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I appreciate your kind invitation asking me to come and speak with you concerning various prison systems which I had the opportunity to study in my recent trip to Europe. I would not want to give anyone the false impression that I went over to Europe with the idea of solving all the problems or finding all the answers. The idea for my trip originated when Chief Justice Burger met with the State Attorneys General in April of this year and expressed his growing concern about the large number of post-conviction hearings that we are presently having in this country. The Chief Justice pointed out, for instance, that in 1940 there were only 80 writs of petitions for habeas corpus conducted in all of the federal courts in America as contrasted with more than 12,000 this past year.

To bring these figures closer to home, we have at the present time three attorneys in our office who handle these petitions for habeas corpus. Due to a recent decision of the Fourth Circuit Court of Appeals, it is going to necessitate at least two more attorneys in that we are now going to be required to file an answer to every petition instead of sending the entire court records to the judges for review as has been done in the past. The immediate result to our office of this judicial decision is that in the middle and western districts of North Carolina alone, we have over 150

answers now due. To do this job correctly would require an entire year of a lawyer's time.

In recognizing the increasing problems that post-conviction hearings are presenting to the American judicial system, Chief Justice Burger told us that we should take a look at the prison systems that exist in the Scandinavian countries. He commented that, after all, they have had several hundred years' more experience than we have had. While he did not say that he believed their system was better than ours, he did think we might learn something from them.

With this thought in mind, I decided to take a little vacation and combine it with business. I wanted it to be my vacation, so I went at my own expense. I asked Sir George Colstream, who is at the Inns^{of}/Court in London, if he would arrange a tour schedule for me in London and asked the American ambassadors in Denmark and Sweden if they would do the same there. I must tell you that they really took me at my word. I only had one Saturday afternoon off in England and one Saturday afternoon off in Paris. The rest of the time, they really rolled out the red carpet.

I wanted to study the prison systems in Europe because one of the things that I am very much concerned about, as I am sure you are, is the backlog in our own courts and the long delay between the stages of arrest and trial. In Cumberland County, for example, we presently have 146 drug cases on the calendar waiting for trial. In July of this year, we arrested one of the largest heroine addicts we know of in this State; and by October, he still had not been tried. So we arrested him again with another large supply. And last week

he was tried, thank goodness, and I think received a prison sentence of ten years.

It has long been my theory that the amount of punishment that you impose on a person is not nearly so important as a deterring factor as is a swift and sure trial. This seems to be the prevailing philosophy that I found in England, in Denmark and in Sweden. You know, in this country, from the time a man is arrested until the time he is tried, we still consider him innocent; and we are not so down on him. But once he is convicted and sentenced to prison, it has been my experience that if you do much to try to help him, if you talk about rehabilitating him, you are accused of coddling not only him but all other prisoners as well. Contrast this, if you will, with the prevailing attitude that I found in all three countries in which I visited. I discovered that once a man is tried, the whole attitude of the public seems to be, "Now, poor fellow, we've got to help you." But up until that time, everyone is down on him.

My interest in prison reform is not new. I have had an interest in it since 1955 when Pat and I were in the Senate together, through 1959 when the big assault was made on our prison industries by the private sector of our economy, right on down through the 1967 bill that I believe made the most sweeping changes ever in our prison system. I was privileged to introduce that bill and, with the help of a lot of people, got it through the legislature. So you can see that my interest in prison reform is not something that is new.

With regard to the European prison system, I found that over 40 percent of the persons accused of crime in London are never

permitted bail. Persons have no right to bail as a matter of right, except to the magistrate. I found the Lord Chancellor's Office to be somewhat critical of the magistrates who, I think, probably compare to our district judges, because as a matter of routine they would always accept the word of the ^{police} that a certain man was dangerous and ought to be detained until trial without ever inquiring as to why the police thought he should be detained.

As in London, in Denmark and in Sweden, there is no right to bail. Practically all prisoners are kept in custody until time for trial. However, I should add that the period between arrest and trial is more like two, three and four weeks rather than one or two years as we find in the United States.

Since a primary purpose of my visit was to try to find out what the Europeans did to keep a prisoner content or keep him out of the courts once he got into prison, rather than learning about the operation of prisons themselves, I spent one entire day in London with Mr. Bryan Covitt who is the comptroller for administration of the English prison system. In addition, I spent one whole day in the Wormswood Scrubs Prison in London which is a prison almost resembling our own in its Victorian style. It was built in 1891, and there are presently about 900 prisoners located there. An interesting thing about this prison is that the head man is called the "governor." I told him that that name was sort of degrading to our own governor, but that is what they call their warden, "governor." Once I got inside the gate, I never saw a gun of any kind. The governor said there were no guns at all in the prison except four or five old

blunderbusses that had been in the basement for one hundred years or so, and somebody had just accidentally found them. Think about it, no guns at all in that entire prison.

As the governor took me around, he had one key and rather than the double iron doors which we have here --- you know, you go out to some of our prisons and you open one iron door and they take you inside that and lock it and you find yourself locked between two doors. But in London, they just had wooden doors. Still, there seems to be no problem with security at all.

Perhaps even more interesting is that I found that every prisoner who I saw in the entire prison had his own cell. They call it a cell, but, really, I would call it a room. Inside the prison was pretty much like ours, except that they ^{had been} cut into rooms and they have doors with peepholes in them. They told me that out of the 38,000 to 40,000 prisoners in the prison system in England, they were very concerned because about 9,000 of them had to share a cell with another prisoner. They were complaining because 9,000 had to share a cell and I thought that really demonstrated a remarkable record. They attributed this fact as one of the several factors that relieves them of many of the problems that we have.

On the day that I happened to be there, the Board of Visitors were visiting that particular prison. Now the Board of Visitors is a Board of men and women, some of whom must be magistrates, or, as we would say over here, at least district judges. They are appointed by the Secretary of State for Home

Affairs, or by the home office, as they call it, because this is the department that is in charge of the criminal division. They visit each prison, each detention center, and each youth center, which they call a "borstal," every month and they have general responsibilities to satisfy themselves about the state of the prison buildings.

They have a responsibility to satisfy themselves about the state of the administration and the treatment of the inmates. It is announced to all inmates before they come that the Board of Visitors will be there on a given day and that any person who would like to talk to any one or all of them will have an opportunity to do so. The warden pointed out that you would think that there would be a line of prisoners waiting to voice their complaints. But he said, in fact, there were very few who ever asked to see them and, again, they said they thought that the mere fact they could see somebody who was not a part of the Establishment eliminated a lot of the problems. This Board of Visitors is very free to make its findings public. In fact, Mr. Covitt, the administrator, was a little bit critical of it. He said he was a little bit inclined to think maybe the board ought to tell him the problems before making them available to the public. But, yet, on the other hand, he said he acknowledged that the real purpose and effectiveness of their job was the fact that the prison officials knew that whatever the board found would be made public.

We also went into a sewing operation in Wormswood Scrubs Prison and it was just about like the sewing factory we have down in Lillington except not nearly as large. The machines were going like mad. Some of the prisoners --- and these were the long-term prisoners in this place --- were really working. I asked the warden, or Governor I should say, how he was able to get them to work as hard as I observed them to be working. He said it was no problem at all. They

were on piece work. They were paid on the incentive basis. I said, "You mean you pay them?" He was astounded that I would even ask the question and said they have been paying prisoners there as long as he has been connected with the prison system. Now he said, to be sure, that the average pay was low. I think the average pay for the prisoner not on piece work averaged about seven shillings a week which would be about \$1.40 a week. He acknowledged this was not a large amount of money and certainly they could not save anything, but it did give them something with which to buy cigarettes and razor blades. He thought, too, that it prevented^{the}/wheeling and dealing in money that you so often find in prison. I learned that some of the men working in this factory could earn as much as 33 shillings a week which would be about \$6.60 a week, if they performed fully. This was right interesting to me that it was so taken for granted there, because I remember in 1967 when I introduced that bill I mentioned earlier, my good friends, Senator Tom White of Kinston and Senator John Burney of Wilmington, stood up and said they would resign their seat in the Senate and go home before they would ever vote for any such legislation. Well, of course, John ended up making a speech for it after we talked to him about it and explained it to him. But we didn't convince Tom, by any means. I'm not sure that Lee Bounds (State Commissioner of Correction) has ever put it into effect here yet because the last time I talked to him about it, I believe he said he believes that he's got to feel his way.

One of the things that impressed me in the London prison, which I have voiced my complaints about many times was the dress of prisoners. You know you can go look at our prisoners here and if their shirts are ever ironed or pressed or cleaned, I've never noticed it, even in the youthful training schools. The youngsters are just not dressed neatly. In the London prison, the shirts of the men working in that factory were all of uniform quality, but they were good looking shirts and they were ironed and pressed. I talked to the prison officials about it and they said they guessed that the dress of the prisoners did as much, in their opinion, to improve the morale and self-respect of the prisoners as anything that was done there. Even in the women's prison, persons were permitted to wear their own civilian clothes that they bring with them.

Another thing I noticed in London was that in their rooms they were permitted to have books and reading materials. I don't recall for sure, but I'm almost under the impression, that in London they could have radios if they wanted them and they were brought in from the outside. But don't hold me to that, because I'm not quite sure. Almost all of the offenders, and practically all the offenders under 21 years of age, are never sent to prisons at all, rather they are sent to their detention centers or to their borstals. I found that in Europe all youth prisons are called borstals and they were named after Professor Borstal in England who originated the

idea many, many years ago, but the terminology is also used in Sweden and in Denmark. Most of those who are serving sentences in these youth centers are serving for a period less than two years.

The Lord Chancellor's office told me they had very few of what we would call post-conviction hearings. Of course, we know that one of the reasons they don't have as many as we do is that the rights of the individual are not as protected. They have no Constitution as we do. They kept reminding me of this every time we would talk about prison problems. For example, they would remind me that Parliament could abolish the Queen the next day if it wanted to. But, of course, they do have the Magna Carta and common law rights.

The prisoners do have a right to go into court, ^{although} /almost no such cases arise because of the free access which they have to the Board of Visitors. They can write letters to the newspapers, and most of their mail is not censored. Again, this is also true in Denmark and in Sweden. The prison officials said that at first you would have thought that the newspapers would have been full of complaints and accusations, but as soon as they stopped censoring the mail, the newspapers themselves began doing a job of censoring. In other words, they recognized a crank letter when they saw one and they wouldn't print blanket accusations without some basis for it.

After our London tour, we went over to Denmark, and really, we had just planned to stop in Denmark for a day or two of sight-seeing. However, in Copenhagen, the American consul went with me to the head of the prison system where he had previously set up an appointment. I found all of these people most anxious to show us their facilities and to answer any questions we had. I found there the most remarkable prison anywhere. The buildings on the outside were somewhat of the Victorian style, similar to our own and the one we visited in London. But I give you my word, that on the inside, that prison was just as clean as any hospital room anywhere. Every single prisoner had his own room. In the room there was a radio with the two Danish radio channels piped in. And they let me go anywhere I wanted to go. I went into one room where the inmate had television which his family had brought him. In addition, he had books to read and was taking a correspondence course.

This particular prison now has 500 inmates and 600 employees. Now they confessed that they thought maybe they were over staffed, but it gives you an indication of the attention the prisoners are receiving. In England, they have about 38,000 to 40,000 prisoners and about 15,000 employees. You can see that they put a great deal of emphasis on rehabilitation.

In the prison systems in Denmark and Sweden, they attributed the fact they do not have much trouble with prisoners complaining, such as we do here, to the Omsbudsman system.

These Omsbudsmen make regular, periodic visits to the prisons. Prisoners are able to talk to them to voice any complaints they might have, not only about their treatment there, but about any abuse of their rights and the trial of their cases. Because of this, my counterpart said they had only about 100 post-conviction hearings in all of Sweden last year. But the Omsbudsman handles about 1,000 complaints. I spent one evening with him, and he really is a remarkable person. I thought the Ombudsman system was something of recent origin, but it was incorporated in their 1810 Constitution. The Omsbudsman is on the same level with a member of their Supreme Court in Sweden. He draws the same salary as a justice of the Supreme Court. The Chief has two other Omsbudsmen working with him and also has 17 young lawyers on his staff. When I say young, he indicated that usually those on his staff were just out of law school and spent two or three years with him.

Whenever the Omsbudsman gets a letter from a prisoner or from anyone making any complaint, that letter is placed on public file that same day in his office. The newspapers come every day, but he said the newspapers, on their own

accord, would not print the substance of the prisoners' letter until they had had time to make their own investigation of it. A newsman, for example, would call upon the prison officials for explanation of the complaint. If the explanation by the officials was such as to satisfy him that the complaint was not valid, then he would simply write up his report and make that public, and then the newspapers would have access to that and copies of it would be furnished to the prisoners. I was told that 90 per cent of the complaints they handle, not only those from prisoners but also from the entire system, were because of failure of the public official involved to take the time to explain the reasons for his action.

And this problem is not restricted to Europe. For example, we will average in the Attorney General's Office two or three people a week who will come in really upset with some member of our profession. Oh, they've been done wrong. The courts are corrupt. The lawyers are corrupt. We make it a practice to offer explanations. Carroll Leggett probably spends half of his time listening to such complaints.

Let me give you two illustrations. A lady recently came up from Wilson who had been hurt in an automobile accident. Her lawyers started to try the case and then

were called back into the room with the judge. When they returned, they told the lady to accept a compromise. Now we know what happened. The judge got the lawyers back in the chambers and told them to give and take a little bit. But the lawyers had not taken the time to explain to her what happened. Two weeks ago they tried a case here in Wake County Superior Court where they picked the jury one day, and court opened the next morning at 9:30. The judge called all the lawyers back into the room and about one o'clock they came out, and the lawyer told his client they had better take a non-suit. Well, I had gotten the word already that the man was terribly upset; and after spending an hour or two with him and explaining what I thought had happened, I think he went away satisfied. And this is something that we in our profession have really got to do something about.

The Omsbudsman commented that he made a full and complete explanation of his findings to each prisoner. Then if the prisoner persisted and wrote again or talked to one of their men again, a further investigation would be made. He said that many times a prisoner would bring something to their attention later that had been overlooked the first time. If it was found that the prisoner had been mistreated in prison or if they found that his rights had been violated in the course of trial, the first thing

the Omsbudsman did was make his findings a matter of public record. And he said, really, that was all it ever took. It did not require further action, because public opinion was so strong, and the prestige of his office was so great.

If the Omsbudsman makes a finding of fact that a public official has abused his position, the public official must do whatever is necessary to correct it immediately. The Omsbudsman can go to court on behalf of the prisoner if he wants to, and he always makes a final report to the Parliament. He is completely free from the government itself. He is appointed and answerable only to the Parliament.

Last year, he handled 229 complaints relating to the court. Of those complaints, he issued 27 admonitions. He found no criticism whatsoever after investigations in 132. Only one of those 229 did he refer to another agency. And 69 complaints were dismissed without any investigation, because it was apparent on their face that they were frivolous. He had 131 complaints with regard to public prosecutors. In ten of these cases he issued admonitions or found criticism of the public prosecutors. In 67 cases, there was no criticism after investigation; 24 he referred to other agencies; and 30 were dismissed on their face. In regard to police authorities

and criminal matters, he handled 159 cases. Against only one did he institute disciplinary proceedings in the courts. He issued seven admonitions; found no criticism in 82; referred 14 to other agencies; and dismissed 55 of them as being without foundation and not requiring an investigation.

With specific regard to prison administration, he had 390 complaints. He instituted disciplinary proceedings against only one prison official. He found 42 cases in which he was critical and issued admonitions. He fully investigated 263 cases and found no substance to their complaints. He stated that 43 were referred to other agencies and he dismissed 41 as being frivolous.

Now if you add all of these cases together it will come to somewhere between 800 and 1,000. Think for just a moment that if they were operating under our system, at least two-thirds of those would have been post-conviction hearings, or hearings in the nature of post-conviction proceedings in which the prisoner was seeking an opportunity to talk to somebody outside of the Establishment.

Chief Justice Burger, himself, had commented that he was of the very firm opinion that a large portion of these prisoners who seek post-conviction hearings do it in the nature of a therapy. They get cooped up in prison and they have no one to talk to except someone who is a member of the Establishment. In other words, they have to talk to

the warden or the guard or someone like that. Even though that person may be completely impartial and may be objective, they have the feeling he is not. I was very much interested to note that the Omsbudsman had the same comments.

To me, this is the most important study committee North Carolina has had in a long time. This is due to the fact that most of the prisoners who are serving time today are going to get out, and they are going to live in your neighborhood and my neighborhood: They are going to be in our midst. Thus, even aside from any feelings of humanity, it behooves us to do everything we can to try to rehabilitate them so that as least when they do come back and live among us, they can be as good a citizen as possible. After studying these prisons, I would still take what we have in preference to what they have. But we ought to take the best of what they have and put it with the best of what we have. One thing I am so interested in is the same thing that Lee Bounds has been pleading for; that is, private cells and single cells--the very thing that has been accepted over there and taken for granted for years. Also, Bounds' idea on incentive pay has been accepted over there. I think it might be well if you saw these things in action.

We spent one whole afternoon and evening with a Professor Rylander. I really did not know who he was until the Associated Press reporter called and asked for my schedule. I read it off to him as the Embassy had given it to me. He said, "You mean you have an audience with

Professor Rylander?" I said, "This is what it says. Who is he?" He said, "He is perhaps one of the most renowned forensic psychiatrists in the world. He was just honored about two weeks ago by the Pope." Sure enough, one day about the middle of the afternoon, we went to Old Stockholm, which is one of the old buildings immediately back of the Palace where he lived, and we spent the evening with him and his wife. He is head of the Carolinsky Psychiatric Institute, which is world famous. He is a rather hard-nosed psychiatrist, not the so-called "do-good" type. In fact, he thought maybe Swedish people were a little bit too lenient with some of their prison sentences. By the way, 60 percent of all prisoners serving time in Sweden were serving sentences of 90 days or less. They follow the theory of swift and sure justice, but not so severe.

The Professor was very critical of the public display of pornographic literature. He said that if it were inside the shop and you knew what you were going into when you got inside, that was your right. That is what they have in Denmark. You cannot display pornography publicly. He said that we Americans are funny people. He said that love and sex are natural instincts of mankind; and yet, we sought to shield our youngsters from this. On the other hand, shooting, and killing and this sort of thing is unnatural, and we put it on television every night.

It was a right interesting comment. He said this business about it reducing sex crimes is just a bunch of marlarky. He said the display of pornography just did not make any difference one way or the other in reducing or increasing sex crimes.

Let me read from some of the comments I made right after I left there; and remember, these are my own thoughts and nobody else's. One of the things that was rather interesting to me was that he seemed to disagree with a program we had thought back home, or at least I had thought, was rather progressive. He seemed to think that rather than giving or failing to give a minimum sentence as we can do under our penal system and giving a maximum sentence seems to leave the prisoner in a state of limbo and is not beneficial. He does not know exactly what to expect. The professor is of the very definite opinion that it is much better on the prisoner if he is given a minimum sentence and knows that he will be released whenever that sentence has been completed, provided he does not escape or commit other serious offenses while in prison.

He gave some examples of the so-called "group therapy" that is making the rounds not only in Sweden but around the world. He seemed to think it has very little meaning. The man with the criminal mind is quick to recognize that if he adopts the words of the psychiatrist

or the psychologist and is able to repeat them back at the appropriate time to indicate where he thinks his difficulty is coming from and that he may be able to correct it, this is impressive to the prison board which has the authority to release him. In other words, he is really saying a sharp criminal can get by fairly well. I was very interested in this, because it is contrary to much of the group therapy they have talked about.

He does not completely agree with the Swedish system of leniency after trial. He thinks that in many cases the sentences should be longer, especially in those cases involving drug addicts. He seemed to be rather hard on addicts, although he would place them in a position with the mentally abnormal offenders. He said that it is a proven fact that withdrawal of narcotics from an addict for a relatively short period of time is of no effect whatsoever and that as soon as this man is released and gets back into town and even sometime in the prison, he has trouble with drugs. He somewhat intimated in his conversation that perhaps there is a problem with drugs in the prison. Now this is something that Mr. Leamon, the head of the prison system and with whom I spent the day up until I got there, was not willing to admit.

He questioned the McNaughton Rule concerning mental ability to commit crime and discussed it at some length. In Sweden a rather liberal view prevails where if an offender

who committed an act was under the influence of some type of psychosis or was an imbecile or under the influence of some other mentally abnormal state of such a severe nature that could be equivalent or equal to psychosis, then they cannot or should not be punished as criminals. In Sweden , whether the offender did or did not understand the nature of the act is of no real importance whatsoever. Professor Rylander says that by psychosis he means illnesses arising from chronic alcoholism, drug addiction or consequent brain trauma or putting any kind of psychosis together, whether it came from alcohol or drugs or mental or physical problems. With regard to the imbecile the upper limit seems to be drawn somewhere between the I.Q. of 65 and 75, taking into consideration all sides of the personality of the offender as well as his social background and history. The Professor was pretty much familiar with our prison system, although he had not visited our prisons in several years when he went to Alcatraz. Nevertheless, he feels that one of the difficulties that we have in managing our prisoners once they have been committed to prison is that we take into our prisons those individuals who are suffering from psychosis that I have talked about or those considered on a par with psychosis. He said they are naturally inclined to cause trouble and are going to cause trouble. Professor Rylander said that senility may lead to indecent behavior toward children by men who have previously led a perfectly normal social life and have never broken any law of any kind.

I am making these points hoping that I can provoke enough of your interest and questions that you may be interested in taking such a trip. I think I learned a lot in the particular area I went to learn. I believe that with the progressive ideas of Lee Bounds and his willingness to work, we can develop some type of program in our prisons where we will eliminate or reduce the number of post-conviction hearings that we are having. If we don't, I'm afraid that they are going to bog down our courts to such an extent that we never will be able to catch up again.

Q. Do you think it's possible to get at the root of this whole thing without getting involved with the persons who come into the prison system in the first place and what they do once they're in there?

A. I don't think you can separate them. This is what I think Professor Rylander was trying to say. He was saying that you just cannot take everybody and bring them into prison and treat them all as prisoners and not expect to have trouble.

Q. What do they do with these people? Do they put them in mental health treatment centers for such as that?

A. Yes, they do. In the time I had, I couldn't explore all of that. But they do provide treatment; and they don't just release them to society, but they have places where they go. They use mental health clinics or mental hospitals.

In other words, they have places adapted to treat the troubles the prisoners are suffering.

Q. Do they have any system of appellate review?

A. In Sweden, they have a three-level court. A real interesting thing is they are tried de novo in every court. Even the Supreme Court of Sweden considers a case from the very beginning on up. Now the Attorney General, or whatever his title is, said that in the second level---let's equate it to our Superior Court---sometimes they will bring the witnesses in again. Most of the time the second trial is conducted by reading the testimony of witnesses from the first trial. In the Supreme Court of Sweden, while they can bring the witnesses in, he said he could not recall it ever being done. But they don't just look for errors of law. They do try them de novo.

Q. You are familiar with the high-rise construction at Morganton? Would you say that this facility is comparable or will be comparable to the more modern prisons that you saw?

A. I couldn't really say that it would be, because I haven't been inside, I don't know exactly what they are planning for the individual cells, but I would hope so and think so.

Q. I was interested in the classification of psychosis. At what stage is the classification made in reference to

whether or not a man is an appropriate subject for the prison system or whether he should go to a mental health clinic?

A. It's before trial. You know if we have a man who may not be mentally stable, we send him off for evaluation and the doctors decide whether he is mentally capable of standing trial. If not, we keep him in the institution. In Europe, they send him back and try him, taking into consideration his mental condition. They use this, I assume, as part of the many things that are considered in the course of the trial and punishment.

Q. In Washington, some people are shifted to St. Elizabeth's and sometimes get a longer sentence there than if they pleaded guilty in court. Do they have that kind of problem?

A. I don't know really, but judging from everything that was said, I would say, "No." But I couldn't say specifically.

Q. How do they attract prison personnel?

A. They must pay them well, because the heads of all these prisons, even in London, were college graduates and the guards--- or custodial officers, whatever you want to call them--- looked like capable men. They've had training academies for them for a long time. One place had them for 50 years or more. I was thinking that Lee Bounds started them in North Carolina about 10 years ago.

Q. Isn't one of the biggest differences between the prison population there and the prison population here that of illiteracy? Aren't they much more literate and cultural over there?

A. That's part of it and too, as they kept saying to me, they have a more homogeneous group of people. We have white people, black people, and Italian people. We are sort of the melting pot of the world. It is a little more difficult when you bring over here people from Sicily and the Mafia, this sort of thing. This makes their problems a lot easier than ours.

Q. How do they treat the imbeciles in classification? What do they do with the individual who has not been in any trouble --- or maybe he has been in a lot of trouble --- when he is brought in as a prisoner and they give him pre-trial testing and find that he is of a low intellectual level? Do they send him to some special institution?

A. They have special places for them and beyond that I really cannot tell you, except give you my general impression. Time did not permit me to get all of that, but I know they do not treat them along with the other prisoners. They don't mingle with them. I do know, too, that they have special places for all of them.

Also, the head of the prisons in Sweden told me that the number of people on probation has gone up. He said that doctors, lawyers, and businessmen take part, and they don't just ask them to watch a man or be responsible for this man

on probation. They have to agree to be a part of this program, and they must attend some training seminars which are conducted for them. He said they always made sure that every member of Parliament had, at one time or another, served as a sponsor for someone on probation. This serves two purposes. The members of Parliament are responsible men and women and, therefore, gave good supervision. But it also gave them an insight into the prisoners' problems and when they went to the Parliament for help, they had a little more understanding. You know, I'm not so sure, but I think perhaps that ought to be explored in this country too.

Let me throw out one more thought to you, and then I won't impose on your time any more. It's about speedy trials.

In England, 98 percent of all criminal offenses are tried by magistrates. Now, again, I equate magistrates with our district judges. A magistrate cannot impose a sentence of more than six months for any one count nor more than 12 months for two counts. But he can try any offense, no matter what the penalty is, unless it is specifically excluded by law, such as murder and a few of these, with the consent of the accused. Now, he does have this authority. If he tries a defendant, and after hearing the case he feels that the person is entitled to more punishment than he can impose, then he can certify it up to the next court for imposition of punishment. The question then arises as to whether a defendant would submit to trial if he thought he might get more punishment than six months or a year. Well, of course, a good lawyer

would agree he usually knows who the judge is. He has a pretty good idea before he does it. But while this is lengthy, it probably results in shorter sentences. Now we have, on the whole, good district court judges. Under this recent Constitution that we adopted, from now on they must be lawyers. I just wonder if we couldn't expedite justice if we some how find a way to increase the jurisdiction of district court judges or let district court judges try cases with penalties up to five years, or maybe follow this system in England. I throw it out to you just for the idea that somebody has got to do something about the backlog of cases. I heard Bert Montague, Administrative Officer of the North Carolina Courts, make a speech saying that our court dockets were pretty clean. And, you know when we went up to Charlotte one day, I called seven clerks of court and asked them to go to the dockets and count the number of cases pending in Superior Court right then and in seven counties there were over 3,500 cases, I believe, pending right then. Some way or other we've got to do something about it. If we don't, the public is going to get so aroused some day that we're going to find punitive legislation.

We thank you and I hope you will consider such a trip as I had and, if you will, I will be your spokesman before the Council of State to try to get you some money. I just feel like that it's that important.