

House conferees had opposed the grant program because they felt that the proposal was out of place in legislation creating a new government entity and also because the additional cost of \$8 million would pose a potential violation of the congressional budget act.

The new bill would authorize \$3 million for the 1977 fiscal year, which begins on 1 October to fund OSTP and \$1 million for the President's Committee on Science and Technology for fiscal 1977.

While it is always possible that something untoward will happen to the science policy bill in the legislative home-stretch, it seems likely that the House and Senate will pass the bill handily, and that it will be hospitably received at the White House. While the prospect of a new science presence in the White

House will obviously please its many proponents, it should be noted that the OSTP will inherit some of the chronic problems which afflicted OST.

For most of its existence, for example, OST was relegated to junior status in the White House hierarchy because it never acquired a functional role in the budget-making process. Rightly or not, OST was increasingly regarded as a special pleader for funds for the basic research community and was treated somewhat distantly by the Office of Management and Budget (OMB). The new legislation seeks to give the OSTP a more formal place in the process, particularly in a section which requires the office to prepare and update a "five-year outlook," and to identify problems and opportunities in science and technology. The law would

require the OSTP director to consult with OMB officials and others to make certain that these emerging problems are taken into account in preparing annual budgets. The compromise version, however, is considerably milder than the original Senate version in the language charging OMB officials to take OSTP recommendations into account.

How successful the new office will be in dealing with this and other issues, most observers think, will depend in large measure on the momentum established by the new director of OSTP and his staff. And the timing of the return of the science adviser to the White House is hardly brilliant because of the quadrennial uncertainty that will persist until the first Tuesday after the first Monday in November.—JOHN WALSH

## Massachusetts Juvenile Justice: De-institutionalization on Trial

In the early 1970's, with wisps of the radicalism of the 1960's still in the air, Massachusetts embarked on a controversial social experiment: it closed all its training schools (reform schools) for juvenile offenders and proclaimed that thenceforth "community-based" treatment would be the core of its system for dealing with juvenile delinquents. This was a very trendy thing for Massachusetts to do; for years, penal experts have been saying that institutionalization of deviants does them more harm than good, but action has lagged far behind the rhetoric. Massachusetts thus became the pioneer among states in efforts to rehabilitate, or at least control, youthful offenders through programs that do not involve incarceration. Fashionable as the idea is, it is running into strong counter-currents of public opinion now, at a time when people are getting fed up with rising crime rates and faith in "rehabilitation" is at a low ebb.

The new system in Massachusetts has not wrought any miracles, and there are some people who think it is in greater danger now than at any time since its inception of being sandbagged by those who believe that the proper place for an outlaw is jail. One indication of the tone of the times is a recent *Boston Globe* article reporting that there are 72 bills

pending in the state legislature that call for mandatory minimum prison sentences for a great range of offenses, including such traditional juvenile pursuits as car theft and tombstone defacement.

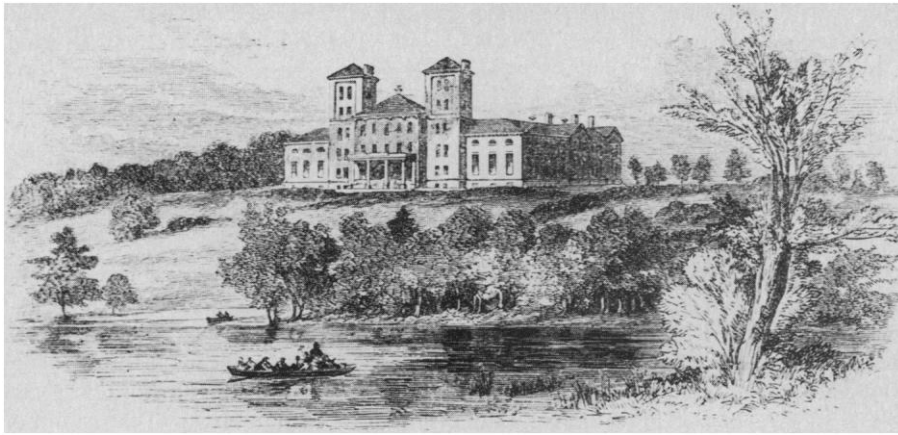
Can the new system ride it out? Virtually no one believes it is likely, or desirable, that the old training schools should be reopened—the state has moved too far to revert to the old zoos. But the growing pressure for more "security," that is, incarceration, leads one child advocate to predict that the state could revert to reliance on a network of "mini-jails," located in communities perhaps, but in no way part of them.

The Massachusetts juvenile corrections revolution came about almost inadvertently; the original intent was the more modest one of reforming the training schools and turning them into "therapeutic communities." The change was instigated by then Governor Francis Sargent, who, in his search for a fresh mind to head the Department of Youth Services (DYS), hit upon Jerome Miller, then professor of social work at Ohio State University.

Miller took to the job with gusto, and although he moved on in 1972 (he has had two successors), the imprint of his personality and his *modus operandi* live

on. He immediately started shaking up the corrections establishment by issuing edicts about the way things should be conducted in the training schools. These were seemingly innocuous directives—for example, banning involuntary haircuts—designed to cut down on dehumanizing regimentation and conformity within the schools. But the resistance he encountered led him to conclude that the only way to change the system was to obliterate it entirely—and fast, before the forces of resistance had a chance to mobilize. ("Slow change is no change," according to Miller.) He is quoted in a 1973 issue of the *Boston Real Paper* as saying: "My goal was to tear down the system to the point where Heinrich Himmler and the SS couldn't put it back together again." Unable to fire political appointees who had gained Civil Service status, he simply pulled the rug out from under them by abolishing their fiefdoms. In less than 2 years, Miller closed down all six training schools, whose population only a few years before had been 800. It has taken several years to deal with the staffs of the institutions, some of whom were transferred to other programs while others were left with nothing to do. Miller's successor, Joseph Leavey, says that "the biggest problem has been not what to do with the kids but what to do with the staff."

Miller then set up his own precarious system of juvenile corrections based on contracting for a variety of services ranging from nonresidential "street" programs to a rigidly limited number of "intensive care" slots for children whose violent behavior made incarceration necessary. He decentralized the youth



STATE REFORM SCHOOL, WESTBOROUGH.

The Lyman School for Boys opened in 1846, the first of its kind in the nation. It was closed in 1972. [Courtesy Boston Public Library Print Department]

corrections establishment, dividing the state into seven autonomous regions. Miller's trick was to stay one step ahead of the opposition, according to Leavey, who was then his deputy. Whenever he was attacked, which was frequently, he would call a press conference and paint the issues in black and white terms, saying that those who opposed him didn't "care for kids." He would threaten to resign. It was "moral blackmail," as one Boston youth worker terms it, but it served its purpose. The early days of the revolution were reportedly chaotic ones, with kids lounging around the halls of the DYS headquarters in downtown Boston—a crowded, grungy place with posters sporting upbeat slogans on the wall. A *Corrections Magazine* article reports that anyone with the remotest idea of a good program could walk into Miller's office and get a contract for services.

Miller departed this active scene in 1972. Some say that with the froth he had raised he had to get out; Miller says he probably left a little prematurely but got an offer he couldn't refuse from Illinois, presumably to start another revolution there (although it didn't work out, and he is now in Pennsylvania). When he left, everything was up in the air—even his warmest friends will not vouch for his administrative ability—and it was left to his successors to make some order out of the situation.

The DYS, for example, had a habit of contracting for services and then not paying for them, which meant some programs unceremoniously collapsed and others stumbled along without providing the services they had promised. The new order, or lack of it, also allowed for some novel departures—one girl was sent to an expensive New England prep school thanks to DYS, another was sent to college, and someone arranged an

"operation endless odyssey" in which one youth was sent to Europe for the summer (never to appear in court again).

As the situation now stands, the number of youths committed to the DYS hovers at around 2000 with 800 a year entering the system. Except for those sent to secure settings, the disposition of cases is decided autonomously by regions, which get yearly allocations of money from the DYS. About 50 percent of the total number are placed in a bewildering variety of nonresidential programs, all provided by private contractors, which supply varying degrees of surveillance, counseling, education, vocational training, group therapy, and recreational activities. The "purchase-of-service" system was decided on for several reasons: private facilities are usually assumed to be run better than public ones; it was hoped that quality would be assured by having the private sector compete for contracts; there was more flexibility and accountability because, not being held to Civil Service constraints, the DYS could cancel contracts if they did not deliver; and the various programs do not suffer from the stigma of being state run.

About 25 percent of DYS juveniles are assigned to residential programs ranging from small group homes to a large boarding school. A smaller number are assigned to foster homes—Miller prefers to call it "supervised living"—which are also located by private agencies. Foster placement is said to be one of the more successful elements of the spectrum of services, and is also being increasingly relied on because it is cheaper—about \$40 per child per week—and because some communities are showing strong resistance to being the locus for group homes. Then there are about two dozen juveniles in "concept houses," tightly run communities modeled on those in drug-free programs such as Daytop and

Synanon that have ideologies based on self-help and are big on intensive group therapy. At the end of the spectrum is "intensive care," also known as "secure settings." This is the only element that is run by the central office in Boston.

In addition to two secure pretrial detention facilities, there are three "secure settings," in Chelmsford, Worcester, and greater Boston. What sets them most conspicuously apart from the training schools is their small size—each has from 12 to 15 residents. The kids are pushed into an eclectic assortment of educational, vocational, psychological, and recreational activities. The Chelmsford facility has a "step system" where residents move through graduated levels of increased freedom and responsibility. The centers are supposed to be free of the punitive measures routinely used in the training schools, such as forced haircuts, isolation, and senseless regimentation. The number of secure slots was deliberately limited because of Miller's belief that only a tiny fraction of troublemakers are so dangerous to others or themselves as to require being locked up; at present there are 49.

To minimize the danger of arbitrary or unilateral referrals, a secure treatment team with caseworkers, DYS professionals, and representatives from all seven regions has been set up. When a region wants to put a child in a secure setting, the office has to send the team a written presentation containing information on his school record, the court record, results of medical and psychological tests, information on the family situation, and so forth. The team members, who are also supposed to have had personal contact with the child, then vote on whether he needs a secure setting. Most of those who are put in intensive care are characterized as violent, says Watson, and about a quarter of them have severe psychological problems. (The DYS would like to refer these to the state mental health department, but that department reportedly says it has no facilities for treating mentally ill children.) The average length of stay per child is 3 to 6 months at a cost of about \$350 per week.

When the secure settings are added up with the secure detention facilities and some residential programs, the total number of children kept under lock and key is unclear. Whatever it is, in the opinion of most judges and some legislators, it is not enough. Whatever the virtues of the new system—and for all its problems its supporters insist that it is vastly more humane than the old one—controversy in Massachusetts is heavily centered on the desirability of more "security."

Many people, including DYS personnel, probation and parole officers, and judges, claim that the department has become the laughingstock of delinquents because the threat of being locked up does not exist to keep them in line. Commitment to DYS is supposed to mean something—it takes quite a few offenses for a child to be committed and virtually all are on probation by the time they are turned over to DYS. But, says one weary probation officer, “Committed to what? A kid with six suspended sentences can just laugh when he gets committed . . . his attitude is ‘So what? I’ll be home in 3 weeks.’ ” There is a small but highly visible population of children whose lives are a constant merry-go-round of court appearances, commitment to DYS, assignment to one program or another, running away, perpetrating another offense, being brought back to court, going to another program. Such behavior leads one judge, the one most noted for his “liberalism,” to say: “I am more and more persuaded of the efficacy of some kind of punishment”—that is, incarceration. Judge Francis Poitras of Boston Juvenile Court, who is well respected if not beloved by the lawyers and youth workers eddying around his domain, is thoroughly fed up with the system. “There is no capacity whatever to deal with the serious offender,” says he, by which he means violent youths and the ones, usually car thieves, who appear before him again and again. He acknowledges that this group constitutes only 2 to 3 percent of the children who come before him, but the trouble they cause is way out of proportion to their numbers. Poitras does not want the training schools reopened but he would like to see a tripling of the secure slots. If things go on as they have been, he warns, “the ultimate result is the state legislature is going to lock them up and throw away the key.” Judges have shown their displeasure with DYS by increasing the number of bindover hearings—under Massachusetts law a youth over 14 who is considered a real physical menace can be bound over and tried as an adult. Usually, youths who are bound over are eventually referred back to the DYS, but Poitras believes that more of them will eventually be finding themselves in adult prisons.

Some DYS personnel and others, such as Legal Defense lawyers, who are sympathetic to the present setup, oppose any increase in secure slots on the grounds that if the places are there, they will be filled. The prevailing dogma is that all institutions are bad; they destroy people; rehabilitation is impossible within them.

Jerry Miller thought, and still thinks, that there are only about 40 children in the whole state who absolutely have to be locked up, and the real question is which ones. Within the DYS there is a general malaise, and all frustrations are intensified by reductions in the department’s budget. There is fear that the security controversy could lead to a wholesale attack on the system, but concerns of the staff center on innumerable other matters: the great potential for arbitrary decision-making, haphazard placement and follow-up, the absence of continuous monitoring and evaluation of programs.

The evaluation section finally got into operation a little over a year ago, and of 112 programs evaluated so far, 12 have been terminated. Because of the absence of program standards regulating staff, services, and acceptable supervisory and disciplinary measures, the team has had only its subjective opinions to rely on. The absence of uniform policies allows for widely differing procedures in the various regions and for lack of accountability by the programs to the DYS. People who support de-institutionalization have been reluctant to criticize the department for fear of providing fodder for its detractors—for this reason, for example, Boston Legal Services has been reluctant to press a “right to treatment” suit against the department to get rid of do-nothing programs. Polarization of forces exists in part because of the style of Jerry Miller, who took the stance that anyone who didn’t agree with him didn’t “care for kids.” He had no patience with “political hacks,” whom he tried to circumvent any way he could, and he did not soothe judges, whom he calls a “sleazy group.” Leavey’s tenure apparently did not improve the situation. He was forced out of office in December, the final push being supplied by a series of editorials by a local television station denouncing mismanagement at DYS.

#### Conciliation Now Sought

Jack Calhoun, who took over from Leavey early this year, is attempting to pull together the pieces Miller left hanging in the air and to develop better communications with judges as well as the public. He agrees that a doubling of secure slots may be necessary to help “stabilize the system” and to convince the public that DYS can deal effectively with “heavy” offenders. He and others emphasize that the shrinking budget—a problem affecting all the state’s human services—is hampering the development of needed programs, and is resulting in a situation where available resources, rather

than a youth’s needs, dictate where he is placed.

Massachusetts leaped into its experiment with both feet, its theoretical ground laid not by evidence that any particular programs “work” with juveniles, but only by what was believed to be overwhelming evidence that institutionalization had proved a failure. The state will now be looking for *ex post facto* evidence that the reform is constructive from a torrent of reports being issued by a three-man team at the Harvard Institute for Criminal Justice, headed by criminologist Lloyd Ohlin. The group, fueled by \$100,000 a year in grants from the Law Enforcement Assistance Administration (LEAA) of the Justice Department, has been faithfully chronicling the new era since 1970 in a project scheduled to end next year. Ohlin’s team has been studying the experiment from every angle, the centerpiece of the project being a long-term study of a cohort of 500 juveniles as they wind their way through the system. Ohlin’s team has so far established that recidivism rates—the primary gauge for effectiveness of a corrections program—have not changed from the traditional 70 to 80 percent. However, there have been marked changes in the rates from region to region, which may provide clues to the effectiveness of some programs.

That the Harvard group has found no increase in serious crime or recidivism is already widely regarded as vindication for the experiment. Ohlin’s team appears optimistic that future findings will show more positive results, and believes the system already represents a net gain in that the social environment is a vast improvement over that which prevailed at training schools, and that new “community linkages” mean juveniles are no longer compelled to adapt to isolated communities that bear no resemblance to the real world.

It is perhaps remarkable that, despite rising crime rates in recent years, particularly among juveniles, no one has seriously tried to make the case that the new permissiveness has resulted in intensification of the juvenile menace. This is consistent with the findings of several studies where groups of randomly selected youths were let out of institutions and their careers compared with those who served their full sentences. Recidivism rates among the former were, if anything, slightly lower.

The final and perhaps most compelling argument for de-institutionalization is an economic one. Massachusetts has not yet been able to prove that the community-based system is cheaper—inflation

and fiscal disarray have clouded the picture—but in view of the fact it costs anywhere from \$15,000 to \$25,000 a year to keep a child in an institution as opposed

to \$5,000 or \$6,000 in a nonresidential program, it seems likely evidence will be forthcoming. Putting a youth through an expensive prep school would be cheap-

er, and there are many now in institutions throughout the country, the so-called status offenders—runaways, truants, and “stubborn children”—

## House Chops Sex-Pot Probe

In one of the more unusual congressional examples of democracy at work, an Illinois congressman has taken action that could send a sharp twinge of alarm through the nation's scientists. On 13 April, the House of Representatives passed an appropriations bill for the Departments of Labor and Health, Education, and Welfare (HEW) that explicitly cancels funding for an HEW-approved project designed to explore the relation between marihuana use and sexual response.

The action—wiping out a specific project that has been approved through all the normal governmental peer review procedures—is, at the very least, highly unusual and may be unprecedented. A staff member of the Senate Appropriations Committee, which will act on the bill after Easter recess, says he has never heard of such a thing in the 12 years he has been there. Many researchers are appalled—“Implications for the future are just stupefying,” says a professor at the Southern Illinois University medical school, where the project is to be carried out under the direction of psychologist Harris Rubin.

The 2-year project, slated for a total of \$121,000 from the National Institute on Drug Abuse (NIDA), has been the object of continual controversy since last summer. The purpose of the experiment is to develop some objective evidence concerning marihuana's effect on sexual arousal by exposing groups of male pot-smokers to pornographic films and measuring their responses by means of sensors attached to their penises. The control group is to smoke marihuana from which the active agent, tetrahydrocannabinol, has been removed. Rubin explains that most information on marihuana and sexual arousal comes from subjective accounts, and that his project is unique in that it will supply hard data on the topic.

### Golden Fleece Winner

Senator William Proxmire (D-Wis.) was one of the first to call attention to the proposal in a press release last August, in which he gave one of his periodic “golden fleece” awards (bestowed on what he regards as examples of stupid and wasteful government spending) to a group of NIDA-funded projects, including Rubin's “sex-pot” study, cited as a further example of the “federal love machine” at work.

Although Rubin has already received some \$62,000 in government funds for his study, he has not been able to start the experiment because he has not yet obtained assurances from the Justice Department that his subjects will be immune from prosecution for violating marihuana laws. (He already has the go-ahead from the Food and Drug Administration to use the drug for investigative purposes.)

The Justice Department has delayed action because of pressure from Congress, including a letter from Proxmire and Senator Thomas Eagleton (D-Mo.) decrying the “decadent and foolish research” Rubin was promoting. In March, in an unusual move, the department asked HEW for reassurances that the project was worthwhile, and HEW in re-

sponse convened an “advisory review” where the whole project was hashed over from every conceivable angle by a group including members of the original investigative review group, the NIDA advisory council, and top officials from HEW. This group apparently found everything in order, but definitive executive action has been stalled because HEW Secretary David Mathews has not yet reported back to the Justice Department.

Representative Robert Michel (R-Ill.) from Peoria therefore swung into action. Michel, who is on the HEW appropriations subcommittee, introduced an amendment to the bill that called for revocation of Rubin's grant and return of the money that had already been given to him. The bill swept through the committee and then through the House. A spokesman from the congressman's office said that although Michel believes in principle that such matters ought to be left up to the experts, this was clearly a “lousy project” that had to be stopped. He said Michel and his constituents were particularly bothered by the combination of drugs and pornography it embodied, and also “the manner in which the experiments are to be conducted.” A committee staff member added that the quality of the scientific review was questionable and that it was improper for NIDA to grant the money before Rubin had obtained immunity from the Justice Department (this is common practice, because obtaining immunity is usually routine in such cases). The “morality” issue, though, is clearly the central one—the report accompanying the bill emphasizes that the project is “offensive to the standards of decency held by most Americans.” Rubin says he sought and obtained sanction for his project from various community leaders in his area (Carbondale), but it appears that such things still don't play in Peoria.

The bill, with its unusual provision, now moves on to the Senate. Rubin is afraid that the provision will be retained, since both Proxmire and Eagleton serve on the HEW appropriations subcommittee. Committee staffers are unwilling to speculate on the fate of the provision, and a Proxmire staff member says his boss has given no indication that he intends to support the bill as now written.

Although a description of the project lends itself to ridicule, Richard Bonnie of the University of Virginia law school, who is on NIDA's advisory board, points out that the resistance is ironic in view of widespread public concern over the effects of marihuana on social, including sexual, behavior. Proxmire takes the stance that such research should be funded privately, if at all, but Bonnie observes that presidential commissions on pornography and on drugs have been particularly interested in the effects of these on sexual misconduct—so Rubin's project actually represents a step toward understanding a matter that is hardly regarded by society as frivolous.

If the project is permitted to proceed, it will end up having cost a lot more than \$121,000—the equivalent of that has probably been expended in the hundreds of hours federal officials have taken responding to the fuss.—C.H.

stashed there for lack of alternatives, who would do better at boarding school.

At present the greatest obstacle to getting rid of large institutions is the prison establishment, a formidable force that has been in place since incarceration replaced more violent forms of retribution. But even if the political obstacles were overcome, the core problem remains: how to identify the "heavies," the violent intractable offenders who are dangerous to themselves or others, and what to do with them. In Massachusetts just about everyone, from the most fed-up judge to the emotionally involved social worker, believes the system suffers from the absence of sophisticated means to evaluate the personalities and needs of offenders, particularly those who are chronically violent. Diagnostic centers exist in every state, but they generally tend to deteriorate into holding tanks, and even when specific needs are identified services do not exist to meet them.

It is clear, to most people, that some children benefit from a closed, highly structured setting, but at present no one knows who they are. All the experts are sure of is that a benign setting, whether or not it includes a specific therapeutic program, is better than a punitive one, and until that is incorporated into the national consciousness there is no time, place, or money for further refinements.

Attempts to deal constructively with delinquents are also confused by uncertainty over just what the role of juvenile corrections should be. As with other reforms that were originally heralded as humane, the concept of juvenile court being *parens patriae* (the state acting as parent) has gone sour. This role effectively means that troublesome children are sucked into the same system as rapists, armed robbers, and murderers. The setup is particularly inappropriate for girls, the vast majority of whom are committed for status offenses and prostitution. (There has been very little increase

in violence among females, despite all the publicity given the Squeaky Frommes of the country.) The ridiculousness of such a situation has been recognized in some states, such as New York with its PINS (People in Need of Services) program and Massachusetts with its CHINS (Children in Need of Services) programs, which were designed to siphon off the status offenders and those guilty of minor violations and relieve them of the stigma of being committed to the juvenile justice system.

The problem, though, is that if juvenile corrections limits its attention only to the "heavies," the system runs the danger of looking more and more like the adult corrections system.

LaMar T. Empey, a sociologist at the University of Southern California, believes that this country is at a "watershed" period in its treatment of juvenile offenders. He sees a movement toward a "new concept of childhood." The concept that has prevailed in the courts over the last century, since the juvenile justice system was separated from the adult, was influenced by Freudian psychology—that a child is not responsible for his behavior and therefore the child, rather than the crime, should be the issue. Now, ironically, the movement for children's rights and the assertion that children should not be denied due process also implies that a child should be held responsible for his behavior. This concept, along with the fact that more and more children are committing grown-up crimes means, in his opinion, that an increasing number of juveniles are going to end up in adult confinement.

Because of conflicting national trends it is dangerous to speculate on the future of juvenile corrections. Robert Vinter of the University of Michigan, who heads the LEAA-funded National Assessment of Juvenile Corrections, agrees with other observers that the future shape of things will be determined by politics rather

er than by any new research findings. De-institutionalization, though, is moving very slowly. The project estimates that, as of 1974, only 18 percent of juveniles committed to state corrections are in community-based programs.

Meanwhile, Massachusetts is hanging in there, committed to its new routine, which has the support of Governor Sargent's successor, Michael Dukakis. Supporters of the system believe that eventually it will show concrete results in the form of reduced recidivism, fewer angry children, and therefore ultimately fewer children who will turn into adult criminals. Will the experiment persuade other states to follow suit? The Harvard evaluators believe that the process of "conflict and change," as they call it, can happen elsewhere, although the change in Massachusetts owes its abruptness to a clash between an unusually conservative and patronage-laden bureaucracy and an unusually aggressive innovator, who had just enough support from the top to promote his designs. Miller believes that other states will turn to de-institutionalization chiefly for economic reasons, and changes may come catastrophically, as systems crumble under their own financial weight.

Massachusetts has been the object of intense interest by other states. "States that want to go the de-institutionalization route quote Massachusetts extensively," says Jack Calhoun, and states that do not, cite Massachusetts' problems. "It's like the Bible—you can find anything you want in it." Bill Wolfe, founder of the Community Advancement Program, Inc., a network of non-residential treatment programs, has no doubt that the revolution will be vindicated. Already, he says, "other systems seem incredibly archaic compared to Massachusetts. . . . We're now arguing about things they'll be arguing about years from now."

—CONSTANCE HOLDEN

## Public Participation in Science: Still in Need of Definition

Science today is facing the equivalent of the Protestant Reformation, according to University of Chicago philosopher Stephen Toulmin. Lkening the scientific es-

tablishment to the 16th-century Church, Toulmin observes that the people are tired of being shut out of science's "ecclesiastical courts" and are demanding

to be let in. The scientist "priest," he predicts, is going to be overthrown.

Harvard psychiatrist Gerald L. Klerman shares Toulmin's view that the relationship between science and society is threatened and describes the problem by a different analogy. "The contract between the biomedical community and the public has broken down, and we are trying to renegotiate it," he says, adding that one difficulty the community faces in this process is that it is not sure with whom it is negotiating. "It is not clear