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REFER TO:

October 22, 1969

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Dear Josh:

As you doubtless must have gathered, this delay in responding to your letter of August and sending you various items of information you had requested, has been occasioned by the very serious problems created by continuing staffshortages and press of numerous duties and deadlines.

Enclosed you will find a number of items which will provide some general information and background pertaining to the conceptual and other treatment, rehabilitation, and prevention issues regarding the problems of delinquency and crime. I would like particularly to emphasize the importance of understanding some of the basic conceptual notions in order that the right and meaningful questions be asked to which answers are then sought. Of the things that I have written relating to these issues, the Mental Hygiene article discusses some important points pertaining to the social definition, labeling, and differential handling of various forms of social deviance. It is most essential to note that "delinquency" and "crime" do not refer simply to characteristics and qualities inherent in the behavior of the individual, or qualities inherent in and unique to the individual, but also relate to the particular manner in which the community wishes to define, label, and then handle the particular form of behavior when engaged in by particular people. The paper presented at the Zion, Illinois conference discusses a number of specific points pertaining to the interactions between the legal and mental health systems. The most recent paper, given at the last APA, relates to the question of correctional treatment and rehabilitation and points to longstanding and continuing societal hypocrisies in this regard.

The above material will provide some broader background and you may wish to see some of the references cited. The yellow covered item, "Preparation for release and community follow-up," also discusses a number of specific issues relating to correctional treatment and rehabilitation programs.

In brief, as I note in the APA paper, there is very little reason to believe that our Society is very concerned about the treatment and rehabilitation of delinquents and offenders. While there is a plethora of rhetoric and numerous high-sounding statements about the laudatory aims, intentions and objectives of correctional programs, the actual

Professor Joshua Lederberg

Page 2

10/22/69

funds, facilities and resources allocated, and also the kinds of barriers and obstacles placed in the path of reintegration of the offender into the community, all testify rather glaringly to the realities that are experienced in contrast to the good intentions promised. I feel very strongly that we should put a stop to continuing mouthing high-sounding rhetoric. The experience with the juvenile court and in many types of "civil" handling of mentally ill persons indicates only too clearly that the glaring discrepancies between stated aims and actual realities lead to numerous instances of very severe sanctions -- while concurrently many people continue blissfully in the belief that programs termed "treatment" must automatically be therapeutic.

I understand that President Nixon is shortly to have a message on prisons and corrections. Having seen the draft prepared by the Department of Justice, I feel that priorities and meaningful and constructive approaches to the larger and broader issues pertaining to our entire juvenile and criminal justice system will be by-passed. Parenthetically, I did prepare a rather quick and detailed list of suggestions for changing many of the proposed points in the Message. However, we were informed later on that the suggestions could not be incorporated since the Department of Justice had already prepared a final version of the message. One of my basic points was that one cannot seriously address the problems of the prisons without also taking a good look at the courts, sentencing policies, criminal justice policies, overcriminalization of the law, and related matters which only at the tail end of the criminal process involve us with incarcerated offenders. Also, it was strongly suggested that social systems and institutions other than the criminal law and the criminal and juvenile justice systems be considered and developed for dealing with a wide range of social problems and deviance. This is very much in keeping with recommendations of the President's Crime Commission that there be more and more diversion of cases away from the juvenile and criminal justice systems.

Among the additional sources that you might look into are the two following issues of The Annals of the American Academy of Political and Social Science (commonly referred to as The Annals):

"Combating Crime." November 1967

"The Future of Corrections." January 1969

In regard to your question about information regarding the "criminal personality," the answer is rather easy. There has been a singular inability to ascertain specific and uniform characteristics which might be described as relating to "criminals." There is, therefore, no such thing as a "criminal personality," just as one would be hard put to find a "catholic," "protestant," "jewish," or "Negro" personality. One can and does find that chronic and incarcerated offenders display a variety of social and psychological problems. However, even these

Professor Joshua Lederberg

Page 3

10/22/69

characteristics tend not to hold up too well when the comparison group involves other persons closely matched in terms of the lower socio-economic groups and related features. Then, too, it is difficult to separate the results and consequences of longterm confinement and reactions to this and other stress factors, from initial "personality" features characteristic of the group. An important but now rather old study, failed to find any clear differentiating features when a careful review of such studies was undertaken. The reference is: Schuessler, K.F. & Cressey, D.R. "Personality characteristics of criminals." American Journal of Sociology, 1950, 55, 476-483.

Obviously, what one also has to remember is that criminal statutes as well as the entire administration of criminal justice, reflects and has deeply imbedded in it, social class and other biases. In addition, as noted earlier, the societal reaction to deviance remains a very important factor in the kinds of deviance which is to be selected for handling by the criminal justice systems. Within the legal system there are numerous and complex non-criminal statutory, regulatory, and administrative arrangements for the regulation and control of other forms of deviant, undesirable, dishonest and related behaviors. Likewise, there is much selection and screening in terms of those law-violators who come to official attention, who receive formal disposition (in contrast to informal diversion and dismissal), who get convicted or enter guilty pleas (clearly influenced by availability of good legal counsel), and then those who get incarcerated. Thus, we end up dealing with a very very biased sample of "criminals" when we look at those who get convicted and incarcerated. As the Crime Commission and numerous other studies have pointed out, business and "white-collar" crime, theft by employees, shop-lifting, business frauds, price-fixing, and related types of "criminal" behavior account for very huge sums of money. However, these individuals (typically from the middle and upper social classes) do not really get as readily convicted or incarcerated.

In regard to cross-cultural data there is little that I can get my hands on at this point. In any event, due to a number of differences in statutes, criminal justice systems, and criminal statistics and records, meaningful comparisons are very difficult. However, we are trying to get information from the United Nations and shall send on to you what we can locate. Also, we have asked the Office of Juvenile Delinquency, in Social and Rehabilitation Service, to send you some material directly.

About the precise wording of the press release on the XYY conference, you are quite correct -- there was specific reference to the individual. In checking I note that my initial draft had that wording, that several changes were made by the Office of Communications, I caught and corrected some of the mis-impressions, but evidently missed the above particular point. We shall most certainly correct and clarify this point when a

Professor Joshua Lederberg

Page 4

10/22/69

press release is prepared in connection with the Conference report. Incidentally, we have continued to be so swamped and understaffed that I finally have had to use a science writer type, under a professional service contract, to prepare the rough draft of the conference report to send out to participants. After feedback and comments have been received on the draft, I shall assume major responsibility for the final report.

As noted earlier, we shall send you additional material as we can locate it or receive it in response to certain requests. There is no material that I know of in regard to "transportation" (to Australia -- the British government in India also used an island in the Indian Ocean where there was a penal colony) as a penal policy. Also, as you will understand, we simply are unable to conduct any more careful search or effort in regard to your inquiries due to very serious staff constraints.

Hope the material enclosed is of help.

With my best wishes.

Sincerely,



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Chief, Center for Studies
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