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FOREWORD

Not all war's casualties are on the fighting fronts; the dislocations and excitements of war take their toll of youths not yet in service. Crimes by young offenders increase in number, and the trend does not end abruptly with the coming of peace, for then the demobilized soldiers add another increment to war-bred crime. The drafting of the 18- and 19-year-olds makes it probable that a host of youths, schooled to violence under a strict yet paternal discipline, will suddenly be released to make their individual adjustments to civilian life as best they may. That more will fail than do under normal conditions is a certainty.

Perhaps we could afford to disregard this problem if crime were an acute disease which immunized its victims. But grim statistics of recidivism prove that we cannot treat the young offender as we have been doing if we are to escape the sorry round of capture, trial, imprisonment, and release, capture, trial, imprisonment, and release, until this generation's swollen quota of wrong-doers has been liquidated by age, disease, and death.

Fortunately, there is reason to hope that a better fate may await both society and the young offender. Awareness is growing that his correction is a problem which we dare not shelve for the duration. Today there are proposals and experiments which give promise, if vigorously pursued, of restoring many of our moral casualties to useful life. Moreover, interest in those developments has been given direction and impetus by the American Law Institute's sponsorship of the model Youth Correction Authority Act, drafted by its distinguished Criminal Justice-Youth Committee.

This model act, already adopted in modified form in California, applies to offenders in the 16-21 age group who have been convicted of crime. It seeks to substitute treatment for punishment as the dominant objective in their correction. In the Authority created by the Act would be vested the power to decide the character and, subject to certain limitations, the duration of control over the offenders committed to it by the courts. The Authority would maintain its own diagnostic centers but would utilize, at the start at least, existing correctional agencies which, moreover, would not be under its direct control.

The Act's emphasis on the rehabilitation of the offender is not new, nor is its proposal to shift from the courts the power to determine the disposition of the convicted offender.¹ Its major innovation perhaps is the use of the Authority as a

¹For a list of earlier proposals to this end, see WARNER & CABOT, *JUDGES AND LAW REFORM* (1936) 170n, a work urging the creation of a "disposition tribunal."

coordinating, integrating body, a move which has provoked lively debate. However, whether or not the Institute's particular plan is the most desirable, the fact that that plan envisages the use of all the various developments of promise in the post-conviction treatment of the young offender renders the measure a peculiarly apt vehicle for the consideration of those developments. This symposium therefore seeks not merely to examine the Youth Correction Authority Act but, more broadly, to inquire into the problem of rehabilitating criminal youth, whether through the medium of the model act or otherwise.

The first article summarizes the findings of statistical inquiries into the relation of youth and war to crime and recidivism. Following this depressing disclosure comes a candid yet balanced description of our present equipment for correcting the young offender. As a possible means of meeting the needs which these essays reveal, the third article, by the Reporter for the Institute Committee which drafted the model Correction Act, outlines the provisions and rationale of that measure.

The Correction Act has kindled anew the dispute whether indeterminate control of offenders is justifiable, and the next two articles present the clash of basic philosophies on that question. The constitutional issues to which the Act's indeterminate control provisions give rise are analyzed in the article following.

The succeeding two papers present two adaptations of the model act. The first paper describes the proposed act for the correction of youthful offenders against federal laws. In the second paper, the actual experience in launching the California Act is narrated by a member of that state's Authority.

There follows a group of four articles each discussing one major phase of the problems and opportunities which would confront a Correction Authority or indeed any agency initiating far-reaching measures in this field. The first of these articles considers the institutions which now provide examples of promising treatment procedures; the second describes ways whereby science and common sense may be employed in the diagnosis and treatment of the offender. The third paper poses the critical problem of the offender's readmission to society, while the last of this group realistically attacks the organizational problem in terms of personnel and costs. But that the Youth Correction Act would be likely in practice to meet the needs disclosed in the foregoing articles is questioned in the next article in which a national leader in the probation movement proposes an alternative program of reform.

The advocates of the model act recognize that our faults in handling youth offenders are not confined to the post-conviction stage. The American Law Institute has put forward a model Youth Court Act providing for special tribunals to try young offenders. This measure and other like proposals and experiments are examined in the next to the final paper.

In the closing article, an eminent Polish lawyer-criminologist surveys Continental European experience in correcting youthful offenders and reveals how, among a variety of attacks on this universal problem, some nations have made important advances in the direction in which we are now moving.

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