

HOUSE No. 2193

The Commonwealth of Massachusetts.

THE SPECIAL LEGISLATIVE COMMITTEE ON PARDONS HEREWITH MAKES ITS REPORT TO THE HOUSE OF REPRESENTATIVES.

This committee was appointed in accordance with the following order of the House passed on March 3d last:—

Ordered, That a special committee be appointed, to be known as the Special Committee on Pardons, to consist of six members on the part of the House of Representatives, three to be Republicans and three to be Democrats; and that said committee be directed to investigate the deliberations and action of the Board of Parole, in the matter of the pardon of John A. Hall, and such other pardon matters as shall appeal to its discretion. The committee shall report as to whether such deliberations and action were justifiable and proper, or any other pertinent matters, with such recommendations for legislation or otherwise as it may deem to be desirable. The committee may give public hearings, shall have power to administer oaths and to require the attendance of witnesses and the production of books and documents, and may cause a stenographic report to be made of the proceedings before it.

Acting under this order the Speaker appointed the committee which subscribes to this document. Many hearings have been held, the following witnesses appearing before the committee:—

Members of the board of parole of 1914.

Members of the Governor's Council of 1914, excepting Messrs. McGregor and Buckley.

John A. Hall; Mrs. John A. Hall; Warden Allen; Chaplain Whitney; Doctor McLaughlin, prison physician; Ex-Warden Bridges and C. E. Bridges, clerk.

John A. Hall was convicted May 19th, 1909, of embezzlement of money belonging to the Southbridge Savings Bank.

From time to time after his imprisonment at Charlestown efforts were made by Mrs. Hall, his wife, to secure a pardon.

On December 9th, 1913, a petition for pardon was presented by Mrs. Hall to Eugene N. Foss, then Governor of Massachusetts. This petition was referred by His Excellency to the board of parole and hearings were held by the board of parole. On February 13th, 1914, that board voted not to recommend a pardon.

In December of 1914 the matter of pardon was taken up, at the request of Mrs. Hall by the Governor's Council, the Council having requested His Excellency to refer the matter to them. A pardon was advised by the Council after a hearing, and the pardon was granted by Governor Walsh.

It was in testimony before your committee that the controlling reason given by the members of the board of parole, for their action in voting against the pardon was this, that it seemed to them against public policy to liberate a bank treasurer who had stolen funds from a savings bank because of the ill effect such leniency might have on others under a like temptation in like fiduciary capacity. Also it seemed to them that there was no sufficient evidence of repentance.

It was in testimony before your committee that the controlling reason given by those of the Council who voted for the pardon was this, that Mr. Hall's physical condition was such that further confinement might endanger his reason or his life. Also that he had been sufficiently punished. The Governor and members of the Council had visited Hall in the Charlestown prison. No medical testimony was given by a physician before either the parole board or before the Council.

Of all the evidence presented we find that the board of parole was justified by the facts before it in refusing to recommend a pardon for John A. Hall.

We further find that a different set of facts, conditions and evidence was presented to the pardon committee of the Council, than was presented to the board of parole; a material

change in conditions had taken place during the ten intervening months.

Your committee has not had sufficient opportunity to study the general subject of pardons and paroles. We do, however, call attention to the necessity of establishing some system of initiative for petitions in deserving cases by which a prisoner, although without friends or legal council, may have his application for pardon or parole presented and thoroughly considered.

Society should be more interested in the release of the transgressor whose reform is accomplished than in condemning the criminal to gaol. The machinery of the law to imprison the offender is highly developed. Practically there is no one whose business it is to hunt out and help to freedom the friendless and forgotten prisoner.

We recommend that legislation be enacted to provide that heads of penal institutions shall recommend from time to time, on their own initiative, such prisoners, within their care, as are, in their opinion, worthy of executive clemency, or of favorable action by the board of parole.

R. M. WASHBURN.
E. K. BOWSER.
J. F. CARMAN.
JAS. J. BRENNAN.
JOHN F. DOHERTY.
JOHN J. REILLY.

SUPPLEMENTARY.

In the matter of the pardon of John A. Hall where a material element upon which a claim for a pardon is based is the physical or mental condition of a prisoner, no favorable action should be taken without a consultation with the prison physician.

R. M. WASHBURN.
JAMES J. BRENNAN.

