell through which he could listen. He could, by a simple turn of the switch on his set, listen to anyone of three leading broadcasting programs. As one prisoner said in a magazine article sent out for outside publication, "It was like opening a window in his cell and letting the sun shine in." Prisoners could lie on their bunks and listen quietly to the radio with the utmost satisfaction.

Another important feature in a prison is a well-rounded educational program. Classes were organized for the illiterate and there were opportunities for all prisoners to take a complete course in elementary, high school, and even university work. The State Universities co-operated with the prison in affording extension work in higher education and through connections with the International Correspondence School at Scranton, Pa., many prisoners were able to avail themselves of the opportunity to get theoretical knowledge about any one of thirty-five different trades. Whenever possible, the prisoners were assigned to a shop for the practical knowledge about the trade in which they were interested.

Space does not permit me to take up all the different phases of penology which are closely related to custody. There



is no question that it is essential to have a broad program of education, recreation, trade-training, etc. in every well-regulated prison. It helps to keep the spirit of the prisoners high, to give them the impression that the management of the prison is interested in something else besides the close custodial confinement of the prisoner. However, while the treatment of the prisoners is paramount and of great importance in a prison, helping to keep the most of the prisoners in a good frame of mind, there will always be need for giving close attention to that small per cent of the population that will take advantage of any chance to escape, even to the committing of murder. So the Warden of the prison must give special attention to closely scrutinizing the things which make for security. Well trained personnel--guards who are well aware of their duties and understand good security methods. I recently read a rule book covering the duties of a guard in one of your Kanto district prisons. It covers very minutely every detail of good custodial procedure. I could add no more than what is contained in this little booklet - except to say that it is important for all prison administrators to keep their personnel security-minded by frequent group meetings and "refresher" courses. I always made it a point to make frequent talks to the guards and conduct security meetings in which all were permitted to discuss freely methods by which the prison could be made more secure.

Next to good personnel comes the importance in seeing that it functions along good security lines. This means the



safeguarding of the gates or openings in the wall. In America much consideration is given to the type of personnel in charge of the main entrance and the railroad gates. Usually, the best guards are placed there and considerable attention is given to handling traffic through these openings, calling for careful shakedown of all persons and vehicles. I had an electric eye installed in the front entrance of the Indiana State Prison and all persons, whether employees or persons visiting prisoners, were required to submit to a "shakedown" to prevent the carrying of dangerous instruments inside the prison. Even the Warden submitted to this procedure as an example to all other employees. In order to prevent the possibility of weapons coming in through the railroad gate hidden in a car of coal or some other convenient place, a spur was laid along the outside of the wall, the coal dropped in a bin between the tracks and carried up by an electric conveyor to be dropped through a hole in the wall. Our walls were about thirty feet high and every four hundred feet there was a tower occupied by a guard well armed. All ropes and ladders were kept outside the prison wall when not in use. No one could get a ladder or a rope for use inside without an order from the deputy. All shipments of goods either to the inside or the outside were carefully inspected in a warehouse outside the wall. It was in a box of buttons that the guns were shipped inside the prison, setting the stage for the spectacular Dillinger escape of 1933. Hacksaws inside the prison were guarded carefully at all times and brought out each evening by the Officer in Charge of the shop where used. All trusty



prisoners working outside walls slept in dormitory outside, eliminating the danger of contact with inside prisoners, the carrying of contraband inside, etc.

When I first came to Japan, I was struck with the low walls, the lack of tower guards, and other apparently loose methods of custodial care in Japanese Prisons. There seemed to be only one answer to the success ordinarily obtained by the custodial officials in this country and that was the cultural or traditional history of the Japanese making them, perhaps, more subservient to law and order. Having come from the States where it is generally a trying and difficult job to keep prisoners in the prisons even with the high walls and reinforced cement cell houses and many other high-powered security measures, it was difficult for me to understand how the prisoners could be kept confined in some of the prisons of Japan. Many of them have been badly bombed and their original physical structures given to improvised conditions, which hardly seemed sufficient to do the job. Most assuredly it would have been difficult to keep many of our American prisoners in these institutions. Much credit and consideration is due the officials of Japanese institutions for the splendid job they have done under adverse conditions. However, some of the situations need not necessarily continue without some special attention to certain glaring weaknesses. Seeing guns inside Japanese Prisons called to my mind many an unhappy experience in the States on this score. It taught us that it is a serious



mistake to keep guns inside of prison. Personally, I have seen a few incidents, myself, which have definitely taught me that it is far better to leave the guns outside the prison in the hands of some one apt to use them judiciously than to take a chance on the guns falling in the hands of prisoners. Some situations have already happened in Japanese institutions which lead me to believe that such an incident is not beyond the realm of a possibility here if the practice is permitted to continue. One such incident is usually enough for a life time. I know.

Also, there is perhaps nothing so important to the general welfare of the prison than for the warden to hold frequent interviews with the prisoners. It is through this medium the Warden keeps his pulse on the prison. Prisoners will come with all kinds of requests, but they look upon the Warden as the man to whom they should be able to go for most anything. Sometimes, the interviews will appear very insignificant and tiresome to the Warden, but you never know when a prisoner is going to drop a hint that will be the means of forestalling an escape - and perhaps the death of some valuable employee. Some prisoners pride themselves on not being "stool pigeons" or "informers" - but when it comes to a matter of life and death, rather than see some one hurt they will drop a word in the right place, usually with the Warden before anyone else. I always liked the idea of talking with the prisoners--no matter what they <sup>wanted</sup> to see me about. The requests run the gamut from matters pertaining to their own personal



interest, their chances for parole, a change of jobs, trouble with a certain officer, etc., to perhaps what is more important to them than life itself--the welfare of their loved ones at home. A Warden can do many things to help "adjust the pad under the collar," as it were, and thus keep the prisoner morale high with the feeling that "the man" out front has their interest at heart and is concerned about other things beside just keeping them "locked up."

Last, but not least, is the need for every Prison Administrator to have a smooth operating Classification Committee. This feature of prison work is related to custody, because it is through the medium of the Classification Committee proper adjustments are made of the prison population as is calculated to operate to the best interest of the prisoners. Classification implies not only a thorough analysis of the individual and the factors in his background and environment which influenced his personal development, but also a procedure by which this information can be utilized as the basis for a well-rounded, integrated program for him, looking toward his improvement as a social being. Anything that helps him socially as a human being is bound to bring about a good morale among prisoners. Classification is the whole process of studying the individual prisoner, determining and prescribing the custodial care, work, education, vocational training, medical treatment etc. that best suited his particular needs and abilities, following his progress by periodical check-ups, modifying his program from time to time,



if necessary, and making recommendations with respect to his readiness for parole at the appropriate time.

All of these things count considerably in the working out of a good custodial program--a good physical plant and a good program within the institution. It is important to observe carefully the prisoner as he progresses through the term of his sentence for such incidents as might suggest help in some phase or other. A good administrator and his staff will look upon every prisoner as an individual problem to receive such attention as is necessary for his proper adjustment. If reasonable consideration is given to the personal welfare of each prisoner with all personnel keeping in mind that they are dealing with human beings, who ultimately will take their places in society again, and the proper attention is given to maintaining standards of security considered advisable for the particular institution involved, a good custodial job can be expected. However, there are times even in the best of regulated institutions when incidents will arise testing the soul of the most security-minded administrator. But eternal vigilance is the price of good security and we can only give our best efforts and leave the rest with Fate.

ALFRED F. DOWD  
Prison Administrator



*Addition to para. on page  
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Third Lecture, Orientation Course for Japanese Officials Connected with Offices of Executive Assistant Attorney-General, "The Japanese Correction and Rehabilitation Systems," Delivered Public Safety Division Conference Room, NYK Building, 1000-1200, 21 July 1948.

Subject: Functions of the Bureau of Adult Correction and Rehabilitation

#### TWO MAIN FIELDS OF OPERATION

Under Item 1 of the assignment of ACARB on the chart, "Organization and Functions of Correctional Bureaus of Attorney General's Office," the work of one of the fields of operation of that Bureau is projected. A study of "The Execution of Penalties and Detention, Parole, Release, and Rehabilitation of Adult Offenders" requires the exploration of the entire inside working of all Correctional Institutions for Adults under the Attorney General. The second field of operations is also implied. Why and how this is true will become clear shortly, we believe. The first field of ACARB operations is concerned with the prisoner wherever he is held under the direct authority of the institutions whether they be for detention before trial, or for any form of treatment under imprisonment after trial and conviction. Let us see what is involved in this first field of action and study by ACARB Bureau. Let me tell you what we had to do in New York City in the Correctional Institutions under similar circumstances, especially after the New York City Institutions were compelled to release prisoners conditionally before their maximum sentences had expired.



The Judges, the Prosecutors, and the Sentence Reviewing Courts and Commissions compelled us to review the conditions and statements of the Prosecutors' Summary of each case. We had to study the Judge's sentences for any special conditions which he might note on the sentence document. We could not do that intelligently unless we had the case history as summarized in the Probation Officer's Report which always was made after conviction but before sentence by the Judge. Accordingly the Courts saw to it that we received with the sentence document of each sentenced prisoner the following:

- (1) The Prosecutor's Summary
- (2) The complete record of the man from the Police files
- (3) The Probation Officer's Report
- (4) A summary of any pertinent testimony bearing on the physical or mental status of the prisoner
- (5) Any special recommendations of the court as to hard labor, hospitalization, training, or treatment of the man or his family condition.

The Court's and the Prosecutor's help gave the Institutions the kind of official information which, when filled out through the co-operation of the prisoner's family usually included the following:

- (1) The conditions theretofore prevailing in the prisoner's own immediate family, and in that of his father's and mother's; among his sisters and brothers and uncles and aunts.
- (2) What his former employers think of him and of his future work prospects
- (3) The kind and completeness of his former education and his future training needs as viewed by those who have had dealings with the prisoner's training before.







Scientific, and Classification Sections and the Items 1 and 2 of Education Section work. By sampling these in enough cases ACARB will be able to judge what progress toward the proper release of the man to its second field of activity is being made.

#### THE SECOND FIELD OF ACARB ACTIVITY

Under the present laws and regulations, ACARB must handle the whole range of release procedures of any prisoner, particularly any releases short of the expiration of the maximum of his sentence. As most of these are made conditionally in some manner, the ACARB Bureau must be equipped to make sure that conditional release is really made to be conditional. The prisoner must realize that his continuance on parole depends upon his obeying the conditions of his release. He must be made to realize that this release is not final actually. In a word, the man must lead a good life and not lapse into criminality again. The present dependence upon the already overworked police to catch a bad-acting released prisoner usually means that the police are likely to feel that they are compelled to wait until a man can be held for a new offense. This means actually that they have to let the case go until the courts can determine that a new crime has been committed by that man. Such a failure to help the man with careful supervision usually is beyond the possibility of voluntary protective associations and has bad results. These volunteers need much help so that their work really can be effective. Providing this help would mean that eventually for the



annual total of 22,000 released prisoners, Japan should have 400 effective full-time parole officers. Then the record of returned prisoners for second offenses would begin to go down rather than slowly up and up as at present.

A bigger round of activity for ACARB will come in its second field of operations when NAOPARS and the eight district DAOPARS Boards are created by the OPARS Bill now pending in the Diet. The staff of ACARB will then largely be the official staff of NAOPARS and DAOPARS in the central Office and in the Districts respectively. They will have a dual service by way of reports to be made and supervision to be rendered but it will not be dual in the sense of being diverse basically in substance or purpose. The big tasks are to get from the Police, the Hospitals, the Schools, the Recreation Centers, the Churches and Temples, the workshops and the Life Security and other Forces of the Welfare and Labor Departments the services which a man must have upon release from prison so that he may be assured fullest chances for rehabilitation.

#### PROBATION AND PAROLE REHABILITATION IN JAPAN

Because of the former peculiar class distinctions which prevailed in Japan before the Meiji Restoration and the continuance of the labor boss Oyabun and other similar systems, Probation and Parole Rehabilitation Houses will take on an importance which it is difficult for Westerners and not a few Japanese to understand. In the West, the background strength of the widest development of probation and parole has been in



two basic institutions. These are the home, or the home center, and useful employment of all adults. In Japan it would seem that much more dependence will have to be put upon half-way stations between the Court or the Correctional Institution on the one hand, and the Community on the other hand. This dependence upon half-way or way stations means there must be much more extensive combinations of schools and treatment stations, somewhat after the example of the mission schools and hospitals in Japan. All sorts of avenues for group living in free communities where there is much opportunity for social life and recreation should be also provided. Partly this is due to the millions of displaced persons in Japan as a result of the war. In all probability the cheapest and most efficient means of securing such services lies in developing perfectly open rehabilitation institutions with no compulsion about them, but filled with opportunities of many sorts. These will need to be offered in a reasonable variety in each center. Probably the outstanding examples of what Japan's released adult male offenders need most of all are first, something like the great Farm Colony System at Witzwill, Switzerland, of the Kellerhals, and the nationwide system of Good Will Industries or Salvation Army City Industrial Centers of USA and England. Perhaps the extensive operations of the Society of Friends all over the World are examples of the combination of home, employment, and treatment with reasonably simple but practical forms of training for adults.

In all probability the development of combination of



Farm Colonies for the men who can be interested in agriculture and public works outside of the cities, using, perhaps, now here, now there, the co-operative system of operation, will do much to end the excuses for former exploitation of ex-prisoners. If there is added to that the whole system of Industries of the Good Will type plus those of the Salvation Army and of the Society of Friends for the rehabilitation of the city or village adult worker, then the way for rehabilitation of adults can be smoothed. In that case the longing of procurators, police, and the courts for some return to the forbidden "protective custody" characteristic of the old social and industrial systems of Japan may easily come to an end. Thus the concepts of rehabilitation may have their proper positions established in the correction and rehabilitation systems of Japan. In particular, the future rehabilitation of the adult offender will be assured.

#### BENCH PAROLE IN JAPAN

Because of the general docility and the previous social conditions in Japan, the use of bench parole might be of great importance. In the USA bench parole is used where the offender's release would not mean he would do violence to the person of anyone and where it is not necessary to have a bond posted to assure the return of the man to court when wanted for trial. Ordinarily bench parole is used where the trial may be carried forward fairly promptly and where the interruption of the accused's work or family service is not absolutely necessary to assure the appearance of the accused in



court, or the safeguarding of the evidence to be used against the offender. It is not used where there is likely to be much delay in securing evidence. If there is much such delay in prospect, then a system of bail, or safe and decent detention of the offender is usually the necessary routine.

In Japan, in all probability, many quick trials could be carried out without the necessity of bail or bail bonds. This is particularly true where the family system is still intact or where the man who is accused is a man of property or business or professional standing. Bench parole, however, as a substitute for protective custody must not be tolerated. Probably it is capable of more abuse than the older forms of release whereby the procurator just lets the difficult to prove cases go more or less by the beard. But, nevertheless, bench parole safely carried out and a modernizing of the Prison Laws may be easily the result of a wise development of NAOPARS and DAOPARS Boards.



THE NEW CODE OF CRIMINAL PROCEDURE AS IT AFFECTS PRISON OFFICIALS

Thirty-first lecture, Orientation Course for Japanese Officials Connected with Office of the Executive Assistant Attorney-General. Delivered in CIS/PSD Conference Room, NYK Building, 1000-1200, 8 September 1948, by Howard Meyers, Chief, Criminal Affairs Branch, Legislation and Justice Division, Legal Section, GHQ, SCAP.

Article 1 of the New Code of Criminal Procedure says that "the purpose of this law is, regarding criminal cases, to clarify the true facts of cases and to apply and realize criminal laws and ordinances fairly and speedily, while thoroughly accomplishing the maintenance of public welfare and security of fundamental rights of individuals." There was no such preface to the Old Code, and this balancing of the interests of the State and of the interests of the individual, which runs throughout the law, affects prison officials in their relationship to suspects, accused persons or those convicted of crimes. We are not concerned today with the details of the New Code, but only with its specific application to two periods of time: after detention, both while awaiting trial and during trial; execution of judgment.

Detention being one of the key factors in our discussion, our first problem is to determine those situations in which a person can be detained. The court may detain an accused when there is reasonable grounds to suspect that he has committed a crime, provided that, in addition; (a) the accused has no fixed dwelling, or (b) there is reasonable cause to suspect that he may destroy evidence if left free, or (c) he has escaped from the law-enforcement officers previously or there is reasonable cause to suspect that he may escape. The



term of detention cannot exceed two months after indictment is filed, with the exception that in the case of special necessity the detention term may be renewed once for another <sup>two</sup> month<sub>^</sub> upon a statement of specific reasons for such extension. However, if (a) the crime alleged is one punishable with death or penal servitude or imprisonment for more than ten years, or (b) the accused is an habitual offender of an offense punishable by a maximum penalty of three years penal servitude or imprisonment or more, then in these two cases the detention terms can be extended more than once upon statement of the specific reasons for this. Note that if the charge involves a fine not exceeding five hundred yen, detention or a minor fine, then the accused may be detained only when he has no fixed dwelling (Arts 60, 89). The warrant of detention under which he is incarcerated must contain the name and dwelling of the accused, the name of the crime, the essential facts concerning the indictment, the prison in which he is to be detained, the effective period within which the warrant must be served, a statement that the warrant is ineffective after such period and must be returned to the court of issuance, and the signature and seal of the issuing judge, as well as other matters which may be prescribed by rules of the Supreme Court (Art. 64). If a warrant of production has been issued against the accused, he may be detained in prison provisionally (Arts. 74, 75).

Once a suspect or accused has been detained, the prison official has a very direct interest in him--whether detention is made in a Detention Prison or in the detention section of a regular prison. The suspect or accused may appoint counsel at any time, instead of waiting until after indictment, as in the Old Code (Art. 30). If he has been detained without first appointing counsel, he



can apply to a court or to the chief prison officer for appointment of counsel, and can even designate the particular lawyer or Bar Association (Art. 78). If he cannot appoint counsel because he is too poor or for other reasons of impossibility, the court must assign counsel if requested, and may assign counsel if not requested, of its own volition, in certain cases in which the State feels that the accused needs special protection (Arts. 36, 37). Where application has been made to the chief prison officer, as mentioned above, or to his substitute, these prison officials must notify the Bar Association designated or the specific counsel mentioned, without delay (Art. 78). And when counsel has been appointed, he may see the suspect or accused, without any guard being present, and may receive or deliver any papers or other materials--provided that certain rules are followed. These rules are those reasonable and necessary ones which cover the date, time and place of the interview or the receipt and delivery of the papers and other materials (Art. 39). Regulations have already been issued by the Attorney-General's Office on these matters, as you well know.

While the accused is under detention, he may see anybody, as long as there is no specific denial contained in any law or ordinance. However, if there is apprehension that he may escape or destroy evidence, a court may forbid the accused to see or to receive or deliver anything from anyone other than his lawyer or the person who is to act as counsel for the accused, except that food may not be forbidden (Art. 80, 81). And there are a number of ways by which an accused may be released from detention properly. He, or his counsel or close relatives may request release on bail (Art. 88). Bail must be granted unless: (1) the accused is charged with a crime punishable with death or penal



servitude for an indefinite period; (2) he had been convicted in the past of an offense punishable by death, penal servitude or imprisonment for an indeterminate period of for a maximum period of more than ten years; (3) he is an habitual offender of an offense punishable by a maximum of three years or more penal servitude or imprisonment; (4) there is reasonable cause to believe that he may destroy evidence; (5) his name or dwelling is unknown (Art. 89). Moreover, even in these five cases cited, the court may, if it deems proper, permit release on bail of its own initiative (Art. 90). Next, if the accused is under detention for an unreasonably long time, without trial, the court must rescind detention or allow bail, upon request made by the accused (Art. 91). Moreover, if a court deems proper, it may suspend execution of the detention, and place the accused in charge of a relative, a protective institution, or any other person, in addition to restricting the accused's freedom of movement (Art. 95). If release on bail or suspension of execution of detention is rescinded by the court, or the term of suspension of execution ends, the accused must be returned to confinement by various judicial police officers or by the prison officers (Art. 98).

While under detention awaiting trial or during trial, the activities of the prison concerned with the accused may be more active than in the past. Besides the fact that the defense lawyer plays a much more important part than previously, and so will want to see the accused more often, the accused himself has certain rights guaranteed him by the New Code which he did not have in the past, and which will increase the activity around him. He may be present at the examination of a witness, whether in or out of court (Art. 157). He may



add his questions to those to be asked by the court outside of the courtroom under certain special circumstances (Art. 158). He may examine the protocol of the trial and make objections (Art. 49). He is better protected than formerly by various provisions for service on him of all manner of documents and for receiving advance information by the procurator regarding questions to be asked and witnesses to be called during the trial (Arts. 271, 276, 299). Since service on a prisoner is made upon the chief prison officer, additional responsibility is placed on such officials (Art. 54 and Code of Civil Procedure, Art. 168). The importance of proper service can be seen by reference to Article 271 of the New Code, which requires service upon the accused of the indictment within two months after public action is instituted, and which states that failure to comply with this requirement voids the indictment retroactively.

While in detention, either before or during trial, the court may decide that an expert witness, a procurator, secretary of the procurator's office or judicial policeman should examine the person of the accused in the prison, giving them a warrant of permission or warrant of examination of the person, to conduct such examination (Arts. 168, 218). In such an examination, the health of the accused and the circumstances in which he is found are taken into consideration, so that his reputation is protected. If the accused is a woman, a doctor or another woman of full age must be present (Arts. 131, 222). If the accused refuses the examination of the person without due reason, he may be punished with fine not exceeding 5,000 yen, detention, or both, after the court has made a reasonable effort to ascertain the reasons for such refusal (Arts. 138, 140, 222). The court may also examine the accused, regardless of his refusal (Arts. 139, 172). Since, in these examinations, judicial police officials may be required to assist,



these articles cited are important to you (Art. 141).

At the end of the trial, if the court pronounces a sentence of imprisonment or more severe penalty, bail or suspension of execution of detention loses effect -- a major change from the Old Code. However, the court has discretion to grant bail again pending an appeal or to give the criminal an opportunity to settle his affairs before going to serve his sentence. If the court does not grant bail *ex officio* or give a new ruling of suspension of execution of detention, then Article 98, which states those instances in which bail must be granted upon application by the accused, applies to this situation (Arts. 343, 90, 98).

When the sentence has become final, various provisions governing execution of sentence are of interest to prison officials. If there are two or more penalties, other than fines and minor fines, normally the more severe penalty is executed first. But there is a discretionary power in the public procurator to stay execution of the heavier penalty and cause the other to be executed first, provided that he secures the approval of either the Procurator-General, if he is in the Supreme Procurator's Office, or the Chief of the High Procurator's Office, in all other cases (Art. 474). In the case of a death penalty, it is executed on an order from the Attorney-General, which must be given within six months from the day when judgment is finally binding. When such an order is given, execution of the death penalty must be carried out within five days (Arts. 475, 476). The death penalty is to be executed in the presence of a procurator, a secretary of a procurator's office, and either the warden of a prison or his representative, and no one may enter the place of execution except with the permission of the procurator or the chief prison officer. The secretary of the



procurator's office who attends the execution of the death penalty, must make an account of the execution, which must be signed and sealed by him, by the procurator attending, and by the warden of the prison or his representative (Arts. 477, 478). In case the person condemned to death is insane or is a pregnant woman, the execution must be stayed by order of the Attorney-General, until recovery from the insanity or delivery of the child (Art. 479).

In certain specific cases, involving the health of the criminal or his age or absolute need for his support by aged parents or minor children, execution of a sentence of penal servitude or imprisonment may be stayed by the procurator of either the procurator's office corresponding to the court which has pronounced sentence or which has jurisdiction over the area in which the criminal stays. In these cases, the procurator must obtain permission from the Procurator-General or the Chief of the High Procurator's Office, as a condition precedent to staying execution (Art. 482).

The other provisions concerning execution or sentence are not of such immediate importance to prison officials, so I shall not dwell on them in this lecture, and shall conclude now. As you see from this all too brief and superficial examination of the New Code, basically there is not a great change in principles from the Old Code as modified by the Law for Temporary Adjustment of the Code of Criminal Procedure, which amended the Old Code of Criminal Procedure on 3 May 1947, in order to bring the Old Code into harmony with the New Constitution. The New Code is an amplification in great detail of these two laws, and the most important and radical changes are ones which do not concern you, in your capacity as prison officials, though they affect you as individuals and as officials of the government. However, I hope that the provisions I have discussed as directly



affecting you in your duties show that the purpose of the New Code, as set forth in Article 1, are both implicit and explicit throughout the law. The interests of the individual and of the State are balanced, but there is a new emphasis on the rights of the individual which was not present in the Old Code. There is an affirmation that there can be such new emphasis on personal rights, and yet the powers of law-enforcement officials can be strong and adequate to meet the needs of the situation, at the same time. That is the function of the New Code.



Third Lecture, Orientation Course for Japanese Officials Connected with Offices of Executive Assistant Attorney-General, "The Japanese Correction and Rehabilitation Systems," Delivered Public Safety Division Conference Room, NYK Building, 1000-1200, 21 July 1948.

Subject: Functions of the Bureau of Adult Correction and Rehabilitation

#### TWO MAIN FIELDS OF OPERATION

Under Item 1 of the assignment of ACARB on the chart, "Organization and Functions of Correctional Bureaus of Attorney General's Office," the work of one of the fields of operation of that Bureau is projected. A study of "The Execution of Penalties and Detention, Parole, Release, and Rehabilitation of Adult Offenders" requires the exploration of the entire inside working of all Correctional Institutions for Adults under the Attorney General. The second field of operations is also implied. Why and how this is true will become clear shortly, we believe. The first field of ACARB operations is concerned with the prisoner wherever he is held under the direct authority of the institutions whether they be for detention before trial, or for any form of treatment under imprisonment after trial and conviction. Let us see what is involved in this first field of action and study by ACARB Bureau. Let me tell you what we had to do in New York City in the Correctional Institutions under similar circumstances, especially after the New York City Institutions were compelled to release prisoners conditionally before their maximum sentences had expired.



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- (3) The Probation Officer's Report
- (4) A summary of any pertinent testimony bearing on the physical or mental status of the prisoner
- (5) Any special recommendations of the court as to hard labor, hospitalization, training, or treatment of the man or his family condition.

The Court's and the Prosecutor's help gave the Institutions the kind of official information which, when filled out through the co-operation of the prisoner's family usually included the following:

- (1) The conditions theretofore prevailing in the prisoner's own immediate family, and in that of his father's and mother's; among his sisters and brothers and uncles and aunts.
- (2) What his former employers think of him and of his future work prospects
- (3) The kind and completeness of his former education and his future training needs as viewed by those who have had dealings with the prisoner's training before.



- (4) The nature of any medical treatment of hospitalization which the man has had previously
- (5) His religious and moral relations to temple, church, and cultural associations
- (6) Any recreational and physical training work which he has experienced.

Except in one early famous case, no one ever argued that this was a retrial of the case of any prisoner. It was unusual for the prisoner, a member of his family, the police, the church, the priest, or any person, except occasionally another partner in offending, to try to interfere with the above program of securing information about the prisoner. If the attempt was made, usually it was out of fear that the other party to crime might get involved.

*Sentence added in final copy with here see Necker file RM*

Now let us return to the application of this system to Japan. In order to do their respective tasks, the Custody Section, the Industry Section, the Medical, Scientific and Classification Section, and the Education Section want to know all the above and much more. Here it is natural in Japan that the work of these Sections be reviewed by ACARB in enough cases to enable it to do its work intelligently and smoothly.

Let us look at the chart: Item 1 - Custody Section - Work which it will be most important to have reviewed. It reads, "Establishment of Standard Operating Procedures of Institutional Routines." Item 2 - Industry Section - Reads "Determine Credit Allowances Under Progressive Prison Systems." This is of first importance to ACARB in the case of each prisoner. The same may be said for all items of the Medical,



Scientific, and Classification Sections and the Items 1 and 2 of Education Section work. By sampling these in enough cases ACARB will be able to judge what progress toward the proper release of the man to its second field of activity is being made.

#### THE SECOND FIELD OF ACARB ACTIVITY

Under the present laws and regulations, ACARB must handle the whole range of release procedures of any prisoner, particularly any releases short of the expiration of the maximum of his sentence. As most of these are made conditionally in some manner, the ACARB Bureau must be equipped to make sure that conditional release is really made to be conditional. The prisoner must realize that his continuance on parole depends upon his obeying the conditions of his release. He must be made to realize that this release is not final actually. In a word, the man must lead a good life and not lapse into criminality again. The present dependence upon the already overworked police to catch a bad-acting released prisoner usually means that the police are likely to feel that they are compelled to wait until a man can be held for a new offense. This means actually that they have to let the case go until the courts can determine that a new crime has been committed by that man. Such a failure to help the man with careful supervision usually is beyond the possibility of voluntary protective associations and has bad results. These volunteers need much help so that their work really can be effective. Providing this help would mean that eventually for the



annual total of 22,000 released prisoners, Japan should have 400 effective full-time parole officers. Then the record of returned prisoners for second offenses would begin to go down rather than slowly up and up as at present.

A bigger round of activity for ACARB will come in its second field of operations when NAOPARS and the eight district DAOPARS Boards are created by the OPARS Bill now pending in the Diet. The staff of ACARB will then largely be the official staff of NAOPARS and DAOPARS in the central Office and in the Districts respectively. They will have a dual service by way of reports to be made and supervision to be rendered but it will not be dual in the sense of being diverse basically in substance or purpose. The big tasks are to get from the Police, the Hospitals, the Schools, the Recreation Centers, the Churches and Temples, the workshops and the Life Security and other Forces of the Welfare and Labor Departments the services which a man must have upon release from prison so that he may be assured fullest chances for rehabilitation.

#### PROBATION AND PAROLE REHABILITATION IN JAPAN

Because of the former peculiar class distinctions which prevailed in Japan before the Meiji Restoration and the continuance of the labor boss Oyabun and other similar systems, Probation and Parole Rehabilitation Houses will take on an importance which it is difficult for Westerners and not a few Japanese to understand. In the West, the background strength of the widest development of probation and parole has been in



two basic institutions. These are the home, or the home center, and useful employment of all adults. In Japan it would seem that much more dependence will have to be put upon half-way stations between the Court or the Correctional Institution on the one hand, and the Community on the other hand. This dependence upon half-way or way stations means there must be much more extensive combinations of schools and treatment stations, somewhat after the example of the mission schools and hospitals in Japan. All sorts of avenues for group living in free communities where there is much opportunity for social life and recreation should be also provided. Partly this is due to the millions of displaced persons in Japan as a result of the war. In all probability the cheapest and most efficient means of securing such services lies in developing perfectly open rehabilitation institutions with no compulsion about them, but filled with opportunities of many sorts. These will need to be offered in a reasonable variety in each center. Probably the outstanding examples of what Japan's released adult male offenders need most of all are first, something like the great Farm Colony System at Witzwill, Switzerland, of the Kellerhals, and the nationwide system of Good Will Industries or Salvation Army City Industrial Centers of USA and England. Perhaps the extensive operations of the Society of Friends all over the World are examples of the combination of home, employment, and treatment with reasonably simple but practical forms of training for adults.

In all probability the development of combination of



Farm Colonies for the men who can be interested in agriculture and public works outside of the cities, using, perhaps, now here, now there, the co-operative system of operation, will do much to end the excuses for former exploitation of ex-prisoners. If there is added to that the whole system of Industries of the Good Will type plus those of the Salvation Army and of the Society of Friends for the rehabilitation of the city or village adult worker, then the way for rehabilitation of adults can be smoothed. In that case the longing of procurators, police, and the courts for some return to the forbidden "protective custody" characteristic of the old social and industrial systems of Japan may easily come to an end. Thus the concepts of rehabilitation may have their proper positions established in the correction and rehabilitation systems of Japan. In particular, the future rehabilitation of the adult offender will be assured.

#### BENCH PAROLE IN JAPAN

Because of the general docility and the previous social conditions in Japan, the use of bench parole might be of great importance. In the USA bench parole is used where the offender's release would not mean he would do violence to the person of anyone and where it is not necessary to have a bond posted to assure the return of the man to court when wanted for trial. Ordinarily bench parole is used where the trial may be carried forward fairly promptly and where the interruption of the accused's work or family service is not absolutely necessary to assure the appearance of the accused in



court, or the safeguarding of the evidence to be used against the offender. It is not used where there is likely to be much delay in securing evidence. If there is much such delay in prospect, then a system of bail, or safe and decent detention of the offender is usually the necessary routine.

In Japan, in all probability, many quick trials could be carried out without the necessity of bail or bail bonds. This is particularly true where the family system is still intact or where the man who is accused is a man of property or business or professional standing. Bench parole, however, as a substitute for protective custody must not be tolerated. Probably it is capable of more abuse than the older forms of release whereby the procurator just lets the difficult to prove cases go more or less by the board. But, nevertheless, bench parole safely carried out and a modernizing of the Prison Laws may be easily the result of a wise development of NAOPARS and DAOPARS Boards.



Twelfth Lecture, Orientation Course for  
Japanese Officials Connected with Office  
of Executive Assistant, Attorney-General,  
Delivered Public Safety Division, Conference  
Room, NYK Building, 1000-1200, 10 August 1948

By: Dr. Burdett G. Lewis

Subject: Prison Industries - Public Corporations

ADVANTAGES OF PUBLIC CORPORATIONS OVER  
BUREAUCRATIC MANAGEMENT

The people of Japan have recognized some advantages of having their publicly owned railways, communications, and some other important enterprises managed by public corporations. The same advantages lead the government of the United States from the opening years of the Twentieth Century down to the present to develop public corporations to operate public enterprises. Some times these have been named corporations; some times they have been called authorities. The latter name has been used where enterprises of an interstate character have been created to own and operate interstate hydro-electric enterprises, bridges over rivers or tunnels under them. Examples of the latter are the New York and New Jersey Port Authority which owns and operates bridges over the Hudson River and tunnels under this river which forms a boundary between New York and New Jersey. There are other examples which we will discuss presently.

In the case of the government of the United States, the first public corporation was the Panama Railway formed in 1905 to own and operate the railway paralleling the Panama Canal. The second was the Alaska Railways formed to operate all rail-



way lines in the territory of Alaska. There was a quasi-public corporation formed to operate the Philippine Island Railways. Then in 1908-1915 came the New York and New Jersey Port Authority and the largest and most diverse of all, the Tennessee Valley Authority and many others. The American Cyanamid Company and its Air Nitrates Corporation, with which I was one of the organizing operating executives, developed the foundations for TVA. I also was able to observe the many continued advantages of the public corporation form of organization and operations after the United States Government furnished all of the funds for the development of TVA hydro-electric and coordinate or subsidiary enterprises in the five states in which TVA operates.

THE EXACT ADVANTAGES OF PUBLIC CORPORATIONS

1. As in business corporations the President is made responsible for all operations.
2. As in business corporations, the Board of Directors functions as a policy-making, not an operating organization.
3. Executives are chosen because of known and demonstrated training, experience, and ability to perform definite functions.
4. Men are easily demoted, transferred, and retrained for different tasks.
5. Promotions are usually based upon merit and actual demonstrated performance rather than mere passage of time.



6. Retirement systems are usually easier to manage and more satisfactory than the general social security systems.

7. The appointment, services, and work of experts are usually easier to manage and more satisfactory where the corporate form is used.

8. Relations with using agencies and contracts with producers of equipment and raw materials are easier to manage where the operations are of a corporate nature.

PUBLIC CORPORATIONS FOR PRISONERS'  
EMPLOYMENT IN THE USA

Article VII of the Code of Laws establishing the New Jersey Department of Institutions and Agencies is quoted fully below to show how the corporate form was first inaugurated in the United States.

"Institutional Labor and Its Products

"701. (Amended April 11, 1919) The inmates of all correctional and charitable, hospital, relief and training institutions within the jurisdiction of the State Board shall be employed in such productive occupations as are consistent with the health, strength, and mental capacity of the persons so employed, who shall receive such compensation therefor as the State Board shall determine.

"702. No contract shall be made by which the labor or time of any inmate of any of the institutions within the jurisdiction of the State Board, or the product or profit of his work, shall be let, contracted for, leased, farmed out, given or sold to any person, firm or corporation, except in



accordance with the provisions of this act.

"703. The State Board shall cause to be prepared a catalogue containing a description and a price list of all the articles manufactured or produced by the institutions within its jurisdiction. Copies of this catalogue shall be sent to all institutions supported in whole or in part by the State, to all State departments and branches and agencies of the State government, to the governing bodies of each county in the State, and to each of the institutions maintained by each county, and the receipt of said catalogue by each of them shall be sufficient notice to each of them that the articles described in said catalogue are or are about to be manufactured or produced by the labor of the inmates of the institutions within the jurisdiction of the State Board.

"704. The several institutions, maintained in whole or in part by the State, non-institutional agencies, and all departments and agencies of the State and all counties in the State, and the institutions maintained by the counties of the State, are hereby required to purchase from the State Board all articles or supplies manufactured or produced under the provisions of this act which are needed for use therein or thereby, and they shall not purchase any supplies or articles so manufactured or produced from any other source until and unless the State Board shall first certify on requisition made to it that such articles or supplies, or the equivalent thereof, cannot be furnished. All requisitions for articles or supplies made as herein provided shall be honored by the State Board as far as practicable.



"705. At least thirty days before the commencement of each State fiscal year, the proper officials of each institution, noninstitutional agency, department or agency of the State or the counties thereof, shall report to the State Board estimates for the ensuing year of the amount of supplies of different kinds required by them, which shall refer to the catalogue issued by the State Board, in so far as the articles indicated are included within such catalogue. No purchasing agency shall be allowed to evade the intent and meaning of this act by specifying slight variations from the standards adopted by the State Board, when the articles provided by it in accordance with its standards are reasonably adapted to the actual needs of the purchasing agency.

"706. Any surplus product may be sold in the open market under such terms and conditions that it shall not compete unfairly with the product of free labor. Any non-perishable articles so marketed shall be stamped in a legible and conspicuous manner "Manufactured in the New Jersey \_\_\_\_\_," naming the institution of manufacture; provided, that whenever from the nature of the articles made or manufactured it shall be impracticable to stamp each article, or if such articles are usually put up in packages, it shall be sufficient for the purpose of this act to put a stamp, label or tag upon such package, showing where such articles are made, provided that said stamp, label or tag shall be put on said package in a good, lasting and permanent manner."

"707. The State Board shall have power to---



a. Assign to each institution the industries, occupations, vocations and labor to be operated or performed by the inmates thereof;

b. Establish for each institution and for each industry, occupation and vocation, hours and days of labor, determine the rate of compensation to be paid therein and pay or cause the same to be paid to the worker or his dependents, or apportion the pay between the worker and his dependents;

c. Procure and install in each institution the machinery and equipment and furnish the tools, supplies, raw material, seeds, fertilizers and each and every article necessary for the operation of the assigned industries and the performance of the assigned occupations and vocations with relation to the determined standards of quality and quantity;

d. Establish standards of machinery equipment, tools, supplies, raw materials, adopt in conjunction with the State Purchasing Commission, styles, patterns, designs and qualities of finished products, determine the cost of production and fix the selling price thereof;

e. Establish a uniform system of accounting and cost of production for materials and labor including maintenance and wage payments;

f. Prepare and issue a catalogue containing a description and price list of all articles manufactured or produced by all institutions within its jurisdiction;

g. Assign any number of the inmates of any institution



to the performance of labor outside the usual limits of the institution of which they are inmates, of whatever character, and wherever, within the boundaries of this State, may be determined by the State Board, provided such labor shall only be employed in enterprises of a public nature or connected with the public welfare or in such work in such places as may be necessary to meet any emergency arising from scarcity of labor on farms. Such labor shall be performed under the direct supervision of an officer or officers authorized by the commissioner;

h. Pay from the working capital account or any other funds at its disposal, for the transportation of such laborers to and from the place of detention to the place of assigned labor, and for the proper clothing, maintenance, guarding and medical attention of the assigned laborers;

i. Determine the amount to be charged for the labor of such inmates as may be assigned to any work for any other department or branch of the State government not included within the jurisdiction of this department, and contract and agree with the chief executive officer thereof as to the performance of the work, the rate to be paid therefor, the number of inmates to be assigned and such other details as may be necessary and proper;

j. To determine and apportion between the institution furnishing the labor and the institution receiving the benefit thereof, the cost of such labor and the expenses incident thereto, when such labor is assigned from one institution to another within the jurisdiction of this department;



k. Detail keepers, guards or attendants from the employees of any institution as guards for the inmates thereof when out of the institution on assigned labor or to hire additional keepers or guards as may be necessary, paying therefor from the working capital account of such institution and including the cost thereof in the calculated cost of such labor;

l. Perform as an independent contractor, with the labor of the inmates of the institutions within its jurisdiction, any public work, either upon lands of the State or elsewhere;

m. Employ the inmates of any or all the institutions within its jurisdiction upon any work for the United States government or any department thereof, upon such terms as the State Board may determine.

"708. The employment of the inmates of any institution within the jurisdiction of the State Board shall be subject to the following specific limitations:

a. Marching or transportation of convicts in irons through the public streets or to or from their places of assigned labor shall not be permitted except in case of absolute emergency;

b. Convict labor under armed guard shall not be used on public improvements in conjunction with free labor;

c. Convict labor shall not be used to take the place of free labor locked out or on strike.

"709. The Legislature shall annually appropriate to the department a sum for working capital, which may be allotted by the State Board among the several institutions, which the State Treasurer shall, upon the warrant of the Comptroller,



as directed by the rule or order of the State Board, advance to the several officers of the respective institutions designated as the custodians of the working capital thereof. Settlements between institutions, departments, boards and other State agencies, shall not be made in cash, but shall be made by debits and credits on the books of the State Comptroller. The custodian of working capital funds of any institution shall, on or before the tenth day of each month, file with the State House Commission a statement showing all deliveries made by such institution during the month immediately preceding. Delivery shall be considered to have been made only when the producing institution shall have received and submitted, with its monthly report, the acknowledgment of receipt from the receiving institution, board, commission or other State agency, or in event of sales in the open market, acknowledgment of receipt by the purchaser. A separate report to be submitted, with the report of deliveries shall show all products sold, acknowledgment of delivery of which has not been received. All receipts from sales to be credited to the working capital appropriation for the then current fiscal year as replacement thereof, and any excess of receipts from sales over the amounts paid or due for materials and wages of inmates at the end of the fiscal year shall pass into the general treasury of the State. The proceeds of the sale of any articles or products, the cost of which is properly chargeable to maintenance, during any fiscal year, shall be credited to the maintenance account of the producing institution."



(FEDERAL) PRISON INDUSTRIES INC.

In 1930-31 the Prison Industries, Incorporated, was established through the efforts of Sanford Bates, then Federal Director of Prisons, Deputy Director James V. Bennett. A. H. Conner, once acting Director of Federal Prisons, and a National Committee composed of representatives of private industry, labor organizations, and prison industries, of which Sam A. Lewishon of New York was chairman. The corporation has much the same authority as that granted by the quoted provisions of the New Jersey Law. The management of purchasing and storage of supplies, material and equipment, the processing, storage, shipment and delivery of the products of the prison industries are more particularly like those of any manufacturing corporation than is provided by the New Jersey Laws.

GENERAL SUMMARY

The public corporation has so many points of superiority over bureaucratic forms of management that it could with advantage be adopted for the prison industries and prison employment in Japan.

BURDETT G. LEWIS  
Chief Prison Administrator



*Masa Azuma*

Treatment and Training in Reformatories  
and Prisons for Females.

The New Constitution of Japan recognizes equal rights for men and women, whereas in the old Japan, under the influence of Buddhism, women were not infrequently put on a par with knaves.

However, the percentage of offences committed by females has been invariably small, as compared with that of male offences. This is probably because women remained within the confines of home life and out of contact with society and burdened with no such responsibility for living as that of men, and thus they have been protected from both social and domestic troubles.

With recent debut of women in society, however, female offences has increased considerably in number.

According to investigations by the Metropolitan Police Board, female offenders under 20 numbered 351 in 1937, but increased a decade later in 1947 up to 4,571 (roughly 3 times as many as the previous figure), in contrast to the increase of male offenders during the same years from 5,947 to 19,287 (an increase by some 3 times).

In regard to the comparison of offences between males and females, the percentage of female offences up to 1940 or thereabouts was 6 to 7 but went on increasing until in 1948 it amounted to 10, in 1947 to 21 and at the end of last May



to a little over 22 on an average.

The greater part of female offences, as in the case of males, is theft, followed by fraud, while incendiary and homicide characterize female offences.

We see a sudden increase of sexual offences in recent years, though no accurate statistics are available as yet on that point. The latest investigation by the Metropolitan Police Board shows a terrible increase in population of prostitutes under 25 years of age, their <sup>number</sup> percentage being 19 in 1939, 63 in 1939, 755 in 1946 and 5,517 in 1947, while Item 8, Art. 4 of the existing Juvenile Law has remained a dead letter for girls for the past 25 years. The establishment of national reformatories for girls, despite occasional cries for its necessity in the past, has not yet been brought to realization and as regards to the protection of girls unfit for stay at their <sup>own</sup> family homes, there is no alternative but to commit them to private reformatories which numbers 13, throughout the country, that is, 4 in Tokyo Pref., 2 each in Hokkaido and Aichi Pref., 1 each in Kyoto, Osaka, Kobe, Gifu and Miyagi Prefs. With a capacity of 15 to 40, these institutions are now keeping under their care some 200 girls in all.

Great services rendered by private reformatories with their merits and demerits during the last 25 years are never to be cast into oblivion.

They are all homelike, their inmates being ever on terms of intimacy with their supervisors so that many of them are



glad to revisit their old institutions, accompanied by their husbands and children after their marriage as if they come back to their parents' <sup>homes,</sup> or they not infrequently come for advice whenever they grapple with difficult problems after going out into the world. The superintendent of a certain private reformatory is fond of collecting pictures of babies of old inmates as if he enjoys pictures of his own grandchildren.

On the other hand, with their unstable economic basis and inadequate public aid, some private reformatories had to make the inmates work all the day and has not been able to give much attention for education, physical and spiritual needs.

Such defects of private reformatories, I hope will be remedied to some extent with the abolition and replacement of private reformatories by public institutions by March 31 next year.

#### Education in Girls' Reformatories.

As a matter of course, pursuant to Arts. 4 and 5 of the New Reformatory Law, girls are to receive the same sort of education as that of boys, but, for girls, special stress should be laid on such informations as necessary knowledges for their future motherhood, domestic science, private and public hygiene sex education and sex hygiene.

Of special import to girls over 16 is vocational education, for it is most necessary for preventing their repetition of offenses to let them cultivate a good habit of working and to



put them in the way of getting their living, considering that a great number of them have fallen into crimes for lack of means of living, failing to find suitable jobs after coming up to town for work, or have been led into a life of vagrants or prostitutes because of their laziness and dislike of labor. Vocational guidance and training must be emphasized so that girls get the means of self-support after they return to the outside community. Sewing by machine, handicraft, knitting, and if their abilities allow, abacus, typing, book-keeping and hair-setting would be helpful.

#### Life Guidance.

##### Health:

Under the existing living conditions of Japan, women have to carry a heavier burden than men. Women in home life are playing at the same time the parts of wives, mothers, maids, nurses and breadwinners. Health is the first requisite of their proper life. To ~~build up~~ promote their health, for the sake of happiness not only at present but also in future, is the first step towards correctional education. Strong mind in strong body is always true.

##### Cleanliness:

Their life has been heretofore characterized by indolence and sloth. They should, therefore, be taught to form a good habit of keeping their bodies clean daily, wear neat clothing,



sleep in clean bed.

It is desirable to have neat and comfortable uniform so that they feel pride to wear it and the feeling of inferiority be avoided.

#### Home Life:

Majority of them having been brought up in ruined broken homes or come from family of the lower level, they should be instructed by all means more refined home life, so that they may prove good housewives in future.

For this purpose, it is to be desired that girls' reformatories will be operated, if possible, under the "cottage" system, where 10 to 15 inmates taken as the unit, under the direction of a good "cottage mother", where they learn cooking, sweeping, washing, nursing and other means of housekeeping. Habit training in daily life should be given for using good language, girls etiquette, careful handling of household utensils and furniture etc. At the same time they are so guided as to learn from their daily lives the ideas of order, diligence, co-operation, kindness and sympathy.

Married and unmarried should be put in separate cottages. Classification must be made according to their correctional possibility.

#### Recreation.

It is to be hoped that inmates of reformatories will be released, as much can be, from a sense of oppression and be



afforded every opportunity of self-expression. For this reason a recreation program is important. Singing, gymnastics, folkdance, drama and games would be helpful. Occasional athletic meetings, hiking, camping and movie shows will give the inmates chances of contacts with outside society.

The more normal life we give them, the less apt they will make to fail when they go out to a less protected environment.

Provisions for grade and prize are given under Art. 6 and 7 in new reformatory law. Honor system in reformatories will give the inmates hope and prospect in their daily life. It encourage them to make prepare themselves for returning to the community as soon so possible.

#### Girls' Prisons.

With my poor knowledge it is difficult and unfair to talk much about the subject. Only, let me give my few impressions of the Tokyo Detention House and the Tochigi Prison I visited.

1. The first question demanding solution is excessive reception. To meet the situation, the greatest possible number of inmates should be released on parole, and every effort should be made not to commit younger offenders to prisons with the opening of activities of the Family Court and the completion of girls' reformatories in future.

2. It is necessary to try <sup>to make some</sup> classification of prisoners, even if it is difficult under the existing situation of such excessive reception.



3. Alleviation of a sense of oppression and necessity of a recreation program should be emphasized.

4. Considering that the majority of female prisoners (numbering 1,079 of 1,479 prisoners) is left unsupported after their return to society, it is necessary to put them in the way of getting their self-support ~~living~~.

5. Problems of clothing, the ventilation and hygiene with-in the cells and babies of prisoners are questions demanding solution.

In conclusion, a matter of utmost importance both for reformatories and prisons is to get trained and good officers. Lack of good workers is the weak point every-where.



PUBLIC SAFETY DIVISION  
ROUTING SLIP

FROM:	PRISON Annex	DATE:	17 Sept '48
2	Chief of Division		
1	Executive Officer		
3	Executive Assistants		
	Lt Colonel Whitmore		
4	Captain Jump		
	Captain Nealon		
5	Administrative Officer		
	Chief Clerk		
	Fire Branch		
6	Legal Branch		
	Liaison		
	Maritime Branch		
	Police Branch		
7	Prison Branch		
8	Sta & Anat Branch		

For:

Information  Comment \_\_\_\_\_  
 Action \_\_\_\_\_  
 Approval \_\_\_\_\_ File \_\_\_\_\_

## REMARKS:

This is regarded by  
 our own staff, who  
 heard it as one of  
 best of the 33 arrangements  
 lectures for the gross  
 a-g's office personnel.

BGL



PUBLIC SAFETY DIVISION  
ROUTING SLIP

FROM: R.C.L. DATE: 17/9

	Chief of Division	
<u>2</u>	Executive Officer	<u>RCS</u>
<u>3</u>	Executive Assistants	
	Lt Colonel Whitmore	
	Captain Jump	
	Captain Nealon	
<u>1</u>	Administrative Officer	<u>RCS</u>
<u>7</u>	Chief Clerk	
	Fire Branch	
<u>4</u>	Legal Branch	
	Liaison	
	Maritime Branch	
	Police Branch	
<u>6</u>	Prison Branch	
<u>5</u>	Sta & Anal Branch	<u>RCS</u>

For: Information 1-6 Comment \_\_\_\_\_  
Action \_\_\_\_\_  
Approval \_\_\_\_\_ File \_\_\_\_\_

REMARKS:



Thirty-third Lecture, Orientation Course for Japanese Officials Connected with Office of Executive Assistant, Attorney-General, Delivered Public Safety Division Conference Room, NYK Building, 1000-1200, 15 September 1948, by Superintendent Pedros S. Pajo, Iwahig Penal Colony, Palawan, Republic of Philippines.

Subject: The Agricultural and Industrial Projects in a Penal Colony in the Philippines

#### ORGANIZATION

There are two main Penal Colonies in the Philippines. One is located in the Province of Palawan - the Iwahig Penal Colony which has around 102,000 acres reservation and the Davao Penal Colony which has about 75,000 acres of land reserved for this colony. The other sister colony is a Prison and Penal Farm at Zamboanga Province and has an area of about 15,000 acres only. Except Iwahig Penal Colony and San Ramon Prison and Farm, the Davao Penal Colony was founded only in 1930.

The organization of these Penal Institutions is almost similar in nature as to their administrative functions and their system of rehabilitation and reformation of adult inmates. All these penal colonies are directly under the supervision and control of a bureau called the Bureau of Prisons which is under the Department of Justice of the Philippines. The Bureau of Prisons is headed by a Director and Assistant Director of Prisons.

The Penal Colony is headed by a Superintendent and



Assistant Superintendent, the former being only directly responsible to the Director of Prisons. Each colony has an average of 30 colony officers and employees and about 10 prison guards. Most of the officers and employees are college graduates who were technically trained in their own lines, either in Agriculture, Animal Husbandry, Chemistry, Mechanical Engineering, and other vocational lines. Each colony has one or two physicians, nurses, dentists, pharmacists, property custodians, band leader, veterinarian, and priests.

The various activities of the colony are administratively placed under a Division. Each division is under the direct supervision of an officer or employee. The different divisions are grouped accordingly by departments.

As Superintendent of Iwahig Penal Colony, I shall only talk about this colony regarding its organization, functions, and results of its reformatory work, its various agricultural, industrial, and institutional activities, and the social rehabilitation of the inmates. Before I go into these subjects, I wish to inform this body that the Penal Colonies of the Philippines are now operated under a Revolving Fund. Before 1948, they were operated and maintained under a yearly budget fixed by the Philippine Legislature. The former system of financing the Penal Colonies in the Philippines was found to retard progress of development of the natural potentialities of the colony, their rapid progress in industrial possibilities



in the utilization of raw materials available locally, not to mention the government red tapes in administering the Colony.

The Iwahig Penal Colony was founded by an American, Dr. Dade, in 1904 who became the first Director of Prisons of the Philippines. At present, this Colony has about 3,000 inmates whose sentences range from two years maximum to life imprisonment. Before the World War II there were more than 500 members of colonists' families. Now there are less than 100 members, but many more are expected to arrive as fast as the requests of the most deserving inmates are approved by the Secretary of Justice.

#### PRISONERS AND THEIR FAMILIES-LIVING IN COLONIES

The families of colonists are provided with individual two-room quarters which are built out of locally produced materials. Each dwelling has enough ground for backyard gardening, poultry, and pig raising. Such backyard activities are undertaken by the wives and their children, the latter helping after school hours and during school holidays. When the administration needs women's services, such as: seed selection, harvesting rice or corn, mending prisoners' clothing, they are ordered to work on these at least three times a week--an average of four hours a day. The working hours are so fixed so that they have enough time to clean their dwellings, attend to their domestic animals and prepare their meals during the day, and other household daily activities.



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Upon the arrival of these families in the Colony, they are taken up as members of colonist's so and so family and are entitled to draw their by-monthly rations of rice, soap, and their daily rations for meat and vegetables or fish whenever they are available. The Colony sees to it that at least there is a meat and fish ration, alternating them twice a week. Vegetables are always available which are rationed according to the number in each family every other day. Mothers who have newly born babies are given fresh milk ration daily. The children who also need fresh milk and are recommended by the Colony physician are accorded same privilege. They are also given clothing ration twice a year.

The presence of colonists' families and with the officers' and employees' families in the reservation help much in organizing and rendering musical and literary programs for the entertainment of Colony residents and visitors from nearby or surrounding civilian communities. The children that come to school age fill the minimum requirements of enrollments in the grade schools.

Unless a wife becomes or turns out to be a social problems in the Colony, she and her children stay in the colony until her husband is released. The prisoner, as head of the family, is held responsible for the conduct and behavior of his family.

The result of allowing the families of deserving colonists join them in a Penal Colony is that it balances the life of a community. The children of school age are given free Elementary Education. If their fathers can afford to send them to the Secondary School, most of them attend this school inside the



Colony.

PRISON DEPARTMENTAL ORGANIZATION

The following are the various departments and the divisions or sections under each department:

Agricultural Department

Divisions:

1. Agronomy Division
2. Horticulture Division
3. Coconut and Vegetable Oil Division
4. Forestry Division

Animal Husbandry Department

Divisions:

1. Large Animal Division
2. Poultry and Swine Division
3. Fishery Division

Engineering Department

Divisions:

1. Machinery Division
2. General Transportation Division
3. Construction Division
4. Roads and Bridges Division
5. Electric-Water and Communication Division

Industrial Department

Divisions:

1. Industrial Division
2. Charcoal Factory Division
3. Brick and Tile Division
4. Furniture and Handycraft Division



Institutional Department

## Divisions:

1. Administrative Division
2. Property Division
3. General Service Division
4. Band Division
5. Post Exchange Section
6. Religious Section
7. Educational Section
8. Recreation Section
9. Medical Division
10. Police Division

KINDS OF PRISONERS SENT TO PENAL COLONIES

The kind and type of prisoners that are sent to the Penal Colonies come from our national prisons (New Bilibid Prisons) at Muntinlupa, Rizal Province. The new Bilibid Prison is almost 33 Kilometers from the Old Bilibid Prison in Manila. These prisoners are selected according to crime committed, conduct, and behavior, and time served out of their maximum sentences. No habitual offenders are sent to the penal colonies. They must serve at least one fifth of their maximum sentence before they can be considered eligible for assignment to a Penal Colony.

New arrivals of prisoners in the Colony are classified according to their educational attainments, age, crime, sentences, and training and experience outside and inside of prisons. They first undergo a period of from three to six months of provisionary status and within this period, they are



taken up under the General Service Division. They are assigned to work in the various agricultural, industrial, engineering activities and other miscellaneous work and at the same time orienting them to the discipline, rules and regulations enforced by the administration. Those that have special or technical training and experience are loaned to the divisions that need their services subject to the approval of the Superintendent. After such provisional period, they are assigned permanently to the division where their services will be the the utmost value to the administration.

#### GOVERNMENT AND DISCIPLINE

Punishment for serious infractions of the rules including fighting and one prisoner doing violence to another prisoner or personal conduct prejudicial to the best interests of the prison community are three. These are in the order of their seriousness: Loss of privileges, withdrawal of good times and awards previously earned, and confinement in isolation on bread and water for not to exceed three days. Beyond this a colonist may be sent back to the security section of the main Prison and returned for trial on a new offense.

Picturing the prisoners' life in a Penal Colony in the Philippines, one can see a free community under a municipal form of government, only that all prisoners, including the officers and employees are under a semi-military rule. Prisoners are not guarded once they are transferred to other divisions from the General Service Division. While they are undergoing provisional training in this division, the trusty police assigned to guard them are only armed with wooden clubs.



The best form of control among them is moral and respect toward the administration rather than force and fear from heavy punishments or inhuman treatment. We always treat them as humans rather than as criminals.

After learning that "crime does not pay," and that to live honestly pays, reformation of adult offenders comes along with them after learning that Freedom or Liberty is the most precious thing in life.

#### DEPARTMENTS OF IWAHIG ADMINISTRATION

Agronomy Division: This division is primarily responsible in the production of the staple foods, such as rice, corn, legumes, sugar cane, and other cereals. This Division also maintains truck gardening for the consumption of the men of the division and to help the Horticulture Division supply the needed vegetables for the men of other divisions, including those for the officers and employees, their families and colonists' families. Any extra are shipped to New Bilibid Prisons.

Horticulture Division: This division is in charge of the planting of orchards and the production of perennial vegetables. It also undertakes the raising of corn and other cereals. Said division undertake the extensive vegetable raising, including the planting of bananas, pineapples and papayas.

Coconut and Vegetable Oil Division: This division has a very limited, but extensive activities. It manufactures copra and produces oils from oil palms. It also supplies the coconut sap for the manufacture of vinegar or alcohol.



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#### DEPARTMENTS OF IWAMIG ADMINISTRATION

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Coconut and Vegetable Oil Division: This division has a very limited, but extensive activities. It manufactures copra and produces oils from oil palms. It also supplies the coconut sap for the manufacture of vinegar or alcohol.



Forestry Division: The production of logs to feed the colony sawmills is the principal concern of this division. It also supplies the construction division with round house materials, rattan, and other forest products needed by the said Division. It is the plan of the present administration to engage in the collection of copal from the colony forest reservation.

Large Animal Division: The raising of cattle, carabaos, horses, goats, and dairy cattle are the main activities of this division. It also conducts breeding work to improve the stock of each breed. The production of fresh milk, butter, and cheese will be emphasized by the present administration.

Poultry and Swine Division: The main objectives of this division are self-explanatory. The production of eggs, poultry, and pork are the principal aims of the division on a commercial basis, besides supplying the inmates with eggs and pork twice a week.

Fishery Division: The catching of fish, gathering other minor sea foods, and the raising or culturing fish and oysters are the principal activities of the division. The production of common salt is also under the charge of this division.

Engineering Department: The various divisions under this department as previously enumerated undertake self-explanatory activities. In general, they operate and maintain the machineries, motors, launches, electric and telephone systems and the water supply of the Colony. Roads and bridges are maintained or constructed by the division concerned. The Construction Divisions construct brigades, houses, and make



necessary repairs of all buildings and quarters of the Colony.

Industrial Department: Except the Industrial Divisions, the other divisions under this department undertake specific specialized work. The Industrial Division manufactures laundry and toilet soap. It also runs the tailor and shoe shops. The making of Nepa "salocots" (helmets) for the prisoners' use is also one of the division's activities. It is the plan of this department to manufacture laundry soap, ceramics, bricks, and tiles on commercial basis this coming year.

Institutional Department: The different divisions or sections listed under this department, except the General Service Division, have their specific responsibilities which, for obvious reasons, I need not explain here. For some reason or other the present set up of the organization of the Iwahig Penal Colony and for the interest of the service, the rice mill, granary, slaughter house, and cold storage are under the Property Division.

Spare Time Work of Colonists: All prisoners are required to render service for a period of eight hours a day except Sundays and official holidays. However, most of the farm field work is given under the "Piece Work System." Prisoners who can finish their daily assigned piece work early during the day, spend their spare time for their private gain--either in making hand crafts, planting food crops, raising chickens or pigs and in any line of work of which they derive some cash. All of such produce during their spare time are sold through the Colony Post Exchange.

#### WAGE SYSTEM FOR COLONISTS

All prisoners who have stayed in the colony six months



from the time they arrived from the Central Prisons are given monthly gratuities ranging from 50 centavos to 10 pesos monthly depending upon their skill in certain technical or specialized kind of work.

#### IWAHIG SELF SUPPORTING

Because Iwahig Penal Colony almost produces the food of the colonists and coupled by the production of an average of 700 tons of copra a year, the colony has been a self-supporting institution of the Philippine Government since 1930 with fairly, if not, substantial profit every year.

#### GENERAL EFFECTS OF IWAHIG UPON COLONISTS.

It is the aim of the present administration of the Philippine Bureau of Prisons to make this bureau an asset to the Philippine Government, instead of a burden financially in the maintenance and reformation of her insular prisoners, not to mention the value of the vocational training taught to the prisoners to assure their new life upon their release.

#### COLONISTS BECOME LEADING FARM SETTLERS

There are many released prisoners and also those with families, who, upon release, settled down in Palawan--mostly in the neighboring localities. They became successful farmers and retailers. In fact, these ex-colonists become leaders in their communities and the farmers become the examples of a simple scientific farmer in their respective "Barrios" or districts.

Pedro S. Paje



Thirty-third Lecture, Orientation Course for Japanese Officials Connected with Office of Executive Assistant, Attorney-General, Delivered Public Safety Division Conference Room, NYK Building, 1000-1200, 15 September 1948, by Superintendent Pedros S. Paje, Iwahig Penal Colony, Palawan, Republic of Philippines.

Subject: The Agricultural and Industrial Projects in a Penal Colony in the Philippines

#### ORGANIZATION

There are two main Penal Colonies in the Philippines. One is located in the Province of Palawan - the Iwahig Penal Colony which has around 102,000 acres reservation and the Davao Penal Colony which has about 75,000 acres of land reserved for this colony. The other sister colony is a Prison and Penal Farm at Zamboanga Province and has an area of about 15,000 acres only. Except Iwahig Penal Colony and San Ramon Prison and Farm, the Davao Penal Colony was founded only in 1930.

The organization of these Penal Institutions is almost similar in nature as to their administrative functions and their system of rehabilitation and reformation of adult inmates. All these penal colonies are directly under the supervision and control of a bureau called the Bureau of Prisons which is under the Department of Justice of the Philippines. The Bureau of Prisons is headed by a Director and Assistant Director of Prisons.

The Penal Colony is headed by a Superintendent and



Assistant Superintendent, the former being only directly responsible to the Director of Prisons. Each colony has an average of 30 colony officers and employees and about 10 prison guards. Most of the officers and employees are college graduates which were technically trained in their own lines, either in Agriculture, Animal Husbandry, Chemistry, Mechanical Engineering, and other vocational lines. Each colony has one or two physicians, nurses, dentists, pharmacists, property custodians, band leader, veterinarian, and priests.

The various activities of the colony are administratively placed under a Division. Each division is under the direct supervision of an officer or employee. The different divisions are grouped accordingly by departments.

As Superintendent of Iwahig Penal Colony, I shall only talk about this colony regarding its organization, functions, and results of its reformatory work, its various agricultural, industrial, and institutional activities, and the social rehabilitation of the inmates. Before I go into these subjects, I wish to inform this body that the Penal Colonies of the Philippines are now operated under a Revolving Fund. Before 1948, they were operated and maintained under a yearly budget fixed by the Philippine Legislature. The former system of financing the Penal Colonies in the Philippines was found to retard progress of development of the natural potentialities of the colony, their rapid progress in industrial possibilities



in the utilization of raw materials available locally, not to mention the government red tapes in administering the Colony.

The Iwahig Penal Colony was founded by an American, Dr. Dade, in 1904 who became the first Director of Prisons of the Philippines. At present, this Colony has about 3,000 inmates whose sentences range from two years maximum to life imprisonment. Before the World War II there were more than 500 members of colonists' families. Now there are less than 100 members, but many more are expected to arrive as fast as the requests of the most deserving inmates are approved by the Secretary of Justice.

#### PRISONERS AND THEIR FAMILIES LIVING

CONDITIONS

The families of colonists are provided with individual two-room quarters which are built out of locally produced materials. Each dwelling has enough ground for backyard gardening, poultry, and pig raising. Such backyard activities are undertaken by the wives and their children, the latter helping after school hours and during school holidays. When the administration needs women's services, such as: seed selection, harvesting rice, <sup>or</sup> corn, mending prisoners' clothing, they are ordered to work on these at least three times a week-- an average of four hours a day. The working hours are so fixed so that they have enough time to clean their dwellings, attend to their domestic animals and prepare their meals during the day, and other household daily activities.



Upon the arrival of these families in the Colony, they are taken up as members of colonist's so and so family and are entitled to draw their bi-monthly rations of rice, soap, and their daily rations for meat and vegetables or fish whenever they are available. The Colony sees to it that at least there is a meat and fish ration, alternating them twice a week. Vegetables are always available which are rationed according to the number in each family every other day. Mothers who have newly born babies are given fresh milk ration daily. The children who also need fresh milk and are recommended by the Colony physician are accorded same privilege. They are also given clothing ration twice a year.

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Institutional Department

Divisions:

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Institutional Department (Cont.)

2. Property Division
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