

JUDGE DE CIANTIS

JANUARY 1962

to

JANUARY 1966

Jan. 1902

Jan. 1906

RHODE ISLANDERS GET FAMILY COURT

By E. H. State-Wide Tribunal Hailed In Its First Eight Weeks

Special to the New York Times

PROVIDENCE, R. I., Nov. 10.—A former classroom that once echoed to college lectures is beginning to absorb the plaintive recitations of Rhode Islanders in trouble.

The scene is a new court, said to be the first state-wide family court in the nation. It went into operation Sept. 1. Already, lawyers are impressed by the reduction in backlogs of domestic and juvenile cases.

The issue of a family court had been a political football in annual sessions of the Legislature since the idea was first proposed in 1936. Legislation finally was enacted last June.

The principal plans were three new judgeships. Two of them went to legislators. The judge not other legislators who were appointed to lesser jobs soon resigned under pressure applied by the Providence Journal and Bulletin.

The Family Court is a merger-agency meet in the court room of the old Juvenile Court, quarters with court case and the Domestic Relations Division. Miss Mabel E. Cooney, a Judge Francis J. McCabe, former member of the court staff, said merely head of the Domestic Relations Division, is chief judge of the new court.

The court sits on the ground floor of the old Juvenile Court building, a yellow brick structure. The court sits on the ground floor of the Roger Williams in many cases. Ultimately the court will include two blocks below the marble screening center, probable State House on Constitution Hill. The state took over Williams Building. There, various offices after the Rhode Island will be raised on juvenile definition of Education moved to quarters.

This is the second part of a three-part section consisting of 136 pages. The news summary and index will be found on Page 95. Society news begins on Page 91 and obituary articles will be found on Pages 88 and 90.

new quarters farther out of town.

The aim of the five judges on the court is to strengthen the family unit. If divorce impends, the status of the children is carefully investigated.

If a juvenile gets in trouble, the parents are called in for an informal investigative session.

Judge John F. Doris said this week that in the eight weeks he had been on the bench he

had been able to effect ten reconciliations. If reconciliations can continue or support be maintained by fathers in cases of divorce or separation, Judge Doris said, the state eventually should benefit by reduced welfare loads. And the judges too other legislators who were appointed to lesser jobs soon resigned under pressure applied by the Providence Journal and Bulletin.

Every Monday afternoon delegates from church organizations, school groups and state organizations, school groups and state organizations meet in the court room of the old Juvenile Court, quarters with court case and the Domestic Relations Division. Miss Mabel E. Cooney, a Judge Francis J. McCabe, former member of the court staff, said merely head of the Domestic Relations Division, is chief judge of the new court.

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Judge DeCiantis Lauded in New Court



FAMILY COURT JUDGE Michael DeCiantis, of West Warwick, on bench at Kent County Superior Court in East Greenwich, who was lauded by judiciary at opening of circuit tour. —Times Photo

Michael DeCiantis, of West Warwick, who last September realized a life's ambition in becoming a judge, today was greeted by fellow jurists and attorneys as he made his first appearance in Kent County presiding over the state's new Family Court at the courthouse, East Greenwich.

Exercises of welcome were held by the Kent County Bar Association in charge of Ambrose Carroll, president. Speakers were Judge Robert E. Quinn, of West Warwick, chief justice of the United States Court of Military Appeals, and Judge James W. Leighton, of West Warwick, judge of the Fourth District Court.

A floral bouquet from the Kent County Sheriffs' Association, graced the bench, where after the ceremonies Judge DeCiantis opened a lengthy court docket of domestic relations.

Judge DeCiantis called on the attorneys present to "get interwoven in family law." He concluded: "It's your duty to do so. The public may think you are interested in divorce cases only for the money. But it's not so. You try to do the best you can for the human relations."

Judge DeCiantis said that as a lawyer and politician he was more or less happy-go-lucky and nothing bothered his sleeping at night. Now, he said, he loses sleep pondering over the court cases which involve, children, parents and families. "It's a hard job," he declared. "Some say they wouldn't want it. But someone has got to do it."

In a lighter vein, Judge DeCiantis said that "now he can't take part in politics. But who knows, I might have to get off the bench quick and get back in to politics," he quipped.

Genet's Need

Judge Leighton said there is a need for the Family Court for its social service to the people.

Judge Quinn said the new Family Court in domestic relations perhaps doesn't attract as much attention as do the other courts but he said it is important because it deals with families. He said that Judge DeCiantis even hard work to get ahead in life gives him the experience and common sense to discharge his office with fairness and a credit to all.

Deputy Sheriff Edward Murray presented the floral bouquet to Mr. of the sheriffs association.



'I'm going back into politics,' Family Court Judge Michael DeCiantis said jokingly yesterday after receiving a warm welcome back at Kent County Court House from the County bar association. Greeting the former political leader in West Warwick were Judge Robert E. Quinn (left), chief judge of U.S. Court of Military Appeals, and Judge James E. Leighton (right) of Fourth District Court. —Reginald Balfour Photo

JOURNAL 1-19-62 Child Care

In reference to Judge DeCiantis' remarks, "Opposes Remarriage if State Aids Children" appearing in the Journal, Jan. 10, I heartily concur. I have had first hand experience with a similar situation. There certainly should be legislation to safeguard the courts to reduce their support of children in appeal of the courts to reduce their support of children of a previous marriage while they are supporting homes and care for another family. There should be more intensive investigation into the finances of these

men and a different attitude of mind on the part of some judges to make them shoulder their responsibilities. One judge threw up his hands and said, "The guy's married again. What can you do?" a graphic example of apathy. Another judge said "We must guard against these children becoming state charges." A more recent judge admonished after I had protested, "If you have such a fine feeling for your children, you can get a job." In my opinion this judge failed to assess my case accurately. Who was going to care for my children? I would have to pay someone. How far ahead would this place me? My children would be subject to some alien influence. It is my desire to care for my own children.

The taxpayers should legislate for legislation to safeguard taxpayer's money from men who slough off their responsibilities. This legislation also would protect grandparents who have been careful to try to insure their old age so they do not become dependents of the state but who do become impoverished assuming the obligations of men of this caliber rather than see young children become state charges.

The courts should enforce the ruling that children of a previous marriage be given first consideration. This, certainly, has not my experience.

Mr. Sara Wynn Narragansett

However, I've tried to get jobs and have encountered these barriers: I've been out of the business world too long; would any illness of my children necessitate my absence from the position? I believe my desire to care for my children coincides with Judge DeCiantis' theories published in a previous article in the Journal, that a mother's place is in the home caring for her children. It would appear there should be a more uniform policy of insurpulence in the courts.

DeCiantis Informal, Charming, Amusing

Down-to-Earth Judge

By PAUL G. MARTINIAN

He can anger with his pointed remarks.

He can amuse with his humor.

He can charm with his fatherly kindness.

And he can frustrate with his informal court room procedure.

This is the portrait of Family Court Judge Michael DeCiantis as pointed by divorce-bound couples, their lawyers and observers who have seen him in action during his first six months on the bench of the new court.

His comments on motherhood, germs, dotting parents, interfering relatives, wife-beating children, philandering husbands, rape for babies and love have brought to the Family Court a curious dowd-bowd behavior.

The Family Court is, by nature of its calendar, a hearing room for the manifold problems of marriage.

One of the cases Judge DeCiantis heard recently involved a divorced husband fighting for custody of his two-year-old son. The man claimed his former wife was unfit. Among other things, he said she kept a dirty home with diapers hanging all over the place.

"The judge ran a hand over his shock of thick, gray-streaked red hair. 'Don't give me that stuff. He said 'Testimony here is that the boy is healthy. What difference does it make if this woman has diapers hanging in the house? Sometimes I think we're too clean. Maybe I'll wear a little bit dirtier we'd be immunized from a lot of diseases.'"

Another case was called. A pretty blond housewife claimed her husband, in his middle 30s, was running around with other women.

Her husband took the stand and said, yes, he had gone out, but my wife drove me to it."

The judge leaned over the



bench, gave the man a hard look. "If you're running around and going into an age like second childhood, Mister, you're not there any more. Get girls out of your bean. You've had it!"

Lawyers admit some consternation with his judgments. "Trial-wise attorneys know he has the last word, but younger ones appear baffled by his topsy-turvy way of letting witnesses have."

One attorney said: "He completely ignores the rules of procedure, but I have to admit, this man has heart. His decisions may hurt, but he has an uncanny way of finding the truth. He sees

through people. He doesn't like liques and he can spot them."

The lawyer cited a case in which a 25-year-old mother, an attractive brunette, went to court seeking custody of her three children, the youngest 11-month-old whom she had abandoned a month after birth. She claimed her husband kicked her out. He accused her of infidelity.

With his wife gone, the husband got his mill job to devote all his time to caring for the children. He received "mother's aid" from the state.

Judge DeCiantis was shocked.

Continued on Page 2, Col. 4

DeCiantis

Would Not Fight School Case; Nugent

Atty. Gen. J. Joseph Nugent today said he feels the state Department of Education should accept yesterday's Superior Court ruling which upheld the Warwick School Committee in its dispute with Commissioner Michael F. Walsh over the board's negative power.

The remark seemed to indicate that an appeal might not be taken, although Mr. Walsh could not be reached for comment immediately.

Mayor Homer E. Hobbs of Warwick expressed his reaction very simply, "Hallelujah, amen!" he said.

Francis P. Nolan 3rd, chairman of the school committee, was out of the state and not expected before Monday. Joseph S. Sinschir, member of the committee and a spokesman for the minority, remarked: "I want to read the decision before I comment."

Judge John E. Mullen yesterday granted a preliminary injunction halting the state education commissioner and the general treasurer from continuing to withhold state aid funds from Warwick.

This penalty had been invoked by Mr. Mullen after the Warwick School Committee turned back the school superintendent's recommendation of Roger Vermeese for coordinator of audio-visual aids.

The committee instead named Maurice Toggas to the post.

Judge Mullen, in a 21-page decision, said the city at recent hearings "proved prima facie" that the coordinator of audio-visual aids is one of the "administrative officers" the school committee may appoint on its own, without recommendation of the superintendent, under Warwick's charter.

He said another section of the charter, which says "all school employees" shall be appointed by the committee on recommendation of the superintendent, is so uncertain in the light of state law concerning committees that even under it an injunction should be issued.

He said the issue could be presented more fully at later hearings on the question of a permanent injunction.

Judge Mullen remarked that the charter provision for committee appointment of school employees on the superintendent's recommendation contained the reservation, "except

DeCiantis Says Family Crime in His Court Scope

Judge Michael DeCiantis of the Family Court last night said that any crime committed within a family comes under jurisdiction of his court.

Speaking before the Rosary Altar Guild of St. Rose of Lima Church in Warwick, Judge DeCiantis indicated that he had in

mind any crime within a family even including murder.

His remarks came again amidst a family case that has arisen over the jurisdiction of the Family Court. The state Supreme Court has been asked to rule on whether the district court or the Family Court now has original jurisdiction over criminal complaints growing out of alleged assaults within a family.

Judge DeCiantis gave the opinion that the district court still has original jurisdiction in such matters.

He added, however, that the Family Court is equivalent to the Superior Court and that appeals from it go directly to the Superior Court.

In other words, Judge DeCiantis maintained that after an assault case involving husband and wife is brought into district court, once the defendant is bound over to the grand jury and an indictment returned, he should appear in Family Court for disposition.

The Family Court can hold jury trials, Judge DeCiantis held the first such there a short while ago. It involved a paternity case.

According to present procedure, the chief justice of the Family Court assigns a jury panel for duty. But the jurors list is prepared by Superior Court officials.

Judge DeCiantis predicted it will be necessary to draw a jury specifically for Family Court duty eventually.

Judge DeCiantis in Role of Physician APRIL 11, 1962

Family Court Judge Michael DeCiantis, sitting in East Greenwich, took off his judicial robes and came down from the bench and administered first aid to a woman who had collapsed.

Mrs. John Tancil of Warwick, had symptoms of a heart attack when the judge received her condition as the result of a diabetic seizure. He called for a mixture of orange juice and sugar. Deputies and court clerks were soon hurrying through the East Greenwich shopping district. The East Greenwich Fire rescue squad was also summoned.

After a drink of the juice, Mrs. Tancil recovered and the court session continued.

Judge DeCiantis Maintains Stand for School Strapping

Judge Michael DeCiantis of the state commissioner of education, had termed "particularly enlightened" an earlier proposal by the judge for corporal punishment. Mr. Robinson said the strap had been replaced by "intelligent ways of dealing with children."

Judge DeCiantis said he was speaking from experience gained from cases brought before him as a Family Court judge. He invited Dr. Robinson to attend a court session and consider whether the existing disciplinary system is effective in the light of the cases brought before the court.

He also cited a statement by Chief Justice Francis B. Condon of the state Supreme Court

that there "must be a return to the old-fashioned discipline if the accelerating progress of juvenile delinquency is to be reversed."

Teachers should not have to be as good as they "able to kid up," Judge DeCiantis said. He said harassment of teachers by unruly students is forcing some teachers to resign.

The problem of school discipline should be made a public issue if school authorities will not do anything about it, Judge DeCiantis said.

He said discipline should be given at the elementary school levels to catch potential troublemakers "before they go wild."

Schools should have social workers to investigate the family backgrounds of continual troublemakers, he maintained.

District Courts Keep Some Family Cases

BULLETIN - MAY 24, 1962

The state Supreme Court held today that district courts rather than the new Family Court, still have original jurisdiction over certain intra-family crimes, at the misdemeanor level, including assault.

But the court, deciding a test case that originated in district court in Narragansett some seven months ago, ruled that on appeal from district court sentences such cases go to the Family Court, rather than the Superior Court. From the Family Court they may be appealed to the Supreme Court.

The test case was one in which Robert S. Zittel, 32, of Maplehurst Ave., Narragansett, was charged with assaulting his 16-month-old son on Sept. 11 last year. Judge Orme in district court, refusing to take jurisdiction to the extent of trying the defendant, finally certified the jurisdictional question to the Supreme Court where it was argued on March 23.

At that time Domenico A. DiSandro Jr., Narragansett town solicitor, and Miss Ceciane P. Grande, special state counsel, both took the position that the case belonged in the first instance in the district court.

An apparent conflict in statutes arose from the fact that while one law gives the district courts the jurisdiction, of assault, over all misdemeanors or other offenses punishable by fines up to \$500 or imprisonment up to one year, or both, a section of the new Family Court Act called for referral to that court, among other matters, at the following cases:

... threat to commit a crime or offense against the person or property of the defendant's husband, wife, children, father or mother; assault, assault and battery, or assault with a dangerous weapon, or attempt, at such assault, upon the defendant's wife or husband or children, or upon a parent by his child.

Judge Paulino, resolving the dispute as to jurisdiction over the misdemeanors, including assault, thus listed, wrote: "With respect to the misdemeanors therein listed as enumerated in the question certified by the justice of the second district court, it is our opinion that the legislature intended to confer on the Family Court only intermediate appellate jurisdiction, with power to hear and determine such cases in accordance with the provisions of the act and subject to appeal to this court."

He said the section contained no language expressly conferring upon the Family Court original jurisdiction over such misdemeanors and that in the absence of a clear legislative intent to the contrary, such jurisdiction could not be inferred. He said it therefore was the court's opinion that the district court had original jurisdiction over the Zittel assault case.

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such intra-family assault cases should go first to the district courts and then to the Family Court.

Limiting the scope of its opinion to those intra-family misdemeanors specified in the law, the Supreme Court did not pass on the contention of Judge DeCiantis that even intra-family felonies, probably even including murder, are to be tried in the Family Court after defendants have been heard over from district courts to the grand jury and subsequently indicted.

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BULLETIN - JUNE 11, 1962



Good likeness? Judge Michael DeCiantis of the R.I. Family Court, stands by the oil portrait of himself presented at his testimonial dinner last night at the Rocky Point Palladium.

Family Court Judge Feted At Testimonial

Michael DeCiantis of West Warwick, appointed a Family Court judge a year ago, was honored by 800 friends at a testimonial dinner at the Red-Judith Ballroom at Rocky Point Park in Warwick last night.

An oil portrait of the judge in judicial robes was presented by Rep. Felix A. Appolonio, D-West Warwick, co-chairman of the dinner committee. George Canfield Healey of Providence was the artist.

Other judges, state officials and former office holders were among the well-wishers. Gov. John A. Notte Jr. sent a telegram of congratulations. Sen. Claiborne Pell set the theme of the numerous speeches. Sen. Claiborne Pell set the theme when he described Judge DeCiantis' life as a "Horatio Alger" story.

Judge DeCiantis, an immigrant from Sora, near Rome, Italy, arrived in this country at the age of 12 in 1912, worked in West Warwick textile mills, attended law school at Boston University on 25 cents a day for food, became a town office holder and long-time Democratic town chairman and state assistant attorney general and chief of the division of public utilities.

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"Woman's Place at Home"—DeCiantis

TIMES - JUNE 13, 1962



HAPPY SMILES indicate dinner meeting of Pawtuxet Valley and Warwick Business and Professional Women's Club ended on pleasant note. Family Court Judge Michael DeCiantis, guest speaker, is surrounded by (l-r) Bernice A. Carlyle, Warwick program chairman; Mrs. Ernest Beaudoin, Warwick president; Mrs. Anne Drysdale, state president; Miss Lena DeCiantis, F.W. club president, and Mrs. Mary A. Coulter, co-chairman of program. Event was held at Valley Country Club on Wednesday.

It took a lot of courage, but he did it.

Family Court Judge Michael DeCiantis told a group of club women Tuesday night that a woman's place is at home, not on a job or at a club meeting.

There were appreciations and explanations but when the smoke cleared, the judge got a handshake from every one of the 40 members of the Warwick and the Pawtuxet Valley Business Professional Women's Club.

The joint meeting at Valley Ledgemont Country Club grew tense as Judge DeCiantis warned that women often join clubs to "get the strain of bringing up children out of their systems."

The judge parlayed the remark by pointing to the club's "collect and objectives" which asks members to "face facts as they are."

"This particular precept," Judge DeCiantis said, "gives me the idea about speaking about a topic which I might otherwise only say if a police rescue squad were standing by to save me."

He opened his talk by asking "should women work? And he answered by saying "No."

"The woman's place is in the home. If we wish to keep unity in the family," he declared. He said that generally speaking this was the philosophy and the only way a family could be united. However, Judge DeCiantis said that there were many instances where the women should and ought to work, either because of money difficulties or to better themselves, or if there were no small children at home.

"My remarks about working mothers refer to those with small children at home," he said. "No one can take the place of their mothers. Grandparents are not able to care for the young children as well as the mother. He drew laughter when he added, "Look at me, I am 62 years old and a grandfather."

Judge DeCiantis said that women without money should not hesitate to apply for general assistance so that they may stay at home. He said the Family Court will not hesitate in helping mothers who need this assistance.

Miss Lena DeCiantis, president of the Pawtuxet Valley Club, gave the welcome and introduced Mrs. Isabel G. Beaudoin, president of the Warwick unit, read the "collect and objectives" to which Judge DeCiantis had referred.

Mrs. Anne H. Drysdale, state federal president, was introduced. Miss DeCiantis was presented a past-president pin.

Fiscal arrangements were won by Mrs. Mary Phillips and Mrs. Ernest Beaudoin. Mrs. Mary A. Coulter and Mrs. Bernice Carlyle were co-chairmen.

Four Youths Deny Charges Of Mischief in Buttonwoods

Four apparently subdued teenage youths who spent the weekend in the Rhode Island Training School for Boys in Cranston, stood up one by one today and pleaded innocent to charges of malicious mischief in the Buttonwoods section of Warwick.

The youths made their pleas in barely audible voices before Judge Michael DeCiantis at a special session of the Juvenile Division of Family Court. The boys, three of them 17 and one 15 years of age, were remanded to the school until a hearing next Monday in Kent County court house in East Greenwich.

Two of the boys, however, pleaded guilty to charges of stealing an automobile and their cases were continued for sentencing after the malicious mischief cases have been disposed of.

Judge DeCiantis suspended a rule of holding juvenile hearings in private to permit a group of 14 Buttonwoods area residents to listen to the proceedings. The group had made the 13-mile trip in three automobiles at the suggestion of Warwick police.

The youths were picked up one at a time early Saturday in woods near Buttonwoods after a stolen car had been abandoned. Warwick police said some of the boys admitted taking the car, registered to Shibus Lioce of 133 Uphill Ave., Warwick.

The four boys were among nine youths taken into custody in Warwick July 16 when aroused neighbors armed themselves with golf clubs and took matters into their own hands after a long period of teenage disturbances in the area.

The youths filed into the hushed courtroom and looked neither to left nor right as they took seats before Judge DeCiantis. They were brought in by Detective Warwick probation officer, and Detectives Clarence V. Shippee Jr. and David D. DiRosa of the Warwick police.

Mr. DeCiantis said the boys were "very, very quiet" during the trip. He said they told him they "didn't like being held" at the school.

As the spectators got up to depart, Judge DeCiantis explained he had not asked them for comments because he wants the boys to be tried "fairly and justly" when their case comes up.

"I won't hear anything from you now," he told them, "because you might even be witnesses in the case."

Warwick police said the area was quiet during the weekend. One Buttonwoods area resident reported that "many spectators" drove through the section yesterday, apparently in get a look at the neighborhood.

Trial in Buttonwoods Cases End

Defense and prosecution rested their cases this morning after the last of seven boys accused of harassing residents of the Buttonwoods area of Warwick faced his accusers in Family Court at East Providence.

Both sides were to give final arguments this afternoon. Judge Michael DeCantis is expected to make a decision late this afternoon or tomorrow morning.

The last boy to appear is a 16-year-old, charged with theft from a motor vehicle and disorderly conduct. He denied he had anything to do with the theft, contending his only connection was to pawn a stolen watch for a dollar.

A prosecution witness testified that in an incident July 16 in woods of Keesley Avenue, the boy neither had a weapon nor took part in shouting and yelling that were reported.

With an air of relief, the remaining witnesses told their stories for the last time. Some of them have testified five or six times since the trials opened on Monday.

Yesterday five youths were tried, two of them in the late afternoon.

One was charged with larceny from a car and disorderly conduct, the other with assault, disorderly conduct, and larceny from a car.

Detective David DeRosa and George B. Bouda testified yesterday that any admissions from the youths had not been obtained through physical pressure and they denied defense charges that they had assaulted any of the youths.

Residents of the Buttonwoods section identified a 15-year-old boy as one of those in the woods off Keesley Avenue who shot July 16 "eggs" the residents to come up for a fight. The boy maintained that he and his friends had picked up sticks only after they saw the residents come out of their houses armed with golf clubs.

The two 11-year-olds on trial yesterday testified that they were elsewhere when the trouble occurred on July 16, but the prosecutor, James Quirk, assistant city solicitor of Warwick, produced two witnesses who testified that they had seen both of the boys in the woods at the time of the trouble.

Twice during the hearings Judge DeCantis interrupted testimony to ask witnesses residents of the area, just what they, as citizens, thought could be done to prevent the relative calm which Buttonwoods has enjoyed for the past week or so.

One witness said that he thought the trouble never would have started if there was something for the boys to do such as sports programs at a club.

One of the boys told the court that he and three others also accused of being involved had taken an automobile out of the state because of the publicity given the case was too much for them.

Idle hands in Buttonwoods

The first of seven teenagers whose behavior provoked their elders in the Buttonwoods section of Warwick into organizing a vigilante committee appeared in Family Court the other day. An exchange between Judge Michael DeCantis and the unidentified 17-year-old boy went something like this:

Judge: "Is there anything for you to do in that area? Are there any clubs or places to play sports?"

Youth: "No, sir."

Judge: "Is there anything at all for a 17-year-old to do in the Buttonwoods area?"

Youth: "Not that I know of, sir."

Judge: "How about the park?"

Youth: "That's for kids up to 16, and I'm 17."

The exchange reflects on the source of much trouble. Many youngsters have nothing to do get into mischief. The problem is not new. It existed more than 200 years ago when Isaac Watts wrote, "For Satan finds some mischief still for idle hands to do." It existed centuries before the poet expressed the problem so well.

The problem is old, but no adequate solution has been found, and the solution seems further away because of the high degree of our present social development. Fifty years ago a 17-year-old raised on a farm had plenty of chores to do. If he was city bred, he would have a job or would be engaged in learning a trade. In either case, he was re-

sponsible for amusing himself as best he could in whatever leisure time he had, and if he got into mischief, he was rarely considered a delinquent because society then was more tolerant with youngsters.

Today, with about 70 per cent of the population living in urban centers, jobs for 17-year-olds are scarce. Youngsters are encouraged by labor unions to stay out of the job market, and society continues to keep them in school until they get a high school diploma, even if they have no interest in continuing their education. In summer, all their time is leisure time, and it drags. To idle hands something to do, sociologists propose more clubs, more parks, more recreation centers; but they don't seem to work, either.

The clock cannot be turned back 50 years to that day when youngsters had farm chores or factory jobs to keep them busy. But couldn't the community of Buttonwoods find something for the boys to engage their time? Could the community create a committee to cooperate with the boys in ornamental plantings, mow lawns, weed gardens or wash windows of the houses of the neighbors they have been bothering?

"Work, and then will bless the day ere the toll be done," said Christopher Pearse Cranch. The boys might help the boys in the Buttonwoods area, if they are given half a chance.

Youths Put On Probation

Warwick, — (UPI) — A Family Court judge placed five teenagers on probation and warned that if they as much as see each other again they will be sent to the Rhode Island Training School for Boys.

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Judge Michael DeCantis warned the boys that they would go to the training school until they are 21 years old if they show up in his court again.

The judge said, "If I sink my teeth into you, brother, they'll say there, I'm going to break up this band, and I'm going to do it my way."

Judge DeCantis also recommended an organization be set up in Warwick to prevent juvenile delinquency.

Judge Urges Youth Agency

Warwick Teenagers Put on Probation

Five Warwick teenagers accused of harassing Buttonwoods residents of the Family Court and the probation yesterday. The Family Court and were warned Judge Michael DeCantis that they will go to Stockton unless they are 21 if they show up in his court again.

That's a promise, the judge said, "If I sink my teeth into you, brother, they'll say there, I'm going to break up this band, and I'm going to do it my way."

If the youths so much as see each other or speak to each other again, he warned, they will be sent to the Rhode Island Training School for Boys.

At the same time, Judge DeCantis recommended the formation of a Warwick organization to combat juvenile delinquency. He said it might be patterned after the South Provi-

Warwick Teenagers Put on Probation

vidence Youth Board, a joint product of the Family Court and the Providence recreation department.

The board's aim is the early identification and treatment of delinquency-prone children.

Judge DeCantis directed James P. Quirk, assistant city solicitor of Warwick, to deliver the recommendations to city officials. Mr. Quirk prosecuted the cases against the boys, who were charged with disorderly conduct and other offenses.

"Tell the people of Warwick and the people of Keesley Avenue," the judge told Mr. Quirk, "that they must be interested in the red flag is up."

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Judge McCabe Defends Choice Of 2 Family Court Investigators

Chief Judge Francis J. McCabe said today that he was not being critical of the state's probation service by appointing two men, without professional training in domestic relations work, to act as investigators for the court's family counseling team.

"I'm in no way critical of probation counselors," Judge McCabe said, "but we've reached the point where I'd like to have someone who can do the intimate investigations and depend on them to report directly to the court."

He said that the newly-appointed investigators, Rev. Alfred P. Perrotti, D-Providence, and L. E. Linus O'Rourke, former assistant for several Democratic offices, were selected on the basis of their "portfolios."

They were selected because "of their backgrounds" over about 15 other candidates, Judge McCabe said.

Just what the backgrounds of the two men are or who had recommended them could not be readily determined.

John O'Neill, administrator of the court, declined to make

their applications available for inspection. "I would not recommend it," he said when asked if he would permit the press to inspect the forms.

Mr. O'Neill said that articles, not newspaper readers, should determine a man's qualifications for a specialized job.

Neither man will be in the classified service which will be required of the proposed four domestic relations counselors expected to be hired before September.

The section of the Family Court act under which the appointments are being made contains this language:

"Within the family court there shall be a family counseling service, consisting of such personnel as the court shall deem necessary to assist the court in advising and counseling the parties, and whose qualifications shall be established by the court. The justifications of the Family Court or a majority of them shall be the appointing authority of such family counseling personnel, who shall be in the classified service."

Both Mr. Perrotti and Mr. O'Neill will be assigned to make investigations into man-

problems before formal action is taken in court. Their work, Judge McCabe said, will be part of the effort of judges to try to prevent divorce.

Currently, this work is being done by the five Family Court judges and probation counselors, whose services are loaned to the court under the Family Court act.

When the new family counselors are appointed, they will be the only personnel to be under the classified service, Judge McCabe said.

The chief judge has long advocated that the non-defendant juvenile court and the Family Court should have absolute control over probation counselors as is provided in a number of states throughout the country. He has frequently been out-

spoken about the displacement with probation counselors having a multiplicity of duties and heavy case loads within deprived courts of having prompt reports of persons coming before the court.

Mr. Perrotti and Mr. O'Rourke, Judge McCabe said, were "not recommended by any one person" but were selected by the "majority" of the five Family Court judges.

ation, the judge said he was trying to do justice to them as well as to "keep the peace in Buttonwoods."

But he told the youngest of the five, a 15-year-old, "You're the one who ought to go to the Training School; but I don't want to make a big show of you." The other events are 17.

Judge DeCantis commented at length on several of the night of July 16 when a group of Keesley Avenue men armed themselves with golf clubs and went out after their tormentors. The men and the youths clashed verbally in words nearby.

Sometimes beneficial. The judge said he could not condone the vigilante action but could understand how it came about. He acknowledged that occasionally such an episode has a beneficial effect.

"Citizens of Rhode Island or any other state have the right to live happily, protected and safe, and to enjoy their homes, and no one can violate that right."

"How long can a man's patience be tested?"

"I do not approve of force and chaos as a matter of rule, but they made these kids realize they're not as tough as they thought."

"There is a time for this type of action, and this was the time."

Commenting that there is a direct relationship between school dropouts, unemployment, and juvenile delinquency, Judge DeCantis said the case before him was an example. All five boys dropped out of school during the last year and some was employed full time when the trouble took place.

Judge DeCantis instructed the teenagers either to go back to school this fall or get a regular job.

"I don't want you hanging around any more gas stations," he told two of the youths.

"Either you find work there or you stay in your own back yard. If I catch any of you in the Buttonwoods area again causing trouble, you'll go right up to the Training School, and you believe in it."

The five youths placed on probation were among seven whose cases had been before the court during a three-day hearing. Cases dismissed two of the seven were dismissed.

Specific charges against the youths included driving off a car without the owner's consent, to which four pleaded guilty; larceny from a car, which was dismissed in all seven cases; and disorderly conduct, which the youths denied.

Not Warwick Alone

Observing that the problem of delinquency is not Warwick's alone and that that city has not been "a traditional center" of delinquency, Judge DeCantis said his recommendation for a state-wide organization has a state-wide application.

His proposal, he said, is to integrate existing community services by creating a board composed of representatives of the police, school and public welfare departments, the social level, the division of vocational rehabilitation, Department of Employment Security, and the Family Court on the state level, and family services, the community guidance clinic, Boy Scouts and other interested citizens on the private level.

To Ask Family Court Action

East Providence, — (UPI) — Police plan to ask Family Court to declare delinquent two 13-year-old teenagers whose prank allegedly

caused the death of 14-year-old Wayne Cole.

Cole, a 13-year-old friend, were fishing from a dock at Omega Pond Monday when the mis-

Another 13-year-old boy and four companions approached the two fishermen. Cole was lured to the edge of the dock and pushed in. He could not swim and drowned.

The pair police will ask court action against and the other three in their group were questioned and released. No formal charges have been lodged against any of them as yet.

Judge De Ciantis Honored At Testimonial Dinner

A capacity gathering was on hand on Sunday evening to honor Judge Michael De Ciantis of the Family Court of Rhode Island at a testimonial dinner held at the Palladium in Rocky Point.

Invited guests included all Justices of the Rhode Island courts and state and local officials. Judge John E. Mallon was toastmaster. The Right Rev. Msgr. Anthony De Angelis gave the invocation.

A native of Sorà, Italy, Judge De Ciantis came to this country as a youngster and after early struggles as a textile mill battery hand and other types of employment became a law student at Boston University. He was admitted to practice in 1925 and served in numerous capacities as West Warwick tax clerk, probate judge, and became assistant attorney general in 1933 serving until 1937. He was chief of the division of public utilities, Unemployment, Compensation Board Counsel, Democratic State Committee treasurer, chairman of the West

Warwick town committee and town solicitor. He was appointed to the Family Court last year.

Judge De Ciantis was president of the Kent County Bar Association and has been a member of the Gibson Council, Knights of Columbus, West Warwick Lodge of Elks, the Sons of Italy, the West Warwick Lions Club and the Rhode Island Bar Association.

Representative Felix A. Appolonia was general chairman of the dinner committee. Warren B. Finn was co-chairman, Arthur Groleau, treasurer, Lt. William Galuchet, financial secretary, and A. Norman Thibodeau, secretary.

Two Boys Punished For Role in Drowning

BULLETIN - AUGUST 13, 1962

Two boys, 12 and 13 years of age, were ordered sent to the Rhode Island Training School for Boys by Judge Michael DeCiantis in Family Court today for their part in causing the July 30 drowning of Wayne Joseph Cole, 14, of East Providence.

The Cole boy, son of Mr. and Mrs. Joseph Cole of 115 Walnut St., was pushed from a dock into Omega Pool in the Philadelphia section of East Pro-

vidence while fishing. He was unable to swim.

The 15-year-old, who the court said, did the actual pushing, was ordered placed in the training school for three months, or until other order of the court, to receive an evaluation. He had no previous record of juvenile delinquency.

The 12-year-old, who did no pushing but persuaded the Cole boy to lean over and look at some "fish" according to the testimony, was sent to the training school for a year, or until further order of the court, likewise for the purpose of being evaluated.

The younger boy previously had been before the court on break charges and this year was an inmate of the training school, having been released in the spring.

After the court's decision was announced, the 12-year-old became emotionally upset and had to be restrained.

Judge DeCiantis said it was his opinion, both through advice of a psychiatrist and the case and through his own study, that punishment of the boys would serve to relieve their guilt feelings which they must inevitably have.

Such punishment would tend to give the boys "emotional peace," the judge said. In cases of this nature at a nonpunished person may at some later date go out and commit a crime in order to bring on punishment, Judge DeCiantis added.

The judge ruled both boys were delinquent. They had been charged with unlawful killing. Testimony had shown that neither of them knew or ever had seen the Cole boy before the July 30 incident.

Both boys who faced the court are Providence residents. They had walked to Omega Pool to go swimming on the 30th.

Besides punishment, both need psychiatric attention, as do their parents, Judge DeCiantis said. After the boys are tested and evaluated at the school, "we'll try to see if we can't do something a little better for them," the judge said.

He opened his final remarks by saying, "I've been thinking, thinking what to do in this case." (It had been heard in part last Thursday and was continued so that the judge could study further the reports in the case.)

"Our court is established for the purpose of rehabilitating these boys, these children," Judge DeCiantis said. "On the other hand, it cannot be considered that the court will act as wet-nurse to these boys."

The judge stressed the point that the Cole boy was a stranger to the others and that they can away after the boy was pushed into the pool. Judge DeCiantis said he could not consider the incident a mere prank. At the same time, he said it was not the intention of the two boys to do young Cole any real harm.

Augusto W. SanBento, attorney for the Cole boy's family, said "retribution and vengeance" were not being demanded. But he said, "These boys should be punished so maybe, somehow, it gets around that you don't get away with 'tranks.'"

Mr. SanBento termed the incident "a malicious prank" not the same kind as when a group of boys, playing together, cause mischief.

The attorney for the 12-year-old (the 13-year-old was not represented by counsel) said, "We don't want to commit another tragedy, to make the parents of these two boys suffer as have the parents of the dead boy. It will do no good; it will not bring the dead boy back."

He said he was sure that Wayne Cole would not want vengeance as "his monument" and that the boy would have forgiven "those who perpetrated this prank—and I'm sure that's what it was."

The attorney said, "The papers here have played this case up and created a lot of public opinion." He urged the judge not to be influenced by such opinion.

Judge DeCiantis said that a point in the boys' favor was that on learning later from news reports that young Cole had drowned, they went to confess to a prank and, not finding one available, continued on to report to police.

In giving his decision, Judge DeCiantis said "I hope that the Lord has guided me right."

ITALIAN ECHO - SEPTEMBER 7, 1962

ECHO Editorial On Delinquency Inserted In Congressional Record

The editorial on the "Problem of Delinquency" which appeared in the "Italian Echo" on August 17, 1962 was made part of the Congressional Record of August 28 by Congressman Ferdinand J. St. Germain. The editorial commended Family Court Judge Michael De Ciantis on his practical suggestion in the "Buttonwoods" incident.

Congressman St. Germain in his remarks before including the editorial in its entirety, said:

"Mr. Speaker, juvenile delinquency is one of the most prominent and compelling problems facing our Nation today. Many opinions have been advanced as possible solutions to this difficulty and many approaches have been tried with varying degrees of success.

One of the most practical suggestions made to date was recently put forth by one of Rhode Island's most distinguished and learned jurists, Judge Michael De Ciantis of the

Rhode Island Family Court. Judge De Ciantis is firmly convinced that the delinquency problem is one that must be handled by the community as a whole, working through a coordinated program that should be short on redtape but far reaching in effectiveness.

To help solve the problem in my State, Judge De Ciantis proposes an integrated board composed of representatives of the schools, the churches, the medical profession, the field of social work, the legal profession, and other interested agencies and citizens' groups.

An excellent editorial explaining the judge's proposal and commenting on the need for it appeared in the Italian Echo, an outstanding Rhode Island newspaper, of August 17, 1962. Under unanimous consent, I include it in the RECORD at this point."

The Italian Echo thanks Congressman St. Germain for the insertion of the editorial in the Congressional Record.

Editorials

Saturday
July 21, 1962

The Buttonwoods citizens deserve police protection

A hoodlum situation in the Buttonwoods section of Warwick almost got out of hand because police underestimated the seriousness of acts of vandalism and overestimated the patience of neighborhood residents to submit to them. Neighbors have briefed the city council on the events, and it is hoped that police soon will restore order in the area.

Until two years ago, Keeley Avenue and vicinity was a quiet section. Then a gang of about 50 teenagers began assembling in nearby woods. Cars were driven across lawns, windows were smashed and a week ago, the council was told, four teenagers threatened to knife one neighbor in the back.

The knifing threat was reported to police who, according to neighbors, spoke to the teenagers and let them go. Releasing the youngsters perhaps, was justified. But one night later, Police Chief James F. Lynch reported to the neighbors

that he knew nothing about the incident.

Right or wrong, residents interpreted the astonishing lack of communications within the department as a reflection of police indifference to their problem, and they acted on their own. A vigilante committee carrying golf clubs went after the gang. They called police, who apprehended nine teenagers and referred them to Family Court. Vigilantism is no way to enforce law and order. Chief Lynch properly states that no man has a right to go out on the public highway to take the law into his own hands. But every man is entitled to protection from an alert police force against acts of hoodlumism, and in the Buttonwoods situation the Warwick department did not provide it.

Last Thursday night's council hearing on complaints of Keeley Avenue residents may clear the air. It certainly should result in better police control over hoodlums.



The protest got attention.

A Mother Writes Of Her Tragedy With Glue-Sniffing Son

(Editor's Note: A Pawtucket mother has written this letter to this newspaper. Her name and address are withheld.)

Since we have all been scared now by publicity about the "glue-sniffing" and how found our kids are on it, what do we do now?

We don't sell glue and we can't spank full grown men of 17, 18 or 20. We can't follow them around, as most people with kids that age are in the late 40s or 50s and 60s.

I have a son who is real gone on it. He takes about two full tubes a night. He empties one tube and sniffs it until he can hardly walk or talk properly.

He is an alcoholic besides. He is 17 and has no trouble getting liquor. Liquor is easier to get here than a job. You can't speak to him when he is under the influence of glue because he becomes like a maniac.

When he isn't on glue-sniffing he is on drink. These teen agers don't buy cans of beer. They buy quart bottles and four fifths. They don't use

Youths Caught Sniffing Glue

Attleboro police, checking out a report that a New Haven Railroad train had been stoned near the state line, last night found five youths who they said had been sniffing glue lying along the railroad embankment near the New-Port avenue bridge.

Patrolman George A. Chalfoux captured three of them and picked up the other two later. Police found a paper sack containing tubes of glue on the ground nearby.

The boys, two from South Attleboro and three from Pawtucket ranged in age from 14 to 18.

Questioned at Attleboro police headquarters by railroad and local police the youths said they did not remember the train. One told police that if he did throw stones at trains he did not know it and that he couldn't have done it because of his condition.

The case was the first glue-sniffing incident in this area. The tubes are plainly marked "do not inhale."

The quietest was released in custody of their parents.

their homes to drink it in, but the automobile.

My son sniffs glue in a plastic bag. If he passed out he would get no air. In the winter, there will be the added danger of the closed car, maybe with the motor running to heat it.

I am sick to my stomach with the smell of glue. It's on socks, shirts and pants and sheets. It's on just everything.

We can't get him placed in a state hospital because we have no money. The police (I reported him) can't just put him in prison for glue-sniffing.

They need help, not only from their parents, but from a country that doesn't set up a decent standard for them to follow itself. If the govern-

ment does nothing to stamp out crime among adults, how can we have any power to keep it from our children? The American child can be accosted on the street by a dope addict.

They say we have freedom of speech, so I'll use mine to say I'd rather have my child a Communist than an American today, he listens to no one. There is no liquor in the family so there is no liquor problem with us but he and his buddies drink and inhale, too.

The parents are not all to blame. Our kids are born into a society where there is nothing good around. Sure, they should be strong enough to waste through the life of fifth and crime, pornography, bad movies, violence, gangsterism and every brutal kind of crime, but they are not able to do it.

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Says Problem One For Parents

PROVIDENCE (U)—An apparent increase in the incidence of teen-age glue-sniffing in this area poses a baffling juvenile delinquency problem that must be met, mainly, by parents, Dr. Joseph E. Cannon, state health director, said today.

He called it a "bad situation" which he said is "part of a whole cultural pattern of looking for 'kicks.' I don't know who can control it except parents," he said.

Variety stores and hobby shops where glue is sold, ostensibly for use in building model planes, ships and other juveniles hobbycraft work, report sharp increase in sales in Providence, especially in the South Providence area.

Two weeks ago, a 16-year-old boy died in Fall River, from inhaling poisonous airplane glue fumes and more recently five boys from 15 to 20 were found sniffing glue in a Providence cemetery.

When will it be for our children what this song says? I feel sorry for American kids. They have so much fun to waste through. They are the brightest and most intelligent kids in the world, and the prettiest.

If they had some goal to follow instead of being a twister or a rock and roller, they would have something truly American to strive for instead of drifting and imitating those glamour boy or girl whose only access to talent is standing beside a photograph and impersonating the voice of his stupid idol.

Then he gets himself a silk suit, a stinky hairdo and a girl who only comes to him to have sex. Not a scientist, not an astronomer, not a great physicist or writer, but a doll who lets out sounds from

his throat, while the illiterate scream and roar their approval.

Our poor kids, they have only God on their side and I guess He has His own reasons for letting so many of them die so young.

I don't care what becomes of me because I've lost to dope and alcohol that which made my life worth living.

The day I first set eyes on the Statue of Liberty was for me a gift to a better life. There was something for me than my wedding day, but I soon found out that she was truly just a statue and that people paid no more attention to what she represented than the water that surrounds her.

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Shouldn't Be Forced to Stay in School

De Cianitis Says Many Boys Need Jobs, Not Education

PAWTUCKET VALLEY DAILY TIMES
SATURDAY, 20, 1962

Providence, Sept. 17 (UPI)—Shouldn't teenagers be allowed to leave school and get a job if they want to? That's the question Judge Joseph P. De Cianitis asked today in a ruling on a case involving a 17-year-old boy who had been expelled from school for sniffing glue.

De Cianitis said that while education is important, it is not the only thing that a young man needs. He said that many boys in the area are "lost" and need a job to give them a sense of direction and purpose.

The judge said that he was sympathetic toward the boy, but that he had to uphold the school's decision. He said that the boy's behavior was a serious offense and that he had to be expelled.

De Cianitis said that he would be looking for ways to help the boy and other students in the area who are struggling with similar problems. He said that he would be talking to the school and the community to find out what can be done to help these students.

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PTA Hits Judge

On Jobs for Boys

The Pawtucket Parent-Teacher Association (PTA) today criticized a judge's ruling on a case involving a 17-year-old boy who had been expelled from school for sniffing glue.

The PTA said that the judge's ruling was "unfair" and "unjust." They said that the judge had not taken into account the boy's situation and the need for jobs in the area.

The PTA said that they would be taking the case to the state supreme court. They said that they would be looking for ways to help the boy and other students in the area who are struggling with similar problems.

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Shouldn't Be Forced to Stay in School

De Ciantis Says Many Boys Need Jobs, Not Education

Family Court Judge Michael DeCiantis told fellow members of the West Warwick Lions Club last night that many boys today want to and should be given the opportunity to work and use their brains instead of continuing on in school. He said there are so many "do-gooders" today who want to make every boy a smart fellow and yet the boy doesn't like school, stays back, is laughed at and then gets into trouble.

"I don't say for the do-gooders. They never did any good for anybody," the judge said.

Judge DeCiantis, in his talk at Valley Country Club on Lodge-mont, said that juvenile delinquency isn't anything new. He read from a paper by the late Judge Potter of the U. S. Supreme Court, who had been a Rhode Island state commissioner of education, which admonished parents to teach their children respect for others so that when in school the

teacher could devote his time to teaching and correcting the morals of the pupil.

"No matter how you look at it," Judge DeCiantis said, juvenile delinquency goes right back to the parents. He asked what can a boy do when every Friday he sees his father spend that check for beer, get drunk and then bring home a new beer for his mother. Judge DeCiantis said Judge Potter 110 years ago wrote that there was a want of respect for parental authority.

Judge DeCiantis said that the state Department of Education has the biggest help to the parent in decreasing juvenile delinquency.

"What I want to know is why do they make a boy go to school if he doesn't want to. I have told boys, actually I violated the law myself in telling them, not to go back to school but to go out and get the job they want and they

haven't come back to court. The remedy is with the state Board of Education. They should set up a board to screen those that don't want to learn but can do more with their hands and then send them out so that they don't violate the 16-year-old-in-school law. I insist that the Department of Education do it and it can do more than send other boys to the state. They have the facilities to find out if they're wrong and they can retrain and screen and tell them what to do.

Judge DeCiantis said it was an awful thing to have a boy come to Family Court because he is a truant from school. He said many of them come from good homes, yet they don't like school and because of it get into trouble. He said they stay back, are laughed at by younger children and their pride is hurt.

During a question and answer period, Judge DeCiantis said neither he nor other members of the Family Court would send a boy to the training school because he was a truant. He said the present training school at Soccus-nossett was built in 1850 and there is another new school being built but it is no place to send a juvenile unless it has been changed.

He called upon every community to form committees to have organizations help these boys to be able to do something in life. Work is the best thing for them, he said. He said that before pe-

ple bring a juvenile to court they should be able to turn them over to this committee to find something for the boy to do.

When asked about girl delinquents, Judge DeCiantis said, "There is nothing wrong with women. The thing wrong with women is the man." Reading from statistics, he said of the 542 delinquents in the state the past year, 400 were boys and 79 were girls and of the motor vehicle violations 682 were by boys and 44 by girls.

Judge DeCiantis said the state law should be amended which requires a juvenile committing a minor motor vehicle violation such as passing a red signal light, not going to Family Court, He said that once a juvenile goes to Family Court on such a minor traffic violation he is classified as a wayward and it is on his or her record for life. At the same time, he said, an adult goes to court, pays a \$5 fine and that's that.

"When such a case comes before me," Judge DeCiantis said, "I throw it out of court so it won't be on the record against the juvenile."

Judge DeCiantis said that sitting on the bench of the Family Court will change a person's life, but "I will live there to see these changes made."

Judge DeCiantis was introduced by Thomas Quintis, attorney of West Warwick and Providence, Romeo DeCiantis, president of the Lions Club, presided.

Pupils Under 16 Who Dislike School Offer a Problem

Judge Michael DeCiantis of Family Court says he has told youngsters under 16 who have appeared before him to quit school and get a job. The judge admits that in doing so, he has consorted to break state law, which requires school attendance up to age 16.

"One of the boys now is digging clams, another is working on the roads, and another is a mechanic," the judge told the West Warwick Lions Club. "They're happier."

The judge has isolated, if not solved, a problem for which society has come up with many answers, but none of which seems to be the right one. The problem can be expressed in the question: "What ought to be done with difficult youngsters just under 16 who don't like school, are not interested in their lessons, and disturb the whole class?"

The problem is not the same as that involving dropouts who quit school at 16, although it is related to it. The difference is that 16-year-olds legally can quit school (although they and the state would be better off if their interest was stimulated so they would finish high school), but youngsters under 16 cannot quit school legally, as the law stands.

Judge DeCiantis suggests the law ought to be changed. He believes that the state Board of Education should be empowered to create a new board with authority to screen certain youngsters under 16 with the view of releasing them from the obligation of school attendance so they may take jobs.

Sometimes rules imposed by society are too rigid for individuals. Some youngsters under 16 might be better off at work, as the judge suggests, and perhaps they should be permitted to drop out of school. But relaxation of the law in this respect would have to be undertaken with utmost care. Jobs for youngsters under 16 are plentiful. Every one who wants to quit school cannot work on the roads or dig clams, and what becomes of clam diggers in winter? Some youngsters quitting school might make a go of it, while others would have regrets as age seasoned their judgment.

Before lowering the bars, Rhode Island might benefit from the results of experimentation in other states. New York City, for instance, provides a half-day school and a half-day work program with pay for pupils about to become 16 and expecting to leave school when

they do. Chicago, with assistance from the Ford Foundation and cooperation from business men, conducts a program for pupils 14 or older who are instructed in simple vocational skills and hold part-time jobs with pay. Key to the success of programs like these is proper mobilization of community resources so that youngsters quitting school, or getting ready to quit, have jobs to engage them.

No Rhode Island community is so mobilized. That is the weakness of Judge DeCiantis' solution. But he could be on the right track. A combination of part-time schooling and part-time work, requiring some legal abating of attendance requirements, and a more flexible school system than Rhode Island communities now have, may contain the answer of what to do with some difficult youngsters under 16 who don't care whether school keeps.

Judge, Educator Disagree

Would Let Some Under 16 Work

A Family Court judge and the deputy state commissioner of education were in disagreement today over the merits of keeping "problem children" in school until they are 16 years of age.

Judge Michael DeCiantis said last night that children under 16 who don't want to go to school should be allowed to go to work.

Dr. William P. Robinson, deputy commissioner, countered today that instead of allowing "problem" children to drop out of school before 16, school programs should be revised to meet their needs, if such be the case.

Judge DeCiantis told the West Warwick Lions Club last night that the state Board of Education should set up a special board to screen cases of children who should be let out of school before they are 16. By doing so, he said, the state board could do more than anyone else in the state to curb juvenile delinquency.

He said he had advanced his proposal to Dr. Robinson

and had discussed the subject with him some weeks ago. The educator said he had called the judge's attention to the state law requiring school attendance from 7 to 16 years of age.

"Under the present law," he said, "the state board nor any local school board has any authority to permit a child to leave school before 16." Dr. Robinson said.

"If Judge DeCiantis is suggesting that the compulsory school attendance age limit be lowered from 16 to something else, that's another matter. It would be up to the General Assembly to change the law."

Judge DeCiantis said he thought the law should be amended last night that he had had several troublesome cases in Family Court in the past year where a child under 16 had violated the law and told them to get a job. They're happier and one of the boys now is digging clams, another is working on the roads, and another is a mechanic. They've had no trouble. Why force them to go to school?"

BULLETIN, SEPT. 20, 1962

DiCiantis Would Screen Reluctant Students

BULLETIN, SEPT. 20, 1962, p. 4-5

The State Board of Education should set up a program to screen boys who think they don't want to go to school and allow them to go to work, Judge Michael DeCiantis said at Rhode Island Family Court last night.

"By force them to go to school," he asked, "did you have as much trouble as I have had screening those who don't want to go to school?"

"One of the boys now is digging clams, another is working on the roads, and another is a mechanic," he said. "They've had no trouble."

The judge spoke to a meeting of the West Warwick Lions Club, of which he is a member, in Valley Country Club on Lodge-mont. He was his first speech there since he went on the bench of the new court last year and fellow members, delighted with his salty and at times unorthodox observations, gave him a standing ovation.

The state Board of Education can do more toward curbing delinquency than anyone in the state if it will set up a screening board, he suggested, Judge DeCiantis said. He said he has already talked to the state's attorney, William P. Robinson, deputy state commissioner of education, about it.

He agreed with Thomas Quintis, attorney and program chairman, that every boy who is sent out to be a white collar man, a lawyer or a doctor

is a failure. He said that youngsters under 16 who are "battered around the corners of the state" as a lawyer but "hadn't seen anything" until he went on the new court.

He came out for more publicity on the family cases before the court, saying, "the people don't know what goes on in the state." He said, "His boss does not like 'this business of secrecy, I don't go for it, and I don't intend to.'"

He said that youngsters "should realize there's got to be more discipline in the home." Judge DeCiantis said that when his fathers or mothers said to be home at 8 o'clock, we were home at 8 o'clock. In our day, teachers took a bell off and gave it to you, or you got a strap on the hand. Until those days come back in this country, we will not have the type of men and women you were brought up to be."

Asked what can be done to help the juvenile delinquency situation, Judge DeCiantis said that after a recent serious problem at Burtonwood, Warwick, he suggested each community get all its organizations working together and give growing boys an opportunity to do something.

Asked whether establishment of special classes for wayward children might be the answer, Judge DeCiantis said he didn't believe it entirely. He said he had one child from such a class in Coventry before him. "That is not the answer. They frustrate the teacher. How much can a woman stand? Can these boys who want to learn. I think the solution is with the education department."

He said vocational schools do not take a boy to go out and get a job. "You've got to have a place he can go and learn."

Asked whether there is much trouble with girls in the Family Court, Judge DeCiantis said, "There's nothing wrong with women. The thing that's wrong with women is man."

He said there were 642 delinquents in one year, of whom 642 were boys and only 44 were girls. The judge was critical of the law that makes a youthful motorist who passed a red light a "wayward" child. He said he has, however, taken a generally serious attitude on youthful traffic offenses and has suspended driving rights for the same length of time a boy has had his license.

"If they have had a license

DeCiantis

Family Court Collects \$47,149 During Sept.

During the month of September, damage attributed to juvenile offenders, the Rhode Island Family Court collected \$47,149.05 for support of minor children, including money payments and maintenance accounts, it was reported yesterday. The court, which received \$137 for restitution for public telephone—\$6.95.

Included in the miscellaneous account of \$9,773.75 are divorce support—\$8,637.80, divorce voice fees—\$115.95, adoption support—\$1,020.00, and the state general treasury for support of

children being cared for by the state; \$1,925.30 in the City of Providence for support of children being cared for by the city, and \$29,572.58 to individuals for alimony and support of children.

Youth Is Topic Of Conference

Judge DeCiantis Asks Special Study Of School Dropouts

Rhode Island's Department of Education should reevaluate its policy concerning child work and education, Judge Michael DeCiantis of Family Court said yesterday.

Judge DeCiantis, who was a panel discussion chairman during a youth conference program in Newport, said the department should set up a special commission to study the problem of school dropouts and what could be done to help them.

The conference, which was sponsored by the Rhode Island Commission to Encourage Morality in Youth, was attended by more than 200 persons.

Participating in the discussion of dropouts were Charles Jones, assistant director of attendance for the Providence school system, Joseph Leonelli, principal of Bridgton Junior High School in Providence; Fred Mullen, coordinator of special services for the state Department of Employment Security, and Mrs. Ralph W. Pierce, president of the state PTA Congress.

According to statistics, Judge DeCiantis reiterated his stand that he will continue to treat boys appearing before him in Family Court on a philosophy that a child must be allowed to grow according to his own abilities.

Mr. Mullen said DES is cooperating with the schools to prevent dropouts. He said that statistics show that the problem has reached proportions where it could use the full-time attention of a state agency.

Mr. Leonelli said that present school laws in the state may be open to reevaluation only on the condition that employers and educators work together.

James F. McCoy, president of the Blackstone Valley Vocational Committee, was chairman of the second panel discussion which dealt with future vocational education needs in the state.

Vocational Lag Found
Mr. McCoy said his commission had studied vocational schools in Massachusetts and Connecticut. As a result, they

determined that Rhode Island lags behind its neighbor states in providing vocational education, he said.

A result is that many of the state's younger citizens, including some who are extremely talented, are moving away, he warned.

A panel member, Edwin C. Brown, secretary-treasurer of the Rhode Island AFL-CIO, said present advances made by the state in this area of education are "meagre."

The state is using old machinery and outdated curriculum and is graduating students without preparing them at all

for the needs of modern automated industry, he said.

Industrial Integration
He estimated Rhode Island would have to spend three times the amount it now spends on vocational education to correct the situation.

Another panel member, James N. Williams, executive director of the Urban League of R. I., said the problem of integration in industry is not being met wholeheartedly in Rhode Island.

"The result is that many young Negroes are being forced either to take menial jobs or move out of the state, he said.

Other panel members were

Edward French, assistant director of the state vocational rehabilitation program, and Thomas P. Hastings, executive director of the Newport County Boys' Clubs.

The conference began at 10 a.m. with a welcome from Joseph A. Sullivan, chairman of the youth commission; P. Francis Carroll, principal of Rogers High School, where the conference was held, and School Supt. Charles A. O'Connor Jr. of Newport.

Besides the discussions, participants also heard five speakers and watched a program

presented by a trampoline exhibition team from the Providence YMCA.

The speakers were Milton Mitler, a Newport businessman; John Sharkey, assistant warden at the Adult Correctional Institutions; David I. Coughlin, assistant director of the Pawtucket guidance department;

Rites in Moss, Burial in R.I. PROV. JOURNAL

SEPT. 30, 1962

Court Decides on Custody Of Body of Newport Youth

A court fight over custody of the body of Ralph G. Bucci, 17-year-old Newport boy killed by a train at a Southbury, Conn. railroad crossing Friday, was settled in Newport Family Court yesterday when Judge Michael DeCiantis ruled that funeral services will be held in Massachusetts and burial will be in Newport.

Spoken for the estranged parents of the boy involved in the custody fight said a solemn ceremony Mass will be celebrated at Our Lady of Fatima Church in Maynard, Mass., at 10 a.m. tomorrow.

The body then will be taken to St. Columba's Cemetery in Newport for burial.

The youth, who died on his birthday, was killed when he was thrown from the car into the path of the train and died instantly.

He had been living with his aunt, Mrs. Mary D'Andrea, in Southbury, where his mother also resides pending a decision on a divorce petition she has filed in Newport Family Court against her husband, Jean J. Bucci of 242 Maple Ave., Newport.

Matthew J. Farber, attorney

for the boy's father, had filed a motion to have the boy's body taken to Newport for funeral services and burial.

A cross petition filed in behalf of the mother requested that the services and burial be held in Southbury.

Judge DeCiantis called the case unique in Rhode Island history.

Added to the boy's tragic accident was the death of his paternal grandfather, Albert G. Bucci of 8 Hammond St. during the night after a long illness. He was unaware of the boy's death.

The paternal grandmother, Mrs. Arthur G. Bucci, wife of the deceased, was called upon to testify at the hearing.

She told that her grandchild was killed when he was thrown from the car into the path of the train and died instantly.

She said the boy told her he wanted to come home, and that she heard him crying over the telephone.

Judge DeCiantis said the testimony of the grandmother was instrumental in his decision to have the body returned to Newport for burial.

PROV. JOURNAL, NOV. 6, 1962

Father, Mother to Share Custody of Four Children

A Providence psychiatrist testified in Family Court yesterday that a "paralytic state" results when children are reared in an "atmosphere of over-indulgence, leniency, and rankling and bickering."

Dr. Barry B. Mongillo was a witness in a custody contest between the parents of four minor children which ended yesterday. Judge Michael DeCiantis allowed the father to retain custody of the children during the week and gave the mother, who recently recovered from a men-

tal relapse, permission to have the children on weekends.

Dr. Mongillo testified that parental love prepares a way for proper growth, both physical and mental.

"In other words," the doctor testified, "the child knows all intuitively from a very early age whether it is really loved. Even an infant of a few weeks isn't taken in by his mother's soothing and over-indulgence of the pseudo-strategic-type mother."

"The child wants an atmosphere of peace and harmony and love and this must come from the father and mother, one another. They must have harmony and the child senses whether there is dissension in the atmosphere."

"The child can exist but cannot live in an atmosphere of tension," Dr. Mongillo testified.

Deering Principal Urges Curbing Parents Told Cars, Studies Don't Mix

Automobiles interfere with studies and should be kept from students. This advice was given last night to 300 parents of sophomores at Deering High School at Parents Night.

Principal John Kelly, in making the statement added that an advocate not allowing a student to own his or her own car but to use the family car—and only occasionally.

The principal said that surveys by Illinois University show that students who own their own cars

fall off in their studies and grade marks. He said that the University of Rhode Island this year forbids freshmen on campus to have cars. He said only those who commute can have a car at URI.

Supt. of Schools Francis Mullen advised the mothers and fathers that their children are being brought up in complex times and they need more training. He said that automation is changing the working habits of the nation and that many people are having to go back to school to continue their changing jobs. He encouraged parents to have good reading and television habits in their homes.

Mr. Kelly said that he agrees with Family Court Judge Michael DeCiantis that if a student does not show respect, some parent at home is not doing his or her job. He said if a child is a good student there is a good atmosphere at home. "There should be the utmost respect for education, teachers, police and others authority who are trying to do a good job for the youth," Mr. Kelly said.

The importance of being studious was stressed by Mr. Kelly. He said all students should have

a library card and should use it.

He said cheap, trashy magazines and some television shows should be kept out of the homes.

Mr. Kelly advocated a time schedule for studying. He said students in the college course should study 3 to 4 hours a night, while those in the business course should study 2 to 3 hours each night.

Mr. Kelly told the parents that students in the college course are taking 3 more subjects than they did three years ago—typewriting, world history and American government. He said pupils now receive three years of social studies and in the senior year there is an option between advanced biology and physics.

Miss Alice Catterson, class adviser, who was in charge of the program, held in the gymnasium, also introduced Roland Archambault, vice principal, who outlined the school's policies on tardiness, and absenteeism.

After the assembly there were six abbreviated classes and parents visited the classrooms and met the teachers. The group was dismissed at about 9:40 p.m. and teachers stayed until 10 p.m. for continued talks with some par-

DeCiantis to Discuss School Discipline

Justice Michael DeCiantis of the Family Court, who has advocated freeing some problem youngsters from the classroom to make them "happier," will appear in a panel discussing school discipline problems at the city's annual junior high school conference on Friday.

Justice Judge DeCiantis of the panel will be Pasquale Caputo, director of attendance and discipline for the schools; Cornelius Horan, director of the Rhode Island Training School for Boys; Justin McCormick, as-

stant administrator of the Department of Probation and Parole; Donald Driscoll, assistant principal of Nathan Bishop Junior High School; and Raymond Lamore, a classroom teacher at Nathaniel Greene Junior High School.

The conference is scheduled to be held at Nathaniel Greene from 8:30 a. m. to 1:30 p. m. It will include group sessions in the subject areas ranging from attendance to social arts.

The keynote speaker will be Dr. Thomas E. Moriarty, chairman of the education department at the University of Rhode Island.

Among the other speakers will be Dr. John Cassel, director of training at the Marlborough Training School in Connecticut; William Staher, director of industrial arts at the Boston

State Teachers College; Prof. Leta F. Whitney, chairman of the music education department of the New England Conservatory of Music; and Helen M. Ryan of the Newton, Mass., public schools.

John McKenna, a teacher at Gilbert Stuart Junior High School, is general chairman.

In a recent speech before the West Warwick Lions Club, Judge DeCiantis suggested that the state set up a program to screen pupils under 16 who do not want to go to school. Sixteen is the legal minimum for pupils to leave school in Rhode Island.

Judge DeCiantis said he had advised three boys who ap-

peared before him in court to quit school and get a job. He contended that technically "it violated the law," but that now "they're happier."

He said one is digging ditches, another is working on the roads and another is a mechanic.

By adopting his suggestion, the judge said, the state could do more than anyone else to curb delinquency.

Some Teachers Applaud DeCiantis School View

Justice Michael DeCiantis of the Family Court drew applause from about a third of the 400 junior high school teachers at a panel discussion yesterday when he repeated his view that children under 16 should be allowed to quit school and work if they want to.

Under the law children must stay in school until they are 16. A month ago Judge DeCiantis disclosed that in several cases he had "violated the law" and

Paquale J. Caputo, director of attendance in Providence schools, told the group meeting that at Nathaniel Greene Junior High school that he was amazed that Judge DeCiantis' remarks had drawn teacher applause.

He said he could agree with much of the judge's thinking, but that a program to handle problems of children who dislike school should be handled within the framework of the law.

Judge DeCiantis said that "it is miserable" for the student who finds school a "drag" and has a desire to go to work. Such a pupil often makes life miserable for his teachers and classmates, he added.

The teachers gathered yesterday in an all-day conference to examine disciplinary problems from all angles, and a long list of other subjects. They met first in small groups.

Other panelists were Raymond F. Lamore, general science teacher, Nathaniel Greene Junior High School; Donald J. Driscoll, assistant principal, Nathan Bishop Junior High School; Cornelius Horan, superintendent, Rhode Island Training School for Boys; and Charles V. Fay, probation officer for the Family Court.

Summarizing the panel's conclusions, Dr. Thomas Moriarty, of the education department at URI, said that "a good teacher, like a good parent, gradually makes himself unnecessary" in disciplinary matters. He said the object is to have students exercise self-discipline.

Improved Care for Children

Judge Asks State Fully Subsidize Foster Homes



Judge Michael DeCiantis

Justice Michael DeCiantis of the Family Court yesterday advocated that the state completely subsidize foster homes.

Only by such subsidization can the state make certain that youngsters in such homes are receiving proper care, he said in a talk in Barrington.

The judge, who addressed members of The Clericus, an association of Rhode Island Episcopal clergymen at their monthly meeting in St. Andrew's School, said he has become aware of some hard experiences by children placed in foster homes.

At the present time the state provides a small subsidy for such youngsters. The judge proposed that the state provide

of the homes and engage people to operate them under close supervision.

His observations about foster homes and pay ranges for custodial people at the R.I. Training Schools for Boys and Girls came in answer to questions at the conclusion of his talk which were posed by Canon Anthony R. Parshley, rector of the Church of the Good Shepherd in Pawtucket, and chairman of the state's Personnel Board.

There are about 800 children that are now placed in boarding homes throughout the state, 6 years old, 511; 6-12 years old, \$10, 13-16, \$12 weekly.

Children are assigned to boarding homes, Mr. Ricci said, either because of dependency or

neglect, as determined by the Family Court.

Judge DeCiantis said he believed the state cannot pay enough to the men and women who take care of children. He said they should be paid sufficiently so that they will remain at their jobs and become dedicated to their work.

In his talk Judge DeCiantis said parents should sacrifice a "little more" for their children and should teach youngsters to respect adults and the law if social respect is to be maintained.

Judge DeCiantis said the court was established for the purpose of keeping together the family unit. "It will be years before we begin to see the real results from the court," he said.

Judge Appeals to Police for Mother

Justice Michael DeCiantis of the Family Court yesterday asked Cranston police to drop a charge of neglect against Mrs. Norma E. Lefebvre of 43 Main St., Pawtucket, a mother of five small children.

He said that while there was insufficient evidence to find Mrs. Lefebvre guilty, it was clear to him that she was not taking proper care of her children.

He ruled that the mother cannot have the children returned to her until she "has a half-way decent home set up for them." The children were taken from her home at 41 Main St., Pawtucket, by police on Aug. 31. Four were placed in the Lakeside Home and a fifth with grandparents.

Police Drop Charges of Child Neglect

Justice Michael DeCiantis of the Family Court yesterday asked Cranston police to drop charges of neglect against a young mother of five children after he found her "technically guilty."

However, he said she could not have the children returned to her until she "has a half-way decent home set up for them." The judge also commended the police for bringing the case into court.

The children of Mrs. Norma E. Lefebvre, ranging from six years old to five months, were taken from her home at 41 Main St., Pawtucket, by police on Aug. 31. The oldest child was given to the paternal grandparents and the others were taken to the Lakeside Home.

Police said they received several complaints that the Lefebvre children were being neglected. They testified that the children were often left in the care of young teenage boys and on the night of Aug. 31 the children were locked alone in a bedroom.

Testimony of defense witnesses contradicted police testimony, but Judge DeCiantis said he believed the policemen.

Richard M. Casparian, prosecuting attorney, agreed to drop charges. He said neglect is a difficult charge to prove and that Cranston police had a weak case.

However, he said, "We are not prosecuting this case because Mrs. Lefebvre is poor or has five children, but because she left her children on many occasions with babysitters we do not think are qualified. Something must be done for the sake of the children."

Mrs. Lefebvre told Judge DeCiantis she and her husband are now looking for an apartment and he assigned a probation officer to help them.

Court Collects \$529,722 in First Year

During the first year of its operation, the Rhode Island Family Court has collected \$529,722, which covers support for minor children, restitution by juvenile offenders and a miscellaneous account.

The sum represents an increase of \$118,816.24 for the previous year when the accounts were handled by Superior Court.

Included in the figure is \$3,748.11 for regular support for minor children and \$377,859.56 for reciprocal support, which is col-

lected under a recent enactment, stems from one of the parties involved or the children living outside the state.

Chief Justice Francis F. McCabe said the regular and reciprocal support payments collected by the Family Court is a direct saving to the state. Minor children being supported by these payments would have to come under welfare support if the court were not diligent in its collections, the judge said.

Restitution made for damage inflicted by juvenile offenders amounted to \$5,509.

The miscellaneous amount figure of \$2,096.18 includes \$42,158.55 for support payments ordered in divorce cases. A total of \$14,150.75 was collected for divorce fees.

Among the other receipts in the miscellaneous account are: Adoption advertising, \$198.68;

reciprocal filing fees, \$22; stampers' fees, \$880; rebate on public telephone, \$30.95; doctor bills, \$31.75; bonds, \$26; miscellaneous receipt, \$20; alleged paternity settlements, \$3,224.50; donation from East Side Junior Women's Club, \$80; and funds held in reserve for respondent, \$188.

Judge DeCiantis Addresses Youths

Children are entitled to some pranks but they are responsible with their parents, to work for a happy home and family, Judge Michael DeCiantis of the Family Court told about 70 youths in Pascoag last night.

He told youths at the Episcopal Conference Center on Reservoir Road that today's young people are not different—they merely live in a different kind of society.

"In today's hectic shabby world, education should be your first love because it is the most valuable thing that anyone can have," he told the group of counselors or prospective counselors at the center.

Judge DeCiantis also outlined the workings of the Family Court, and explained it has jurisdiction over all property and children of parties involved in domestic relations cases.

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Mrs. Lefebvre told Judge DeCiantis she and her husband are now looking for an apartment and he assigned a probation officer to help them.

Orders Briefs Filed in Divorce Legality Case

Briefs on the legality of a Nevada divorce secured by a New York man who subsequently married and had women were ordered filed by Judge Michael DeCiantis in Family Court yesterday.

The question on the divorce arose in a hearing on a petition filed by Mrs. Betty Elizabeth Davis, represented by William B. Powers, Jr., who has asked the court for permission to take four children by her second marriage to Richard H. Davis to live in Nevada with her and her new husband, Edward A. Bourne. She has three children by her first marriage who are not under the jurisdiction of the court.

Mr. Davis, represented by Julius C. Michaelson, is objecting to the request to take the children out of the state. The briefs must be filed by Nov. 27.

Mr. Michaelson questioned the legality of Mr. Bourne's Nevada divorce on the grounds of his intention of becoming a resident of that state, which is required under law. He also claimed Mr. Davis' rights to visit with his children would be restricted if the children live outside the state.

Mr. Powers argued that Mr. Bourne does intend to reside in Nevada and has secured employment in that state. He said Mr. Davis still could have reasonable visitation rights to his children and said the children should be allowed to leave the state with their mother.

Mr. Davis was divorced from his wife in Oct. 1961 and the decree states that the children cannot be taken from the state without permission of the court. Mr. Bourne went to Nevada in July to get a divorce from his wife, Constance M. Bourne, who lives in Long Island with their two children. The divorce was granted on Aug. 23 of this year. He returned to Rhode Island on Aug. 26 and married Elizabeth Mrs. Davis the next day.

Judge DeCiantis criticized the statutory domicile requirements held by certain states which he said makes getting a divorce easy.

"It is non-sensible," the judge

said. "For a person to be able to reside in a state for six weeks and then file for a divorce. We need a uniform law on residency requirements in this country or divorces will never stop."

Judge DeCiantis added, "We have seen too much of it already, a person filed a divorce petition in this court and the other party takes up residency in a state where the domicile requirement is only 60 days. That party is granted a divorce and the petition pending in this court means nothing."

He asked the lawyers to consider in their briefs the question of a waiting period following the filing of a marriage intention under Rhode Island's marriage laws.

According to the law, residents are free to marry immediately after obtaining a license. Non-resident females are required to obtain a license at least five days prior to the intended marriage.

DeCiantis Says Court Critics Uninformed

Family Court Judge Michael DeCiantis last night defended his court against critics who have charged that the court is too lenient by saying that the critics are often ignorant of what actually transpires in the court.

"It is unjust to criticize the court, because you don't know how you can imagine what transpires in the court," he said.

The criticism of the court

DeCiantis Hits Back At His Critics in PTA

Family Court Judge Michael DeCiantis indirectly struck back at critics in the state Congress of Parents and Teachers last night by saying they are ignorant of what really goes on in the Family Court.

"It is unjust to criticize the court, because you don't know how you can imagine what transpires in the court," he said.

The congress, meeting in its fall session yesterday in Warwick, had, without mentioning names, criticized the judge for permitting youths under 18 to leave school and get jobs.

The group adopted a resolution which said that if the courts condone children dropping out of school in spite of the compulsory attendance law, "there is nothing to prevent children from being coerced into leaving school to take jobs."

Studies show, the PTA resolution said, that such a drop-out will be unemployed during at least half of his life.

"It is an indictment of our society and of our schools if we allow every one of our children to get started on such a road to failure," the resolution said.

Rhode Island law makes education compulsory for boys and girls under 18.

Judge DeCiantis did not name the PTA last night in a speech before the Lippitt School PTA in Warwick, but directed

remarks at large in defense of his court.

In replying to the PTA charge, he cited an example. "I had a boy in court the other day," he said in an interview after his speech, "who told me he had been kept back in school so many times and was so much older and bigger than any of his classmates that everyone was laughing at him."

"What are you going to do with that boy? Make him go back to school?"

Judge DeCiantis said in his speech that the Family Court is "the only one of its kind in the union and the best thing that ever happened to Rhode Island."

Its ability, he said, to view the whole family—troubles of the parents and children at the same time—gives it an added perspective not available to regular courts.

"Imagine," he said, "a boy coming in to you for the first time. He's done something wrong. So you place him in probation. He comes in again, then again."

"So you begin to look into his family background and you see that he had a tough family life."

The judge stopped his speech

CONGRESSIONAL RECORD
JUDGE MICHAEL DE CIANTIS
(MR. ST. GERMAIN in the request of Mr. WASSON) was given permission to extend his remarks at this point in the Record, and to include extraneous material.)
8-28-62

Mr. ST. GERMAIN. Mr. Speaker, juvenile delinquency is one of the most prominent and compelling problems facing our Nation today.

Many opinions have been advanced as possible solutions to this difficult and vexing problem. It has been tried with varying degrees of success.

One of the most practical suggestions made to date was recently put forth by one of Rhode Island's most distinguished and learned jurists, Judge Michael DeCiantis of the Rhode Island Family Court. Judge DeCiantis is firmly convinced that the delinquency problem is one that must be handled by the community as a whole, working through a coordinated program that should be short on red tape but far reaching in effectiveness.

To help solve the problem in my State, Judge DeCiantis proposes an integrated board comprised of representatives of the schools, the churches, the medical profession, the field of social work, the legal profession and other interested agencies and citizens' groups.

An excellent editorial explaining the judge's proposal and commenting on the need for it appeared in the Italian Echo, an outstanding Rhode Island newspaper, of August 17, 1962.

Under unanimous consent, I include it in the Record at this point:

The Problem of Delinquency

The problem of delinquency in our community, like that in practically every State in the Union, continues to be one of the more baffling and aggravating social problems of our day. In spite of dedicated efforts by numerous agencies, social workers and youth organizations, and law enforcement groups, we appear to be making little headway in curbing the harmful tendencies in our youth. Many of our national leaders in various fields, including President Kennedy, recognize the seriousness of the problem. They realize full well that the future of our youth, and hence of our Nation depends on the proper attitudes and behavior of our youth. They also must realize that, unless there is a united and logical approach, we can have no hope for the desired solution to the problem.

All too often, unfortunately, many of us are prone to throw up our hands in surprise and helplessness, and to conclude that we do not do a thing to solve the problems that are our children's. While it is true that we do not do anything to solve the problems that are our children's, we are not doing anything to solve the problems that are our children's. We are too busy to be bothered about what our children are doing, or with whom they are associating. Instead of taking an active interest in the activities of our children we shy away from them and trust someone will be interested enough to fight the battle.

The reorganization of Family Court Judge Michael DeCiantis, that the problem of juvenile delinquency be attacked by a civic organization, with a statewide application, is one which merits serious consideration. He is absolutely correct, we feel, in his implication that the problem is one of our common community to handle, working together as a unit. Until there is this consciousness that the problem cannot be delegated to any one teacher, we shall be continually plagued by it.

No one can deny that the most important element in this problem of delinquency is the family setting and background. Parents cannot escape their responsibility in the proper education and rearing of their chil-

at this point. He leaped over

and shouted at the audience. "This boy has had 15 years of miserable life because of what his parents did to him. What are you going to do? Send him to the training school for what his parents did?"

"You can't do that," he shouted again.

The judge said that those who criticize decisions of the family court for being too lenient do not know the function of the court or of its judge.

"We think of prevention—not punishment all the time," he said.

"Don't forget that once a boy gets sent to the training school he never forgets it and never loses it."

"Everyone's always reminding him of it."

"Pretty soon he loses faith in himself and in everyone."

"He becomes nothing."

He said the fruits of the

JOURNAL, 16, 1962 Judge DeCiantis Asks Youth Work For Happy Home

Children are entitled to some privacy but they are responsible, with their parents, to work for a happy home and family. Judge Michael DeCiantis of the Family Court told about 70 youths in Pasco last night.

He told youths at the National Conference Center on Reservoir Road that today's young people are not different—they merely live in a different kind of society.

"In today's better sheltered world, education should be your first love because it is the most valuable thing that anyone can have," he told the group of youngsters or prospective counselors at the center.

Judge DeCiantis also outlined the workings of the Family Court and explained it has jurisdiction over all property and children of parties involved in domestic relations cases.

came from the Congress of Parents and Teachers at its fall session yesterday in Warwick. Judge DeCiantis did not name the PTA last night in a speech before the Lippitt School PTA in Warwick, but directed

remarks at large in defense of his court.

In replying to the PTA charge, he cited an example. "I had a boy in court the other day," he said in an interview after his speech, "who told me he had been kept back in school so many times and was so much older and bigger than any of his classmates that everyone was laughing at him."

"What are you going to do with that boy?" he asked. "Make him go back to school?"

"Those who criticize the Family Court for being too lenient in its decisions, he said, do not know the function of the court or of its judge.

"We think of prevention—not punishment all the time," he added.

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Defends Judge DiCiantis

I am amused at the Rhode Island Congress of Parents and Teachers in its criticism of Judge DiCiantis. The PTA stand is very head-in-the-sand and out-dated.

No one denies the need for education. However, did it ever occur to the parents-teachers that our great democratic system of educating all youth in virtually the same manner is failing in its purpose? One needs only look at delinquency records and drop-outs to recognize this fact. Judge DiCiantis acted from hard, practical experience and recognizes the fact that a youngster in trouble many times can be greatly helped by getting a job. Delinquency figures show that the most critical ages for youth are those from 14 to 17. This is when the patterns of delinquency are formed and developed.

There is no use past answer to completely avoiding these patterns, but in all the many surveys made in the past few years, it is seen that drop-outs are a very large percentage of our youth in trouble. Yet few of our PTAs spend

time to find out why and where the schools are failing, for it is the schools which are failing the youthful drop-outs.

Consider the European way of sending on to high schools and universities only those young people truly capable and interested in higher education. What of the others? They go to fully qualified schools where they are taught trades and skills useful for a good, productive adult life. This would be undemocratic? I say it is far more democratic and realistic than forcing young people to sit in classes where they will never gain a thing from, until they reach the age of 16 when they may drop out with no skills, no training, a smattering of some kind of education which is in itself useless.

Cannot we begin to think in terms of a brand new approach to education? This is 1962, our young people have changed from the time our original well-intentioned laws were set up. Our young people mature earlier, are capable of doing far more than

they are allowed to do. No one wants to go back to the days of expelling child labor, but in the meantime that we cannot offer a middle-of-the-road plan for our young people.

This would require many more classes and schools for young people who want training in skills and trades. Regular school classes would be held in the morning, with emphasis on the necessities in reading, arithmetic, American history. Then there would be dismissal to apprentice courses, either on the job or in training classes. With cooperation from labor unions, young people could be placed in apprentice jobs with the chance to earn while they were learning. The unions should be just as concerned with this problem, because they will always need a continuing, trained labor force and because union members are also parents. The young people then would be kept busy with something they truly want to learn, and also be earning money, the lack of which leads many into trouble.

This is not a brand new or crackpot idea. For those concerned, refer to "Business Week Magazine" of Oct. 13, page 111: "A break for drop-outs." This describes the program being run in Providence. Raed Tunley in his book, "Kicks, Crime and Chaos," describes similar plans in other communities. Mr. Tunley will be in Providence

in early December to address the Providence Rotary Club. Is the PTA willing to open its eyes to new concepts in education? There can be no standing still on anything as crucial as education. Let us be continually scanning, attempting to find how we can help more of our youth, particularly those who are not going to get to college.

Helen A. Wilber
 Rumford



INFORMAL CHAT WITH Providence Street PTA members was enjoyed by Judge Michael DeCiantis, center of Rhode Island Family Court, after his talk to the group last night at the school in Natick. Principal of school, Miss Alice Knight is at extreme right, and unit president Rudy Nardella stands near the judge.

PROVIDENCE, R. I., DECEMBER 30, 1962
 THE PROVIDENCE SUNDAY JOURNAL

A Heavy Cloud Over the Family Court

Politics has been a factor in Rhode Island court appointments since time immemorial, but seldom has it been the dominant factor as it has been in the case of the Family Court.

A few days before the Notte administration leaves office, eight new court staff positions have been created and filled. Four jobs have been awarded to lame-duck employees who would have gone off the state payroll upon expiration of Governor Notte's term on New Year's Day. A fifth has gone to a relative of the Cranston Democratic city chairman.

There is no substantial evidence that the jobs were not created solely for the purpose of dispensing patronage to the party faithful. Chief Judge Francis J. McCabe

said the jobs are absolutely essential, but at no time did he or any other judge of the court publicly demonstrate their need, although they had the chance to do so at state budget hearings earlier this month. The Commission on Government Operations, which last spring found several ways to reduce government costs, and whose report was hailed by the administration, would perform a useful service if it could find a way to look into the justification for the court staff expansion.

Two top-paying jobs go to lame-duck employees. Robert F. Killian, the governor's executive secretary, will receive \$8,658 annually as supervisor of collections. Arthur A. Denman, who has been keeping warm the job of commandant of

the Veterans Home in Bristol to which Social Welfare Director Albert P. Russo will return when the Notte administration expires, will get \$4,240 as a court investigator. A similar job goes to William A. Sitarik, Woonsocket, trustee of the Harris Public Library in Woonsocket. This is the home city of Judge John F. Notte, who announced the appointments.

Whether their record in prior public service bears relation to the jobs they will undertake is not clear. The law does not state specifically what a supervisor of collections or a court investigator are supposed to do, and no judge of the court has cleared up that point satisfactorily. The law does say that the assistant director of social welfare in correctional services shall make investigations required by the court. Why didn't the court decide to use these investigative services instead of appointing its own investigators?

Another chink in the law is the latitude given the court to hire as many clerks and stenographers as it deems necessary. They are specifically exempt from civil service, which is a weakness, and may serve as long as the court wishes them to. Here is an open-end invitation to the court to hire prolifically. This may have been done in the hiring of two clerk-typists and one clerk-stenographer. The court, for instance, yet has to decide whether a secretary in the office of T. Morton Curry, outgoing director of administration, shall be Mr. Killian or secretary or a clerk-stenographer in bookkeeping. The job apparently is to fit the candidate instead of the other way around.

The concept of a Family Court is valid. An efficient court case of great help to hearing families whole, in helping families adjust to complex problems in a complex society. But the longer the court operates, the greater is the doubt that it is living up to the concept. Politics figured in the initial appointment of judges and the original staff, and now it has become dominant in a new staff expansion. As head of the court, Judge McCabe bears a most serious responsibility in the present situation. The dark cloud of politicking now shadows an institution for which the highest hopes had been held. Four lame-duck workers have new jobs, but the price of their appointment may be the loss of public confidence which the court needs if it is to operate successfully. This is a black day in Rhode Island history.

DeCiantis Stresses Role of Home

Any breakdown in domestic relations lends impetus to starting the juvenile on the road to delinquency and people everywhere must be made to realize that moral values and proper example begin in the home. Judge Michael DeCiantis of the Rhode Island Family Court told a Natick audience last night.

Speaking before the Providence Street School PTA, Judge DeCiantis said he is amazed at the number of cases that come before his court as the result of inability of parents to get along in their family environment and seek an "easy way out" by divorce.

"Noting that the prime function of the court is to keep the family together as a unit, Judge DeCiantis said an astonishing number of

parents, in many cases people who have been married only a few years, come rushing to the court asking for divorce with utter disregard for the welfare of the children involved.

He said there are some exceptions to the rule but that for the most part the husband and wife appearing before him think more of themselves than they do of their children.

The desire by these people to end their marriage is so intense that many times the wife will attempt to waive alimony or any property settlement, Judge DeCiantis said.

"But women in my court don't get away with a waiver of alimony and then go to the state and get relief while the husband goes south here," the judge declared.

With few exceptions, where a woman has adequate financial means through employment, or money of her own, every avenue is explored and when all means of obtaining relief from the husband have been exhausted, then the petition will be granted, he said.

Harking back to a previous public statement by him that women's place is in the home, Judge DeCiantis said the exception is that the woman who must provide for her livelihood and that of her children.

Otherwise, he said, a woman who is being cared for and whose children are getting what they need belongs at home raising the family the right way. There again, he said, it would not matter if the children are grown up.

Judge DeCiantis said the majority of the children who come to the court are there because of neglect and even abuse on the part of parents.

"We have some good children coming into the court, children who are confused and afraid with so to tell them what to do to

make a better life for themselves," Judge DeCiantis said.

In other cases parents reach a point of stress, give in and go in to court to provide care for boys and girls who demand them as soon as they reach the age of 16, he declared.

It is then that trouble starts, especially when a young boy goes out and tries to get up to run his car, gets into trouble and it is on the way to becoming a juvenile delinquent.

Declaring the life of a judge is not an easy one — especially one dealing with family relationships — Judge DeCiantis said the day's events and tragedies remain a foremost in his mind long after he has finally retired for the night.

"Listening to men and women tell how the other is always crabbing, nagging and harping at each other, knowing that the children caught in the middle want only one thing, to grow up in a happy home, wanting to see their mother and father get along, those things stay with you and make you wonder," Judge DeCiantis said.

"When a mother and father get along well, when there is happiness in a home, then the children grow up the same way, with love and respect for their families and for society in general," he added.

Children go bad as a rule because of what they see and hear in the home, and it is up to parents, as well as the clergy, to make it their responsibility to constantly mold the character and thinking of child along the right lines, he said.

Rarely is a child rehabilitated after having appeared in the court, Judge DeCiantis pointed out. He said the stigma of having been before the court is a difficult one for most boys and girls to overcome and that is why with strong moral fiber and the will to grow they can and that is right manage to overcome the feeling.

Times
 Oct. 5, 1962

Judge Cites Three Keys To Youthful Behavior

BULLETIN - JANUARY 24, 1963

Judge Michael DeClanis of time again to put the cop back on the neighborhood beat," the judge added that the old-fashioned foot patrolman knew everyone on his beat. If an officer discovered misbehaving youngsters "he gave them a kick in the pants and sent them home."

The family is the most important factor in eliminating juvenile delinquency and restoring the moral balance of society, he said. "Bad family, bad state. Bad people, no state at all," the judge concluded.

Hope Council celebrated its 50th anniversary and also honored its chaplain, the Rev. Cyril W. Dentling, O.P., of Providence College. Capt. George Hestley of the Providence Police Department, a council officer, was master of ceremonies.

Nine of 10 youngsters who came before him, Judge DeClanis said, are from homes without religion. While the state needs more vocational schools, it also needs a greater stress on basic subjects and an elimination of "newfangled" things being taught in the schools. Suggesting that "it may be

Providence Journal February 6-63

12.



Unhappiness at Home

2 Fathers Jailed For Non-Support

PROVIDENCE TIMES
2-27-63

Two Providence men were given jail sentences by Judge Michael DeClanis at Family Court yesterday.

John L. Rogers, 28, of Niagara Street, who admitted collecting \$13 weekly for the support of his five children and another "I instead on himself, was sentenced to 30 days in the Adult Correctional Institution.

Alfred J. Pratus, 43, of 110 Colfax St., was sentenced to 60 days in jail for willful contempt of court in not contributing to the support of his children since his divorce in 1956.

Judge DeClanis said that there are many persons who today are collecting from both public assistance and unemployment. "They get it from both ends," the judge said.

Rogers was collecting \$3 weekly for each child from the Department of Employment Security. His estranged wife, who has custody of the children has been receiving \$13 a month from the Department of Social Welfare.

Mrs. Pratus, who receives \$40 a month from the Department of Social Welfare, told the court that her husband has not contributed to the support of his children since their divorce. Judge DeClanis warned Pratus last month he would go to jail if he did not get a job.

Can't Find Job, gro Says; Court Cancels Support Order

PROVIDENCE JOURNAL
3-7-63

By Staff Writer - Feb. 7, 1963

"It's a sad commentary on racial discrimination is being practiced in this state," Judge Michael DeClanis said in Family Court yesterday in canceling the support payments of a Negro meatstager.

Stacy Warren of 15 Palm Street, North Providence, appeared before the judge for being \$70 in arrears of support payments for his two children. He complained of racial discrimination in job opportunities.

Mrs. Warren testified that he is a union meatstager but has been unable to get a steady job. According to his testimony the union continually has sent him her jobs but he has never been hired.

He testified that he has worked only six days since the first

Judge Urges City Check Delinquency

Since Warwick is such a fast growing city it "must be on its toes" to prevent the spread of juvenile delinquency, Judge Michael DeClanis of Family Court said the **CONVENT PTA** Tuesday night.

He said the sprawling community, with its many small shopping centers, is fertile ground for delinquency. He said officials were wise in forming a juvenile division of the police department.

The judge said he has noticed a trend among youths to join in larger gangs in the area to commit unlawful acts and to agree among themselves not to talk with authorities. He cited a case in which a boy was made by his father to talk to police and not only the boy but the father was threatened by other members of the gang.

John Najarian, clerk of the Eighth District Court, also spoke. About 75 persons attended.

Judge Praises Two Agencies

Two agencies that deal with the Family Court were commended last night by Judge Michael DeClanis, who added, however, that other treatment of young people in the state was less than satisfactory.

In a Law Day address to the Providence Lions Club, Judge DeClanis praised the work of the state division of vocational rehabilitation under George Moore, and said the South Providence Youth Board had contributed to a reduction of juvenile delinquency in that area.

"To say that we are satisfied with the treatment of young people would be far from the truth," he added.

"We frown on the practice of disciplinary transfers from the training to schools to commingle with criminals at the Adult Correctional Institutions," Judge DeClanis explained. He also said it was "imperative" that protective services in this state be adequately staffed "since there is a close relationship between child neglect and delinquent behavior."

Bill Apr. 11, 1963

Mar. 2, 1963

Some Teachers Back DeCiantis

Judge Michael DeCiantis of the Family Court yesterday won assented support from Providence Junior High School teachers when he restated his position that children under 16 should be allowed to work if they do not want to attend school.

The judge, appearing as a panelist at the Fourth Annual Junior High School Conference of the Providence School Department, said:

"A student who does not want to stay in school should not have to stay there. Let him go."

Under the law children must remain in school until they are 16.

The judge's remarks drew applause from about one-third of the estimated 40 teachers and guests attending the conference at the auditorium of Nathaniel Greene Junior High School.

"Life is miserable" for the student who finds school work disagreeable and has a desire to work, and obstruct such a student makes life "miserable" for his teachers and classmates, the judge said.

Judge DeCiantis' stand was challenged by another panelist, Pasquale J. Capuano, director of attendance and discipline for Providence schools. He said he was "amazed" that Judge DeCiantis' comments drew applause from the teachers.

Mr. Capuano said he agreed with much the judge had to say, but that such a program should be carried out "within the framework of the law."

A month ago Judge DeCiantis urged a program by the

state Board of Education under which children under 16 who do not want to go to school would be screened and allowed to go to work. At that time he noted that he had several cases in which he had violated the law and told young court defendants to get a job.

The teachers gathered yesterday in an all-day conference to examine disciplinary problems from all angles, and a long list of other subjects. They met first in small groups.

Other panelists were Raymond F. Lamore, general assistance teacher, Nathaniel Greene Junior High School; Donald J. Driscoll, assistant principal, Nathan Bishop Junior High; Cornelius Horan, superintendent, Rhode Island Training School for Boys, and Charles V. Fay, probation officer for the Family Court.

Moderator, Dr. Catherine M. Casserly, supervisor of junior high school education in Providence, said it was the first time in 30 years that the disciplinary problem had been explored so thoroughly at the junior high school level in Providence.

Summarizing the panel's conclusions, Dr. Thomas Moriarty, head of the education department at URI, said that "a good teacher, like a good parent, gradually makes himself unnecessary" in disciplinary matters.

He said the objective is to have students exercise self-discipline.

The panel concluded that each child must be treated in-

Judge Tries to Make Parents Realize Duty

The Rhode Island Family Court is attempting to make parents who come before it realize their responsibility to their children, Associate Justice Michael DeCiantis said in Pawtucket last night.

He spoke at a joint meeting of Pawtucket Lodge 4, Fraternal Order of Police, and the FOP Associates in GAR Hall.

Judge DeCiantis said the court was attempting to hold homes together. It was attempting to show parents they must sacrifice for their children, not bicker at home.

He said that in cases of juvenile driving cars at high speed, the court had met the problem by suspending licenses of the youngsters.

"It's like taking away their rights and then saying, 'They go back to school and tell the others not to speed because if they do before a judge he will take their license away.'"

Praising police of the various communities for "doing a pretty good job in every city or town," Judge DeCiantis said the associate members must interest themselves in their police department in order to educate the public as to the work of the police.

Public Safety Director Andrew J. Cary told the policemen they must present a "sin-

cere image to the public and must be gruffness at all times on or off duty."

Capt. John F. Zahng of the Providence Police Department, a national trustee of the FOP, said that with understanding on the part of the public, the policemen's lot could be improved.

Detective Capt. Vincent J. Herchen, past active state president, initiated five new associate members. They were: Norman Harris, Roland H. Adams, James A. Kenney, former personnel director; Edmund Blisten and Michael Kapou.

Abraham Factor, president of the associates, presided. Others who spoke briefly were Patrolman Edward Hutton, vice president of the Pawtucket Lodge, and the Rev. Edmund Fitzgerald of St. Theresa's Church, chaplain of the Pawtucket Lodge.



Judge Michael DeCiantis speaks at F.O.P. meeting.

13.

State Officials Differ on Prohibiting Glue Sale to End Threat to Youths

Joseph A. Sullivan, chairman of the Rhode Island Commission on Youth, and Dr. Joseph E. Cannon, state director of health, have different ideas about prohibiting the sale of airplane glue.

In a letter read to the Central Falls City Council last night, Mr. Sullivan declared that Rhode Island has laws to prohibit the sale of airplane glue that are "clear, enforceable and reasonable."

He said a section outlining

the general functioning of the state Department of Health "very clearly authorizes the state director of health and your local health officer to take

action against the sale of this lethal glue to anyone, not just minors."

Dr. Cannon, informed of the letter, said he has stated several times that he does not think it advisable to outlaw the sale of the glue.

"It's a problem of education," he said.

He said "It's too bad there has been so much publicity which encourages youngsters to experiment with the glue, there have been several cases of illness and one death resulting from youngsters sniffing glue."

He said several communities have adopted ordinances prohibiting sale of the glue and he does not think they are effective.

"I'll take no action," he said.

"and I don't recommend it to anyone else."

The Central Falls council, after considering Mr. Sullivan's letter, voted to refer it to Mayor Raymond J. Morissette, public safety director, so that he may have the police department take whatever action may be deemed necessary.

The Central Falls City Council recently adopted a resolution asking the General Assembly to enact a law prohibiting the sale of the glue in Rhode Island.

"The laws are clear, enforceable and reasonable," Mr. Sullivan wrote. "Until science offers us an acceptable substitute, let us enforce our present sensible laws."

Appeal by Jurist

Judge Michael DeCiantis of the Family Court, speaking in Pawtucket last night called upon state storekeepers not to sell airplane glue to juveniles but only to adults.

He spoke at a joint meeting of Pawtucket Lodge 4, Fraternal Order of Police, and the FOP Associates in the GAR Hall.

Mr. DeCiantis said that only this week he had two juveniles before him in connection with "glue-sniffing." Asked why they used it, the judge said the boys replied that it "made them feel good."

"I believe we don't need a law," he declared. "I, as a judge, will ask every store to refrain from selling to juveniles but only to adults. Police should ask storekeepers to do the same, he said.

"I don't believe any storekeeper wants to sell to children. I say sell only to adults, those 20 to 23 years old. Don't sell to any 16-year-old boy who says he wants to put airplanes together."

"This is a serious problem and must be made visible to everyone in the state of Rhode Island or there will be no remedy."

"It's become one of the worst things you can imagine because it can kill one of these kids," he told the group.

34 The Providence Journal Tuesday, October 30, 1962

Ideas Conflict On Glue Sales

Youth Panel Leader In Letter Differs With Health Chief

Joseph A. Sullivan, chairman of the Rhode Island Commission on Youth, and Dr. Joseph E. Cannon, state director of health, have different ideas about prohibiting the sale of airplane glue.

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action against the sale of this lethal glue to anyone, not just minors."

Dr. Cannon, informed of the letter, said he has stated several times that he does not think it advisable to outlaw the sale of the glue.

"It's a problem of education," he said. "It's too bad there has been so much publicity, which encourages youngsters to experiment with the glue. There have been several cases of illness and one death resulting from youngsters sniffing glue for kicks" in Rhode Island and nearby Massachusetts.

He said several communities have adopted ordinances prohibiting sale of the glue and he does not think they are effective.

"I'll take no action," he said.

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"I believe we don't need a law," he declared. "I, as a judge, will ask every store to refrain from selling to juveniles but only to adults. Police should ask storekeepers to do the same, he said.

"I don't believe any storekeeper wants to sell to children. I say sell only to adults, those 20 to 23 years old. Don't sell to any 16-year-old boy who says he wants to put airplanes together."

"This is a serious problem and must be made visible to everyone in the state of Rhode Island or there will be no remedy."

"It's become one of the worst things you can imagine because it can kill one of these kids," he told the group.

DeCiantis Says Drop-Outs Not Family Court Cases

PROVIDENCE JOURNAL - NOV. 28, 1962

Judge Nicolas DeCiantis, presiding judge of the Family Court, who drew the fire of the Congress of Parents and Teachers in September when he recommended that some boys under 16 who did not want to go to school should be allowed to work, staunchly defended his stand last night.

School "dropouts" never should be brought to Family Court, he said, because they are disgraced when they go there and never can go back to school. "These boys come before me and they say, 'I am too big —

Continued on Page 19, Col. 1

Press Conference over station WEAU, and of the Journal-Examiner radio stations, by Harry V. McKenna, news director.

Asked whether he thought he was violating the law by allowing boys under 16 to remain out of school, he said: "I think a judge of the Family Court has discretionary power, and as long as he is keeping the family together that puts it within his discretionary powers.

"But some of these discretionary powers should be given to the school authorities. I don't think these children should come to the Family Court. It is the worst thing you could do to a kid."

Judge DeCiantis said he thought there was too much talk about juvenile delinquency. "Everybody wants to take care of some other person's child," he declared. "We should leave the kids alone."

"I was a drop-out," Judge DeCiantis said. "I quit school and went to work in a mill. I filled batteries all day, and one day I said to myself, 'What am I doing here? This is no good.'"

The judge said he returned to school because he wanted an education. He is convinced that it is no sin to "let those boys work and work and work and find out what it is all about," he declared.

He said he saw nothing wrong with high school boys driving, so long as they do it properly. If they get into trouble and their licenses are suspended for six months or longer, he said, "the worst gets around the school and the other young drivers get the message."

Of the 656 juvenile cases that came before the Family Court in the last 18 months, Judge DeCiantis said, 380 involved boys and most of those cases involved motor vehicle violations.

'He Gave That We Might Give of Ourselves'--Mike Mansfield

WASHINGTON (AP)—Following in the text of a tribute to the late President Kennedy delivered by Sen. Mike Mansfield, (D., Montana) Sunday:

There was a sound of laughter; in a moment, it was no more. And so she took a ring from her finger and placed it in his hands.

There was a wit in a man neither young nor old; but a wit full of an old man's wisdom and a child's wisdom, and,

when, in a moment it was no more. And so she took a ring from her finger and placed it in his hands.

There was a man marked with the scars of his love of country, a body active with the surge of a life far, far from spent and, in a moment, it was no more. And so she took a ring from her finger and placed it in his hands.

There was a father with a little boy, a little girl and a joy of each in the other. In a mo-

ment it was no more, and so she took a ring from her finger and placed it in his hands.

There was a husband who asked much and gave much, and, out of the giving and the asking, wove with a woman what could not be broken in life, and in a moment it was no more. And so she took a ring from her finger and placed it in his hands, and kissed him and closed the lid of a coffin.

A piece of each of us died at that moment. Yet, in death he gave of himself to us. He gave us of a good heart from which the laughter came. He gave us of a profound wit, from which a great leadership emerged. He gave us of a kindness and a strength fused into a human courage to seek peace without fear.

He gave us of his love that we, too, in turn, might give. He gave that we might give ourselves, what we might give

to one another until there would be no room, no room at all, for the bigotry, the hatred, the prejudice and the arrogance which converged in that moment of horror to strike him down.

In leaving us—these gifts, John Fitzgerald Kennedy, President of the United States, leaves with us. Will we take them, Mr. President? Will we have, now, the sense and the responsibility and the courage to take them?

Graying Mother of Assassin Oswald Wept When He Hung In Phone in Moscow

DALLAS (UPI)—The Dallas jail has become the focus for a mother, two children and a brother.

Their name is Oswald. It may go down in history with the names of Booth, Colozzo and Gulevsky—assassins.

His mother is maternally, her graying hair pulled tight in a bun. She is a practical nurse from Fort Worth and her first thought is for Lee.

The brother is Robert L. Oswald, 26, a quiet man and a salesman for the Acme Tack Co. in Denton, Tex., north of Dallas. He refuses to talk, except to police and Federal agents.

There is Marina, the Russian girl Oswald married during his three years as a turnover in the Soviet Union. She is pretty, quiet and she has the stumpled look of a woman overwhelmed by unbelievable events.

MOTHER OUTSPOKEN

When she walked into the jail, she brought her month-old daughter Rachel, born Oct. 20 in Parkland Memorial Hospital in Fort Worth, where President Kennedy died. Their other daughter is June, a dark-haired, pretty

little girl of almost four. She always come to the jail, too. Marina can say in English: "hello" and "please" and "no" and a few other words. She prefers to say nothing.

Oswald's mother, who here him 24 years ago, is more outspoken. Her youngest had not visited his mother, only 20 miles away, in a year.

"I never said why he doesn't come to the house, but I know," Mrs. Oswald said. "It is because he doesn't want them (her neighbors) to persecute me."

NO MODEL SON

The 36-year-old practical nurse feels strongly about the pro-Soviet and pro-Castro episodes of her son and how they might cause people to react. Yet, he would not appear to have been a model son. While in Moscow, unsuccessfully seeking to become a Soviet citizen,

the Fort Worth Press arranged a telephone call to his mother. "Hello, hello," Oswald said.

"Hello, hello, Lee," she replied.

He hung up the phone, Mrs. Oswald wept. **VERY POSSESSIVE**

However, he wanted a compassionate discharge from the U. S. Marine Corps, on grounds he needed to see her.

Mrs. Oswald refers to this when reporters try to talk to her at the city jail. She doesn't say why he went to Russia, instead of coming home.

She is possessive of her family. She obviously loves the grandchildren. She holds the baby in her arms and tends off those who press too closely to her when the infant is in her arms.

With her horn-rimmed glasses and pulled-back hair, she looks the very grandmotherly.



MRS. M. OSWALD ARRIVES AT PARKLAND HOSPITAL. Russian-Born Wife of Accused Slayer of JFK Now a Widow, Too

(AP Wirephoto)

LONDON COP SHOWS GRIEF

LONDON (UPI)—The tall London policeman waved down a car with foreign license plates on Oxford st.

The driver certain he had done nothing wrong, pulled over to the side as the grimaced bobby approached.

"I was wondering if you're an American," the policeman said.

The American journalist said he was.

"I just thought you might be," the bobby said. "You know it's an unspeakable thing, a terrible thing that he's gone. I think everyone over here feels just as awful as you do."

Then the towering policeman said: "On your way now," and turned away trying to

conceal sudden tears over the death of President Kennedy.

Schools and Colleges

Free Lecture Monday

REALTY

COURSE

LICENSE APPLICANTS

For Feb. 15th Exam.

STUDY FROM ACTUAL PROVISIONS OF THE REALTY ACT. This course will include the latest changes in the law. It is a complete course for all licensees. Study Nov. 28, at 7:00 p.m. at the Colonial Provision Co. 145 South State St., Boston. Phone 621-8211.

All business offices of Boston Edison Company will be closed today and necessary operations will be handled by a reduced work force.

President Kennedy's untimely death casts a shadow of sorrow throughout the world, from his native Boston to every remote outpost where his name had a special meaning of hope for the future. His tragic loss will be felt enduringly, together with the memory of his dedication to the betterment of mankind.

Boston Edison Company

November 25, 1963

OUT OF RESPECT TO THE MEMORY OF THE LATE PRESIDENT OUR MEAT PACKING PLANT AND OFFICES WILL BE CLOSED 11 A.M. TO 2 P.M. MONDAY, NOV. 25

COLONIAL PROVISION CO. BOSTON.

Researchers Too Concerned With Abnormal Teen?

By JEAN DIETZ

Infatuation of the world's psychological researchers with the deviations and delinquencies of youth has actually stilled efforts to understand and help the adolescent.



DR. KVARACEUS

Dr. William C. Kvaraceus, of Boston University, recently returned from a round-the-world sabbatical year collecting and evaluating studies in adolescent psychology for the Department of Education of the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

"Little information available on the normalcy of adolescence or the 'average adolescent,' it becomes impossible to judge how abnormal a youth may be or to gauge from what they are deviating," Dr. Kvaraceus said.

"One result is that the public and parents in all countries are beginning to equate youth and adolescent with abnormality, deviation, and delinquency.

"We must remember it is just as normal to be an adolescent and to act like one as it is for a grandmother to be and act like a senior citizen."

After meeting in Paris last June at a UNESCO conference with 12 counterparts from as many different nations, Dr. Kvaraceus observed that England, Israel, and the United States tend more frequently to use psychoanalytic concepts in describing the problems of their young people.

Scientists from Russia, the eastern European countries and the United Arab Republic do not.

Experts on the psychology of adolescence from research centers in the following countries were present: Germany, Argentina, Poland, United Arab Republic, USSR, United Kingdom, Japan, India, Israel, United States, Turkey, and France.

"The Soviet countries seldom or never use the word 'ther-



COMMON denominator.

Dr. William C. Kvaraceus of Boston University reports more study of normal adolescence is needed after worldwide survey of youth problems. Researchers must find what teenagers have in common.

apy," for example, Dr. Kvaraceus says, but substitute "education" and "re-education."

Other terms recurring continually in the Russian studies, he reports, are "work ethic," "morals or ethics," and "initiative group for social purpose."

Many of their studies focus on young people as members of a group, in the collective sense, he observes.

"To act, to think, or to strike out as an individual," Dr. Kvaraceus says, "is to be deviant, to be out of it, so to speak."

"The result is the development of a kind of 'collective' super-ego, a dominant role and motive in the youngsters to do things 'for the good of the group rather than for the good of the individual,' he reports.

deals with his sex fantasies through dreams and by writing in his daily diary.

But the Russian youngsters criticized Nikolenka severely as "selfish."

"Nikolenka did not care about those around him," they wrote.

"He was too much interested in his own inner feelings, in rummaging in his own soul."

In Warsaw, Poland, Dr. Kvaraceus found researchers, looking at social problems with great realism.

He viewed a number of documentary films prepared as educational mass media to combat delinquency, prostitution, and alcoholism.

Packed with emotion, and with some distortion from

scientific facts, the hope was that via the cinema, the public might be moved, even scared, to a sense of responsibility and action.

In Poland, many studies have been made in personal relationships, attitudes and values—interests and occupational choice of young people at high school and college level.

Relationships between boys and girls in coeducational schools have been investigated through anonymous writings of essays on comradeship, friendship and love.

The Polish adolescents were given an coeducation and stressed its advantages.

Israel is one young country which has better "sex" information for child and youth welfare in Jerusalem was one of the many youth centers established prior to the Paris conference.

The Henrietta Seid Institute for Child and Youth Welfare in Jerusalem was one of the many youth centers established prior to the Paris conference.

Because prevention techniques often tend to increase delinquency statistically, the year Israel filled out its full complement of probation officers all over the country, there seemed to be a sharp jump officially in juvenile troubles not borne out by actual facts.

Researchers in Israel report considerable differences in the mental development of children of European and American origin, and those from Asian and African countries.

One judge threw up his hands and said, "The guy's married again. What can you do?" a graphic example of sanity.

Another judge said, "We must guard against these children becoming state charges."

A more recent judge admonished, after I had protested, "If you have such a fine feeling for your charges, you can get a job."

In my opinion this judge failed to assess my case accurately. Who was going to care for my children? I would have to pay someone. How far ahead would this place melt? My children would be subject to some alien influence. It is my desire to care for my own children.

However, I've tried to get jobs and have encountered those barriers. I've been out of the business world too long; would any illness of my children necessitate my absence from the position? I believe my desire to care for my children coincides with Judge DeCiantis' theories published in a previous article in the Journal, that a mother's place is in the home caring for her children. It would appear there should be a more uniform policy of jurisprudence in the courts.

The taxpayers should agitate for legislation to safeguard taxpayer's money from men who slough off their responsibilities. This legislation also would protect grandparents who have been careful to try to insure their old age so they do not become dependents of the state but who do become impoverished assuming the obligations of men of this caliber rather than see young children become state charges.

The courts should enforce the ruling that children of a previous marriage be given first consideration. This certainly hasn't been my experience.

Mrs. Sara Wyss Narragansett

of overcoming poverty's negative effect.

Besides the obvious built-in conflicts and splits in approach to psycho-sociological

problems between national lack of theory underlying research and differences in economics and political forces make communication and

comparisons difficult, says Dr. Kvaraceus. "You can't do research in a vacuum, or make easy and direct comparisons between national adolescents," he remarks.

Spain has liberalized import rules on rolled steel.

JOURNAL 1-18-63 Child Care

In reference to Judge DeCiantis' remarks, "Opposes Marriage of State Aids Children" appearing in the Journal, Jan. 10, I heartily concur with Judge DeCiantis. I have had first hand experience with a similar situation. There certainly should be legislation to safeguard the support of children instead of allowing me to appeal to the courts to reduce their support of children of a previous marriage while they are supporting homes and cars for another family. There should be more intensive investigation into the finances of these men and a different attitude of mind on the part of some judges to make them shoulder their responsibilities.

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However, I've tried to get jobs and have encountered those barriers. I've been out of the business world too long; would any illness of my children necessitate my absence from the position? I believe my desire to care for my children coincides with Judge DeCiantis' theories published in a previous article in the Journal, that a mother's place is in the home caring for her children. It would appear there should be a more uniform policy of jurisprudence in the courts.

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The courts should enforce the ruling that children of a previous marriage be given first consideration. This certainly hasn't been my experience.

Mrs. Sara Wyss Narragansett

Dr. Kvaraceus' Fathers Get Jail Terms

Two of the fathers were given jail sentences by Judge Michael DeCiantis in Family Court yesterday for failing to support their children.

Maurice H. Woods of 155 Bennett St. was sentenced to three months in the Adult Correctional Institution for failing to support his three children, but was allowed \$200 in arrears of his support payments.

William H. Jenison of 35 Cedar St., Cranston, drew a 60-day jail sentence for being in willful contempt of a court order. Judge DeCiantis adjudged him to be \$1,000 in arrears of his support payments to his two children.

Education Chief Rebuffs DeCiantis

BULLETIN, MARCH 28, 1963

Opposes 'Strap' in Classroom

William P. Robinson Jr., state director of education, today making children law respect he said, said the suggestion that the state Department of Education "turnish a strap to every teacher" strikes him as not particularly enlightened.

The suggestion was made by Judge Michael DeCiantis, state justice of the Family Court, in a Lenten program last night at St. Michael and All Angels Church (Episcopal), East Providence.

"Let him (the teacher) use when the need arises," Judge DeCiantis said, urging the teacher to "give 'em the strap" to curb juvenile delinquency.

"I completely disagree," remarked Mr. Robinson. "This kind of procedure went out the window with enlightenment and intelligent ways of dealing with children."

"Among other things, Judge DeCiantis called upon the schools to 'stop teaching fange things to children who have an interest in them, and reintroduce reading, writing and arithmetic."

Replying, Mr. Robinson said, "He obviously is unacquainted with the issue. He is not equipped to comment on generalities and overgeneralizations are easy to make."

"Permissive education" had been blamed by Judge DeCiantis in his talk for much of today's juvenile delinquency. He urged that potential high school dropouts be allowed to hold a full-time job instead of the present part-time work.

Judge DeCiantis also called for vocational schools that would be connected with the correctional institutions at Howland.

The present disciplinary system in the public schools is that for their teachers, the judge declared. Children expect punishment for their errors, he said, and when they don't get it, they lose respect for those who are supposed to control them in the classroom.

He said teachers cannot be expected to also be nurses and social workers, but he said schools have a "moral responsibility" to find out the reason for unexplained absences.

At the same time parents have a responsibility to see that their children go to school, he said.

"It disturbs me that school authorities always bring in the parents," he said, "and then the judge says, 'You can't do research in a vacuum, or make easy and direct comparisons between national adolescents,' he remarks."

Spain has liberalized import rules on rolled steel.

that their children go to school, he said.

"It disturbs me that school authorities always bring in the parents," he said, "and then the judge says, 'You can't do research in a vacuum, or make easy and direct comparisons between national adolescents,' he remarks."

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Squires Get Charter

The newly formed Father John F. Sullivan Columbian Squires in Cranston last night received their charter from Judge Michael DeCiantis of the Family Court.

Raymond F. Martello, grand knight of the Cranston Knights of Columbus, presented the charter. The Squires are named in honor of the late Father Sullivan, former pastor of St. Matthew's Church in Cranston.

Judge DeCiantis urged nearly 30 Squires present to work hard and continue their education. He said school dropouts who they just want to get out of school. He said these boys are the "real losers," they go out and commit crimes because they are frustrated. The judge said it was not being a slacker to work hard in school.

The judge said it is usually too late to help boys by the time they reach the Family Court. Judge DeCiantis was introduced by John Murphy, chief organizer of the application.

Officers of the Squires are: Benjamin Tedeschi, chief officer; Frederick W. Callahan, notary; and Donald Gianini, burar.

DeCiantis Urges Youth Keep Busy

Judge Michael DeCiantis, associate justice of the Family Court, said last night that one of the most important deterrents to juvenile delinquency is for youths to keep busy.

His remarks were made at the charter installation meeting of the Columbian Squires Circle of the Cranston Council, K. of C., where 35 Squires were initiated as charter members.

"Don't be afraid of work," Judge DeCiantis said, "keep busy all the time—you'll never die from work. It doesn't matter what you do as long as it is good clean work."

He stressed also the need for young persons to continue with their education. "Don't be a dropout—keep going to school and above all learn to read. Learn to understand what you're reading and you can master anything," he said.

The club plans to fill Easter baskets for needy families again this year.

Plans will be made tonight for a costume ball to be held May 28 at the Colonnade at Crescent Park. John H. Walsh will be chairman.

departing an city by 10:15

HEAR JUDGE

Judge Michael DeCiantis of the Rhode Island Family Court will speak at a meeting of the Providence Junior Women's Club tonight at 8 at the First Baptist Church, Rumford.

The club plans to fill Easter baskets for needy families again this year.

Plans will be made tonight for a costume ball to be held May 28 at the Colonnade at Crescent Park. John H. Walsh will be chairman.

Bulletin 4/8/63

The Strap In The Schoolhouse

IN WASHINGTON the superintendent of schools wants teachers to visit bodily punishment on the unruly children who abound in the capital's schools. School-teachers should be allowed to make an impression on brats who make life miserable for teachers and their pupils.

Judge Michael DeCantia of the Rhode Island Family Court said. He believes the State Department of Education should "furnish a strap to every teacher."

William P. Robinson, Jr., state director of education, doesn't agree with the judge or the superintendent in Washington. Mr. Robinson says the strap and/or the rattan went out the window with enlightenment and intelligent ways of dealing with children.

What does Mr. Robinson mean "enlightenment and intelligent ways of dealing with children"? The commissioner in daydreaming. Youth problems, in and out of schools, cannot be resolved by moralisation or cajolery, or complete license.

Mr. Robinson should get away from his desk once in a while. Let him get around and observe and learn the facts of classroom

life. Then will be appreciate how empty are the theories he espouses. Let him listen to the teacher in training, recent graduate of Rhode Island College, crying on the shoulder of her critic teacher, nerves end edge because of the saucy dots that parents send to school. Experienced teachers know what it is to hummer for the end of the school year with nerves frazzled, almost ready to fly.

School teaching is not an easy job. If a strap or a rattan makes the teacher's task easier, let nothing stand in the way. A strap or a rattan should be part of a child's education. If punishment will make the child a better citizen, make him realize obedience is vital to a decent society, and saves the child from becoming a juvenile delinquent who can say corporal punishment is not an intelligent method of dealing with children? Rhode Island school law doesn't prohibit teachers from chastising bratty children. Neither does it sanction it. The use of the strap or the rattan case is left up to the school committee, the members of which must know that a fanning can make obstreperous Johnny behave as a human being should behave.

House Favors Paddling Students

Washington — (UPI) — If the House of Representatives has its way, teachers in the District of Columbia may be able to keep a rowdy student in his place by using "reasonable force" to keep order in the classroom.

Passed by a vote of 277 to 83, the so-called "paddling bill" did not define "reasonable force," but it did use out "arbitrary force" about the face, beating or shaking.

At the same time, the lawmakers offered a remedy, if the paddle fails. It voted to expel or suspend problem students. Under the district's compulsory school law, this step is not allowed.

Recommended by the House District of Columbia committee, the bill was termed a partial answer to what the committee called the "disciplinary crisis in the city's schools."

But not everyone agreed with the solution. Rep. William Firth Ryan, D-N.Y., said corporal punishment was not the answer. "To suggest that corporal punishment is the answer, or even a partial answer, to the problems of the district school is dangerous," Ryan said.

He blamed the disciplinary problems facing the schools on "generations of segregation, discrimination and racial ill-will that have beset Negroes in the district of Columbia."

Rep. John Kyle, R-Iowa, said the bill was a step in the wrong direction. He said Congress would next claim the right to set up rules for all the other public school systems in the nation to keep discipline.

The committee itself blamed the problem of readiness on a relatively small number of "utterly uncontrollable" students. Rep. Basil Whinnery, D-N.C., author of the bill, cited testimony from Dr. Carl F. Hansen, superintendent of schools, that the "has produced incidence among some pupils and parents and insecurity among teachers."

Dr. Hansen had asked for authority to use paddling as a weapon to keep order, but his request was rejected by the District of Columbia school board. Mr. Whinnery said polls showed that 90 per cent of the teachers felt that they must have authority to punish students, if they are to keep discipline.

Judge Reissues Plea for Strap Use in School

Judge Michael DeCantia of the Family Court has issued his plea for the return of the strap as a means in maintaining school discipline.

Judge DeCantia questioned the effectiveness of so-called "intelligent ways" of dealing with school disciplinary problems and said educational authorities should "leave their robes and should go into the schools to see what really goes on."

Speaking before the Rumford Junior Women's Club at the First Baptist Church in East Providence, Judge DeCantia assigned an invitation to William P. Robinson Jr., state commissioner of education, to visit a court session. He said it would give Mr. Robinson an opportunity to consider whether the existing disciplinary system is effective in the light of cases brought before the court.

Mr. Robinson has called Judge DeCantia's strap proposal "not particularly enlightening" because the strap has been replaced by "intelligent ways of dealing with children."

Judge DeCantia said discipline should begin at the elementary school level to catch potential trouble makers "before they go wild." He also said schools should have social workers to investigate the family backgrounds of chronic trouble-makers.

Judge Urges City Check Delinquency

Since Warwick is such a fast growing city it "must be on its toes" to prevent the spread of juvenile delinquency, Judge Michael DeCantia of Family Court told the Comiticut PTA last night.

He said the sprawling community, with its many small shopping centers, is fertile ground for delinquency. He said officials were wise in forming a juvenile division of the police department.

The judge said he has noticed a trend among youths to join in larger gangs in the area to commit unlawful acts and to agree among themselves not to talk with authorities. He cited a case in which a boy was made by his father to talk to police and not only the boy but the father was threatened with action by members of the gang.

John Najarian, clerk of the Fifth District Court, also spoke. About 75 persons attended.

Richard J. 1/16/63

THE EVENING BULLETIN,

PHILADELPHIA, FRIDAY, APRIL 12, 1963

Son, 19, Spanked by Father at Judge's Order

Muncie, Ind., April 12—(UPI)—Philip Lee Carson, 19, charged with beating his mother, stood before Judge Walter G. Tanner.

Carson also had chased his sister out of their home, the judge was told yesterday, and had assaulted a policeman.

The judge asked Carson's father, "How you whip him?"

"Yes," the father replied. "Get a razor strap, a half-lift was told."

The judge couldn't find a strap, but returned with a leather belt borrowed from a policeman. The judge handed the belt to Carson's father and instructed him to take Carson to another room.

"I want to be able to hear it out here," the judge said. "Pants down?" the father asked.

"Pants down," the judge replied.

Three whacks were heard in the courtroom. The door opened and Carson, his father and the bailiff came before the judge. The judge ordered seven more whacks.

"This is what he needed a long time ago," the judge said as he took the case under advisement, pending reports of Carson's behavior.

Family Court Judge Speaks To Rumford Women

Judge Michael DeCantia of the Family Court was guest speaker Monday night at a meeting of the Rumford Junior Women's Club. The group met at the First Baptist Church.

Project for Monday night's meeting was making Easter food baskets for needy families in the area. The club undertakes this work each year.

Plans are being made by the group for a Costume Ball, to be held on May 10 at Colonnade. Prizes will be awarded for the best costume. Mrs. John H. Walsh is in charge of arrangements.

Members of the refreshment committee for this month include Mrs. Philip E. Appleby, Mr. Richard J. Hanaway, Mrs. Richard C. Hyder, Mrs. John Morrison, Mrs. R. Daniel Peterson, Mrs. Robert A. Pomiatowski, Mrs. David H. Brown, Jr., Mrs. Peter T. Barston and Mrs. Raymond A. DeCesare.

PROVIDENCE JOURNAL - MAY 17, 1963

Girl Referred to Family Court

Four Youths Fined After Beer Party in Narragansett

Four youths were fined and a 16-year-old girl was referred to family Court after a beer each.

Acting on a disturbing report from the police found the four defendants and the girl drinking beer on Ocean Road in Narragansett.

Appearing before Acting Judge John S. O'Brien in a special session of district court in Narragansett, Kenneth Anthony Robinson, 24, 14 Ames St., Peace Dale, and Clifford Shaw, 22, 22 Ames St., Peace Dale, pleaded guilty to charges of aiding and abetting a minor in obtaining alcoholic beverages and were fined \$10 each.

Herman Robinson, 20, 708 Hamilton-Albion St., North Kingstown, and Benjamin H. Johnson, 20, 69 W. Clifford St., Providence pleaded guilty to charges of possession and consumption of alcoholic beverages.

The crackdown on minors drinking in Narragansett is going to continue and get stiffer," Police Lieutenant Albert H. Wright said after the arraignment charges of possession and consumption.

PROVIDENCE JOURNAL - MAY 14, 1963

Court Bars Taking Children Out of State

Judge Michael DeCantia of Family Court yesterday ruled that a Middletown mother could not take her children by state to live with her new husband.

In a 16-page written decision the judge said, "The rights of all children to economic, educational and emotional security is a prime objective of the law, society and the courts in making a decision affecting the lives and future of children."

He handed down the ruling in the case of Mrs. Betsy Elizabeth Miller Davis Bourne vs. Richard H. Davis.

Last August Mrs. Bourne petitioned the court for permission to remove four children by her marriage to Mr. Davis from the jurisdiction of the court. She has three other children by her first marriage, who are not under the jurisdiction of Family Court.

Yesterday Judge DeCantia said: "It seems to this court that in a third marriage for the woman, who has had three children from the first, and four from the second, that it is the obligation of this court to insist that the children are guaranteed those economic, educational and emotional privileges that are the duty of this court and the state to foster and to protect insofar as it is humanly possible."

"It is the court's judgment that the natural parent has a right to the love and affection of his children, and that the welfare of the children is also dependent upon the love and affection of the parent to the child."

The judge continued: "It would be detrimental to the welfare of the children to allow them to be removed from the state with the petitioner and her new husband. These children should not be denied the companionship of their father, nor his support. Their father has not only the privilege, but a right, though he is divorced, in making decisions for the children's education, religious upbringing and their economic well-being, especially when he is contributing to their support."

Judge DeCantia stated further: "These children also have the right to receive the love and comfort from their grandparents and other relatives. Enforcing isolation from their own blood is not a good thing."

Mrs. Bourne had asked the court for permission to take the children to Nevada with her new husband, Edward A. Bourne. They were married last Aug. 27. She and Mr. Davis were divorced in October of 1961.

In the hearing last fall, Mr. Bourne testified that he would like to take the children to Nevada. The court denied the request to remove the children from its jurisdiction.

DeCiantis To Quit Court To Run For Governor in '64?

By RONALD ANDERSON

Family Court Judge Michael DeCiantis of West Warwick, is gripped with the most difficult decision he has ever faced on or off the bench.

His own future is at stake. The judge is feeling increasing pressure to give up his judgeship, his life's ambition, and pioneer a move to lead the Italo-American Democrats of the state back into the political prominence.

Some want him to take over the reins of the State Democratic Central Committee. Others are prompting him to run for governor.

If he steps down from the court post which he assumed on Sept. 1, 1961, Judge DeCiantis will be quitting a position he acquired by during the long, rugged trail he blazed in politics and in the courtroom to get there.

When asked whether he would give up his life's ambition and return to politics, Judge DeCiantis said:

"I'm still a judge. Men have been asking me to lead the Italo-American Democrats. But the Lord only knows what is in mine for me."

Since his appointment to the Family Court 17 months ago, Judge DeCiantis has become as well known around the state as he is in his home town Pawtucket Valley area.

His outspoken comments on how parents and officials should discipline wayward and delinquent youths have brought some adverse reaction from professional quarters, but he has been hailed by a preponderantly larger group for a down-to-earth honesty in trying to tackle the serious problems of delinquency.

Whether people agree with his attitude in dealing with delinquents or not, he has a large personal following because of his deep interest in his work.

Friends and associates of the judge say that two factors may bring him back into political battleground. One is a man although he loves his work—his Family Court. It has consumed most of his time and he has little time to spend with his family.

The other factor is that politics draws him like a magnet and even though he professionally stays out of the conflict, he is still hoovers in the background, watching the manipulations and still is deeply devoted to the Democratic party.

Just as significant is the fact that before accepting the court post, Judge DeCiantis had one of the most lucrative legal practices in the state and dropped all this activity to accept his long-sought judgeship. Democrats who have quietly been urging the judge to give up his court job are aware of the tremendous decision he must make. But they are none-



Judge DeCiantis

theless interested in bringing unity and strength back to the party.

For the judge, the decision will be one of the most important in his life.

With former Gov. John A. Notte Jr., out of the political limelight, and U.S. Senator John O. Pastore, every most of the time in Washington, Italo-American Democrats are searching for a new standard bearer. The name of U.S. District Attorney Raymond A. Pettine is mentioned as an aspirant to the governorship.

OTHERS MENTIONED for the Democratic nomination, in addition to Mr. Pettine, are Lt. Gov. Edward P. Gallagher, John L. Rega, former director of agriculture and conservation, who is associate director of extension at the University of Rhode Island, and Mayor Kevin C. Coleman of Woonsocket who sought the nomination last year but was defeated in the party primary by Mr. Notte.

Rhode Island Democrats today appear to be floundering in waves of criticism from within and without the party. Their record in the recessed session of the General Assembly has been under fire, especially in the fields of vocational education and social welfare.

If Judge DeCiantis aspires to the governorship he will have

to pass seemingly insurmountable political obstacles. This is chiefly because the 1964 make-up of the Democratic state ticket will be headed by Sen. Pastore seeking reelection to Congress. If Judge DeCiantis were to run this would put two Italo-Americans at top of the ticket.

THE JUDGE is seen, consequently, as either state chairman or titular leader of the state Democratic Italo-Americans. Secondly, he would be in an enviable position two years after having to gain the gubernatorial nomination from his party.

Obstacles are what Judge DeCiantis has been faced with all of his life. He came to this country when five years of age. He had to interrupt his education in high school and at Boston University School of Law to work to get money to complete his education. He borrowed law books from Professor Robert E. Quinn, former governor in 1937 was appointed chief of the Division of Public Utilities.

As public utilities administrator he fought the bus company rate hikes, attempts by the gas company to get deposits with applications for installations, reduced electrical power rates; and got the water companies to eliminate payment of bills in advance.

Judge DeCiantis entered politics when 18 years of age. He changed a job in a dye plant to serve as clerk of the West Warwick tax assessors. The following year, when he was 19, he fought the Republicans in the former Warwick and Coventry Fire District which was in the Arctic area.

Later, he got the bid from West Warwick and state Democrats to help out in their election campaigns. Democrats had a hard time winning in other areas and often imported speakers. At one rally in Hope, spectators lost firecrackers at DeCiantis, the politician, but he continued and finished his speech.

In reflection on the former campaigning, Judge DeCiantis said before taking the bench in 1961, "The Democrats take it for granted that they are in of office. Many don't realize the struggle the party had to get into power. And I say for the good of the party that the people who have fought for this party had better be recognized. There are many young men coming up with good ideas, but they are tearing down the party by saying services are bad, less, under fire, especially in the fields of vocational education and social welfare."

Perhaps in this statement, Judge DeCiantis saw a place for himself in politics, after service on the bench.

Judge Reissues Plea for Strap Use in School

By RONALD ANDERSON

Judge Michael DeCiantis of the Family Court last night reissued his plea for the return of the strap as a mandatory instrument in maintaining school discipline.

Judge DeCiantis questioned the effectiveness of dealing with school disciplinary problems "in civilized ways" of dealing with school disciplinary problems and said education authorities should "leave their babies and should go into the streets to see what really goes on."

Speaking before the Rumford Junior Women's Club at the First Baptist Church in East Providence, Judge DeCiantis issued an invitation to William J. Robinson Jr., state commissioner of education, to visit a court session. He said it would give Mr. Robinson an opportunity to consider whether the existing disciplinary system is effective in the light of cases brought before the court in the past year.

Mr. Robinson has called Judge DeCiantis' strap proposal "not particularly enlightening" but the strap has been replaced by "civilized ways of dealing with children."

Judge DeCiantis said discipline should be taught at the elementary school level to catch potential trouble makers "before they go wild." He also said schools should have social workers to investigate the family backgrounds of trouble makers.

BULLETIN - MAY 14, 1963

Court Won't Let Mother Take Children to Nevada

A divorced Middletown mother had three children from the first marriage and four from the second, but a previous marriage out of the obligation of this court to the children are the judge said. Judge DeCiantis of Family Court ruled yesterday, that a mother who had three children in the care of Mrs. Betsy Elizabeth Miller, Davis, divorcee vs. Richard H. Davis, Mrs. Bourne and Mr. Davis were divorced in October, 1961.

The women married Edward A. Bourne in August and re-married to take her children by the Davis marriage to Nevada with her new husband. She has three children by her first marriage who are not under Family Court jurisdiction.

In a 16-page written decision Judge DeCiantis said, "The rights of children to economic, educational and emotional security is contributing to their support."

In the hearing last fall, Mr. Bourne testified that he would live in Rhode Island if the court denied the request to remove the children from it's jurisdiction.

Judge Opposes Remarriage If State Supports Children

By RONALD ANDERSON

"There ought to be a law against remarriage when children by previous marriage are on the relief rolls," Judge DeCiantis said in a decision in Family Court yesterday.

In the judge made the remark in the case of Ellen Theresa Bowers vs. Fred Bowers. They were divorced in 1959 after having eight children. Mr. Bowers was remarried and had three children by his second wife.

He testified yesterday that his take home pay is \$29 per week as a part time bus driver and that he gives his first wife \$12 each week.

Mr. Bowers testified that he receives \$38 a month from the Department of Social Welfare for Aid Dependent Children.

Yesterday's court hearing was brought by the Department of Social Welfare in an attempt to have Mr. Bowers support his children by his first marriage and have them taken off the relief rolls.

Judge DeCiantis ordered Mr. Bowers to continue his weekly payments to his first wife and continued the case one month after learning that the respondent

first three months of 1963 indicated that while most were of intelligence, few had any real interest in school.

An automated labor market offers few openings for the unskilled. Judge DeCiantis said DeCiantis was the principal speaker at the annual Mothers and Daughters of the Church in the town of Pawtucket.

He said examination records of 45 Warwick boys brought before the court in the last year in dealing with youthful offenders.

Unemployment, school-dropping, and a yawning behavior seem to be closely tied together, the judge said. The Youth Advisory Board and the Juvenile Division of the Warwick Police Department were steps in the right direction, he added, and should be supported and improved lest delinquency increase in Warwick.

The breakfast was held at Pawtucket after services at the church.

"I would be detrimental to the welfare of the children to allow them to be removed from the state with the petitioner and her new husband. These children should not be denied the companionship of their father, nor his support. Their father has a right only the privilege, but not right, though he is divorced, in making decisions for the children's education, religious upbringing and their economic well-being, especially when he is contributing to their support."

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Judge DiCiantis Urges Youths To Keep Busy

By RONALD ANDERSON

Judge Michael DeCiantis, associate justice of the Family Court, said last night that one of the most important deterrents to juvenile delinquency is for youths to keep busy.

His remarks were made at the charter installation meeting of the Columbus Squares Circle of the Cranston Council, K. of C., where 33 Squares were initiated as charter members.

"Don't be afraid of work," Judge DeCiantis said. "Keep busy all the time—you'll never die from work. It doesn't matter what you do as long as it is good clean work."

He stressed also the need for young persons to continue with their education. "Don't be a dropout—keep going to school and above all learn to read. Learn to understand what you're reading and you can master anything," he said.

'Red Flag Is Up'

Judge Tells Warwick PTA Of Delinquency Dangers

Judge Michael De Ciantis of the Rhode Island Family Court last night warned the city of Warwick that "the red flag is up" as far as juvenile delinquency in the city is concerned. Speaking to the Potowomut PTA in Warwick, he said 60 Warwick boys and five girls were referred to the court in the first three months of this year compared to only 14 youths a year ago.

He assured some of the trouble to "hankling around" such places as the city's numerous shopping plazas and to a failure of the school systems everywhere in the country to teach students how to read.

"There is not a single boy or girl who comes before the family court who is a good reader," he said. "The schools are giving the children too

many things, but not enough reading," he said. "If they can't read, how they can learn anything."

Judge De Ciantis also recommended that the city compel home builders to put aside recreation areas in each plot he labeled lack of recreational space a major contributor to the freedom that generates delinquency.

"In the old days even in the tenements there was always enough land around somewhere so that the kids had something to do," he said. "The moment they begin to hang around trouble starts."

The judge recalled that a year ago after juvenile delinquency in the city's Buttenworth area shocked the state, he had said he did not believe the city is "a traditional center of delinquency," but that the time had come to take precautions.

He recalled that he had urged creation of a youth board or commission which would bring in state and federal assistance, perhaps even in the form of federal funds to set up youth guidance activities.

The fact that 68 of the city's youth in three months were referred to the court does "not in itself indicate unbridled delinquency," he said. "But it does indicate again that juvenile behavior is a community problem that should not go unnoticed."

Judge De Ciantis said 27 of the 68 cases involved traffic offenses.

"Warwick is virgin territory for this problem. The red flag is up, the city must begin to do something about it," he said.



Celebrating 43rd birthday anniversary, Judge Michael De Ciantis of Family Court is feled by fellow workers.

Family Court Judge
Decries Prayer Ban

BULLETIN - 8-12-63

Criticism of the U.S. Supreme Court's ban on public school prayer and Bible-reading was voiced yesterday by Family Court Judge Michael De Ciantis in a talk to the Providence Kiwanis Club.

Judge De Ciantis said the high tribunal's authority must be respected, but declared that

family level and secondly in the schools.

Dropping from an explanation of divorce proceedings in the Family Court, Judge De Ciantis said, "Men in government ought to know better than to do what they do. When you are in public life and do what you want to do, then you ought to resign the position because it is not good for the kids to look up to."

"The judge said he had been reading the newspapers," but he mentioned no names of figures in public life. His references were apparently to recent parts of Mrs. York Gov. Nelson Rockefeller and U.S. Supreme Court Justice William O. Douglas.

Judge De Ciantis said, "No man should hold public office unless he can exemplify goodness and keep up the dignity of the office he holds."

He said he thought he could speak for the whole Family Court in saying that where divorce actions are involved, "we

are concerned with the children and not one else."



Michael DeCiantis

Judge Favors
New Institution

Proposes State Begin
'Halfway House' for
Juvenile Offenders

A state-operated "halfway house" for juvenile offenders who don't belong at the state training schools but who require strict discipline was called for last night by Judge Michael De Ciantis, associate justice of the Family Court.

Speaking to about 25 persons of the PTA unit of the Hillgrove Elementary School, Warwick, Judge De Ciantis said the proposed institution would provide a solution to the problem of where to send youngsters who should not be sent to a training school but should not be sent home either.

At examples, he cited runaway children, youngsters who refuse to go to school, disobedient cases, neglected children, some first offenders and some youngsters who commit crimes because of mental defects.

At present, he noted, a judge has only two choices: send the youngster to training schools or send him home.

"The proposal would be the answer to half the juvenile cases brought before the Family Court, he estimated, by providing a proper place for youngsters who have committed no serious crime but simply need strict discipline.

There are some private and church-affiliated institutions of this kind in the state now, but they are unable to cope with the size of the problem, he said.

The proposal, he said, has been voiced before, especially by Judge Francis J. McCabe, chief justice of the Family Court.

"But no one has ever given it the go," he remarked. "The situation has got to be met. The time has come now."

The project has been discussed, he continued, but has not been coordinated and has never been before the General Assembly.

Coordination should come, he said, from recommendations by the state and local bar associations. He sees the project as not contributing to be accomplished immediately but as something which should be planned for, he said.

Introduced by John Wallace, program chairman, Judge De Ciantis told the PTA that Tuesday's court session in East Greenwich was unique in his memory.

"I never had a day in court as weird and hectic," he said, explaining that he heard 42 cases of juvenile delinquency.

He attributed the rising rate of delinquency partially to a lack of discipline in the home, with parents "giving in" to the whims of their children.

Parents are "ready and willing to give in to the demands of their children because they're afraid," he said. He added that the youngsters are worse off by receiving all they ask for, including automobiles.

Referring to the possibility of raising the age qualification for driving licenses from 16 to 18, the judge commented: "Do it and you'll have a revolution."

2 The Providence Journal
Thursday, August 22, 1963
VOLUME CXXXV, NO. 201.

Family Court
Judge Urges
Pupil Prayer

Family Court Judge Michael De Ciantis declared yesterday that it is the "duty" of judges such as he "to say to the people of this country that it is wrong not to allow prayer" in the public schools.

In a talk to the Providence Kiwanis Club yesterday, he said the U.S. Supreme Court and constituted authority must be respected, but he added, "We as Americans who occupy positions of responsibility and dignity have a right to set forth our own opinions."

Turning from a discussion of divorce actions and the concern of the Family Court with the problems of children arising from them, Judge De Ciantis dwelt briefly upon the question of prayer in the schools.

"What is wrong with prayer in school?" he asked. "What part of the Constitution do we violate to have them (children) brought up religiously? Do you think the framers of the Constitution had anything in the back of their minds that would stop prayer in schools?"

Judge De Ciantis went on to say that in his opinion character first is molded in the home and secondly in the school. He alluded to his own boyhood, saying that he remem-

bered reciting the Lord's prayer in school and that when a certain point in it was reached "we recited it in our own religion."

"I said it my way and they said it their way and we were all happy and we knew we were going to school," he said. "That's the way it ought to be."

Delinquency will not be stopped unless it is stepped from the family itself and next from the schools, he said.

Noting the approach of the new school year, Judge De Ciantis asked, "What are we doing to our children and to society? Are we promoting divorce actions that would stop prayer in schools?"

He said he thought the only way a man could have a good life is to have a good father and mother and that a good father and mother bring up good children "not always, but 90 per cent of the time."



Celebrating 63rd birthday anniversary, Judge Michael DeCiantis of Family Court is feted by fellow workers.

Bulletin, September 3, 1963 School prayer

Family Court Judge Michael DeCiantis does not need my feeble praises; however, he deserves laurels, admiration, respect from the fathers and the mothers who constitute the nucleus of our society. The judge knows the importance of prayers in schools.

Negligible is the number of parents willing to see their offspring grow up half clothed, half naked. Clothed in body; naked in spirit, or better, poor in spirit. Religion enriches the spirit of a child by giving higher values to his existence and individuality. To deny our children the richness of religion is to rob them of some values for a complete life. Prayers in the home, prayers in the schools, prayers surging from the darkest recesses of the heart mold the child to serve society in good order and help the child in his adulthood to reap the fruit as God intended.

Judge DeCiantis is in a position to see the discordant segment of society with its concomitant bitter fruit of humiliation, of suffering of tears, of desperation. We cannot be indifferent, unresponsive to the lamentations presented before a court of law; for, indirectly we all are responsible, we all pay, all society stands indicted.

It is with these random, abstract thoughts occurring to

me that I admire Judge DeCiantis for his talk before the Providence Kiwanis Club on Aug. 21. In his opinion, he stated, character first is molded in the home and secondly in the schools. How right he is. He sees during the course of his work that prayers in schools are components of the mold. I do hope the judge will bring his authoritative messages before many groups, and other public officials remonstrate him until Congress remedies an unfortunate, uncomfortable situation; the banishment of prayers from our American schools.

Even the mightiest man, even the most courageous women in their supreme loneliness or in a moment of distress or bewilderment turn to the sweetest recollections of distant time, when on mother's knee they learned the first melody of prayer; they recapture vividly, if fleetingly, the image of the teacher who in the classroom in the young minds through prayer; and, within the contentment of prayer, the most fervent of briefest retrospection, they find new avenues, new approaches that dissipate clouded problems.

Someone might shrug his shoulder and call it "sentimentality." Yes, it is sentimentality, the feeling, the drive which is the spark eternally impelling man toward his highest aspirations.

Avellino L. C. Maglio
Providence

'Delinquency a Symptom'

Newport Scout Event Addressed by Judge

Associate Judge Michael DeCiantis of the R.I. Family Court, spoke last night at the annual Newport Boy Scout District Recognition Dinner.

"Delinquency is a symptom of inner unrest and shows a lack of harmonious pursuit of one's self ideal," Judge DeCiantis said.

Speaking at the Viking Hotel in Newport, he told more than 150 persons active in scouting that delinquents form a separate group, socially, culturally and psychologically.

"A delinquent is bored, not high of 12 new eagle scouts world he is in," he added.

He said the major difficulty of youngsters in this category is not being able to control impulses. The judge said he feels that while parental influence is a contributing factor to delinquency, it has been over-emphasized.

More emphasis should be placed on schools in supporting and helping solve the problems of potential delinquents, he said.

At the recognition ceremony Edward J. Reed, scoutmaster of Troop 8, Newport was awarded the Captain George Bucklin Medal "for merit."

Scoutmaster Reed has given 21 years to the Boy Scouts, his troop sponsored by the Jesus Saviour Church. The medal was awarded for "long and faithful service." Eight such medals are awarded annually to members of each district within the Narragansett Council.

Other awards and winners were: Scouters Nev. and Paul A. Diner.

Dean and Clarence F. Keating, Scouters Award, John F. Dutra, Pack 2, Newport; Don Mosher's Award, Teresa M. Chapman, Portsmouth; Dolores Cicotti, Portsmouth; Marilyn Hanson, Newport; Teresa McKee, Portsmouth; Helen M. May, Newport; and Della M. Young, Middletown.

Pres. Adm. Daniel Carlson (Ret.), chairman of the Newport district committee, said in his annual report that membership in the Newport district was up to an all-time high of 1,000. A high of 12 new eagle scouts was also reached this year, he said.

A report on the national level at Valley Forge was given by Life Scout William Harpin of Troop 3, Newport and a report on Newport scout representatives at the World's Fair was given by Life Scout Lawrence Whittier of Troop 12 awarded by Eagle Scout David Remillard of Post 12.

The invocation was led by the Rev. Joseph G. Cardozo, pastor of Jesus Saviour Church. Salvatore L. Virgadamo was toastmaster.

Remarks also were delivered by Robert E. Parkinson, scout executive of Narragansett Council; Phillips D. Root, Newport; Robert L. Crisp, district commissioner; Harry J. Scott of the Narragansett Council.

The closing was led by Eagle Scout Robert T. Kile of Troop 6. Charles Goodhart was general chairman of the annual dinner.

Broad Powers Claimed By Family Court Judge

The Rhode Island Family Court holds absolute jurisdiction in all matters relating to the well-being of a family unit.

Judge Michael DeCiantis defined in any Supreme Court decision.

In a sweeping decision, he gave the court's first formal interpretation of its broad powers, which were conferred but not spelled out by the General

Assembly in the Family Court Act and which have never been defined in any Supreme Court decision.

Judge DeCiantis ruled that the court's powers are exclusive over "all matters arising or incident to domestic relationships" and that they embrace all causes of action—"equitable, civil, criminal and statu-

tory" and "all personal and property rights of every nature and kind of a family unit."

Judge DeCiantis said that family problems "are so great and so many that it is impossible to enumerate them," and this, he said, is the reason the legislature gave the court the jurisdiction to characterize the court as a "diversa court." It arose, he said, because its function of "keeping the family unit together does not require that diverse proceedings first be filed.

The decision involved the case of Phyllis Kay Rogers vs. Jesse Rogers, in which Mrs. Rogers asked an accounting of the proceeds of the Bayville Motel in Altan Bay, N.H., of which she and her husband are joint owners. Mr. Rogers contended that the Family Court lacked jurisdiction.

Judge DeCiantis rejected the challenge and said wide jurisdiction was given to the court which did not exist in the old domestic relations court.

"The legislature has conferred upon this court the jurisdiction over real, personal and intangible property a petition for divorce or separate maintenance or relief without commencement of proceedings has been filed."

Since the legislature did not specify all the powers and jurisdiction of the court and the Family Court is the first statewide court of its nature in the country, the problem of equity jurisdiction has been a troublesome question.

In declaring the wide jurisdiction for the Family Court, Judge DeCiantis said that where it applies is something that must be determined as the court grows.

"Many family matters may be decided independently of whether a divorce petition is pending," he said.

The court's authority, he declared, "involves all children, all cases arising from conflicts between members of a family, adults which arise from laws designed for the protection of children. It involves support for children, alimony, divorce rights, custody rights, and rights of coarsity of homes."

"This court speaks through its decrees. Unless the court's jurisdiction embraces all matters of every nature and kind of a family unit, the decrees of this court can become a nullity."

"It is the judgment of this court," Judge DeCiantis continued, "that it has exclusive jurisdiction over all matters concerning a family unit, whether it relates to the trouble in the family, property, real or personal and intangible."

Among other powers conferred, the Family Court has exclusive jurisdiction to partition real estate, appoint receivers, reach the interest in trust funds assets and order an accounting where the burden of proof necessary to make such orders have been satisfied in accordance with the rules of law by the parties seeking redress."

DAWUCKEET TIMES FEB. 12, 1964 Family Court's Broad Powers Interpreted

PROVIDENCE (R. I.)—The Family Court holds absolute jurisdiction in all matters pertaining to the well-being of a family unit, Judge Michael DeCiantis ruled today.

In a sweeping decision, Judge DeCiantis gave this court's first formal interpretation of the broad powers conferred on it by the legislature.

The decision involved the case of Jesse Rogers and his wife Phyllis, in which Mrs. Rogers asked for an accounting of the proceeds of a motel in Altan Bay, N.H., which the couple owns jointly.

Rogers contended that the Family Court lacked jurisdiction.

The court has exclusive power over all matters arising from or incident to domestic relations, Judge DeCiantis said. This includes all causes and all personal and property rights in the family unit, he said.

Family problems are so great and so many that it is impossible to enumerate all of them, he said, adding that this is the reason the legislature gave the court broad jurisdiction.

PROVIDENCE JOURNAL FEBRUARY 16, 1964 Not the Way to Get Courthouses

Kent County Courthouse in East Greenwich was overcrowded recently when Superior and Family Courts happened to sit there on the same day. Congestion was so great that Family Court Judge Michael DeCiantis had to be held outside a butcher shop.

On that particular day, Superior Court occupied the main courtroom while a juvenile court session of Family Court sat in an upstairs room that is approximately 20 by 30 feet, and has benches for 50 people. About 100 people appeared for the juvenile court session, and some had to stand at the rear and along the sides of the courtroom and in the corridor and stairs outside.

Admittedly, these are not ideal conditions for holding court, and something should be done to improve them. But it is doubtful that the judge DeCiantis has hit on the right solution. He wants the state to replace the present 110-year-old courthouse with a new one large enough to accommodate all state courts in the county, including district court.

Why the Family Court had to be sitting in the same courthouse on the same day as Superior Court has not been explained. When it was established three years ago to perform duties of the defunct juvenile court and domestic relations division of Superior Court, the Family Court was located in the Roger Williams Building in Providence, which was remodelled to accommodate it. It was relocated from Providence County Courthouse for two reasons: to keep juveniles out of the atmosphere of a regular court, and to give more space to Superior Court and lawyers practicing there.

The weakness of Judge DeCiantis' solution is that it would violate the policy of keeping the Family Court separate and apart from Superior Court. And if Kent County had a new courthouse, Washington and Newport Counties probably would demand new ones, too.

The Family Court has three courthouses in the Roger Williams Building. These should be adequate

for its needs. Since Rhode Island is small in area, why does the court have to go on circuit? The Juvenile Court did not go on circuit from 1947 to 1961. Why cannot the Family Court hear all its cases in Providence, too?

This is not to say that Rhode Island needs no new courthouses. Several courts sit in drafty, remodelled buildings that have outlived their usefulness and ought to be replaced. But that should come after study by Presiding Justice Louis W. Cappelli, administrative judge for all courts, and by Robert A. Coogan, judge Cappelli's administrative clerk. Then a program for new courthouses could be developed systematically and not on the basis of the complaint of one judge who, for reasons not yet explained, was forced to hold court in an overcrowded room.

The Family Court's powers

The Rhode Island Family Court has absolute jurisdiction in all matters relating to the well-being of a family unit, according to a decision by Judge Michael DiCiantis of that court the other day.



DiCiantis

The clarity of the claim and the definition of what he believes to be the reach of the court's powers call for judgment by the state Supreme Court.

Judge DiCiantis gave, in effect, the first formal interpretation of the powers conferred on the Family Court by the General Assembly. Those powers were not spelled out, however, and the Supreme Court never has ruled on the meaning of

the law on which Judge DiCiantis based his decision. The judge was most explicit in his findings.

Clearly, the issue now has been drawn for decision by the state's top court. In fact, Judge DiCiantis went into great detail in defining what he believed to be the full reach of the Family Court's powers, and an appeal from his decision in the case at issue would perhaps be ideal for testing purposes.

In any event, it would be well to get the issue clarified. If the legislature decides, on the basis of a Supreme Court ruling, that the Family Court's jurisdiction ought to be restricted, the law can be changed. Meanwhile, to forestall contention, appeal machinery ought to be started as soon as possible in the public interest.

Thursday
Feb. 13, 1964

Editorials

The court shows little regard for the taxpayer

If political considerations are set aside for a moment, the basic question involved in the appointment of an assistant clerk and a secretary by the Rhode Island Family Court is whether their services are needed. If they are not needed, no appointments should have been made.

The position of assistant clerk had been vacant since December, 1962, when John A. Nette, in a parting shot as governor, provided for the elevation of the assistant then in office to deputy clerk. The court got along all right without an assistant clerk for a year. Why does it need one now?

The same question applies to the appointment of a secretary. Why does the court need one now?

A political coloration applies to both appointments. The job of assistant clerk, paying \$3,350 annually, was given to Raymond J. Gibbons of North Providence, son-in-law of Frank Spadato, D-North Providence, majority Senate leader.



O'Neil

The secretary, in the pay range of \$2,990-\$3,822, is Mrs. Ethel M. Gray of Providence, who was employed in the law office with which Family Court Judge James H. Donnelly was associated before going on the bench. Shouldn't both jobs be placed under civil service?

The appointments were made without the knowledge of John J. O'Neil, court administrator, and court administrators are supposed to know what is going on in their courts. Mr. O'Neil referred questions to Chief Judge Francis J. McCabe and Associate Judge John F. Doris who, Mr. O'Neil said, "are the operating unit of this court." Judge Doris is one of a triumvirate which, according to Mayor Kevin K. Coleman of Woonsocket, is running the Democratic Party in Rhode Island.

The Family Court has shown empire-building tendencies since its establishment in September, 1961. It was authorized to fill 20 positions before it was in full swing, but since then, its job authorizations have increased to 57 last year and to 66 at present.

When will the upward swing stop? The court shows little regard for taxpayers when it continues to swell its payroll. Its image is not improved by swelling payroll with political appointees.

2 Deny Setting Fire Maliciously

Boys Face Family Court for Blaze at Boatbuilding Firm

Two East Greenwich boys, 11 and 12 years old, pleaded innocent yesterday in Family Court, East Greenwich, to charges of wrongfully or maliciously setting a fire which caused between \$300,000 and \$400,000 damage at the American Boatbuilding Corp. in Warwick on Feb. 15.

After hearing testimony for 2½ hours, Judge Michael DiCiantis granted a defense motion to strike the word "maliciously" from the charge, and continued the case until 2 p.m. today.

Warwick and East Greenwich police said the boys admitted starting the fire — which destroyed a boat storage shed, nine boats, five partially completed hulls and a truck — by lighting paper cups for light inside the shed.

The prosecution called eight witnesses to testify, after which the boys were returned to the Child Welfare Service center where they have been held since a court appearance last Tuesday.

The 12-year-old also pleaded no contest to charges of breaking into and entering the Chequamegon Marina on Alger Avenue, Warwick, and the Huebner Mfg. Co., 83 King St., East Greenwich; of doing damage to and larceny from a newspaper honor box at Curt's Atlantic Service Station, 4148 Post Rd., Warwick; of tampering with a vehicle at Warwick Ford, 2700 Post Rd., Warwick, all during the same night; of breaking into and entering the Eldredge School, East Greenwich, twice in October; and the Our Lady of Mercy School, East Greenwich, in October and November; of damaging the Girl Scout home in East Greenwich in November, and of breaking into and entering the First Baptist Church, East Greenwich, in November.

The boy also pleaded innocent to damaging Our Lady of Mercy School, the old St. Luke's parish house, East Greenwich, the Boy Scout home in East Greenwich and the East Greenwich Red Cross office, all in November.

The 11-year-old boy, charged with the same offenses, pleaded innocent to all of them.

In addition, the 12-year-old pleaded no contest to charges of breaking and entering and damaging the Groeman Lumber Co., Post Road, North Kingstown, in November and December; and breaking and entering at the Potowomut School, Warwick, in November. The parents of the 11-year-old boy are divorced and remarried, and the boy lives with his mother. The 12-year-old boy lives with his father, who is separated from his mother.



—Journal Staff. Photo by THOMAS D. STEVENS

'The Sooner the Better'

Judge Mackenzie Urges Separate Quarters for Family Court

Judge William M. Mackenzie of Superior Court today agreed with Judge Michael DeClantis of Family Court that the 210-year-old Kent County Courthouse in East Greenwich is "overcrowded" when both courts are in session.

Judge Mackenzie, who is presiding at the current special session of Superior Court, Kent County, added, "I think the sooner the state finds quarters for the Family Court outside the Superior Courthouse the better for everyone."

In Washington County on Tuesday night, the county law association adopted a proposal to ask the General Assembly for appropriate \$350,000 for renovation and expansion of the Kingston Court House.

Judge James H. Donnelly, another Family Court judge, had criticized cramped conditions at the courthouse a month ago at a bar association meeting.

Judge DeClantis last week had criticized sharply the conditions at the courthouse in East Greenwich.

Asked for comment, Judge Mackenzie said, "I was under the impression that one of the purposes of the Family Court was to take the business away from the courthouse atmosphere," Judge Mackenzie said.

"To have children in the corridors of the courthouse, especially when the Superior Court was handling a jury for a murder trial seems to be running right into the face of the purpose of the Family Court," he added.

"There is no question about it," Judge Mackenzie said, "that when Superior Court is in session here the corridors are crowded and it is rather an unfortunate situation to say the least."

Judge DeClantis, in describing the crowded situation at the courthouse last Tuesday when both courts were sitting, said he would rather hold court in a butcher shop.

The juvenile session of Family Court which drew 150 persons to the East Greenwich courthouse was forced to use an ap-

stairs courtroom and anteroom for its session.

"The Superior Court session at which a murder trial jury was being impaneled used the main courtroom on the lower floor. The jury and prospective jurors used the jury deliberation room on the main floor as well as the jury room in the basement."

Juvenile sessions are held in the jury deliberation room when Superior Court is not in session.

Attorneys and others waiting appearance before the Family Court on Tuesday lined the rear and sides of the upstairs courtroom, filled a small upstairs corridor and stood on the stairs.

The courthouse is often crowded and especially on "motion days" for either Superior Court or the domestic session of Family Court. Both such sessions, at which attorneys may be heard on various legal motions, attract a large number of attorneys and litigants.

It has been necessary on more than one occasion for the grand jury to hear its cases in the law library in the building's basement.

Amrose Carroll, president of the Kent County Bar Association, said last week that a meeting to elect association officers is expected soon and the courthouse facilities may be discussed.

The white, wooden, clock-topped structure where the



In Kent County Courthouse, Superior Court sessions are held in room at left. District Court, right, was scene of Family Court session last week. —Journal Staff. Photo by THOMAS D. STEVENS

Mackenzie Agrees Courthouse Tight

Continued From Page One

Approximately half of the main floor, which is reached by an outside flight of stone stairs, is occupied by the main court-

room, the ceiling of which is two stories high. On the opposite side of the corridor are a jury deliberation room, two small rest rooms, a small room for attorneys' conferences, and the clerks of the Superior

and District Courts. A small office for the sheriff and a rest room are also located on the main floor.

The upper floor, which occupies only half the building's area, includes a courtroom measuring 20 by 40 feet, an anteroom used as the judge's chamber or clerk's office during district court sessions, a small rest room and a small conference room.

In addition to the boiler room, the ground level basement includes an office for the probation department, a detention block for defendants awaiting court action or transportation to the Adult Correctional Institution, a law library which also serves as a jury waiting room and another room used alternately as a jury waiting room or for the building's maintenance staff.

EVENING BULLETIN - MARCH 5, 1964

Kent Co. Family Court Move to Providence?

Governor Chafee suggested today that Kent County portions in Kent County," the governor said.

He said that Pascoag residents now have to drive 18 miles to Family Court sessions in Providence, and that while one Kent County village is 23 miles away, the major population areas are no more than 10 or 12 miles from Providence.

The governor said he plans to make that suggestion to Pre-riding Justice Louis W. Capelli of Superior Court and Chief Justice Francis J. McCabe of the Family Court. He said it would take an amendment to the law that now requires Family Court sessions to be held in Kent County.

Family Court judges have complained that facilities they share with the Superior Court in Kent and Washington Counties are inadequate.

The governor said he would not suggest eliminating Kent County sessions of the Superior Court or Washington and Newport County sessions of either court.

He said the problems in Kent County has resulted from overlapping sessions of the Superior and Family Courts, but that there is less chance for such conflict in Washington County. "I think that with new roads and the fact that everyone has a car, there is less reason, and I might say little reason, for

state's constitution was framed in 1842 has three floors.

arguments against the change. "It just did occur to me that Kent County is no longer off in the wilds," the governor said.

Of the Family Court house in Providence, the governor said, "It may not be perfect, but it has much to commend itself."

He was offering the switch of the Family Court sessions from Kent County to Providence only as suggestions, and added that

there might very well be strong arguments against the change.

"It just did occur to me that Kent County is no longer off in the wilds," the governor said.

Of the Family Court house in Providence, the governor said, "It may not be perfect, but it has much to commend itself."

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Judge DeClantis Praises Senator Pastore At CYO Awards Dinner

Associate Justice Michael DeClantis of the Rhode Island Family Court was the guest speaker at the annual CYO Awards Dinner of the Pawtucket Valley Region on Sunday evening in the auditorium of St. James Church in West Warwick. Over two hundred and fifty persons were in attendance.

Judge DeClantis in addressing the youth urged them to take advantage of the opportunities around them and reminded them of the number of great men and former leaders of government who sprang from humble beginnings. Specifically, he singled out U. S. Senator John O. Pastore, son of a tailor who attended law school at night and passed the Rhode Island Bar. He traced his rise to his present position from assistant attorney general to lieutenant governor, governor and then to senator.

Judge DeClantis said that

the same evening Senator Pastore was being honored by the Verrazzano Day Committee as an outstanding citizen of the state. "Education is more important than wealth and power and don't pay too much attention to the stories of juvenile delinquency because the youth of today is just as good as yesterday's," he concluded.

Rev. Norman Demers, Regional CYO Director, made presentations to the following: best actors — William Chatelle, Michael Brooks and Lucien Leduc; best actresses — Cathy Palazzo, Marypat Lombardi and Eileen King; and church awards — St. Joseph's, Nativity, St. John the Baptist, Artistic and St. Mary's, Quintnick.

Club Hears Judge De Ciantis

Judge Michael DeCiantis of state training schools or back to Family Court advocated a "half-way house" for children from broken homes in a speech to the West Warwick Catholic Women's Club last night.

Judge De Ciantis, speaking at an officers installation, said that for such children the state can do little but send them to the state.

Judge De Ciantis, who has prepared the halfway houses in other speeches, said state training schools are only for those youngsters "who are inherently bad." For the majority of delinquent children, a training school is the wrong place, he said.

He advised parents to let their children develop on their own — not to force their own thoughts and goals upon the children.

He said it is wrong for parents to badger their children to get ever higher grades in school. However, he stressed the importance of education and said if there is one single thing parents should work and strive for it is to get a good education for their boys and girls.

Officers installed are Mrs. Clarence Broussan, president, Mrs. Joseph E. Witing, vice president, Mrs. Estelle Knight, treasurer; Mrs. Elizabeth Roark, recording secretary and Mrs. Paula Godfrey, corresponding secretary.

Five women were installed on the board of trustees. They are Miss Letitia Harris, Mrs. James O. Moran, Mrs. Jerome MacCurdy, Mrs. Salvatore De Carlo and Mrs. Richard J. Lavigne. Mrs. Bette Feltz was installing officer. About 40 women attended.

THE EVENING BULLETIN - JUNE 11, 1964 Thu

Wants Welfare Records

Judge Urges Law Be Changed

With the argument, "If you want to dance, you've got to pay the fiddle," Judge Michael DeCiantis of the Family Court maintained today that the law which keeps welfare records confidential should be changed.

The judge declared the court should be given information about support payments in cases involving illegitimacy in order for the court to order proper payments for support of the children from fathers.

The state director of social welfare and the state administrator of public assistance said today, however, that such information already is readily available, without a change in the current practice of confidentiality.

Judge DeCiantis cited one of four such cases in a court session in East Greenwich yesterday as an example. "This case involved a woman on welfare who had five legitimate children and then had three illegitimate children," he said.

"I wanted the father to pay for the extra amount of assistance required for the three illegitimate children," the judge declared. "But I couldn't get it from the welfare department. I got their facts, that's the law."

Arguing the state director of social welfare, said there is no need to require specific records to determine the amount of assistance paid for additional children.

The department has standard allowances for food, clothing and shelter for each additional child, he said, and they hold true in all cases, with only minor variations for specific needs.

"I'll be very happy to send the Family Court a copy of our standards of assistance," he said. "I'll direct that if he does before."

Mr. Flavin continued: "I haven't yet been shown where it is appropriate or harmful

for anybody else in the community to know about welfare records. We are accountable to both federal and state agencies. Our records are examined and the appropriateness of our disbursements is checked." A recent federal audit of welfare expenditures showed that Rhode Island is doing a very good job," he said.

James J. Reddy, public assistance administrator, said the welfare department currently pays a recipient \$18.25 a month. Welfare allotments for each additional child. On July 1 the allotment will increase to \$19.75, he said.

"I think it is a very dubious proposition that someone would be charged out of wedlock to collect this amount of money," he remarked.

Furthermore, he said, the welfare department will give information about a welfare recipient's allotments in a judgment on a confidential basis. "Information from the records has always been available in this way," he said. "But sub-

stituting the record itself is not allowed under the law."

In an effort to get information about support payments, Judge DeCiantis called the four mothers involved in illegitimacy cases to the witness stand to testify.

In the case of a woman receiving \$144 a month under the Aid to Dependent Children program, he said, he ordered the 26-year-old male defendant to pay \$40 a month.

In another case where the mother is receiving \$185 a month from the state to support her children, he said, the male defendant also was ordered to pay \$40.

A third male defendant was ordered to pay \$60 a month to a mother now receiving \$125 a month from the state, and the fourth was ordered to pay \$40 a month for each of three illegitimate children.

Judge DeCiantis said putting the mothers on the stand to testify about their welfare payments was the only way he could obtain evidence.

Court Faces Decision for a Solomon

Son Chooses Between Mothers

JUNE 18, 1964

By JOSEPH P. GIBLIN

A 15-year-old boy sat alone and stared intently at a table in a courtroom of the Kent County Superior Court House yesterday afternoon.

In the spectators' section two women sat in separate rows. Beside one of them sat a younger woman.

Court attaches a detective awaiting another case and a reporter were the only others present.

From the bench, Judge Michael DeCiantis of Family Court reviewed the case which involved the release of the youth from the Rhode Island Training School for Boys, where he had been committed in February for evaluation.

Last December, the judge recalled, school complaints were filed against the boy and the court told him that if he came back to the court he would be sent to the training school.

The boy did come back in February. Judge DeCiantis recalled. The list of trancies and actions at school gave the court an idea that something was wrong with the boy who was living with his father and stepmother.

The youth was sent to the training school until further order of the court to have him examined, the judge stated.

The report stated that nothing was wrong with the boy, that he had a "clean bill of health" except that something was bothering him.

His truancy may have been due to the fact that when he discovered his stepmother was not his natural mother he became so disturbed that he did not act as a natural child, the report showed.

The judge told the reporter that the youth learned this fact two years ago and went to visit his natural mother.

(The boy's father had taken him at the age of two, began to care for him himself and then met a woman with four children whose husband had left her, the judge said. (The stepmother brought the boy up as her own, he explained in the out-of-court discussion.)

When the case came up for hearing in a crowded docket on Tuesday, the stepmother wanted the boy released in her custody and the natural mother wanted him released in her custody. The boy's father had died while the youth was in the training school.

The case was then continued until yesterday morning when both mothers were questioned at length along with witnesses brought in by the natural mother.

Judge DeCiantis told the mothers that nothing in the record of the hearing appeared to question their integrity and that he wanted each of them to understand that.

The court had talked at

length to the boy, Judge DeCiantis said, and the youth made his decision very clear to the court: he wanted to live with his natural mother.

Judge DeCiantis told those present he was not deciding a question of legal custody. That would take time. But he had the "perplexing job and duty to decide to whom to give physical possession" of the boy if he were released from the training school.

The judge said he had decided not to allow the boy to remain in the training school because he did not belong there.

Judge DeCiantis read from court cases, one of which urged cautious action "lest violence be done to the tie of nature that binds mother with child."

The child in this case wants to go with his natural mother, he observed, commenting that whether the court agrees or not, the child is 15 and knows what he wants.

The judge expressed the belief that doing otherwise would be doing violence to the tie that binds the mother and child.

His legal concern, the judge said, was not with the stepmother or the natural mother but with the boy who has to grow to be a man and who has had an unfortunate incident in his life.

Addressing his remarks to the stepmother, the judge said he was concerned about her that she deserved a lot of credit, that she brought the boy up and loved him as she showed in her testimony.

In an effort to explain the law to her, the judge told the stepmother that she had not adopted the boy, that she merely had physical custody of him, that the boy's father had custody of the boy but that he was now dead.

The boy's natural mother has no money and is "in the same boat," having worked for many years to support a family just as the stepmother has, the judge said.

If something happens to the natural mother, one of her daughters has volunteered to take care of the boy, the judge said, and another daughter has shown interest by visiting the boy at the training school.

If he felt that the natural mother was not a good woman, not one who would take care of the boy, he would not let him go to her, the judge said.

The boy wants to go to work, it interested in mechanical things and has been accepted for vocational training. It was brought out in court.

"I am returning (the boy) to his mother," the court announced.

Addressing the boy, the judge told him he had a woman who brought him up who has been good to him, who has done everything for him.

"Don't forget her. I want you to visit her. Be good to her."

In answer to a question as to whether he would do it, the boy replied clearly and politely, "Yes, sir."

Court adjourned. The boy left with his mother and sister.

There were no visible signs of emotion.

The stepmother descended the court house steps first.

At the sidewalk, without signs of farewell, the stepmother who had cared for him for 13 years, went in one direction. The boy, mother and sister in another direction.

The Family Court's powers

FEBRUARY 14, 1964 — EVERING BULLETIN

The Rhode Island Family Court has absolute jurisdiction in all matters relating to the well-being of a family unit, according to a decision by Judge Michael DiCiancio of that court the other day.



The clarity of the claim and the definition of what he believes to be the reach of the court's powers call for judgment by the state Supreme Court.

Judge DiCiancio gave, in effect, the first formal interpretation of the powers conferred on the Family Court by the General Assembly.

Those powers were not spelled out, however, and the Supreme Court never has ruled on the meaning of

the law on which Judge DiCiancio based his decision. The judge was most explicit in his findings.

Clearly, the issue now has been drawn for decision by the state's top court. In fact, Judge DiCiancio went into great detail in defining what he believed to be the full reach of the Family Court's powers, and an appeal from his decision in the case at issue would also perhaps be ideal for testing purposes.

In any event, it would be well to get the issue clarified. If the legislature decides, on the basis of a Supreme Court ruling, that the Family Court's jurisdiction ought to be restricted, the law can be changed. Meanwhile, to forestall contention, appeal machinery ought to be enacted as soon as possible in the public interest.

BULLETIN, FEBRUARY 1964 Enters Innocent Pleas For Boys in Boat Fire

Family Court Judge Michael DiCiancio this morning entered pleas of innocent for two 12-year-old East Greenwich boys charged with malicious arson in connection with a fire Saturday night that did an estimated \$300,000 to a 240,000 dollar American Boatbuilding Corp. on Water Street in Warwick.

At a session of Family Court in East Greenwich, Judge DiCiancio ordered the boys sent to the Child Welfare Service Center until trial, set for next Tuesday at 10 a. m.

Warwick police said Sunday that the runaway boys admitted lighting two paper cups on trial in the boatbuilding firm's storage shed and setting the cups on a mattress in a power boat.

The resulting fire police said destroyed the shed containing nine boats, five partially completed hulls, and a pickup truck.

Judge DiCiancio also entered innocent pleas for the boys on charges of breaking into the Chewonkey Marina on Alger Avenue nearby and taking a fire extinguisher and hatchet, breaking into the Bunker's Mig Co. at 83 King St., East Greenwich, and taking articles valued at \$40; taking \$2.88 from a newspaper honor box at Carr's Atlantic Service Station, 4184 Post Road, Warwick; and tampering with a truck at Warwick Ford, 2700 Post Road, Warwick, all on Saturday.

The judge said that other charges against the boys would also be heard Tuesday. They are breaking into and taking \$8 each from the Eldridge School in East Greenwich twice in October; breaking into and taking a small amount of money from the Our Lady of Mercy Church School, East Greenwich, in October and November; breaking into and taking \$8 from the First Baptist Church, East Greenwich in November; and doing damage to two other buildings in November.

In addition, one of the boys is accused of breaking into the Potomac School in Warwick on Nov. 13 and defacing property at the Grossman Lumber

Company, Post Road, North Kingstown on Nov. 26.

The judge said he would decide all the cases next week so that no charges would be left pending against the boys.

"Something is wrong at home here as far as I'm concerned. I don't like these little boys," said Judge DiCiancio.

He said he ordered the boys sent to the Child Welfare Service Center because he did not want them at the state Training School for Boys any longer. They had been held there since Sunday.

The judge told the boys, "You behave while you're here. You do what they tell you."

The boys, one of whom was crying, answered, "Yes, sir." The parents of one of the boys are divorced and remarried to other persons, and the boy lives with his mother. He was represented by an attorney.

Judge DiCiancio ordered a public defender to be secured for the other boy, whose father is separated from the boy's mother.

Judge DiCiancio said, "This case is already tried in the newspapers, and I think that's bad. I think when the confessions were made by the boys, it should not have been made public."

Warwick and East Greenwich police Sunday night gave reporters an account of what they said were the boys' admissions.

His action came after he was asked for comment on recent statements by two judges of the Family Court that courthouse facilities in Washington and Kent counties which they now share with the Superior Court are inadequate.

Judge Cappelli said he wrote Governor Chafee yesterday suggesting that they meet and discuss the situation fully.

"There is no question," said Judge Cappelli, "that something will have to be done and the sooner the project is undertaken the sooner the conditions will be remedied. It is true that some of these conditions have existed for a long time and those of us who are familiar with them and have been connected with the court for years realize that the remedies can no longer be deferred. I have the impression that the governor, who is himself a lawyer, must know of some of them and that some action will be forthcoming."

Judge Cappelli said he has definite ideas about improvements in the court setup but he will not discuss them until he talks with the governor. He stressed, though, that the arrangement under which the Family Court shares some courthouse facilities with the Superior Court was intended to be only temporary.

"The act which created the Family Court," Judge Cappelli provided, "that the Director of Administration should furnish them with the necessary funds to operate."

Francis J. McCabe and myself would share three county courthouses, one in Kent, Washington and Newport counties, as fully as possible until such time as permanent quarters would be furnished.

As presiding judge, Judge Cappelli said he is administrative judge and as such he would share time in time with district court judges to discuss improvements in practice and procedure in those courts. His jurisdiction does not extend to the Family Court.

Judge Michael DeCiancio of Family Court said last month conditions at the 210-year-old Kent County Courthouse were so bad that he would rather hold court in a butcher shop, Judge Michael DeCiancio said last month.

DeCiancio Criticizes Kent Co. Courthouse

Crowded conditions at the 210-year-old Kent County Courthouse in East Greenwich were so bad that he would rather hold court in a butcher shop, Judge Michael DeCiancio said last month.

The situation in the courthouse early this week "was about the worst that could happen to the citizenry of the state. They were treated like a herd of cattle," he said.

The corridors were crowded Tuesday as both Superior Court and Family Court sat there. A juvenile session of Family Court was held on Tuesday with 180 persons appearing for that session, Judge DeCiancio said.

160 had been present for the previous session of Family Court in the approximately 20-by-48-foot upstairs courtroom where the Family Court sat. There are benches for about 50 persons. These law lawyers had to stand at the rear and along the sides of the courtroom.

Other people had to stand outside the courtroom in a narrow corridor and on the stairs, he said.

The judge called it a disgrace that children had to stand on the stairs and men and women were waiting there all day. He proposed that a court building be constructed for all courts in the county and that it should be made big enough and appropriate enough for everyone. The Fourth district court also sits in the East Greenwich courthouse on Thursdays.

The present courthouse which the State Constitution was framed in 1842 should be retained as a historical landmark and made into a museum, he said.

Commenting on possible action by the Kent County Bar Association to push for improvement, he said, "I've seen, as far as anything I've seen, Ambrose Carvel, bar association president, replied that he would not want to get into a controversy with the judge. He said he expects a meeting will be held in the not too distant future on the election of officers. So and the question of communications for the courts.

Judge DeCiancio said he did not like the idea of the Family Court being housed out of the larger first floor courtroom by the session of Superior Court which began last month Tuesday's session of Superior Court included selection of a jury for a murder trial.

Some of Tuesday's scheduled Family Court cases had to be continued to another day, the judge said, because of a heavy schedule and the fact that a lack of space in the courtroom prevented him from sitting in deliberations.

Describing the courthouse as "packed," the judge said judges are unable to talk to clients and boys and girls who have to come in to court are "hanging around" with no place to sit.

Among those coming to the court, he said, are mothers and fathers, social workers, police and men in custody. "The thing I object to most," he said, "is that these boys who come in are treated as if they were outcasts."

The judges who sit in Superior Court are "every kind and very cooperative," Judge DeCiancio said, but they can't do anything about the situation.

Francis J. McCabe and myself would share three county courthouses, one in Kent, Washington and Newport counties, as fully as possible until such time as permanent quarters would be furnished.

As presiding judge, Judge Cappelli said he is administrative judge and as such he would share time in time with district court judges to discuss improvements in practice and procedure in those courts. His jurisdiction does not extend to the Family Court.

Judge Michael DeCiancio of Family Court said last month conditions at the 210-year-old Kent County Courthouse were so bad that he would rather hold court in a butcher shop, Judge Michael DeCiancio said last month.

His tribunal was meeting at the time in a 20-by-40 light upstairs room with seats for about 30 persons.

Judge William M. Mackenzie of Superior Court agreed that the Kent County building is overcrowded when both Superior and Family Courts are sitting. He suggested that the state provide quarters elsewhere for Family Court.

Washington County facilities are in need of expansion, Judge James H. Donnelly of Family Court said in an appeal.

Late last year, the Washington County Bar Association appealed to Governor Chafee to urge the General Assembly for immediate relief from overcrowded conditions at the Kent County Courthouse last week proposed that the General Assembly appropriate \$100,000 for the courthouse. A measure is expected to be introduced. Later it was learned the state already has planned some renovation enlarging the lower court room and moving district court administration offices into space occupied by the sheriff's, who will get a new location on the first floor.

PROV. JOURNAL 3-1-64 Errors of Fact

Chief Judge Francis J. McCabe of the Rhode Island Family Court, in a letter appearing on this page, charges four specific errors of fact in an editorial which appeared in the Providence Journal on Feb. 26 and commented on courthouse space problems. With regret for its shortcomings, the Journal pleads guilty.

The chief judge freely acknowledges the right of a newspaper to offer constructive criticism, and the Journal Bulletin is fully aware that judgment based on errors of background fact can only mar the effectiveness of any criticism of any institution on its editorial pages. Errors of fact are bad business for any newspaper.

It certainly never has been the open or covert purpose of the Journal Bulletin to harm the stature of the court before the people of Rhode Island. Any criticism of the Family Court in these newspapers has been offered in the firm belief that its effective functioning mandatory. Elsewhere in his letter, the chief judge refers to "false statements in your editorial," and here we would make one reservation. The word "false" suggests deliberate distortion. We were wrong, but not deliberately or maliciously wrong.

PROVIDENCE JOURNAL - MARCH 1, 1964 In the Day's Mail

From Chief Judge F. J. McCabe

The Family Court welcomes constructive criticism. It regrets in the fact that our nation is a nation of free and for the freedom of the press and air ready to file for its preservation.

In your editorial of February 26, 1964, entitled "Not the 'false' Get Courthouses," you state: "The Family Court has three courthouses in the Roger Williams Building. This statement is false since we have four courthouses. Let us not quibble about that."

You further ask the question, "Why does the court have to go on circuit?" The simple answer to this is because it is so provided by law.

You further state: "The Juvenile Court did not go on circuit from 1947 to 1961." Here again is another statement that is false and not founded on fact. The fact of the matter is that the Juvenile Court went on circuit from July 1, 1944 to the day of the filing of its functions in the Family Court. The Juvenile Court did this because the law so provided

that it should bear its cases in the various counties.

To your question "Why cannot the Family Court bear all its cases in Providence, too?" This question has already been answered. To make the answer doubly clear we state because the law provides that we must bear cases in the several counties.

You further state: "Presiding Justice Louis W. Cappelli, administrative judge for all courts. Although Presiding Justice Cappelli is held in the highest esteem by the Family Court, it must be pointed out that Presiding Justice Louis W. Cappelli is not the administrative judge of all courts. Here your editorial again does not state the true fact."

Has your paper ever considered the hardship that would be caused to many families in the far corners of the state if they had to travel in all sorts of weather to Providence to have their cases heard? Have you ever considered the loss of manpower and money for the various policemen, social workers, witnesses, etc. to come to Providence from Pawtucket, Westerly, Newport or Woonsocket?

The legislature designed that we shall bear cases in

the counties. We obey the law as thus provided until the law is changed. If it were not for the fact that your paper within the last few weeks has editorialized in your news stories and printed false statements in your editorial concerning the Family Court it would not be necessary to mention these errors stated above. The people of this state know of our great service to them and we shall continue to inform them. We believe in the people and will continue to give our efforts to them.

Francis J. McCabe
Chief Judge
R.I. Family Court
Providence

Scores Vandalism In Coventry

DeCiantis Urges, 'Name Hoodlums'

PAWTUCKET VALLEY TIMES - APRIL 8, 1964

Judge Michael DeCiantis of the Rhode Island Family Court last night told members of the Coventry High School PTA the time has come "to open the doors and let the people know who these overgrown hoodlums are who make life miserable for everyone."

Judge DeCiantis said juvenile delinquency will continue as long as the habitual troublemaker knows he can hide behind the cloak of anonymity provided by the law, knowing that his identity will not be revealed to anyone other than the police and courts.

The judge singled out Royal A. Shelton, principal of Coventry High School, "as a man who cooperates and tries to make life worthwhile for a child" and cited instances in which Mr. Shelton has helped boys who didn't want to go to school and helped get them a job.

Starting that those who are responsible for recent acts of vandalism "ought to wise up and straighten themselves out before it is too late," Judge DeCiantis said he was shocked to learn that the principal's car had been damaged by placing paper in the gas tank while the vehicle was parked at his home.

"I want the people of Coventry to know that Mr. Shelton is one of the best men I have ever known. He has been in our Family Court several times and has done more for the kids than most people know. These kids around here get together and get on the ball," Judge DeCiantis said.

Judge DeCiantis said he feels that if a juvenile is old enough to get a driver's license, get married or enter military service, then they are old enough to be responsible for their actions.

At one point in his talk, Judge DeCiantis said, "Here in Rhode Island we are stymied because we have no other place to send these boys except to the training school, whereas we should have a place to send them where they can be taught."

"In my 40 years as a lawyer I've defended or prosecuted murderers, robbers; just about everything you can imagine, but into our court are boys who have the best of intentions."

Judge DeCiantis said parents must make their children respect the law and order and for the parents themselves. He said teachers attend to these boys except to the training school, whereas we should have a place to send them where they can be taught.

"Justice must be done, and that is what we are doing in the Family Court. All who come before us are treated equally," Judge DeCiantis said.

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"Justice must be done, and that is what we are doing in the Family Court. All who come before us are treated equally," Judge DeCiantis said.

He said that statements or confessions of a juvenile to police are not admissible as evidence in court.

"I'm afraid of any statement or consideration taken by police. In my opinion it is worthless," Judge DeCiantis said in connection with a hearing to dismiss a charge of breaking and entering against a 17-year-old North Kingstown youth.

"They (the police) have other means and ways of doing these things," the judge said. "I have a serious question in my mind as to whether or not confessions or statements under the signature of juveniles are admissible and I think they are not."

Judge DeCiantis granted the motion to dismiss the complaint against the youth, who was accused of breaking into Burdick's Pilling Station on Kingston Road in Richmond on Aug. 2.

He said he was dismissing the charge because police refused to allow the youth to make a telephone call to his parents. The judge declared that although the police called the youth's parents, they did not allow him to make the call himself.

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PROV. JOURNAL - AUG. 20, 1964 Statements by Juveniles To Police Held Inadmissible

Judge Michael DeCiantis of the Rhode Island Family Court said yesterday it is his belief that statements or confessions of a juvenile to police are not admissible as evidence in court.

"I'm afraid of any statement or consideration taken by police. In my opinion it is worthless," Judge DeCiantis said in connection with a hearing to dismiss a charge of breaking and entering against a 17-year-old North Kingstown youth.

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PROVIDENCE JOURNAL - AUGUST 27, 1964 Judge Shows Faith in Youth Who Escaped as Promised

By DANIEL A. WALKER
A 17-year-old Vermont youth who said he has been on his own since he was 14, yesterday convinced Judge Michael DeCiantis that he should be allowed to remain in Pawtucket in his Family Court hearing in three weeks on whether he should be declared a wayward child.

The boy argued that his word is good and offered two examples as proof.

When he first appeared in court on Aug. 17 and was sent to the training school to await the hearing, the youth declared that he would escape at the first opportunity. He did. By nightfall he had run away from the training school.

His second demonstration of reliability was a telephone call he made within an hour of his escape to Cornelius P. Horan, superintendent of the school, informing Mr. Horan that he had left the training school but would appear in court on the hearing date.

His freedom was short-lived, however. Within a week he was picked up again by the police at a race track in nearby Massachusetts and was returned to Rhode Island.

The judge was obviously impressed. He heard the boy inquire why he should be declared wayward, "I make a hundred and a half a week. Is that wayward?" the youth asked. "Why should I have to be out with all those thieves at the training school? I don't steal."

The boy said he lived in an apartment in Pawtucket and worked at a nearby race track exercising the horses and assisting several trainers. "You can check with them. I'm telling the truth," he said.

Where are the youth's parents? asked Judge DeCiantis. "In Vermont," explained a court official, who said they refused to come to Rhode Island to get the boy because they don't have enough money.

Not so, answered the youngster. "They have two houses up there and have enough money. They just don't want anything to do with me," he said.

"Will you reveal to me that you'll be back here for the hearing if I let you go?" asked Judge DeCiantis. "The youth nodded. "Just like I told Mr. Horan," he said. "I'll be back." He hurried out of the courtroom, explaining that he was late for work.

Police later brought him into court when they learned that he was a juvenile and was living on his own. He was brought into Family Court on a complaint that he was a wayward youth.

Time to Stop Pinning Diapers on Hoodlums

EVENING BULLETIN - APRIL 8, 1964

Judge Michael DeCiantis of the Family Court last night renewed his call for a change in state laws to allow certain cases in Family Court to be opened up.

"It's time to stop pinning diapers on these overgrown hoodlums," the judge said. "Open the doors, let the people know who they are."

The judge spoke at a meeting of the Coventry High School PTA. About 40 parents and teachers attended.

He praised Royal Shelton, Coventry High School principal, who has been the victim of vandalism attacks recently, as a "trouble maker who has, even when he didn't have to do it."

The judge distinguished between offenders who need help and those who should be "blasted out so everyone can see them."

He said the only way to help boys and girls who haven't had a chance is through "kindness and sympathy with your heart."

"But to the wife guy the one who thinks he can hide behind the judge's robe, no, that boy should be treated in accordance with the way he looks upon the rights of other people."

Judge DeCiantis laid the blame for most family problems on parents. "They are the ones who are guilty of delinquency. No matter what else you say, delinquency doesn't come from anywhere but on the part of the parents."

In answer to a question about which cases should be opened to the public, he said the open court should not be left to the judge's discretion. "There should be a new law specifically showing who and what cases should be opened."

The judge said a particularly urgent problem is where to place children who need help but who should not be sent to the training school.

He said, "I have had experience with Mr. Shelton and when I've asked him to try and do something for a boy in the past, he has, even when he didn't have to do it."

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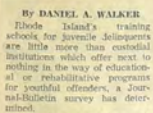
Little Training for Delinquents

← Judge McCabe

"... Far short of what could be reasonably expected ..."

Judge DiCiantis →

"Many times the boys and girls are worse when they get out"



By DANIEL A. WALKER
Rhode Island's training schools for juvenile delinquents are little more than custodial institutions which offer next to nothing in the way of educational or rehabilitative programs for youthful offenders, a Journal-Bulletin survey has determined.

The training schools have neither the facilities nor the professional staff to provide the proper counseling and treatment to prepare the juvenile for his return to the community. "Hard core" delinquents, those who have been at the training schools before and have been involved in serious criminal offenses, live side by side in old and run-down buildings

with youngsters who are being detained for relatively minor breaches with the law or for temporary psychiatric examinations.

The findings of the Journal-Bulletin survey are supported in varying degrees by the five judges of the Family Court and the state officials most directly responsible for the operation of the training schools.

Some are more critical than others, but all are in agreement that the situation is not what it should be at the state's only facilities for wayward and delinquent children. They stress, however, that the problems of the training schools have not developed over night and that both Democratic

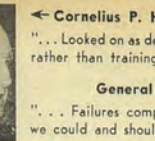


and Republican administrations have allowed these conditions to exist.

"The training schools fall far short of what could reasonably be expected of institutions of this kind," said Chief Judge Francis J. McCabe of the Rhode Island Family Court.

Gen. Paul D. Sherman, assistant director in charge of penal and correctional services for the state, said the training schools are failures compared "to what we could and should do."

"I have no use for the training schools. Many times the boys and girls are worse when they get out," said Family Court Judge Michael DiCiantis. Cornelius P. Horan, superintendent of the Rhode Island



Training School for Boys, said: "Other facilities I have visited are far ahead of us. When I go to conferences I find that our institution is looked on as a detention center rather than as a training school."

Mr. Horan's counterpart at the Rhode Island Training School for Girls, Donald D. MacDougal, said: "No training school in the country tries as hard at rehabilitation with what they have as we do, but we don't have very much."

Judge John F. Doris said that because of the conditions at the training schools the Family Court judges often "cross their



... Looked on as detention center rather than training school ..."

General Sherman →

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arms" because of the conditions at the training schools.

Speaking of the boys' school, and to an even greater degree of the girls' school, Judge Edward W. Healey Jr. said he is personally satisfied that the programs and planning for rehabilitation of the juveniles are "first rate."

Judge John F. Doris said that because of the conditions at the training schools the Family Court judges often "cross their

arms" because of the conditions at the training schools.

Mental Hygiene Staff Not Sufficient

Each Counselor Has 60 Boys

Virtually the only professional staff available at the training school for boys is given by two staff social workers. Each of the counselors has a caseload of more than 60 boys, but they are only able to see about 20 of them on a regular basis whenever a specific problem arises.

The counseling is done on an individual and group basis, with the group sessions normally held in the evenings on the counselors' own time. One of the major factors is a lack of adequate facilities to hire trained personnel.

In addition to the limited counseling available, each boy is given his psychiatric history upon his arrival at the training school. This testing to determine the boy's mental abilities and general psychiatric condition is furnished, however, there is no one to provide psychiatric treatment. On infrequent occasions psychiatric aid is provided at the Medical Center at Howard.

"The boys are supposed to be re-educated. But because of low salaries available at the training school, the mental hygiene staff is not sufficient to meet the demands of the school."

General Sherman, who acknowledges that Rhode Island's program to rehabilitate juvenile delinquents is a failure because of the low percentage of those that are returned to society, said that because of the poor facilities involved in custody and care of the young delinquents, General Sherman thinks they'll probably get into trouble again. "Why are we locked up with these kids who are real criminals?" he asks.

He worries about his reputation and what people will think when he gets out. "My parents have told the neighbors that I'm in a hospital. When will the testing be over and when will I be home?" he asks.

"We need a professional staff which is far, factually disfigured to do these things," he continues.

He is not a psychiatric nurse, but he is a social case worker. He is supposed to be kept running away from home. He estimates that 75 per cent of the boys at the training school are here for "serious offenses" and that there is no one to provide psychiatric treatment.

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Continued From Page One

finger" when they send juveniles there.

Although the problems of the boys' school and the girls' school are basically the same, comparisons are difficult because of the differences in size and scope of operations of the two institutions.

With a present population of nearly 150, the boys' school is more than three times as large as its sister institution. The boys' school is spread out over a wider area with a complex of buildings which includes five residential cottages, an administrative and school building, gymnasium, swimming pool, bowling alley, separate case-

terial and kitchen and several athletic fields.

The girls' school, on the other hand, comprises only two cottages, a dilapidated barn used as a garage and an overgrown playing field. Because of this disparity, conditions are more dramatically evident at the girls' school.

At the boys' school, however, it is necessary to look a little closer and determine what goes on in the various buildings beyond the needs and failings of that institution are apparent.

For example, Mr. Horan said that while there are workshops at the boys' school in such gymnasium, swimming pool, fields as metal arts, machines, printing and woodworking, these

facilities only provide "exposure" to vocational training and do not give a boy professional training in a trade.

There are classrooms at the school for teaching from the second to the 10th grade level. But, with only six teachers on the staff, the classes are usually grouped together with the same teacher instructing in a variety of courses. When one teacher is absent it frequently is necessary to cancel his classes.

He went on to say, however, that because of the situations which brought the juvenile's case to the attention of the Family Court and resulted in his being detained at the training schools he cannot be expected to do well academically.

"Nine hundred ninety-one out of 1,000 children can't do well in a modern public educational system and be a delinquent at the same time. They're either one or the other," he added.

The lack of rehabilitation of juveniles at both training schools is perhaps the most critical issue of all, some officials believe. This is not to say that there is no rehabilitation at all at either institution, but such cases are the exception rather than the rule.

The mere shock of being confined at a training school is sometimes enough to put the youngster back on the right track and he or she will never get into trouble again, said Judge McCabe, but for others the trauma is so devastating that it is not worth the risk.

This is one reason, he continued, that he is reluctant to send any child to the state training schools. "If there is a reasonable, or even less than reasonable, risk involved, I would rather leave the child in his own community. The training schools only act as a last resort."

Judge McCabe said that the training school facilities for rehabilitation "are apparently the last thought in the minds of those who could provide them."

He said that he is not referring to the training school personnel. "In the last 20 years of the training school, I've seen little beyond institutions for custodial care," he added.

the fifth, sixth or seventh grade in many instances is not prepared to carry on in a public or private school at the same grade level.

General Sherman is even more explicit on this subject. "We can't hope to achieve the minimum of academic education or home economics training with what we have here," he declared.

He went on to say, however, that because of the situations which brought the juvenile's case to the attention of the Family Court and resulted in his being detained at the training schools he cannot be expected to do well academically.

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One of two cottages at the R.J. Training School for Girls in Cranston. It is not much to look at on the outside and dark and dirty on the inside.

—Journal-Bulletin Photo

You Get Used to It Here, or You're Licked

A 17-year-old tries to explain to an "outsider" how it's like to be at the Rhode Island Training School for Boys, but he gives up with a shrug of his shoulders and fidgets nervously with the buttons on his khaki uniform.

"I can't tell you about this place," he said. "You have to be here yourself for awhile, then you understand. Either you get it out here, or you're licked."

Getting "licked," he explained, means when he's in the training school for delinquents, asked whether people "on the outside" know what it's like to be locked up in a place where there is no privacy. "Not in the least," he said.

He is angry because his book was confiscated by the cottage master who thought it was "dirty." He was reading Somerset Maugham's "Of Human Bondage."

"It's like a summer camp," he said. "You have to be here for 30 days or more, then you get out. Then I go out I tried, and I got caught. Then I went back and I wouldn't have been caught. That's what I did the first time. So there I am."

He was one of about a half-dozen boys being held at the training school recently. All have been in trouble with the law and all, for one reason or another, are being held at the training school since Feb-

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Continued Tomorrow In The Evening Bulletin



Far from lavish are living conditions at the R.I. Training School for Boys, but generally boys are well fed, clothed and treated kindly.

Second of a Series

... There Is No Place Else to Put Them ...

By DANIEL A. WALKER

Some are just truant from school, runaways from home or bicycle thieves. Others are ready for the big time in crime — serving sentences for stealing cars, breaking and entering, robbery, narcotic violations and almost anything else you can name.

They range in age from about 9 to 18 years old. They come from "good" homes and "bad" homes from all over the state. Their average IQ is 90, but some score as low as 70. Sixty per cent come from broken emotional problems and 60 per cent did not attend religious

services in their own communities.

On paper they are statistics of family and community failure. More important, however, they are boys who happen to share the same address — The Rhode Island Training School for Boys.

More than half of the approximately 180 boys now at the school have been there before and about the same number will be back again. For some boys this is only a preparatory school for a special kind of college — the Adult Correctional Institutions.

Just what sort of place is the training school? School officials have said that the philosophy of the training

school is to be "a self-contained community to socially rehabilitate wayward and delinquent boys detained by the Family Court."

However, a veteran staff worker at the school maintains that it is little more than a breeding ground for the next generation of criminals. "The social atmosphere of the cottages at the training school is criminal. The boys are hostile to civil authority and law and order. There are boys here who get contaminated. They should not be here. They have peculiarities, and there is no place else to put them, so they come here."

The two state officials most directly responsible for the

boys' training school, Gen. Paul D. Sherman, assistant director in charge of penal and correctional services, and Cornelius P. Hogan, superintendent of the school, state emphatically that the training school is not a breeding ground for criminals.

General Sherman and Mr. Hogan believe that any boy in the school would learn more about crime and how to commit it in his own neighborhood than he does at the training school.

Disagreeing with his superiors, the training school worker said he has followed a number of cases in which boys were detained for relatively minor offenses.

Turn to Page 11, Col. 1 Schools

Officials Say No

Crime Breeding Ground?

Continued From Page One

offenses, such as truancy from school, but their second and third trips they are sent away for such offenses as breaking and entering, stealing cars and other felonies.

He cited statistics from the ACI where of the 118 prisoners serving terms of three months or more, 150 of them were trained at the training school while they were juveniles.

"The average population of the training school is 125, far below present total of 186. Of this number, 15 youths are being detained in the minimum security section of the ACI.

While the Family Court judges will not go as far as to say that the training school is a breeding ground for criminals, they are unanimously in favor of a separate facility to segregate the "good boys" and the "bad boys" in relative terms.

Some call it a detention center, others call it a halfway house, while still others merely say that the state needs "something else."

"I have seen where a boy was sent down for truancy. He had never been in trouble before, but now he has become a regular violator of the law. This is a sign that there's no rehabilitation at the training school, and in many cases they get worse," said Judge Michael DeClanin in advocating an alternate facility.

"You know, this is a perplexing problem to a judge," he continued. "You're damned if you send them there and you're damned if you don't send them there when I don't know what else to do."

Furthermore, Judge DeClanin said, he finds that in many cases the boys are in fear of returning home because of harm inflicted upon them by other inmates.

Justice James H. Donnelly said he is concerned by cases in which the juvenile involved in a relatively minor offense should be removed temporarily from the community but not sent to the training school. He favors "an intermediate place" for those who are "not basically delinquent."

The same problem concerns Judge John F. Doris. "Ware in a difficult position. When the case is not serious enough to send the boy to the training school as it is now, but they can't return home. But where else can we send them?" Judge Doris sees the alternate facility as an "in-between place," something in between the home and the training school.

Chief Judge Francis J. McCabe as well as his colleagues on the bench frequently refer to the legislative act establishing the Family Court which provides for both the intermediate detention center as well as a screening center where boys would undergo evaluation prior to being sentenced. Only the most serious offenders would be sent to the training school.

Neither of these facilities, the detention center or the screening center, have yet been established. The training school is still the only place where youthful offenders may be sentenced, with the exception of the Children's Center on Mount Pleasant Avenue in Providence. Generally, however, the Children's Center is reserved for dependent and neglected children who have not been involved in any offense.

The problem is not only the separation of the more serious offenders, but also of keeping the special cases apart from the other boys. One such example is an overt homosexual

boy now being detained at the prison.

Mr. Moran segregated facilities in the minimum security section of the ACI, but they still spend their "free time" in women's clothing. In order to prevent this, the boys are isolated from the other juveniles; the youth is living in a room at the medical center, but he is assigned to work in the school laundry during the day. "We should have someplace else to put them," said Mr. Moran.

Living conditions within the training school itself are far from lavish, but generally the boys are well fed, clothed and treated kindly by the employees at the institution.

There are complaints, of course. Some gripe that they are forced to wear dirty socks and underwear and that the meals are not of the quality they got at home. Mr. Moran's response to this is simply that he and the rest of his staff eat the same food as the boys and that the boys ought to be able to get along with two sets of clean clothing each week.

General Sherman conceded that there is a definite problem in keeping all of the boys occupied while they are at the training school. Only the boys under 16 are required to attend classes which last three hours daily. Normally about 80 boys attend school while at the institution.

The boys who don't go to school have put to work in cutting grass and raking the lawns, in the kitchen or in housekeeping in the cottages. The work should be geared to keeping them busy either on the outdated printing press or woodworking the metal arts or woodworking.

Very little is done with their minds. Rehabilitation, the experts agree, is an expensive project.

New facilities now under construction at the training school should eliminate the need for transferring the most serious disciplinary cases from the training school to the Adult Correctional Institutions. This was a serious problem until a few months ago, because the juveniles mingled with adult

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shelter and a minimum of care and treatment. The average industrial worker in the state makes \$82.90 a week.

This per capita cost is the third highest in the state, topped by the Zambarran Memorial Hospital at Waltham Lake and the Training School for Girls.

The largest single expense at the training school is for salaries, which constitute \$418,926 of the present operating budget of \$518,808. Still, with 87 full time employees, the ratio is only a little more than one worker for each 21 boys.

The bulk of these employees are cottage masters who earn an annual salary of \$3,200, which is near the top of the pay scale for training school workers.

Continued Tomorrow
In The Evening Bulletin



At bedtime at the R.I. Training School for Boys, sneakers are left on stairway to dormitory. This is to prevent there use in bunk room battles.

THE EVENING BULLETIN - JULY 2, 1964

'We're Forgotten...'

"If there ever was a cause that needed a champion, this is it, this needs a shot in the arm from the community."

By DANIEL A. WALKER

Where does the blame lie for what is wrong with Rhode Island's training schools for its juvenile delinquents?

In the opinion of those most directly involved with the institutions, the public must plead guilty to negligence.

"It's time the public woke up. The people of Rhode Island have never shown any awareness to the problems of delinquent children. If there ever was a cause that needed a champion, this is it," declared Judge Edward V. Healey Jr. of Family Court. "This needs a shot in the arm from the community."

Cornelius F. Horan, superintendent of the boys' training school, suggested that his institution would be much better off if it was in a different location.

"We're forgotten out here, behind these walls. Besides, nobody's interested in juvenile delinquents, but maybe they would be if we were working with retarded children. Look at the support given to the Ladd School in Exeter."

Judge Michael DeClanits of Family Court said that he has found that most people don't understand, and more important don't want to understand, the problems of such institutions as the training schools until they are personally involved. "Just wait," he continued, "until someone in their own family gets into trouble. That's when they begin to care."



McCabe

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"I say again, more intensely. In an Evening Bulletin series this week, Judge McCabe and other Family Court judges criticized the state's educational and rehabilitative services at the two training schools. Judge McCabe said that the lack of rehabilitation which is provided at the training schools has caused me personally considerable concern for many years and has aroused the concern of many outstanding and interested citizens of our community in every stratum of our society."

"Many of these citizens," he continued, "have with me banded together and have been studying the possibilities and probabilities of a home that would cater to the boys who do not fit at the training schools either before or after their entrance to the school."

Current plans call for placing 15 to 17 boys in the home under the supervision of "the most skilled personnel located in our community," the judge said. The home would be called "Washington Oaks." No location for the building has been as yet decided.

He said that the group which is working on the project hopes

The cure for Rhode Island's training schools is more than money, said Gen. Paul D. Sherman, assistant director in charge of penal and correctional services. The real panacea, he said, is to awaken the public.

Judge John F. Doris of Family Court, a former member of the General Assembly, said that he knows from his own experience in the legislature that the situation at the training schools will continue until the public is properly educated in the problems and needs of the institutions. "The legislature gives what the people want. The people must tell the legislature how they feel."

In another apparent reference to the General Assembly, Chief Judge Francis J. McCabe said that rehabilitative services at the training schools are "apparently the last thought in the minds of those who could provide them."

"I don't believe the public is really concerned with the philosophy that children should be treated and rehabilitated rather than locked up," Judge McCabe added.

Judge James H. Donnelly said he sympathized with the problems facing the staff at the training schools, but added he doubted whether the situation would improve unless the public rallied behind efforts to improve facilities there.

Turn to Page 5, Col. 3 School

The Judges' Seldom Visit Schools

Although they deal almost daily with both the Rhode Island Training School for Boys and the Training School for Girls, the five judges of the Family Court are seldom seen at the two institutions.

Chief Judge Francis J. McCabe said he can't remember exactly how many times he has visited the training schools but in all has spent "very little" time at either place.

"They are not my responsibility," he said. "There are other people who are in charge of them and I don't interfere."

Judge Michael DeClanits said he has visited the schools, but not since he has been a judge of the Family Court. "I don't have time to be going out there," he added, and said he agrees with Judge McCabe that because he is not directly responsible for the training schools he should not interfere in that area.

Judge Edward V. Healey Jr. said he has been to the boys' training school on five or six occasions and has visited only once at the girls' institution. Of the latter he added, "I would be most reluctant to go again" because of the poor conditions which he said are predominant in that area.

Judge John F. Doris said he has been to both training schools "several times, but not recently." He added that he believes his responsibility is the court itself and that he relies on those in charge at the institutions to "maintain everything as they say it is and as it should be."

He was criticized at the training schools for not visiting more often, he would say the same thing about the personnel there. "I haven't seen them up here, either," he emphasized that he was not critical of the way the employees ran the training schools, but of the facilities which are available to them.

Judge James H. Donnelly said he made a trip to both training schools shortly after his appointment 2½ years ago, but has not made any trips recently.

The End

BULLETIN - JULY 2, 1964
Training Schools

\$2-Million Being Spent On Facilities; Not Enough

Continued From Page One

More than two million dollars is now being spent for the construction of new facilities for the boys' and girls' training schools, but this investment will solve only the two basic needs of the two institutions.

The new buildings will do little to alleviate the problem of overcrowding at the boys' schools and leaves untouched the need for additional recreational and vocational facilities at the girls' school.

"Hell, no!" replied Gen. Paul D. Sherman, assistant director of penal and correctional services for the state, when asked whether the new facilities will be an answer to the problems at the training school for boys.

General Sherman said that the five new cottages and the two-story administrative building will be adequate for the present population of about 180 youngsters at the boys' school. Each cottage will have sleeping quarters for 30 boys and the entire plant will accommodate about 125 youths, including the segregated facilities for about 15 "troublesome" cases in the administrative building.

Even if there was space for 300 boys at the training school, General Sherman said, the buildings would still be filled.

General Sherman said that while the new facilities are "a real starting point for the implementation of new concepts in the treatment of our delinquents," there is an immediate need for three additional cottages at the boys' school.

"There is a great need in this state, he continued, "for living facilities for children who require shelter, direction, diagnostic services and, in some cases, pure custody."

The new buildings at the boys' school, which will cost \$1,418,684, were originally scheduled for completion last month, but now it is unlikely that they will be finished before the first of the year.

They will replace the existing five barracks and will provide better living quarters

which General Sherman believes will improve the morale of the boys as well as the training school staff.

Other expected advantages of the new facilities, according to General Sherman, are more privacy for the boys. This arrangement, he said, will enable the school to devote more attention in the area of rehabilitation and the staff to maintain close supervision of the youngsters.

Each of the cottages will be only one story high, which will eliminate the existing situation in which a boy must walk down three floors from his dormitory in the attic to use the bathroom facilities in the basement during the night.

The new facilities at the girls' school will accommodate 49 girls and this is expected to be more than adequate, but workers at the institution expressed dismay that the new facilities will not provide areas for vocational and recreational rehabilitation which are lacking in the present setup.

"We've just moving from old buildings to new ones. Everything else will be about the same," the worker said. Construction of the two new cottages and administrative building for the girls' school got underway this spring and is scheduled for completion in about a year. The cost has been set at \$685,230. The new structures will be located on the east side of New London Avenue, between the boys' school and the Adult Correctional Institution.

Voters approved a \$2,500,000 bond issue in 1950 to provide funds for the construction project of the two training schools.

Q. Which Pope founded a training school for juvenile delinquents?

A. D. W. A. Pope Clement XI in 1704 founded the hospital of St. Michael at Rome and in this institution set apart a hall for boys. Over the door was the following inscription: "For the correction and instruction of profane youth, that they when their idea were barbarous, may when taught, become useful to the State." This was one of the earliest attempts to give vocational training.



Augustine Riccio

The recent Evening Bulletin series on conditions at the state's training schools for juvenile delinquents and the comments in the articles by Family Court judges were described today as "inaccurate" by Augustine W. Riccio, state director of social welfare.

"There have been an awful lot of general statements, including those of judges of the Family Court. The statements have been based on generalizations and have been absolutely inaccurate," Mr. Riccio declared.

The social welfare director was especially critical of the impressions of the training schools given by the juvenile delinquents in interviews with a reporter. He also questioned whether Family Court judges can obtain an accurate understanding of the institutions

from conversations with the youngsters.

"It is a fine state of affairs when judges rely on boys for what goes on at the training school," he declared.

The four-part series discussed the state's failure to provide adequate educational, vocational and other rehabilitative programs for the youthful offenders.

Mr. Riccio said that while he was critical of the news paper stories, there are many areas of weakness at the training schools which need improvement.

"We are striving to retrain, re-educate and rehabilitate these kids to the best of our ability, but even if all the possibilities we need were filled we are not going to be able to retrain every boy to the community."

"We don't know all the

answers and we need to find out more about the causes of delinquency. We ought to try every approach that seems to be promising," the director said.

In his criticism of the newspaper series, Mr. Riccio said the stories failed to mention the counseling services which are available at the training schools.

In addition to the two counselors at the boys' training school who were mentioned in the articles, Mr. Riccio listed a senior case worker, 15 probation counselors who visit the school from once a week to once or twice a month, a psychiatric social worker position (open now because of a maternity leave), a psychiatrist available for consultation, and a full time counselor from the Child Welfare Services who are available for counseling at the boys' school.

Mr. Riccio said that, while Donald D. MacDougald, superintendent of the girls' school and his assistant are the only trained social case workers on the staff, there are a number of other trained workers available for counseling. He listed these as a full time Child Welfare Services case worker, a social case worker from the Cranston area assigned to the division of vocational rehabilitation who works with the girls on a regular basis, seven probation counselors who visit the girls once a month or oftener.

He said psychiatrists are available to the girls from the Mental Hygiene Services and a psychiatric social worker from the Cranston area assigned to the division of vocational rehabilitation who works with the girls on a regular basis, seven probation counselors who visit the girls once a month or oftener.

"We don't know all the

worker position is open and will be filled which will strengthen counseling in this field.

Commenting on statements by counselors at the boys' training school that they each handle caseloads of more than 40 boys, Mr. Riccio said that this meets federal standards, while the National Council on Crime and Delinquency recommends a caseload of 50 for each social worker.

He said, however, that it would be desirable to have more counselors and more psychiatric care on a committee basis at the training schools. He noted that while he was director of social welfare in 1959 and 1960 28 new staff positions were created at the two institutions.

Mr. Riccio conceded that the training schools do have a problem of repeaters who have been sent to the institutions more than once, citing national statistics which show that Rhode Island training schools, along with 11 other institutions out of 169 checked nationally, have a rate of 40 per cent or more returnees. The Rhode Island rate is 43 per cent, compared to a national average of 23 per cent.

He added that the state should be able to do more in this area when the new facilities are completed at the training schools. "We'll have a better opportunity with the new facilities and we must keep our minds on the task of getting increased trained personnel."

Elaborating on his criticism of statements by Family Court judges, Mr. Riccio questioned the validity of a case cited by Judge Michael DeCianis who said that a boy, facially disfigured since birth, was slapped across the face by another boy who had called him "ugly."

Mr. Riccio said the training school records show that only one boy has been slapped while at the institution and that he was not disfigured beforehand. He said that the boy, who required 16 stitches to close the wound on his cheek, had not been jered by the other boys and that the argument had involved a comment about the boy's mother. "He could not be the boy the judge is talking about," Mr. Riccio said.

Among his other criticisms of the newspaper series, were that there are 5 1/2 hours a day of schooling at the institution for boys and not three hours a day as stated in one article.

He denied that lack of funds was the chief reason for any inadequacies in the rehabilitative programs at the training schools, citing Rhode Island's 1962 expenditure of \$4,392 for each boy and \$4,724 for each girl at the training schools. He said that in 1963, with increased population at the institutions, the state was spending \$3,900 for each boy and \$3,365 for each girl. He contrasted this with expenditures in 1962 in Rhode Island of \$2,355 per boy.

Mr. Riccio noted a typographical error in one story in which it was reported that there were 87 full-time employees at the boys' school, or roughly one employee for each 21 boys. This should have read one employee for each 23 boys.

He said that based on the yearly population at the school there is one employee for each 1.47 boys, and that this spring the ratio was one employee per 1.57 boys.

In his arguments Mr. Riccio said the training school buildings, while old "are as a whole well-maintained."

If youngsters who are detained for relatively minor brushes with the law or temporary psychiatric examination are living with hard core delinquents, the Family Court is responsible for their assignment to the training school, he said.

He added that numerous outside agencies are available and used by the Social Welfare Department to handle children who are not assigned to the training schools by the courts. He listed these as facilities of the Child Welfare Services, homes maintained by religious organizations, the Bradley Hospital and a variety of specialized institutions in other states.

The social welfare director took issue with a statement by Judge James H. Donnelly that residents at the girls' school have nothing to do. "The volunteers' program at the girls' training school was not menial at all . . . and these volunteer programs give these girls a great many things with which to occupy their time," he said.

At the boy's school, he added, the average stay is 4 1/2 months and it is, therefore, "impossible to give these boys more than an exposure to vocational training."

He criticized concern expressed by Judge Francis J. McCabe over failure of the training school to prepare boys returning to their communities for maintaining their standing in school. He quoted Correll H. Horan, superintendent of the boys' school, as saying "the boys for whom Judge McCabe expresses such grave concern have academically been failures for

years in public schools before they came here."

Mr. Riccio added another statement from Mr. Horan, "Judge McCabe is asking for miracles if he expects my teachers to bring up to grade level those students whose principals as failures for years before they came to us."

Mr. Riccio said there is "no foundation in fact" for a statement by one of the boys at the training school who estimated that 50 boys were involved in some form of homosexual activity and he objected strongly to a description of the cottages at the school as "criminal," declaring that those interviewed by a reporter at the school do not make this statement. The description came from a staff member who asked to remain anonymous.

Mr. Riccio objected to a statement by Judge DeCianis that boys often are in fear of being assigned to the training school because of the possibility of bodily harm from other boys. He quoted Mr. Horan who said, "We don't deny that fights and bullying do occur to a certain degree, but it is by no means a general condition of the school as Judge DeCianis implies. The same thing occurs in the community and in many families."

The director of social welfare was especially critical of remarks that the present building program at both the boys' and girls' schools will not meet needs for additional recreational and home, the schools, the church and the community, and the surprising thing is the number of successes the training schools have had.

He said 108 boys will have individual private rooms in the new buildings and a variety of other rooms will be available including a visiting room, a snack bar, cafeteria, medical and psychiatric offices and a recreation room.

At the girls' school, he said, there will be three new classrooms, a special home economics section containing a model kitchen, four instruction rooms and a dining room, a home living room, a sewing room and a special good-grooming area with a beauty shop.

The girls' cottages will contain private bedrooms, an arts and crafts room, a rumpus room and other facilities, he said. "It is quite obvious that the recreational and vocational facilities at the girls' school are being wisely expanded in the three new buildings," he said.

Mr. Riccio said that the Family Court judges' admissions that they have infrequently visited the training schools "should indicate somewhat that although they deal with delinquent children at the court level, they are not fully qualified to evaluate the services of the training schools."

Gen. Paul D. Sherman, assistant social welfare director for correctional services, said the articles presented "only the negative aspects of the training schools" and in some of the published statements attributed to him only part of his statement to the reporter was quoted.

He said he had "repeatedly pointed out that youths sent to the training schools are already the result of failure in the home, the schools, the church and the community, and the surprising thing is the number of successes the training schools have had."

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Many Persons Seek Convention Posts

PROVIDENCE JOURNAL - JULY 22, 1964

The charts showed candidates of prominence in some districts and no candidates at all in others as the deadline passed yesterday for the filing of declarations for seats in a possible state constitutional convention next December.

The convention will start in December if the voters in November approve the convention call. The voters will elect 100 convention delegates at the same time they are deciding whether there is to be a convention.

At least 21 state legislators 19 of them Democrats, were among those declaring as candidates for convention seats. The most cases the legislators filed also for reelection to the assembly, even through the legislature and the convention could be sitting at the same time next year.

In districts where candidates from either party are lacking the state chairmen of the two parties will be able to designate delegate candidates to fill the vacancies.

Judge Quinn Files. Chief Justice Robert E. Quinn of the U. S. Court of Military Appeals is one of the candidates for a seat at the convention. A former Rhode Island governor and a former Superior Court justice, Judge Quinn long has had a professional interest in state constitutional problems.

Sen. For's Wife. Mrs. Nuala O'D Pell, wife of Sen. Claiborne Pell, filed as a Democratic candidate for a convention seat in Newport. Rep. Alexander Walsh of Newport, a candidate for the Democratic nomination for governor, had another potential contest on his hands for a seat at the convention. He filed from his Newport district, but so did Paul Murray, a Newport lawyer. Both want the Democratic nomination for the convention in the district.

Mayor Kevin K. Coleman of Woonsocket is one of the candidates for a delegate post from that city. Leo P. McGowan, the state's public defender, is a Democratic candidate in Barrington.

Prof. John O. Sitley, director of the bureau of government research at the University of Rhode Island, is another declared candidate for a seat at the convention. So is Raymond E. Jordan, a prominent lawyer, who was chairman of a reapportionment study commission. Maurice W. Hendel, law revision assistant in the office of the Secretary of State, is a convention candidate from Lincoln.

Legislators File. Democratic legislators who declared for convention seats included Sen. Arthur A. Zimmerman of Central Falls, Rep. Augustus W. Scazzano of East Providence, Rep. James A. Callaghan of Johnston, Rep. Raymond Davignon, Rep. Francis H. McCabe and Rep. Frank A. Martin Jr., all of Pawtucket; Rep. William F. Gallagher of Portsmouth; Rep. Orin D. Charney of Woonsocket, and the following from Providence: Rep. Alfred Travers Jr., Rep. Hugh L. Burt, Rep. Samuel C. Kagan, Rep. James H. Kierman, Rep. Joseph A. Bevilacqua, Rep. Joseph A. Carr, Rep. Anthony Tarr, Rep. John J. Ween, Sen. Robert C. Grimes and Rep. Eugene J. Cochran.

Republican legislators seeking convention posts are Rep. Richard W. Clavell of Narragansett and Rep. Edward O. Boucher of Woonsocket.

PROV. JOURNAL - SEPT. 16, 1964 Custody of Boy Is Decided

The custody of 10-year-old Bruce Phillip Loulin Jr. of Tiverton, contested by three relatives, was awarded yesterday to a maternal aunt, Lucille Thompson, of Chino, Calif.

Judge DeClanis handed down his decision in a 39 page opinion which took him an hour to read from the bench. He called the case the "most difficult" of his career, but he even recommended in three years on the Family Court.

The boy was orphaned when his mother, Mrs. Dorothy Loulin, was killed in a head-on automobile crash on the Sakonnet River Bridge in Tiverton, June

At Clayville PTA

Train Teachers to Help Bad Boys, Judge Says

Many teachers have been straightening out wayward boys for years, Judge Michael DeClanis of Family Court said the Clayville PTA in Clayville last night as he advocated special training for teachers to acquire technical knowledge about delinquency and to equip them emotionally to handle it.

He defined delinquency as a symptom of inner unrest and inability to cope with life.

"Parents can't find out until kids get in a group," he said. "At home they are angels. With special training, teachers could straighten out a lot of things in a boy's mind. They could teach the child's mind and be trained to see if there's anything wrong with these boys," he suggested.

"I think most teachers are doing all they can possibly do, but the entire problem must be reevaluated to eradicate this situation that exists today," he said.

Training schools, half-way houses, all the institutions that don't come anywhere near what can be done by teachers.

"Of course, we've got to pay teachers sufficient to do these things," he said. "Instead of paying money to a lot of professionals, it's better to invest it among the teachers to spread it among the teachers."

18 The Providence Journal Tuesday, September 22, 1964

Judge Loses On Vt. Youth

Sets Him Free Until Hearing Date but Boy Fails to Appear

He spoke so sincerely when he appeared in Family Court on Aug. 26 that the 17-year-old Vermont youth convinced Judge Michael DeClanis that he be allowed to remain free until his court hearing on Sept. 8 on which he would be declared a wayward child.

After all the boy argued, he had kept his earlier pledge to escape from the Rhode Island Training School for Boys where he had been sent on August 17. Furthermore, he continued, he had even called the training school to inform the superintendent of his escape and to promise that he would be in court on the hearing date.

The boy, who said that he had been on his own since he was 14 and was earning \$150 a week in exercising and training boxes at a nearby race track in Massachusetts, had been picked up after a Pawtucket father wanted the youngster warned to stay away from his 15-year-old daughter.

Here, thought Judge DeClanis at the time, is a boy worth taking a chance on. After all, where would Horatio Alger have been if he hadn't been allowed to make his own way in the world at a young age?

So the boy with his unkempt clothing, hair askew and air of determination, went free, full of promises to Judge DeClanis and everyone else within earshot that he would be back in Family Court on Sept. 8. He agreed that no excuses would be accepted if he did not appear.

"When the case was called on Sept. 8, however, the young Vermont was not in the courtroom. The order went out for him to be picked up by police wherever he is found."

"That was 15 days ago and still he has not shown up. Judge DeClanis just shakes his head over the case. 'You never know,' he said 'you just never know. I really thought he was going to make it, but not I guess not.'"

Father Fined \$5,000, Forfeits \$1,000 in Child Custody Case

JOURNAL, OCTOBER 5, 1964

A former naval officer, father and likewise are being taken out of this state in violation of yesterday for violating a court order in this state," Judge DeClanis said.

"The ones that suffer are the children," he said. "They are being dragged from one place to another. They do not know what is coming next. They are becoming frustrated and everything that is being done is against the general welfare of such children."

Mr. Culpepper divorced Mrs. Martins in Puerto Rico several years ago while he was in the Navy. Both he and his divorced wife have since remarried.

Court attorneys said Mrs. Culpepper recently has been using as his address the address of his parents in New Orleans.

The court action yesterday grew out of a motion by Mrs. Martins requesting the court to adjudicate Mr. Culpepper in contempt, have him forfeit the cash bond of \$1,000, and impose punishment for violation of the court order regarding return of her children.

Called for the absent father was Francis J. Boyle of Newport. Representing Mrs. Martins were Francis J. Boyle and Julius Schaffer, both of Newport.

About a year ago Mr. Culpepper picked up his two sons as they came out of the Newport elementary school. The children were then taken out of the state by his father, apparently, neither the father nor the children have since returned to Rhode Island.

The court ordered the \$1,000 which was forfeited by the father paid to the mother. Under the decision of the court, Mr. Culpepper may purge himself of the \$5,000 fine if he returns the children to Rhode Island and his former wife, Mrs. Martins, within 30 days.

Judge DeClanis said the court that all too frequently in custody cases the children are being used "as pawns."

"Children are being brought into this state in violation of a court order of a foreign state,"

The Conference to Consider Juvenile Delinquency

PROVIDENCE, JOURNAL, NOVEMBER 5, 1964. Accurate diagnosis of even one manifestation of juvenile delinquency can contribute to easing the problem generally. Thus, while the conference Chief Judge McCabe of the Family Court was called for November 19 hardly can be expected to disclose fresh insights into why youngsters endanger their own and others' lives by vandalism, trains and railroad property, the meeting should help to coordinate for useful action the varied concerns of the Family Court, police chiefs, school officials, clergymen and members of service organizations. Certainly the court needs every available fact that relates to a youngster's alleged offense. This thoroughness can help to prescribe enlightened correction and facilitate educating the community about the problem.

The stoning of trains which seriously endangers many people stems from the insufficient social treatments and sense of social isolation common to a whole range of juvenile offenses. To correct harmful tendencies and attitudes

When the National Governors' Conference on Youth Crime and Juvenile Delinquency determined in 1961 that a proper action was for the states to lead and coordinate community programs, Rhode Islanders might have been reminded of their own R.I. Council of Community Services which has a myriad diagnostic and treatment services are collated and described for all the state's citizens.

The council, however, doesn't function (nor is it intended to) as a continuously operating structure to coordinate youth delinquency diagnosis and treatment. This action is more the work of a youth authority. California and New York have such authorities, and persons in Rhode Island discussing railroad vandalism might fairly complain if the railroads would be less harassed today and the state less anxious, if we had had such an authority over past years.

It's doubtful that creation of such

authority would make sense for Rhode Island at this point. The state's most pressing job now is to overcome grave shortcomings in treatment services for juvenile offenders. While private work to set up "half-way" houses has proved valuable, this kind of venture hardly compensates for the great need for something more than a medium-security, training school for boys.

Rhode Island conferences on any aspect of juvenile delinquency have pointed invariably to weak spots in our rehabilitation program, not least of which is the infrequency of contact between a youth and his probation officer, the casual psychiatric treatment of the young lawbreakers, and the inertia that keeps Rhode Island from an effective and imaginative use of its forest land to rehabilitate young men and women.

It's to be hoped, therefore, that the findings and proposals of Judge McCabe's conference will relate meaningfully to a constructive handling of other outcroppings of juvenile lawbreaking than just railroad vandalism.

Judge Proposes Photo ID Cards

P.V. Times 11/20/64

To Prevent Teenage Drinking

Judge Michael DeClantis of the Family Court has recommended that the state provide identification cards with photographs of the bearer to prevent drinking by minors.

Speaking at a joint meeting of the Kent County and Family Court Judge DeClantis said that one day this week at the court in East Greenwich, every case involving drinking. A mother fainted when she heard her son admit that he had been at a drinking party, he said.

The judge said that the state should consider having the Registry of Motor Vehicles re-

quire that photographs be attached to licenses. This would make it difficult for a teenager to use the license someone else to obtain a drink.

At General Assembly, he said, could require identification cards with photos for those who do not drive.

Drinking by minors is "a most difficult situation and frustrating to the court and to the family and to the police. One of the serious consequences, the judge continued, is that boys come before the court and lie about their drinking and where they bought or obtained the liquor. And, he said the court faces a problem in deciding whether to send the offenders to the training schools where they meet boys who have committed crimes that are more

serious. This leads to delinquency, he added.

Judge DeClantis said that, in many cases, the boys and girls insist that they have not been drinking and their parents believe them. Then, in court they admit they were drinking and the parent is shocked to learn the truth.

"It's become very, very acute because too many of them not only get themselves into trouble but they also involve the parent. Maybe the picture on the identification card is the answer," Judge DeClantis said.

The judge spoke to about 125 Lions Club members at the Ito-American Club in East Greenwich, Warwick, Schuette, and Foster Clubs attended.

Allegedly Threw Stones Judge Will Observe Rights Of 15 Juveniles in Train Case

Family Court Judge Michael DeClantis said yesterday he will apply the constitutional rights guaranteed in criminal cases in deciding the case of 15 youths charged with throwing stones at New Haven trains or playing chicken on the tracks.

The youths, ranging in age from eight to 15 years, include four who allegedly threw stones at an engine window and sent glass splinters flying into the eyes of an engineer. The boys

appeared in Family Court in Kent County yesterday.

"I am not counseling what they have done if it is so," Judge DeClantis said, "but they are entitled in every protection of the constitution."

The judge said that although state law does not consider that defendants under 16 have committed a crime, he believes that they are entitled to counsel and protection against self-incrimination.

Judge DeClantis would not comment last night when asked whether he knew of police departments that do not counsel juveniles about making self-incriminating statements. He did say that he considers a confession from a juvenile "useless."

"This court is not a social agency," the judge said yesterday in announcing his intention to apply constitutional guarantees.

Court Hearing on 15 Boys Continued in RR. Stoning

The hearing in Family Court on the 15 boys charged with throwing stones at New Haven trains and playing "chicken" on the tracks was continued to December 15 Judge Michael DeClantis said yesterday.

The boys and their parents all appeared before the judge in Kent County Courthouse Tuesday when pleas of innocent were entered for all.

Judge DeClantis said he continued the case until next month to come up after Chief Justice Francis X. Mahoney of the Family Court has held a scheduled meeting with municipal and railroad officials who are concerned about the growing incidence of stoning trains and playing chicken on the tracks.

The youths' age ranged from 13 to 15. A 16th youth, who was six at the time of the alleged incident, also appeared, but state law prohibits children under 16 from being tried in court.

Another reason for continuing the hearing was to allow counsel that was present time to state law prohibits children under 16 from being tried in court.

Judge for Photos on Young People's Papers

Better Identification Urged

A change in the law to require photographs on identification papers used by young people to purchase liquor was recommended last night by Judge Michael DeClantis of Family Court.

Speaking at a joint meeting of the Warwick and East Greenwich Lions clubs, Judge DeClantis suggested photographs on drivers' licenses or special identification cards for persons near the age of 21.

Liquor itself is hard enough to obtain in this area, he said, but it leads to incidents in which a boy said he obtained a false birth certificate from the operator of a filling station. The man was called into court, the judge said, but denied the accusation and the matter was referred to police for investigation.

The man reportedly had his birth certificate which he loaned to another youth, the judge said.

"The youth was brought to the court's attention, according to the judge, after he was found with the certificate at a teenage party to which police were sent.

The problem of teenagers and alcohol is something that must be dealt with, he said.

Judge DeClantis observed that he does not blame the liquor dealers too much, saying they are "in the middle."

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The problem of teenagers and alcohol is something that must be dealt with, he said.

Judge DeClantis observed that he does not blame the liquor dealers too much, saying they are "in the middle."

He noted that servicemen travel throughout the country and the world obtaining liquor without difficulty and that laws differ in various places.

The meeting was held at the Ito-American Club in East Greenwich.

THURSDAY, DECEMBER 17, 1964 KENT COUNTY AND PROV. JOURNAL - SOUTH COUNTY ED. Attorney Challenges Family Court System

A motion that a 15-year-old defendant in Family Court be tried in an adult court was filed yesterday in a session of the court in East Greenwich.

Judge Michael DeClantis took the motion by John A. O'Neill Jr., defense counsel, under advisement.

The motion was brought in behalf of a Warwick youth referred to the court for malicious damage in the alleged stoning of a train.

In his motion, the defense counsel contended that as a citizen the boy is entitled to the full protection afforded to a citizen under both the Rhode Island Constitution and the Constitution of the United States.

"Insofar as these documents apply to one restrained of his liberty or placed in danger of such restraint,"

it asks that the boy be granted a jury trial. That the constitutional safeguards against self-incrimination be allowed him as it affords the evidence at his trial, that he have the right to confront and cross-examine his accuser and that all rights granted a citizen under the constitution be applied at his trial.

The defense counsel observed that past court decisions have held that youths are not entitled to constitutional rights because referred to a training school is not punishment.

He contended that it is punishment and that the youth should be afforded the same rights as an adult. If the youth is found guilty, then the court should use all the social agency facilities at its disposal for rehabilitation, he argued.

Arguing that a juvenile court appearance does constitute a record, Mr. O'Neill observed that employment applications ask whether the applicant has ever appeared before a court.

He cited a recent case in which juveniles were transferred from the Rhode Island Training School for Boys to the minimum security building of the Adult Correctional Institution after an incident occurred.

At the request of Judge DeClantis, Mr. O'Neill read in full a dissenting opinion handed down in a Pennsylvania case, "In Re Holmes," which said, among other things, that referral to an industrial school is punishment because it takes a boy away from the comfort of his home, from his friends and from the woods and the streams.

The dissenting opinion also held that no state law can abrogate constitutional guarantees of due process of law.

Robert C. Hogan, assistant city solicitor for Warwick, argued that a provision of the 1941 Juvenile Court Act requiring matters involving juveniles to be heard without a jury was not stricken when the Family Court was established so that it still stands.

New Approach to Juvenile Problem Urged

Determine Needs, Coordinate Resources, Says Consultant

The Warwick Youth Advisory Board was advised last night by its newly appointed consultant to attempt a "comprehensive approach" in seeking to understand the specific needs of the city's youngsters.

Robert A. Butzinger, who began working for the board Nov.

16, emphasized that the roles played in a youngster's life by his home, school, church and what he does in his leisure time are all important contributors to his development. "These factors must be considered before we judge his actions," Mr. Butzinger said. Attending his first meeting of

the board, Mr. Butzinger stressed that the unit's major thrust will be first to determine what the needs of the city's youth are. Then, he said, the board must help to coordinate the resources available in Warwick for its younger generation.

Mr. Butzinger said that he will be determining how effectively agencies like the Boy and

Girl Scouts, Warwick Guidance Clinic and the Family Services, are serving youngsters.

Mr. Butzinger reported that he has spent his first month on the board enlightening the aid and cooperation of various officials whose work is connected with youngsters.

Among those were Family Court judges and officials of the Council of Community Services, the juvenile department of the police, the Governor's Commission on Juvenile Delinquency, the Community Guidance Clinic and the Youth Progress Board, a federal agency. Mr. Butzinger said he also has consulted with Glenn Kumekeva, city planner, and Walter A. Henry, recreation director, both members of the board.

He cited the city's recreation program as having "moved way ahead in the last few years. We have more playgrounds and there are more winter and summer sporting activities available to our youngsters," he said.

Police Chief Joseph Gallucci had been invited to the meeting to share in the discussion about juvenile delinquency in Warwick.

Several members of the board stressed that juvenile courts were not stringent enough in punishing youthful offenders. Percy Lewis, who said his home and store had been broken into several times, asserted that the "law ought to have more teeth in it. Special laws for juveniles tie the hands of the police department."

Mr. Butzinger replied that his experience showed "institutional punishment is not the key to solving juvenile delinquency. It's not enough to throw a kid in jail and then after a time dump him back into society."

He added that there are not enough resources in Rhode Island to handle the problems we've got. There is simply not enough psychiatric treatment available for youngsters to help solve the problem.

Chief Gallucci said that traffic violations committed by youngsters might be reduced if teenagers between 16 and 18 were brought into criminal courts to pay their fines instead of the Family Court. He said letters are sent by the police department to parents of youngsters who have violated traffic laws, and reported that his office has received a very favorable response from parents.

Mr. Butzinger commended Harold Clark for his work in trying to organize a Boys Club in Warwick. Mr. Clark is president of a 20-member steering committee that is currently searching for a suitable building to use for club headquarters. He said his committee has received the aid of the Boys Club of America in organizing the project.

Before adjourning, the board agreed to invite James T. Kane, director of the Warwick Guidance Clinic, to be guest speaker at their next meeting Jan. 28.

NEW YORK JOURNAL AMERICAN, OCTOBER 27, 1964

Dropout Says Drop In on Poor

By NATE HASELTINE

Special to the Journal American

WASHINGTON, Oct. 27.—A former high school dropout is now teaching University of Maryland medical students how to understand the behavioral problems of the poor.

Most psychiatrists, said Robert L. Derbyshire, Sociologist, just don't know how to communicate with the mentally sick poor.

"The average psychiatrist comes from a middle to upper class family; he was taught by professors who come from middle to upper class families, and he practices in middle to upper class communities," said the 36-year-old Assistant Professor of Sociology in psychiatry at the University's Psychiatric Institute in Baltimore.

JOINED THE MARINES

The teacher received his own PH.D. in sociology and psychiatry from the University of Maryland only last January after 14 years of night school. He had dropped out of school in the tenth grade to join the Marines after they caught me on my 23rd day of hoodlum."

Though he wasn't raised in a slum area, he said he grew up in a poor neighborhood during the great depression.

In one stretch, his father, a structural steel worker, had no work for five years, while his mother clerked in a store, he said.

It adds up to an understandable background for a man now devoted to extending psychiatric help to the poor. Dr. Derbyshire does so by teaching the university's first-year medical students how to communicate with poor patients.

Most, particularly, he stresses the need for psychiatrists to visit the poor and mentally sick and treat them in their own surroundings. Home visits, he said, yield far more clues to the factors in determining the patient's condition.

Dr. Derbyshire told of one



test he and a psychiatrist carried out. The psychiatrist interviewed 40 Negro patients in the hospital clinic. Then Dr. Derbyshire subsequently visited the same patients in their homes, and tape-recorded his interviews.

"There were striking differences in their answers, and in what we found out from their families as related to their answers given in the clinic interviews," he declared.

Some hospitals do call in relatives of mentally sick persons in the course of diagnosing or treating the patient's condition. But this, said Dr. Derbyshire, is "not nearly as productive" as studying the patient in his own family environment.

The great need, now, he said, is to develop methods to train large numbers of physicians in home treatment ways. These doctors could recognize developing causes of mental disorders, and prevent breakdowns by harnessing the families, the neighbors, the police and the social agencies to take special actions, he said.

After Dr. Derbyshire completed his two-year hitch in the Marines, in 1943, he boned up on studies at Baltimore's City College and took the general educational and developmental test, passing with an equivalent High School diploma grade.

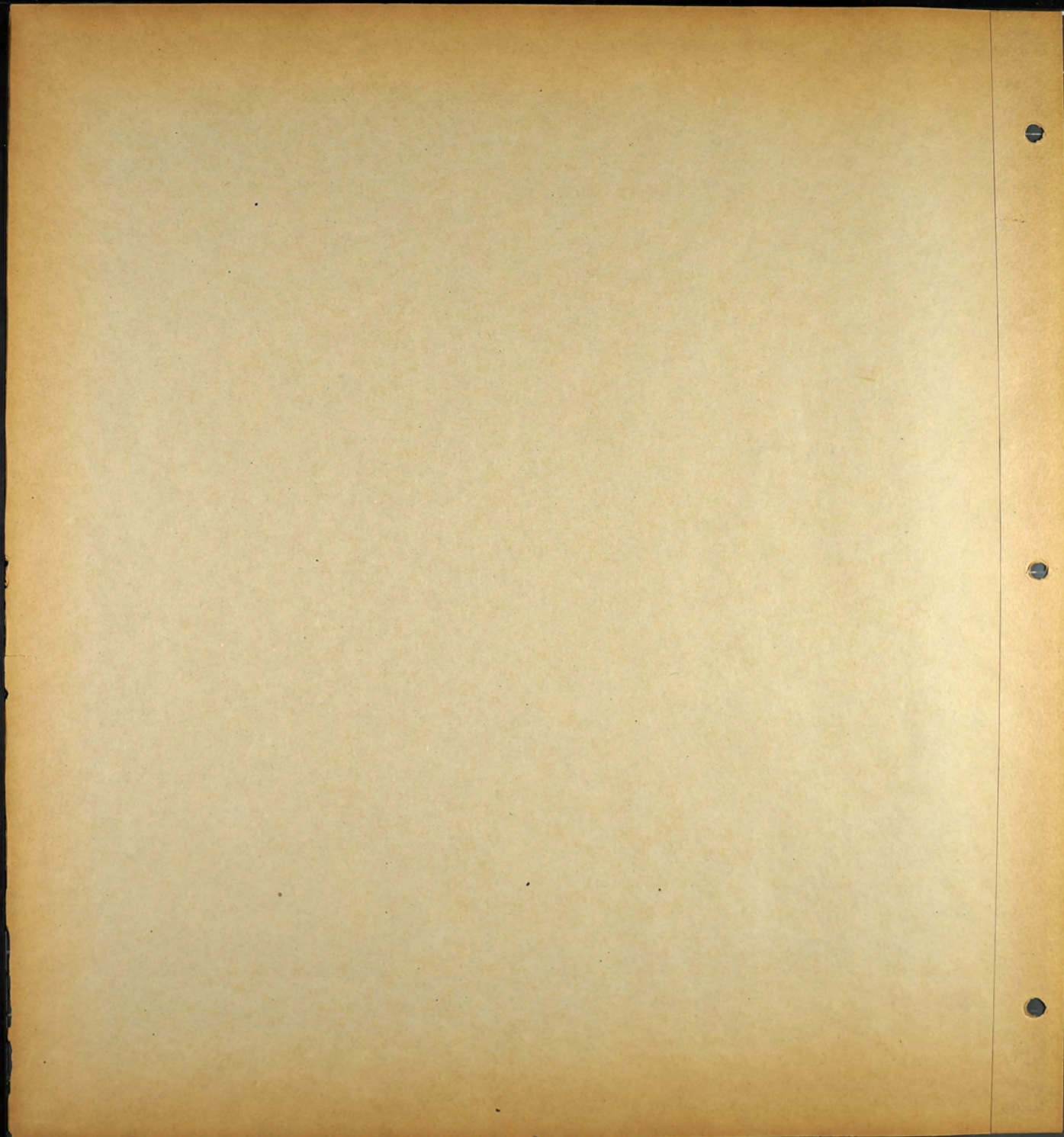
He enrolled at the University of Maryland, College Park, for two years under the GI Bill of Rights, but was recalled by the Marines for six months during the Korean conflict.

He then "fired college again, but couldn't make it." He took a job with the Social Security Administration's Baltimore office, and went to night schools for the next dozen years.

In 1960, he came to the University of Maryland as a part-time fellow in psychiatric sociology, where this year he was promoted to Assistant Professor.

He is married, and has four children.

From the Special Young Washington Post News Service



8 Arraigned After Alleged Warwick Glue-Sniffing Party

Plas of innocent to charges of disorderly conduct were entered for five juveniles yesterday in Family Court, East Greenwich, after an alleged glue-sniffing party Tuesday night in Housie.

The same plea was entered by Judge Michael DeClanis for a sixth juvenile, a 16-year-old girl charged by Warwick police with assault with a dangerous weapon.

The three boys and girls were turned over to the

custody of their families until Monday when their attorneys will be present. The attorneys will be asked to show cause why the juveniles should not all be sent to the state training school until a hearing on the case is held, Judge DeClanis said.

An older boy and girl were also arraigned on charges stemming from the party.

Five of the six young defendants left the court Monday with their families as directed. They were under orders by

state probation officers to refrain from seeing each other Monday.

The girl charged with assault, however, refused to return home with her mother, and was ordered to the state training school at Howard by Judge DeClanis until a hearing on the case.

Beside the girl charged with assault, those held by police included her 17-year-old sister, a 15-year-old girl, and boys aged 16 and 17, all from Warwick, and a 17-year-old youth from Cranston.

Police Chief Joseph Gallucci said yesterday that when police arrived they found two 22-year-old men and a 16-year-old boy all from West Warwick, and an unidentified girl. The girl had been with the party, but came out of the house and assaulted her with a butcher knife, they told police. She was unhurt.

The West Warwick youths were said to have gone to aid an unidentified girl, when five or six youths reportedly came out of the house and assaulted one of the West Warwick group.

They then returned to the house and refused to admit police, who forced their way in.

Four empty glue tubes, a paper bag containing glue residue and two empty beer bottles were found in the house, police said.

Judge DeClanis addressed the parents briefly yesterday before the boys and girls were brought into the courtroom.

The older boy and girl also held by police after the party, were arraigned yesterday in district court Warwick, by Judge James W. Leighton.

Donald E. Burnstick, 19, of 1300 W. Shore Rd., Warwick, pleaded innocent to a charge of being a disorderly person, a state offense, and was released on \$500 personal recognizance pending trial Feb. 3.

A charge of reviving, arising from a Dec. 28 fracas involving Barbaturer, was dismissed by motion of the prosecution upon payment of costs. Police Chief Joseph Gallucci said the charge was dropped because witnesses could not identify Barbaturer.

Jean M. Velocchia, 18, of 110 Kowannee Rd., Warwick, pleaded innocent to a charge of behaving in a disorderly manner. She was released on \$200 personal recognizance pending trial Feb. 3.

Concern about this problem is acute because glue sniffing can result in permanent damage to the body and even death.

Police are torn between their fear of causing the practice to spread by publicizing it and their desire to warn parents of the fact it exists and is dangerous.

Experience in Warwick indicates that whether anything is written about it or not, youths have a way of spreading the information among themselves.

Police Chief Joseph Gallucci warned that police will use every means to stop the glue sniffing. But the means at their disposal are not as complete as police would like.

Detective Capt. Edward P. Auster said the city solicitor was studying the possibility of a law making glue sniffing illegal.

At present the only local ordinance on the subject is one requiring a minor to obtain a note from a parent or teacher before he can purchase glue.

In the current wave of glue sniffing, the police, court and probation officers stress that their main interest is protecting the youngsters and preventing the danger from spreading.

Glue sniffing injures only the sniffer. There is little indication that anyone is stealing to buy 20 and 25-cent tubes of glue. Those who sniff and steal do both for kicks, officials feel.

BULLETIN - 2-3-65

Four Boys Put On Probation For Breaks

Four teenaged boys were placed on indefinite probation by Judge Michael DeClanis in Family Court, East Greenwich, yesterday after they charged no consent to charges of breaking and entering, and receiving stolen goods.

All four boys had run away from school because they didn't like it, Judge DeClanis said yesterday. "I know to live to get the day in Rhode Island when we have a place for these boys who don't want to go to school," he said. Trade schools for such youths were suggested, he added, "until the state does something about it; we're in trouble."

Before judging his decision the judge addressed a plea for greater parental authority to the boys' parents seated in the rear of the courtroom.

"Take care of these children a little more than you are urged," he said.

The indefinite probation ordered in the youths' cases will remain in effect as long as the court believes it is necessary.

The charges, all brought by Warwick police, stemmed from 12 burglaries in Warwick homes between last Nov. 3 and Dec. 14.

Three of the four boys had been detained at the state training school since a preliminary hearing Dec. 21. The fourth who faced only one charge had remained in the custody of his parents. Pleas of innocent had been entered by the court for all four at the December hearing.

Psychiatrists examined the three boys while at the training school and their findings were later read to the boys' families.

Their report states the psychiatrist's belief that the boys probably can be rehabilitated, and the judge indicated yesterday that he felt it wise to follow their recommendations.

"The situation in Warwick is a terrible one," the judge said this morning. "I sympathize with the Warwick police. But the law points to rehabilitation."

One of the boys is 15, two are 14, and one is 13. All are Warwick residents.

According to police, \$2,500 in cash taken in the 12 breaks remains unaccounted for. Probation Officer John Del Giudice said in court yesterday that most of this money apparently was taken by an 18-year-old youth, said to be a leader in the thefts. Charges against the 18-year-old are pending in district court, Mr. Del Giudice said.

Judge DeClanis indicated further that he granted probation to the four boys because they had no record of prior convictions and because of evidence they had been less responsible for the thefts than had the 18-year-old youth.

Participation by the four boys in the breaks varied widely, police said. The 15-year-old was said to have taken part in all 12, while the 14-year-old took part in only one theft, police said.

In a separate series of four house breaks in Warwick, four other youths also were placed on indefinite probation. They had been charged by Warwick police with breaking and entering and with breaking, entering and larceny.

Pleas of innocent entered for the four by the court at their arraignment in December, were changed yesterday by the boys' attorneys to no contest. The boys are 14, 15, 16, and 17 years old.

The case of a fifth member of the group who is 17 was continued to March 16 after request of the probation officer to permit the youth to complete enlistment plans for the Marine Corps.

In a separate case, a 15-year-old boy with no prior record pleaded no contest to a Warwick police charge of possession of alcohol charge of possession of beer, leverages. The boy, who changed his earlier plea of innocent to no contest, was placed in his parents' custody.

Charges of child abandonment against a minor girl were dismissed upon the recommendation of the police with the stipulation that the girl move with her two children to her mother's home in Pennsylvania.

Police said the girl had left the children with a neighbor and had not returned for several months.

P. Auster - 2/18/65 1965 Court Asks Parents Discuss Glue Sniffing

Concerned about the spread of glue sniffing in Warwick, Judge Michael DeClanis of Family Court has asked parents of more than 20 youngsters to meet with him in the First County Courthouse tomorrow at 2 p.m.

The judge took this step after hearing police had obtained names of suspected sniffers from others who have practiced it.

The judge asked John Del Giudice, the court's probation officer, to notify the parents. Judge already had begun visiting the families to the potential danger.

Judge DeClanis said that many of those implicated have denied it, but a "number have admitted to the police" they have practiced it.

"What to do is a problem. I don't think we should send anyone to the training school on self-defense, although there might be some technical violation here," the judge said.

"I intend to request all parents to come here and to make them understand they must do something themselves."

Warwick police are dis-

"Only a minute percentage of Warwick's approximately 7,000 teenagers are involved so far but, according to one self-admitted sniffer, authorities have a right to be alarmed." Learn more about the problem on Page 24.

turbed by the growing problem of model glue sniffing and feel it is part of a national picture. They acknowledged Warwick seems to be getting more than its share.

Concern about this problem is acute because glue sniffing can result in permanent damage to the body and even death.

Police are torn between their fear of causing the practice to spread by publicizing it and their desire to warn parents of the fact it exists and is dangerous.

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Glue sniffing injures only the sniffer. There is little indication that anyone is stealing to buy 20 and 25-cent tubes of glue. Those who sniff and steal do both for kicks, officials feel.

Report States 500 Youngsters Sniff Glue

Judge Tells Parents of Warwick Study; Warns Teenagers of 'Self-Destruction'

Judge Michael DeCiantis of Warwick police. His study in Family Court urged a solemn group of parents yesterday to accept more responsibility in helping to slow the spread of glue-sniffing among teenagers.

The growing problem, he stated, is a crime upon the conscience of the state.

The judge was addressing parents of eight Warwick teenagers suspected by police of sniffing glue. He spoke to parents—and the eight youths—of an informal session held in the Superior Court chamber in East Greenwich.

His talk came after an investigation last week by Probation Officer John Del Giudice and Judge DeCiantis told the par-

ents: "I called you here to make you realize what a difficult community up to that they will be somewhat about it."

The judge spoke earnestly to the parents. It was apparent that he was not only addressing the group in the courtroom, but the parents throughout the state.

He said parents and their children had cooperated fully with Mr. Del Giudice's investigation. "It's good to see a realization that it's dangerous and that parents must help," he declared.

The judge spoke sternly to the youngsters, all of whom had been involved with the court call from Mr. Del Giudice's report.

Each of the youths was interviewed separately, the report stated, but they all agreed that:

1. The glue-sniffing craze is widespread and growing.
2. The feeling, described as a "buzzing sound in the ears, that a drowsy feeling followed by pleasant thoughts, is much more enjoyable than that obtained from drinking.
3. The feeling is primarily one of mental elation; no sexual stimulation is derived.

Last year, the judge said, he addressed Rhode Island audiences totaling some 7,000 persons on the problem. But public awareness is still not sufficient to cope with the "integrated war" of local and state agencies to help halt the spread of the practice.

As for possible solutions to the menace, he praised the federally sponsored Neighborhood Youth Corps and urged youngsters to take advantage of its program.

In chambers before his talk, he voiced approval of a proposed Warwick ordinance amendment that would provide penalties for sniffing glue. None now exist for the offense. A similar one at the Monday council meeting, Councilman George W. Coyne.

An urgent need in the state, the judge added, is for a "half-way house"—an institution for youths who have been involved in relatively minor offenses and who are thought to stand a good chance of rehabilitation.

Such a proposal has been advanced repeatedly by Family Court judges in Rhode Island. Judge DeCiantis said, but little action has been taken.

GLUE SNIFFING PARTY 'LIKE AN OPIUM DEN'

'YOU DRIFT INTO YOUR OWN DREAM WORLD'

BY NEIL B. OLDBAM

In the middle of the morning of a school day last week when the weather was cold and clear, three youths drove up to a Warwick hardware store. One got out of the car and went in to buy eight tubes of glue.

He told the proprietor that he was for "school." The proprietor, referring to a local ordinance, said that minors must have a note from a parent or teacher to purchase glue. The boy left, saying he would get it.

Alert to the problem of glue sniffing, the storekeeper took the registration number of the car and called police. The car was stopped. Three boys all known to police, were taken to headquarters.

All three were on probation. One had been in Family Court the day before charged with a series of house breaks. His probation had been discontinued after he had pleaded no contest.

ON PAGE ONE: Family Court Judge Michael DeCiantis has asked parents of 50 youngsters to meet with him tomorrow to discuss the glue sniffing problem. Warwick police warn they will use every means to halt the practice.

Warwick is the center of the glue sniffing. Those involved seem to be from all over. All seem to know each other. While they complain about being unable to get places to "do things," they managed to get to the parties.

Most of the youngsters who sniff glue have been in other trouble, have older brothers and/or sisters in trouble, come from broken homes or homes where the parents appear to have problems of their own, such as drinking.

Police are awfully familiar with most of them. Sgt. George Boudis, who heads the juvenile division, said he knows that he sees some of them in court more than in his own home of his own family. Police become frustrated with rounding up the same ones continually only to find someone who was introduced for taking care of them.

A reporter visiting the homes of some of those youngsters in trouble in Warwick never had to leave the city's middle-class section. Some of the homes were broken, but one thing all had in common was that either both parents worked, were away from home a lot, or had personal problems of their own such as drinking.

At one neat, well-furnished home, the reporter found one 16-year-old girl and her younger sister. The only parent away all day working still was away after 8 p.m. The girl recently had been involved in what was

alleged to be a glue-sniffing party.

Another home in another section of the city, the mother was sleeping and the father was preparing to go to work at a nightclub for the evening. A son, one of two in trouble with authorities for the last two years, was left to his own devices in the cluttered house. He had just been released by the police "on the custody of his parents."

A father expressing perplexity at his son's proclivity, explained his philosophy about what he had to do. "If they can go if they want, but no fooling around. Any fooling and out they come. If they want college had enough, they can earn the money for it." His son is a dropout.

One mother, concerned about her boy's glue sniffing, said she would have a doctor examine him. Beyond that, though, she could think of little to do.

Police could do little more than question the youths and warn their parents. There is no law against trying to buy glue, or even against sniffing it. It was determined after consulting with the probation office, that the attempts of youths to purchase glue did not constitute a violation of their probation.

According to one description, a glue sniffing party, which sometimes attracts up to 100 youngsters, has the characteristics of an opium den. Everyone sits around with his nose in a plastic bag and just sniffs until the glue goes back.

You just all there and drift off into your own little dream world," he said. It takes about 15 minutes to get into a state of glue to get rich and the kick lasts for about an hour.

Several store owners in Warwick, aware of the law, will not sell glue to youngsters, according to the users. Some will sell one or two tubes, but refuse large sales. "Some stores will sell you anything to anyone as long as they've got the money," the 16-year-old boy declared. Drug stores and variety stores are the easiest place to buy glue, he said.

No particular section of

material used in the so-called airplane glue is "toxic." "That is one of three related solvents and they are in order from the most toxic to the least toxic, benzol, toluol and xylol. These substances are coal tar derivatives. All three are very addictive fat solvents and they also are used as diluents in paints or practically any organic material you wish to dissolve."

Of the three, benzol is very poisonous and very cheap, but it is also very toxic. Dr. Deery said "benzol is extremely plentiful and moderately priced. It is moderately toxic. Xylol is least plentiful of the three. It is the least toxic and the most expensive and the reason why toluol is selected as the solvent for these glues," he explained.

"The so called kicks that these adolescents get from

Caused at Least 2 Deaths in 5 Years

Glue sniffing can and has caused permanent damage to individuals, practicing it. It has been named as the cause of at least two deaths in the Warwick area within the last five years.

Chief of Dr. Deery's laboratory is to destroy the long answer. The ultimate result is an anemia, which is very resistant to treatment," he said. Symptoms depend on the dose and early effects could be dizziness, followed by vomiting and an abdominal stopper, he said. Dr. Deery said "this is most often fatal and half of the victims in male weak and suffers from lassitude, he added.

Chief Gallucci questions whether the chemical makeup of the glue could not be changed. "It seems to me that with all the chemical knowledge we have today this should not be too difficult."

Mr. Deery said that the

inhalation of this substance is the result of its narcotic effect," Dr. Deery said, and called it "cerebral depression."

"But the more serious effect of inhalation of any of these substances is, of the blood-forming organs, the bone marrow." The substance will dissolve the fat out of the bone marrow and destroy the blood-forming organs. When that happens you get "a resulting anemia that is known as splenic or regenerative anemia. That means you have destroyed the bone marrow, and you have great difficulty in rebuilding the red blood cells that are destroyed."

Fat is part of the normal brain tissue, Dr. Deery said. "While some brain cells are capable of regenerating themselves, when you get a massive destruction of brain tissue, it does not regenerate."

'I Don't Think Parents Too Concerned'

Youths drink, sniff glue and get into trouble because they do not know it, do the small percentage that get into trouble, complain.

Alert, civic minded adults try desperately to fill the gap. More recreation organizations created youth centers are providing recreation and other off-lying cars and motor scooters.

Mr. Bloomquist, for example, increased the recreation budget from \$65,100 to \$88,727 for this year. The city maintains 16 playgrounds in addition to the school areas. In the winter there is a city-sponsored recreation program of bowling and roller-skating. Bowing

It is a question of concern and interest on the part of the parents, the pastor feels. "I don't think parents are too concerned about their kids," he said of those who get into trouble.

"I never see those families with these problems doing anything together, either going to church or taking a vacation. They are never all in the family automobile, the same time," Mr. Bloomquist said.

He also noted that at the homes where there are youth problems he has never seen the youths out shopping, roller-walks or mowing the grass. It is always the parent.

A 16-year-old girl, a student in high school, tended to discount the extent of the glue sniffing craze. Sure, some of her friends did it, she admitted, but she didn't, and the vast majority of teenagers think sniffing glue is "stupid."

Sniffers for their favorite hobbies, just like cigarette smokers. However, Dr. James P. Deery, chief of the division of occupational health, said that all the so-called air-

Parents Also in Court
BULLETIN, FEBRUARY 10, 1965

Judge Lectures Teenagers on Glue-Sniffing

By BRIAN W. DICKINSON

Eight downcast teenagers and perhaps a dozen of their parents sat silently in an East Greenwich courtroom yesterday and heard—some of them, perhaps, for the first time—of the damage which can result from glue-sniffing.

The group had been called to the Kent County Superior Court chamber by Judge Michael DeClantis of Family Court for an informal session. All eight young people had been involved with police recently as a result of suspected glue-sniffing parties.

Speaking first vigorously, then with a quiet, earnest tone, Judge DeClantis urged parents to accept more responsibility in looking after their children. "The practice, he declared, is a curse upon the conscience of the state."

Throughout his talk, which included a graphic recital of the long-term physical effects of glue-sniffing, his audience listened impassively. Most kept their eyes fixed on the judge, some gazed up at the high ceiling of the musty courtroom.

He told of a Providence boy suspected of sniffing glue when he had been in court only 20 minutes after the boy was picked up by police.

"He had glassy and a swollen expression. He was in stupor. He didn't even know he was in court," the judge declared. "It was the worst thing I ever saw."

At the end of the talk, Judge DeClantis asked parents and the youngsters for their comments. One widowed mother of a 16-year-old boy arose timidly and asked the judge how she could more closely look after her son. "I'm working during the day," she said.

Judge DeClantis fixed his eyes on her son at her side. "I want you to answer that question," he directed the boy. The boy dropped his head, blushed and shrugged his shoulders.

After several moments of silence, the judge told the boy: "A boy 16 years old has to pull himself up by his own bootstraps, and realize that he really is 16. He needs to try to keep busy; you never go wrong when you're busy? He advised the mother to seek guidance from school officials, social workers and probation officers.

Another mother staid firmly, nodding at her son. "The main thing is for these children to gain more self-respect. This is what they need," she said. "The night youths present yes."

They were among a larger group of 29 who, police said, had been involved in the practice recently. About 10 or 11 of these 29 were over 18 and are being dealt with in district court. John DeGuzio, probation officer said.

Seven more of the 29 were not asked to come to yesterday's meeting because they were past-time offenders. Three more were let off with a warning; they had been involved with the court but had been "in the probation officer's opinion."

A stricture bill which would provide a maximum one-year sentence for sniffing glue was introduced in the Senate yesterday by Sen. Charles G. DeVazary, D-Johnston. His bill would make unlawful the installation of the glue vapors in such manner as to cause intoxication or stupefaction, and would provide penalties for the sale of the substance to persons under 18 years of age.

The judge's talk came after an investigation last week by Mr. Del Giudice and Warwick police. Their study indicated that as many as 500 or 600 Warwick youngsters may have practiced sniffing the fumes of model cement. The judge led the group.

This figure, Mr. Del Giudice said, was a rough estimate based on talks with about 15 suspected glue-sniffers.

A boy in Buttonwoods said he knew six or seven who had been doing it; another boy in Combsville said 15 he knew. Mr. Del Giudice said, "I finally stopped looking for more names, but if our present figures were rejected, it would probably amount to 500 or 600."

The judge made a study of 16 youngsters who had sniffed glue to determine, if possible, the background that produces this aberration.

Referring to the home situation from which most of the youngsters came, the judge said it was a surprise to find the homes were not broken by divorce or separation in most of the cases. "The economic condition of

Man, 75, Clouts Estranged Wife Outside Court

The corridors of Family Court, usually dignified, were charged with excitement yesterday when a 75-year-old man punched his estranged wife for bringing him to court for failure to make support payments.

Sheriffs immediately subdued the man and escorted him out of the building while his 75-year-old wife was given a glass of water and consolation. She was not injured.

Judge Michael DeClantis, who had heard the man's suit for divorce charging his wife with extreme cruelty, said the elderly petitioner has steadfastly refused to give any money to the woman although he surrendered, everything in the household.

Threatened with a jail term for contempt, the man told Judge DeClantis, "I won't pay her a cent. She won't even let my grandchildren sit on our chairs."

Yesterday, after Judge DeClantis ordered a specified weekly amount paid, the man left the courtroom in a huff, saw his wife standing in the foyer and let go with his fist.

Judge Lauds Youth Corps to Marieville PTA

Frequently sponsored youth work training programs have already demonstrated that deprived young people can be encouraged to stay in school and to learn job skills. Associate Justice Michael DeClantis of Family Court said last night.

On the basis of his court experiences with youths, Judge DeClantis said, "I swear by these new youth programs of Sargent Shriver. He's doing a wonderful job. It's the only training program I've seen in four years."

The training programs have already done "wonders," Judge DeClantis said, because they can build self-confidence and initiative in bored youths. He called boredom a major root of juvenile delinquency.

The majority of boys from 15 to 21 years who get in trouble don't want to go to school, the Family Court judge told an audience of 40 persons at the meeting of the Marieville PTA in North Providence.

"When you have a boy who doesn't want to go to school," Judge DeClantis said, "you've got to give him something to do."

The youth work training program is a service, actively funded by the federal government under the Economic Opportunity Act of 1964, known popularly as the anti-poverty bill.

Judge DeClantis said the Rhode Island Training School for Boys was not effective in rehabilitating delinquent youth. He said he favored a system of "half-way houses" between the training center and home.

The family appeared to dominate. The youths glared mostly from poor families. Twelve of the 16 the judge studied were dropouts; the others had poor adjustment in their work. Thirteen had had contact with the law and three were emotionally unstable. Their ages ran between 14 and 17.

The average IQ was between 80 and 88. Normal is considered 100. One had an IQ of 110.

Most of those studied had tried glue sniffing in company with others. Half of them had done it with other members of their family, a brother or

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sister, the judge said. Some went as long as two years without being detected, he said.

The youths did this for "kicks" and because economic conditions gave them a feeling of being castoffs and isolated, he said. Their families were disorganized, if not split, according to the judge.

He said his information was obtained in a personal survey, not only of cases he has handled, but others handled by the probation officers.

Warwick officials were alerted by indications that the fad of glue sniffing was spreading. One probation officer said indications were that as many as 500 Warwick youths were involved.

Judge DeClantis said he felt that there were as many dropouts 30 or 40 years ago, but then they could get jobs. Today they have nothing to do and statistics show 100,000 many of them just walk the street, he said.

Truancy is a factor that should be considered a great deal more, the judge said, because of the compulsory school attendance law. He suggested that truants should be found places to work or that some type of school they can adjust to be established.

BULLETIN - APRIL 26, 1965

Poverty Back of Glue Habit?

A study of youngsters involved in glue sniffing showed them to be school dropouts with low IQs and from low income families, Family Court Judge Michael DeClantis has reported.

The judge made a study of 16 youngsters who had sniffed glue to determine, if possible, the background that produces this aberration.

Referring to the home situation from which most of the youngsters came, the judge said it was a surprise to find the homes were not broken by divorce or separation in most of the cases. "The economic condition of

the family appeared to dominate. The youths glared mostly from poor families. Twelve of the 16 the judge studied were dropouts; the others had poor adjustment in their work. Thirteen had had contact with the law and three were emotionally unstable. Their ages ran between 14 and 17.

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Crowded E. Greenwich Courthouse EVENING BULLETIN APRIL 13, 1965

Even Litigants Rub Shoulders

Kent County Courthouse in East Greenwich was jammed yesterday morning for the regular sitting of Family Court, motion day in Superior court and the convening of the grand jury.

Lawyers, court officials, policemen and the whole cast of petitioners, defendants and witnesses literally rubbed shoulders as they waited for their cases to come up.

A General Assembly commission to study Kent County courthouse needs is now drafting a final report. Ralph T. Lewis, Jr., of Warwick, chairman of the commission, has indicated that the report may merely make broad recommendations rather than naming sites and plans for new court facilities.

This would probably call

for a new commission to be appointed for specific recommendations.

While committees deliberate the crowded conditions in the courthouses on Main Street get worse.

Just last week Judge John E. Mullin of East Greenwich, Superior Court associate justice, said that superior court should sit for 40 weeks a year, instead of the two 12-week sessions, now in effect.

He also said that within two years, Kent County may need two superior courts because of the county's booming population growth.

In the 150-year-old courthouse yesterday, the stairs leading to the third floor room where family court sat were jammed.

There was not enough

space inside the little courtroom to hold everybody.

Downstairs, on the main floor, two attorneys, Robert E. Afflick and Edward F. Hebert, both of West Warwick, talked, standing almost nose to nose.

"We don't even have any privacy to discuss cases here," said Mr. Hebert.

Said Mr. Afflick, "The fact that we have to talk in a crowd of people like this just isn't fair to our clients."

"This is a bit ridiculous, need two superior courts because of the county's booming population growth. More comfortable than anyone else, though only to a degree, were members of the grand jury. They had a room to themselves—in the cellar.

DeCiantis Protests Crowded Court

Family Court Judge Michael DeCiantis, long a critic of crowded conditions at the Kent County Courthouse in East Greenwich, yesterday called conditions there on Tuesday "absolutely intolerable."

Judge DeCiantis, who held a domestic relations session in the smallest second floor courtroom, said it was "packed like sardines with more than 160 people." People were standing in corridors and down the stairs, he said.

"No person ought to be subjected to a situation of this kind in any court in the world," he said. "I don't care if it's in Rhode Island or Spain."

"Everybody preaches about respect for government, but how about the state respecting the

people and giving them the proper facilities," the judge added.

In describing the "intolerable conditions" the Family Court judge said it was hot and "people milled around in one little room like cattle in a box car."

Expressing how the situation will be covered with legislative action now pending, Judge DeCiantis said, "Everybody agrees it is an intolerable situation and the people have a right to complain."

In order to accommodate those in the courthouse, he said, the

judges of both courts sat as long as they possibly could. He said he sat until 4:30 p.m. with 45 minutes for lunch.

Judge John S. McKiernan was presiding over a Superior Court session with a jury in the first floor courtroom.

The historic courthouse has been the subject of a study by a special committee authorized by the General Assembly. Proposals have been made to relocate its facilities in a proposed civic center in Warwick or to retain them in the present courthouse by expanding it.



Rhode Island Honor Society pin received by Paula Maruska at John F. Deering High School ceremony last night, is pinned on her by her mother, Mrs. Pauline Maruska.

37 Get Honor Society Pins

Scholarships Awarded At Deering High School

Deering High School in West Warwick last night honored members of its graduating class for academic excellence.

Suzanne M. Frenette received the John M. Deering Medal, presented annually to the valedictorian. Dr. Richard P. Duffy, school committee chairman, presented the medal.

Ten donated scholarships were awarded. Six state scholarships, winners and three honorary state scholars were announced.

Judge Michael DeCiantis of Family Court, a member of the class of 1928, advised the honored students to raise their sights beyond town and state and become "citizens of a shrinking world."

Judge DeCiantis said he was departing from his custom of speaking extemporaneously "for fear I wouldn't use the King's English" and spoke instead from a prepared speech. "In the 30 years I've been making speeches I've written three," he remarked.

In his speech, Judge DeCiantis exhorted the honors students to be ready to meet the "untold challenges of the world of tomorrow." He urged them "to be in constant search of knowledge. You cannot rest on your laurels. You must keep an open mind, ready to accept and utilize the changes to your best advantage."

Rep. Frankly Mullen held 15.8 per cent of the senior class prepared honors at last night's ceremonies, the last to be held in the Deering High School building. John J. Kelly, principal, welcomed parents of the honored seniors.

State scholarship winners announced are Carolyn T. Bostler, Rita L. Krewak, Paula Maruska, Janice E. Hargren, Eileen F. Wyas and Renaid Lemmon.

Honorary state scholars are Stephen H. Andrusch, Gerald R. Hennes and Ann E. Sherry.

Scholarships awarded were: Kenneth Bedard, 550 West Warwick Lions scholarship; Paul Valliere, 550 Leonard P. Henry Memorial Scholarship; Robert Perkins, 524 Centerville Savings Bank scholarship; Robert Luciano, 524 Centerville Valley Junior Women's Club scholarship; Joseph Fontey, 520 West Warwick Junior School PTA scholarship; Donald Arabian Jr., 550 Deering High School music organization scholarship; Suzanne D. Dusec and Donna L. Miner, 550 Deering High School PTA scholarship.

Alternates for the Deering PTA scholarships are Theresa Nighe, Cynthia Mastaric and Dennis Col, 550; and Joyce Ezkinke, Candice Pierce and Louise Fortin, 520.

Levantine Kevanp and Kathleen A. McDermott were awarded 580 Johnson & Wales Junior College of Business scholarships. Morris Gable, the school's director, said it was the first occasion the minimum award had been made to two members of the same graduating class.

Halfway House Bill Is Signed by President

President Johnson yesterday signed into law two bills aimed at helping adult prisoners and parolees.

One authorizes the Attorney General to put adult Federal prisoners in residential treatment centers, known as halfway houses. It also would let

prisoners leave for emergency purposes or to meet prospective employers, and permit them to go into a neighboring community to work or to obtain training.

In a statement, Mr. Johnson said one or more of these techniques have been used successfully by the Federal Bureau of Prisons in dealing with useful offenders.

The other bill would authorize studies of the qualified manpower in the field of recreational rehabilitation.

"The studies to be financed under this bill will tell us the kind of specialists we need, the number we must have, and what training we must provide for them," the President said.

"With these bills, with the drug abuse Act I have previously signed, and with the Law Enforcement Assistance Act just passed by the Congress, we take the first steps toward fulfilling our solemn pledge to the Nation not only to reduce crime but ultimately to drive it from our society."

Rhode Island honor society members:

Sydney R. Andrusch, Donald D. Arabian Jr., Kenneth W. Bedard, Carolyn T. Bostler, LeFaine A. Brassard, Mary Ann Carlin, Dennis M. Col, Madeline R. Dandross, Linda C. Desnocher, Mary A. DiMartino, Joyce A. Erskine, Louise A. Fortin, Suzanne M. Frenette, Alice B. Ghery, Gerald V. Hanson, Cheryl B. Horta, Bertha L. Kerr, Rita L. Krewak, Dennis J. Kistco, Eileen L. King, Annette M. Lague, Richard L. Letefer, Barbara S. Lemieux, Patricia A. Lemol, Carol S. Lonsome, Nancy J. Martin, Paula Maruska, Cynthia R. Mastaric, Kathleen A. McDermott, Robert Perkins, Ruth M. Repa, Janice E. Hargren, Peter N. St. George, Ann E. Sherry, Paul V. Valliere, LeFaine Weston, Eileen F. Wyas.

The Evening Bulletin

PROVIDENCE, THURSDAY, JULY 15, 1965

Even After Visa Expires Says Aliens Protected

An alien is entitled to full protection of American courts and law even though illegally in this country, Judge Michael DeCiantis held in what he termed precedent-setting decision in Family Court yesterday.

Ruling in a divorce case in which a Cumberland man challenged the court's jurisdiction because he said his Portuguese wife had outstayed a visitor's visa, Judge DeCiantis made what was believed to be the first application of the new Civil Rights Act to a court case in Rhode Island.

Although the act is designed to erase racial discrimination, which was not an issue in the divorce case, Judge DeCiantis relied on its provision that "all persons within the jurisdiction of the United States shall have

the same rights in every state and territory."

"Under our civil rights laws," Judge DeCiantis held, "our courts should be open to actions or suits instituted by the subjects of friendly foreign nations, whether here legally or illegally."

"Remarkably for any alien lawfully in this country is liable to punishment for any crime he commits while here, the judge declared. "It is equally true that he is entitled to the protection of... laws provided for his security and protection."

The decision denied and dismissed a plea by Albino S. Lenon, 31, of 14 Carpenter St., Cumberland, that the court had no jurisdiction in a divorce petition brought on grounds of extreme cruelty by Mrs. Adriana Freitas Lenon, 25, a Portuguese

national, because her two-month visa expired Feb. 28, 1964, and she had not been in the United States from the August Dec. 25, 1964, and married Mrs. Lenon in Fall River on Jan. 11. After she filed her divorce petition, the challenge of the husband which was rejected by yesterday's decision was filed by his attorney, Manuel A. Carvalho, at a support hearing on June 24.

"The marriage status was created" while Mrs. Lenon was legally in this country and "the rights of the parties were fixed upon the marriage," Judge DeCiantis ruled.

James Clendon, counsel for Mrs. Lenon, had argued that it did not matter whether she was here legally or not, but whether she satisfied the residency requirement. Mr. Clendon contended that she did because of a technicality in the statute peculiar to Rhode Island law. The residency statute for absolute divorce in this state requires that the petitioner, or the respondent, must be a continuous resident of the state for two years. Since Mrs. Lenon was a lifelong resident of the state, Mr. Clendon argued, she would have satisfied the residency requirement.

Rhode Island is the only state which allows the petitioner to claim the respondent's domicile as their own in a petition for absolute divorce.

However, Rhode Island does not allow it in a petition for a legal separation, or divorce from bed and board as it is legally called.

Mrs. Lenon had originally filed a petition for divorce from bed and board on May 17, but Judge DeCiantis dismissed it because she could not meet under the residency requirement. When her attorney attempted to amend the original petition to an absolute divorce, Judge DeCiantis also denied that motion on the ground there was no petition before the court. Mrs. Lenon filed again on May 29 for an absolute divorce.

Family Court Judge Criticizes Statute Ruling Jurisdiction

Judge Michael DeClanis returned yesterday that a child remaining under the jurisdiction of the Family Court even when he has appeared in an adult court on a particular charge. But in an unprecedented criticism by a Family Court judge, he said he believes the law is impractical, inequitable and in need of change.

The latest test of whether the Family Court waives jurisdiction over a child or merely over an offense allegedly committed by the child was initiated last week in a burglary case when Warwick police sought a waiver for 17-year-old Thomas M. Gulisano of 738 Centerville Rd., Warwick.

Two weeks ago the youth had been waived out of Family Court on a charge of kidnapping a 22-year-old Providence woman.

During the burglary charge hearing at East Greenwich yesterday Leo Patrick McGowan, Gulisano's attorney, argued that the court had waived its jurisdiction over the youth in the kidnapping case and no longer had a right to hear any case involving him.

Howard R. Haronian, assistant city solicitor for Warwick, argued that the court had waived its jurisdiction only over a particular case, and not over the youth.

Judge DeClanis upheld Mr. Haronian's contention, and granted a new waiver on the burglary charge.

Mr. McGowan took exception to the decision.

Since its inception in 1941, the Family Court has always held that it was the charge that was waived out of the court and not the defendant. Judge DeClanis, however, is the first judge of the court to say publicly that he disagrees with it and to urge a change.

In his decision, Judge DeClanis said that he was bound by the wording of the statute governing waivers to rule that a child is not waived out of the jurisdiction of the court. At the same time, he said he agreed with much of Mr. McGowan's argument.

Judge DeClanis said in examples that wording of the statute allows a judge to waive jurisdiction over a child, 14 years of age or older, who is charged with an offense on which he could be indicted by the grand jury, and to "order such child held for trial under the regular procedure of the court which would have jurisdiction of such offense if committed by an adult."

He said this statute orders the Family Court to retain jurisdiction of the youth but allows another court to dispose of the "charge."

The statute is a contradiction

of the idea of the Family Court, which is to retain the family as a unit and to rehabilitate youngsters who have been declared wayward or delinquent, he said. When the court waives its jurisdiction, Judge DeClanis said, it is admitting that it does not believe it can effect a rehabilitation.

The statute raises practical problems, as well, Judge DeClanis said. It is possible for a 16-year-old youth to be waived out of the court on a felony, be sentenced to the Adult Correctional Institutions, and be free again before he becomes

18. If he then committed a misdemeanor, he would be referred back to the Family Court. "What do you do with him then?" Judge DeClanis asked. "You cannot waive him out, because it is only a misdemeanor. But can you send a boy who has served time at the A.C.I. to the training school to mix with other youngsters who might have a chance at rehabilitation?"

"I don't think the legislature intended that to happen when it

created the court, but that's what is happening."

The situation also raises an inquiry, Judge DeClanis said. "If a juvenile is waived out of the jurisdiction of the Family Court, he is brought before a district court where he may plead to the charge and in most cases remain free on bail while awaiting the outcome of the court proceedings."

However, if he is referred back to the Family Court during this time on a minor charge,

he may be sent to the training school to await the outcome of the later court proceedings. The wording of the statute allows a youth to be treated as a juvenile one day, an adult the next day, and a juvenile again the third day.

Most of Judge DeClanis' remarks in chambers were also made in the courtroom.

After he made his ruling, Judge DeClanis waived jurisdiction once more over the Galisano youth, who is charged

with breaking into the home of revolver. The boy was returned to the A.C.I. at 518 Cent. to the A.C.I., where he is being held in his crib. Firemen said they found a .32 caliber Army Special in the kidnaping charge.

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Issue Posed of Illegal U.S. Resident Suing for Divorce

The question of whether a person who is in the United States illegally has the right to petition for divorce in this state will be decided next week by Judge Michael DeClanis.

The question was raised during a hearing yesterday by Mannel A. DeCarvalho, an attorney representing Albano A. Lumbard, 61, of 14 Carpenter St., Cumberland, who is a respondent in a divorce action.

Mr. DeCarvalho argued that Mr. Lemos' wife, Adriana Freitas Lemos, 25, the petitioner, is a Portuguese national and is living in the United States illegally.

Mrs. Lemos, through her attorney, James Cardozo, contended that because of a technicality in Rhode Island law, it does not make any difference whether she was here illegally or not.

Her contention is based on a provision in the residency statute concerning divorce petitions which states that the petitioner must have been a continuous resident of the state for two years at the time the petition is filed, or the respondent has been a continuous resident of the state for two years.

Mr. Cardozo argued that since Mr. Lemos was a life-long resident of the state, Mrs. Lemos had satisfied the residency requirement.

According to testimony, Mrs. Lemos entered this country

from the Azores on Dec. 28, 1964, on a two-month visa which expired Feb. 28, 1965. On Jan. 23, she and Mr. Lemos were married in Fall River. On May 17, she filed a petition for legal separation and on May 28, she filed a petition for absolute divorce.

Mr. DeCarvalho argued that Mrs. Lemos was not entitled to equal protection of the law.

either state or federal, because she has been in the United States illegally since Feb. 28, 1965. She is therefore not properly before the court.

Judge DeClanis denied yesterday her petition for a legal separation, and continued the divorce petition until next week when he will rule on the question of equal protection of the law.

PROV. JOURNAL Gets Probation In Burn Case

A 22-year-old Providence woman who tried to teach her son not to play with matches by burning his hand was placed on probation for one year yesterday by Judge Michael DeClanis in Family Court.

Mrs. Catherine T. Cole of 23 Oldham St. told the court, through her attorney William Reilly, that she had found her son Dwayne, 4, playing with matches and had held his hand near a flame to teach him a lesson. She claimed she did not intend to burn him.

The boy was treated at Rhode Island Hospital for severe burns about two days after the incident took place on Aug. 13. It was when the boy was brought to the hospital that police learned of the incident and subsequently charged Mrs. Cole with cruelty to a child.

The woman originally pleaded innocent to the charge, but withdrew that plea yesterday and entered a plea of no contest. Her son was placed in temporary custody of the Child Welfare Service.

A little less than one year ago, on Nov. 24, 1964, a two-month-old baby son of Mrs. Cole was burned fatally in his crib. Firemen said that children playing with matches accidentally set the crib and its mattress on fire.

PUNISHMENT BURNS BOY, 4

PROVIDENCE (AP)—A mother who burned her 4-year-old son's hand to teach him not to play with matches yesterday was placed on probation for a year in district court, where she pleaded no contest to a charge of cruelty to a child.

Mrs. Catherine Cole, 25, told the court that she found her son, Dwayne, playing with matches, and held his hand close to a flame to teach him a lesson. She said she did not intend to burn him. The boy was treated at a hospital for severe burns.

Less than a year ago, Mrs. Cole's 2-month-old baby was burned fatally in his crib. Firemen said at the time that children playing with matches accidentally set fire to the mattress. (BOSTON RECORD)

EVENING BULLETIN - JULY 2, 1965 Bar Association Revitalized

Eighteen Kent County lawyers last night reorganized the long-dormant Kent County Bar Association at a dinner meeting at the Valley Country Club on Ledgewood.

Members said the new association will be more formal than the old one, which they called a loosely knit group interested mainly in social activities.

The new group, they said, will be a more aggressive pressure group, working toward solution of problems they say face Kent County lawyers.

The members also said the association will be incorporated because of the large number of lawyers eligible for membership. There are about 160 who live in Kent County, they said.

Judge James W. Leighton of Fourth District Court was elected temporary chairman of the association, and James P. Quirk of Warwick temporary secretary. They will serve until regular officers are elected on July 14.

At the July 14 meeting, a five-member committee chosen last night will present nominations and a set of bylaws. The officers elected then will serve until the next annual meeting. The association plans to hold these on the third Thursday in each September.

Ralph T. Lewis Jr. was named chairman of the bylaws and nominations committee. Other members are James Morris, Louis Petracca, Joseph Reed and Charles Anderson.

Judge Michael DeClanis of the Kent County Family Court said improvement of the present county courthouse facilities must be the association's first major project. Three courts are crowded into the present courthouse in East



Judges James W. Leighton (left) and James P. Quirk were elected temporary president and secretary, respectively, at reorganization meeting of the Kent County Bar Association last night.

Greenwich, he said, creating a land situation for lawyers and clients alike.

"This association ought to be a pressure group. It can't be a social club," Judge DeClanis declared.

Judge DeClanis frequently has criticized the present courthouse, saying the cramped quar-

ter cause those who appear there to be treated more like cattle than people.

Woman Burns Hand of Son, 4, As a Lesson

PROVIDENCE, R.I. (AP)—A mother who lost one child because of children playing with matches has been placed on a year's probation for burning her four-year-old son's hand while trying to teach him to leave matches alone.

Mrs. Catherine T. Cole, 25, told Judge Michael DeClanis in Family Court Wednesday that she found her son, Dwayne, playing with matches and held his hand near a flame to teach him a lesson. She said she had not intended to burn him.

Mrs. Cole pleaded no contest to a charge of cruelty to a child. Less than a year ago her two-month-old baby was burned fatally in his crib. Firemen said children playing with matches accidentally set fire to the baby's mattress.

Rawtuxet Valley Times 9-23-65

Court Refuses to Relinquish Control of Boy in Shooting

Judge Michael DeClantis of Family Court postponed decision yesterday on a Pawtucket police request to waive jurisdiction over a 16-year-old Cumberland boy charged in connection with the shooting of a 16-year-old girl on Tuesday.

Judge DeClantis ordered the boy committed to Charles V. Chapin Hospital for 30 days for a mental examination. At the end of that period, the judge said, he would announce a decision on the police request.

The victim of the shooting, Lynne Whitaker of 77 Armistead Blvd., Pawtucket, was reported in serious condition. Her name was on the danger list last night at Pawtucket Memorial Hospital. She was shot in the knee at close range with a 16-gauge shotgun and hospital officials feared the girl may lose the lower part of her right leg.

The shooting occurred about 3 p.m. Tuesday in a first-floor apartment at 345 Lonsdale Ave., Pawtucket, during an all-day glue-sniffing party, police said.

The Cumberland boy and a 15-year-old Pawtucket boy were apprehended about seven hours after the shooting by Providence police, who spotted them standing in front of the Cumberland Company on Weybosset Street. The Cumberland youth, allegedly the one who did the shooting, escaped from the Rhode Island Training School last Thursday.

According to police the two youths and a 16-year-old girl, Miss Whitaker, had spent Monday night in the apartment. All three were charged with being delinquent. The apartment is occupied by William Barlow, 25, and his brother Alan, 21. The Barlow brothers were not present during the shooting, police said.

Early Tuesday morning, Miss Whitaker came to the apartment. Both boys admitted sniffing glue from paper bags during the day while the girls watched. About 3 p.m., the Cumberland youth found the shotgun in a kitchen closet, put six shells in it and began waving it around the room, threatening the girls, police said. The gun went off, hitting Miss Whitaker in the right knee.

The 15-year-old boy was scheduled to appear in Family Court yesterday on a charge of being truant from school.

Judge DeClantis ordered him and the 16-year-old uninjured girl to be committed to the Rhode Island Training Schools for physical and psychiatric evaluations.

Journal 9/28/65

DeClantis Says R.I. Lacks Sites for Young Offenders

Family Court Judge Michael DeClantis said last night that the State of Rhode Island lacks adequate facilities to deal with youthful offenders.

The judge made his remarks before 25 members and guests of the Peace Dale PTA at its opening meeting in the school auditorium.

"I believe it is a terrible neglect on the part of the State of Rhode Island not to do something about the situation," Judge DeClantis said.

He said when a juvenile comes before the court there are only several possible dispositions of the case. The youth can be sent to the training school, to Chapin Hospital for examination, or be released to a probation officer.

"We need a place to rehabilitate these youngsters in the proper environment. There are many youths before the court who do not belong in the training school where they are exposed to crime. If the court had a previous record and the court is assailed by the public and the police for being too easy," the judge said.

As a solution, he proposed liberal use of the strap in the school.

Everett Hopkins, principal of Hamilton Grammar School in North Kingstown, and Frederick T. Hone, a teacher in that school, also spoke of the problem of wayward youth.

Judge Asks Reforms

Recent knifing and shooting incidents point to inadequacies in both the law and its enforcement, Family Court Judge Michael DeClantis told a meeting of the St. Vincent de Paul Home and School Association, Chisney, last night.

Calling for a state and federal investigation of the sale of airplane glue to minors,

Judge DeClantis reported that the shooting of a 16-year-old girl in Pawtucket's yesterday took place at a glue-sniffing party.

He said that Pawtucket police found two tubes of glue and paper bags used for "sniffing" in the apartment where Lynne Whitaker of Pawtucket was shot in the right knee by a 16-gauge shotgun allegedly wielded by a Cumberland youth recently escaped from the Training School for Boys. The girl's name was on the danger list at Pawtucket Memorial Hospital today.

He said that strong measures must be taken, perhaps to include the outlawing of all airplane-glue sales.

"The problem is greater than it appears on the surface and has become a national menace," the judge said.

Sale of airplane glue to minors has been banned in Warwick and West Warwick for the past year.

Turning to the administration of the law, Judge DeClantis criticized the overcrowding of present court facilities and said that additional personnel are needed to search defendants before they appear in court.

He cited two incidents, both occurring last week, in which defendants were found to be carrying weapons when they appeared in court.

Judges themselves are subject to bodily harm under the present conditions, Judge DeClantis said.

He called on the state to build new courthouses and provide funds for the hiring of additional sheriff's deputies.

The jurist also advocated construction of rehabilitation centers for young offenders.

WARWICK-PAWTUXET VALLEY

THE EVENING BULLETIN

Thursday, September 30, 1965

'I Liked It. It Made Me Dizzy'

Why Did You Sniff Glue?

"How long have you been sniffing glue?"

"About three months."

"Why?"

"I liked it. It made me dizzy."

Judge Michael DeCiantis of the Family Court listened yesterday to the 16-year-old Cumberland boy, charged in connection with the shooting of a 16-year-old Pawtucket girl on Tuesday following an all-day glue sniffing party.

The shooting victim, Lynne Whittaker of 77 Armistice Blvd., today is in poor condition in Pawtucket Memorial Hospital, her right leg almost severed at the knee by a blast from a 16-gauge shotgun.

Miss Whittaker and another 16-year-old girl, also from Pawtucket, had spent Tuesday in a first floor apartment at 345 Lonsdale Ave., while their two male companions, the 16-year-old Cumberland youth and a 15-year-old Pawtucket boy, spent on a day-long glue sniffing spree.

Yesterday, while doctors attempted to save Miss Whittaker's leg, the other three youths who were present, at a hearing described to Judge DeCiantis many of the events Tuesday.

The other 16-year-old girl, Miss Whittaker, had spent Monday night in the apartment with the two boys. Early Tuesday morning, the listed Miss Whittaker, a friend of hers to join them at the apartment.

Three times, according to the 16-year-old girl, she and Miss Whittaker left the apartment and bought two tubs of glue at a time for the boys at their insistence.

"They (the two boys) squeezed the tubes of glue into side paper bags and spread it around. Then they put the bags around their faces and inhaled to their face and inhaled the stuff," the 16-year-old girl related.

"How did they react?" asked Judge DeCiantis.

"Crazy. They began running around the apartment and throwing things. One of them threw a deck of cards all over the place and the other one threw an alarm clock at me."

"Did you sniff any glue?" asked the judge.

"No, Lynne and I just watched them."

The 16-year-old boy gave almost an identical description of his reaction to the glue sniffing.

"It makes you crazy in the head," he told Judge DeCiantis.

Allegedly the 16-year-old boy went into the kitchen, got a shotgun from a closet and put six shells into it. He returned to the living room and demanded that Miss Whittaker return the glue, which she reportedly had taken and hidden. When she wouldn't, he reportedly threatened to "shoot her in the belly."

The gun went off and Miss Whittaker fell to the floor. The two boys fled and the other 16-year-old girl called the police.

About seven hours later, Providence police apprehended the two boys in front of the Outlet Company.

The 16-year-old boy from Cumberland was ordered committed to the Charles V. Chapin Hospital for 30 days for sanity tests. An inmate of the Rhode Island Training School for Boys he had escaped from that institution only last Thursday.

The 16-year-old unnamed girl was committed to the training school for girls for 30 days for psychiatric tests. Yesterday, when she appeared in court, it was the first time her parents had seen her since July 24, when she ran away from home.

The 15-year-old boy, a former inmate of the training school for boys, was ordered returned there for 30 days for physical

and mental tests. He had recently spent two months there. He was scheduled to appear in Family Court yesterday for being truant from school.

The apartment on Lonsdale Avenue in which the shooting occurred is occupied by two brothers, William, 25, and David, 21.

Neither was present when the shooting happened, police said, but in district court yesterday in Pawtucket, David pleaded innocent to a charge of harboring an escapee from the training school. Judge J. Frederick Murphy referred him to \$700 bail for trial Oct. 13.

Girl's Condition Sinks To Poor Boy In Glue-Sniffing Shooting Faces 30-Day Clinical Tests

PAWTUCKET, R.I., Sept. 30, 1965 (AP)—A decision has been postponed for 30 days on whether the Family Court will waive jurisdiction over a 16-year-old Cumberland boy involved in the Pawtucket shooting of a 16-year-old Pawtucket girl Tuesday.

Judge Michael DeCiantis ordered the boy, John Paquette, committed for 30 days to 38 High St., Cumberland, Providence, for a mental and physical examination before deciding whether to release Paquette from the jurisdiction of the Family Court and permit his prosecution in the state's adult courts.

Paquette, identified by police as an escapee from the R.I. training school for boys (Socasset), was allegedly involved in the shooting of Lynne Whittaker.

Whittaker, 16, of 77 Armistice Blvd., Pawtucket, following a glue-sniffing party in a tenement at 345 Lonsdale Ave., Pawtucket. The Whittaker girl was shot in the right knee with a shotgun.

Meanwhile, the condition of the Whittaker girl was reported "poor" today at Pawtucket Memorial Hospital, where her name remains on the danger list since her admission.

The other girl in the apartment at the time of the shooting, Cynthia Burda, 17, of 75 Fountain St., Pawtucket, has been referred to Family Court. An incorrect spelling of her last name appeared in Wednesday's Pawtucket Times. The Times regrets the error.

Judge DeCiantis said today that the law, which permits jurisdiction on youths over 14 years of age, specifies that the judge should first investigate the circumstances in the case before exercising his discretion whether to waive jurisdiction at the end of the 30-day period, he will be in a better position to decide whether the Cumberland boy should remain under the jurisdiction of the Family Court or be prosecuted in the adult courts.

Judge DeCiantis ordered another boy allegedly involved in the glue-sniffing incident—Siddiey Mendez, 15, of 30 Bennett St., Pawtucket—committed to the training school for boys for a mental and physical evaluation.

The judge said that under the law, the 15-year-old boy must remain in the jurisdiction of the Family Court because of his age.

The judge also ordered the Burda girl committed to the R.I. Training School for Girls (Oakland) for a mental and physical evaluation. She was treated at Memorial Hospital for knife scratches on the back, which she told police, when she tried to telephone for help for the wounded Whittaker girl.

SUNDAY JOURNAL, OCTOBER 24, 1965
Obtained in Mexico

DeCiantis Rules Out Ex-Parte Divorces

Associate Justice Michael DeCiantis of the Rhode Island Family Court has ruled in agreement with a recent decision of the Appellate Court of New York and held that ex-parte Mexican divorces, whether or not the respondent has knowledge of it, still are illegal. Judge DeCiantis' ruling, which may have far-reaching implications here and which likely will be appealed before the Rhode Island Supreme Court, came in a decision filed recently.

One of the major findings in Judge DeCiantis' ruling is that as long as the respondent in the case refuses to submit to the

jurisdiction of a foreign court, any divorce action is null and void.

Judge DeCiantis also gave support to previous decisions that a state court within one jurisdiction may apply the laws of another state jurisdiction to an action, if the action came under the other court's jurisdiction at the time of the action.

In his decision, Judge DeCiantis also criticized the present divorce laws and called for a uniform divorce law throughout the country.

The particular case involved in Judge DeCiantis' decision, began last year when a Cranston man, a former New York resident, filed a petition with the Rhode Island Family Court for custody of a 10-year-old son from a "previous" marriage. His "former" wife opposed the petition on the grounds that he was not a fit parent because he was living with his present purported wife bigamously and guilty of adultery.

The husband admitted in court that in 1960, he went to Mexico for 48 hours and obtained an ex-parte divorce. His counsel contended that the first wife, once she learned of the action, failed to act, and therefore had no right to question the validity of the divorce once he had remarried.

Judge DeCiantis ruled that the woman did not have any obligation or responsibility to do anything.

Shortly after the husband's remarriage, he went to New York and took the child of his first marriage. After first living in Connecticut, he moved to Cranston.

By ruling that the Mexican divorce was illegal, Judge DeCiantis in effect placed the man in the position of being a bigamist and makes illegitimate two children born of the union in question.

But Judge DeCiantis also upheld the husband's petition for custody of the boy. The judge said in his decision that there was evidence that the boy would not live with his natural mother because of certain indications he had witnessed.

Judge DeCiantis called the decision a "distressing" one. He stated in his opinion that he was "amazed to record that divorces are a curse upon society and a scourge upon the children."

He added, "There is a dire need for a uniform divorce law throughout the land."

Judge Works Alone

A Constitutional Convention delegate who has missed 26 of the 27 convention sessions said today he plans to submit to the delegates his own proposed revision of the Constitution.

Judge Michael DeCiantis of the Family Court, a Democratic delegate from West Warwick, has not attended the convention since he was elected to the first session last Dec. 8. He said today that during his absence he has been working on his own version of constitutional revision and has almost finished it. He hopes to present it to the convention within the next 10 days, he said.

Judge DeCiantis said he delegate who has missed 26 of the 27 convention sessions said today he plans to submit to the delegates his own proposed revision of the Constitution.

"I don't believe that anyone would proceed to write a Constitution by merely introducing proposals," he said. "It is the most difficult task that any body of men can take upon themselves."

Judge DeCiantis, a Democrat, delegate from West Warwick, missed 27 of the 28 convention sessions held so far. He said he stayed away to work on his own version of a state constitution that he now will ask the delegates to adopt.

While offered as an almost complete constitution, the proposal he will present the convention will include about 80 percent of the present constitution, which he said he regards as one that has stood up well in its 122-year history.

In addition to the limited revision he favors, his proposed revision would eliminate the 30 amendments to the present constitution by putting their pertinent provisions in appropriate sections of the basic articles.

Many of the changes he is proposing are adopted from recommendations made by the Edwards commission for constitutional revision in a 1962 report that Judge DeCiantis said has not received the attention it deserves in the convention.

But he dissented from a number of Edwards commission recommendations.

Under that system some small towns would lose their individual representatives and senators. The Edwards commission offered two alternatives for Senate apportionment, one continuing the provision for a senator from each city and town, but that possibility was knocked out later by a U.S. Supreme Court decision that both branches must be apportioned on a population basis.

Judge DeCiantis dropped from the Edwards commission reapportionment proposal a provision that would give the

governor authority to arrange reapportionment if the legislature failed to do so after a certain date.

The judge said that is one more power for the governor that he is against. If the legislature failed to reapportion, he said, relief could be sought in the courts.

He did not include in his proposal an Edwards commission recommendation that a two-thirds vote rather than the present required three-fifths be necessary in each branch of the legislature to override a veto of the governor. He said the three-fifths rule "has stood the test of time since the constitution was adopted" and should be retained.

Continuing the constitutional ban on bribery was favored by Judge DeCiantis.

Among Edwards commission proposals the judge did not put in his proposal were four-year terms for general officers and state senators, a detailed arrangement for succession to the governorship that he called cumbersome, gubernatorial appointment of the secretary of state and general treasurer, and item veto power.

He did include commission proposals for abolishing imprisonment for debt, a guarantee against "unreasonable" wiretapping, a dual office-holding ban, and a home rule provision, among others.

Judge DeCiantis Drafts Changes

Convention to Receive Package Proposal

By PAUL A. KELLY
The state Constitutional Convention will receive tomorrow from a delegate it has seen little of so far — Judge Michael DeCiantis of the Family Court — a package proposal of all the revisions he thinks the present constitution requires.

He will tell the convention he thinks the existing constitution does not need to be changed very much.

Judge DeCiantis, a Democrat, delegate from West Warwick, missed 27 of the 28 convention sessions held so far. He said he stayed away to work on his own version of a state constitution that he now will ask the delegates to adopt.

While offered as an almost complete constitution, the proposal he will present the convention will include about 80 percent of the present constitution, which he said he regards as one that has stood up well in its 122-year history.

In addition to the limited revision he favors, his proposed revision would eliminate the 30 amendments to the present constitution by putting their pertinent provisions in appropriate sections of the basic articles.

Many of the changes he is proposing are adopted from recommendations made by the Edwards commission for constitutional revision in a 1962 report that Judge DeCiantis said has not received the attention it deserves in the convention.

But he dissented from a number of Edwards commission recommendations.

Under that system some small towns would lose their individual representatives and senators. The Edwards commission offered two alternatives for Senate apportionment, one continuing the provision for a senator from each city and town, but that possibility was knocked out later by a U.S. Supreme Court decision that both branches must be apportioned on a population basis.

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commission was introduced as 27 different proposals. For example, Judge John P. Cooney Jr., D-Providence, The entire present constitution was submitted as 25 separate proposals by A. Beauchemin, D-Pawtucket.

Judge Stephen A. Fanning of Superior Court, a Democratic delegate from Cumberland, has introduced 40 proposals but not with the intention of providing a complete constitution.

Judge DeCiantis said of his position on four-year terms that he favors having the state also with two-year terms and that longer ones are to be provided there should be a restriction on allowing a governor to succeed himself.

He said that to allow a governor to serve eight years — two four-year terms — would be "very dangerous" along with giving a governor too much power too long, he said, it would freeze political talent in the state and shut the door on opportunities for newcomers.

While 35 states now have four-year terms, Judge DeCiantis said 15 of them have restrictions on the number of terms a governor may serve.

On legislative reapportionment, Judge DeCiantis followed recommendations of the Edwards commission for a House of 100 members elected from districts nearly equal in population and a 16-member Senate for which each senatorial district would comprise two House districts.

Under that system some small towns would lose their individual representatives and senators. The Edwards commission offered two alternatives for Senate apportionment, one continuing the provision for a senator from each city and town, but that possibility was knocked out later by a U.S. Supreme Court decision that both branches must be apportioned on a population basis.

Judge DeCiantis dropped from the Edwards commission reapportionment proposal a provision that would give the

governor authority to arrange reapportionment if the legislature failed to do so after a certain date.

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He did not include in his proposal an Edwards commission recommendation that a two-thirds vote rather than the present required three-fifths be necessary in each branch of the legislature to override a veto of the governor. He said the three-fifths rule "has stood the test of time since the constitution was adopted" and should be retained.

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Continuing the constitutional ban on bribery was favored by Judge DeCiantis.

39.

Superior Court's Fanning Says . . .

EVENING BULLETIN
NOVEMBER 9, 1965

'Judges Are Practicing Law'

Without mentioning any names, Judge Stephen A. Fanning of the Superior Court told the Constitutional Convention yesterday that "there are judges in this state who are practicing law giving legal advice, and they shouldn't be doing it."

The judge made his complaint against unnamed fellow jurists in fighting a losing battle for his proposal for a strict constitutional ban on any kind of private practice by judges of the Supreme, Superior, Family and District Courts.

He said he was not questioning anyone's integrity, that there is nothing legally wrong about such practice by a judge since it is not forbidden by the constitution or by state law. But he said it "is wrong and should be barred. . . . The court should be completely above suspicion."

Judges, he said, are serving as executors, administrators and trustees of estates. He asked the delegates, "How would you like to be a beneficiary of an estate where the trustee is a Superior Court judge and have the judge tell you your rights in the estate when you think they are otherwise? You would hesitate before filing suit in Superior Court to contest the validity of the judge's decision."

The convention rejected, 35 to 20, his proposal, which would prohibit judges not only from taking cases to court but from giving legal advice or performing legal services for anyone or from performing any service of any kind, including service as trustee, executor, administrator or guardian for another, for compensation.

Judge Fanning today declined to identify either by name or by court in which they sit any judges he had in mind. He

said that he would not elaborate in any manner on the comments he made to the delegates. Presiding Justice Louis W. Fanning of the Superior Court, who as administrative judge also presides over meetings of the so-called District Court Conference, designed to improve procedures and practice in the district courts, said when asked for comment.

"In so far as the judges of the Superior Court who are practicing law."

"I do not know if any judges of the Superior Court who are practicing law are concerned, if they were receiving a good salary, they would not have to practice law in addition to performing their judicial duties. . . . I think they do practice law but they have to, in order to earn a living."

Judge Fanning also lost by a 35 to 18 vote his fight for a proposal that would give the Supreme Court authority to set the number of judges on any of the courts of the state. The judges then would be chosen in the usual manner provided by law.

Conceding that he had no expectation the proposal would be approved, Judge Fanning said he has "come to the most reluctant conclusion that it is unwise to advance in this convention anything that would change the present law."

He said there has been a shortage of Superior Court judges for 10 years and that right now the Superior Court could use four and possibly six more judges.

Judge Fanning, a Democratic delegate from Cumberland, argued that under the present constitution and under state law there is nothing to prevent any judge from practicing law "when and where he will."

He said the chief justice of the Supreme Court could argue a case in district court if he chose to do so and a Superior Court judge could be a lawyer in a case in Superior Court.

The opposition to Judge Fanning's proposal was led by former Judge John P. Cooney Jr., Providence, vice chairman of the judicial committee, who had recommended its rejection. Mr. Cooney said judges of the Superior and Family Courts, in accordance with social ethics, could not practice. District court judges, he said, are part-time judges and are practicing attorneys.

He said a constitutional ban on law practice is not needed for judges of the Supreme, Superior and Family Courts and would be unfair to attorneys in district courts who are concerned. Judge Fanning asked if the judicial committee had attempted to learn if any judges of the Supreme, Superior or Family Courts acted as attorneys.

Mr. Cooney said the committee did not think it would be proper to do so. "I feel it would be an insult to ask them," he said.

Judge Fanning said that if his proposed ban on law practice were made applicable to District Court judges and practicing judges it would be no hardship on them because the state then would make them permanent judges and would pay them adequate salaries.

Judge Michael DeClanctis of the Family Court said he agreed with Judge Fanning's proposal except as it would apply to District Court judges. But he did not think it is a constitutional matter. It belongs in the statutes, he said. He said he thinks if a law to that effect were recommended by the chief justices of the Supreme, Superior and Family Courts, "I think it will be passed."

Judge Fanning said that until a law was passed against such law practice, judges could act as attorneys in their own courts. One probable judge, he said, might be the law was passed prohibiting him from practicing in his own court.

Mr. Cooney said that in opposing Judge Fanning's proposal he was not advocating that judges of the Supreme, Superior and Family Courts should not practice. "I have a very high regard for the judiciary of this state," Cooney said, "and I know it was not brought to our committee's attention that any judges of the Supreme, Superior and Family Courts were practicing law. I certainly do not intend to let it practice law."

In counties outside Providence, he said, there is a surprising number of untried cases. It is not surprising in Kent County, he said, to get a jury case more than four years old that has never been reached for trial.

The situation is "getting worse and will continue to get worse," he said, "and the General Assembly and the Executive will not do anything about it until the problem is at least six or eight years old."

Mr. Cooney opposed giving the Superior Court power to determine how many judges are needed in any court and said Judge Fanning's proposal would be a new concept for the courts in Rhode Island. He said there is no basis for it and the judicial committee found no enthusiasm for it.

Judge Fanning started in on other argument, and lost again by a 41 to 13 vote, in urging approval of his proposal to put the constitutional ban on the attachment of any property that included a dwelling any part of which is occupied by a former

Judge Michael DeClanctis of the Family Court showed up at the Rhode Island Constitutional Convention for the first time since the opening session last Dec. 8, and told fellow delegates he doesn't like the way they've been doing things.

He brought with him his own version of a complete new constitution and introduced it to the convention. "I think the mechanics of the convention are all wrong," he protested his first response to the roll call in 28 convention meetings.

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Judge DeClanctis was joined in attendance yesterday by another frequently missing West Warwick delegate, Felix A. Apollonio, who in one of his earlier rare appearances had criticized the convention for the way it had been going about things in its sessions.

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Judge Writing Own Revision Of Constitution

A delegate to the state Constitutional Convention who has missed 26 of its 27 sessions is writing his own version of a revised state constitution.

Judge Michael DeClanctis of the Family Court, a Democratic delegate from Warwick, said yesterday that he will submit his proposals to the other delegates within 10 days. The next session of the convention is scheduled for tomorrow.

While he would not disclose what revisions he will recommend, Judge DeClanctis, who has not attended the convention since the first session Dec. 8, said he thinks the delegates should pay more attention to the present state constitution and the revision proposed by the Edwards Commission in 1962.

When the judge submits his proposal, under the convention rules, it will be referred to the appropriate convention committees, which will report it to the floor for approval or rejection by the whole convention.

DeClanctis Offers His Proposal

Armed with his own version of a complete new constitution, which he introduced, Family Court Judge Michael DeClanctis of West Warwick yesterday made his second appearance at the Constitutional Convention—the first since opening day last Dec. 8.

Upon arrival, the Democratic delegate from West Warwick had outcries of criticism of the convention's progress.

"I think the mechanics of the convention are all wrong," he declared bluntly.

A round of good-humored applause, which greeted his first response to a roll call in 28 convention sessions, did not soften his critical attitude.

"I am beginning to think if we keep going on the way we are, we will be here for 10 years," the judge declared during a half-hour debate on whether the General Assembly should be directed or merely permitted to liberalize voting residence requirements in certain cases.

He said the Edwards' report on constitutional revision, put together in 1962 by "experts" in law, government and political science, should be used as a "guideline" more than has been the case in the past.

Saying his version of constitutional revision sticks closely to the commission's recommendations, he exhorted the delegates to follow his example rather than "sit and argue about the word 'may' or 'shall.'"

Robert F. Pickard, R-East Greenwich, the second vice chairman of the convention, said the Edwards Commission's recommendations have been introduced and have been scrutinized by various committees.

Former Gov. Dennis J. Roberts, the convention chairman, referred the DeClanctis measure to the rules committee, saying it would study there to determine which standing committees should receive the judge's package proposal, which cuts across jurisdictional lines of all committees.

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He said the chief justice of the Supreme Court could argue a case in district court if he chose to do so and a Superior Court judge could be a lawyer in a case in Superior Court.

The opposition to Judge Fanning's proposal was led by former Judge John P. Cooney Jr., Providence, vice chairman of the judicial committee, who had recommended its rejection. Mr. Cooney said judges of the Superior and Family Courts, in accordance with social ethics, could not practice. District court judges, he said, are part-time judges and are practicing attorneys.

He said a constitutional ban on law practice is not needed for judges of the Supreme, Superior and Family Courts and would be unfair to attorneys in district courts who are concerned. Judge Fanning asked if the judicial committee had attempted to learn if any judges of the Supreme, Superior or Family Courts acted as attorneys.

Mr. Cooney said the committee did not think it would be proper to do so. "I feel it would be an insult to ask them," he said.

Judge Fanning said that if his proposed ban on law practice were made applicable to District Court judges and practicing judges it would be no hardship on them because the state then would make them permanent judges and would pay them adequate salaries.

Judge Michael DeClanctis of the Family Court said he agreed with Judge Fanning's proposal except as it would apply to District Court judges. But he did not think it is a constitutional matter. It belongs in the statutes, he said. He said he thinks if a law to that effect were recommended by the chief justices of the Supreme, Superior and Family Courts, "I think it will be passed."

Judge Fanning said that until a law was passed against such law practice, judges could act as attorneys in their own courts. One probable judge, he said, might be the law was passed prohibiting him from practicing in his own court.

Mr. Cooney said that in opposing Judge Fanning's proposal he was not advocating that judges of the Supreme, Superior and Family Courts should not practice. "I have a very high regard for the judiciary of this state," Cooney said, "and I know it was not brought to our committee's attention that any judges of the Supreme, Superior and Family Courts were practicing law. I certainly do not intend to let it practice law."

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The situation is "getting worse and will continue to get worse," he said, "and the General Assembly and the Executive will not do anything about it until the problem is at least six or eight years old."

40.

Used Substitutes For Glue, Boy Says

By JOHN P. MCCARTHY

A 16-year-old Providence boy referred to the Family Court for snuffing glue testified yesterday he used substitutes for glue while detained earlier at the Rhode Island Training School for Boys.

The boy told Judge Michael DeClanias that he substituted

the supervision of an instructor of college master. Mr. DeClanias said that they also try and keep youngsters who have shown a history of glue snuffing away from those shops where they would have access to the solvent products.

The 16-year-old boy testified yesterday that he had been snuffing glue steadily for several years.

The youth explained that he normally bought it at a variety store and used by himself in his cellar. When asked by Judge DeClanias who he continued to snuff glue, he boy replied, "I in

placed the rag over his nose and mouth to inhale the fumes."

He said he found the marking pencil on the floor of the training school laundry and secreted it in his pocket for use later in the dormitory.

In response to a question by the court, the boy said that he always did it by himself and did not know of any other boys snuffing glue substitutes.

He did not explain how he found the lighter fluid, but Judge DeClanias ordered the boy to be held at the Rhode Island Hospital for 30 days to undergo psychiatric and

physical examinations and evaluations.

Following the hearing, Judge DeClanias said the boy's testimony showed a need for a limitation for youngsters who turn to glue snuffing, and narcotics.

"It's a crime to send these youngsters out to the training schools where they can infect the other children with their knowledge of drugs and glue snuffing," he said.

In a separate institution, Judge DeClanias said, children who suffer from emotional problems which are manifested by use of narcotics could be isolated from other children and receive intensive individual treatment.

Officials at the school today termed the incident "an isolated case, if it did happen."

Paul D. Sherman, assistant director of the Department of Social Welfare in charge of curative services, said today that officials have only the boy's word that he used the glue substitutes. Mr. Sherman denied that "snuffing" was a problem at either the boys' or girls' training schools.

But, he added, it is almost impossible to keep all articles that contain solvents out of the reach of the youngsters detained at the schools, because they are found in everyday household items, such as floor wax, shoe polish, detergents and sprays.

"Any youngster who has a personality difficulty and wants to get high can find something," Mr. Sherman said.

Mr. Sherman and Michael G. DeLernen, assistant superintendent at the schools, both explained that extreme precautions are used at both schools to keep most materials containing solvents under lock and key and only disperse them under

PROV. JOURNAL Two Jailed For Failure To Support Families

A Providence man was sentenced to three months at the Adult Correctional Institutions and a Warwick man was sentenced to serve 30 days yesterday after they failed to pay support orders for their families.

Judge Michael DeClanias in Family Court sentenced Joseph Rowden of 22 Marion St., to serve three months for being \$2,223 in arrears in his support payments. He sentenced Wilfred F. Herbert of 3301 Post Rd., Arpanaug, to 30 days at the ACI for being \$1,405 behind in his support payments.

BULLETIN, JANUARY 3, 1966

A Question of Domicile



Judge Halts 'Quickie' Divorces for R.I. Couples

Out-of-state "quickie" divorces for Rhode Islanders are ruled out, at least temporarily, by a decision in an international separation case filed in Family Court today by Judge Michael DeClanias.

Fast divorces are usually obtained in such jurisdictions as Alabama, Idaho, Nevada, or Mexico, where residency requirements run from one day to six weeks.

But Judge DeClanias ruled that a Rhode Islander's mere physical presence in a jurisdiction does not in itself constitute a domicile, and that a petitioner who seeks a divorce in another jurisdiction must also show intent to remain in that jurisdiction.

In the same decision, Judge DeClanias adjudged a former Cranston man, now living in France, in contempt of court, and ordered him to appear be-

fore the court within three weeks to purge himself of this action, if upheld by the state supreme court, could have far-reaching effects. Until today, a person could not be adjudged in contempt if he could not receive personal service of a court order within the jurisdiction of the same court.

The case is expected to be appealed to the state Supreme Court.

The decision will have no effect on divorces already obtained in other jurisdictions. Involved is a former Cranston couple, Mr. and Mrs. James H. Herzog, Mr. Herzog an officer in the United States Navy, has been assigned to an armed forces installation near Paris since 1963.

According to evidence introduced at a hearing in Family Court, Mr. Herzog's wife and ordered him to appear be-

fore, joined him in France shortly after he was stationed there. Approximately a year later, in October of 1964, the couple separated and Mr. Herzog filed a petition for divorce in a French court.

Mrs. Herzog returned to her native Rhode Island and initiated proceedings in Family Court for a legal separation in January of 1965; the Family Court issued a restraining order enjoining Mr. Herzog from further prosecuting his divorce petition in France. According to evidence, notice of the restraining order was personally served on Mr. Herzog.

However, he continued his divorce action in France, and in March of 1965 his petition was granted.

Judge DeClanias ruled the French divorce invalid, because

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Divorce

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Divorce

he said in his decision, there was no evidence that Mr. Herzog was a domiciled resident of France. Judge DeClanias said that although Mr. Herzog lived in France for almost two years, he was there by an operation of law, and did not show any intent to make it his permanent home.

In his decision, Judge DeClanias said an intention to remain in a state, or country, must be shown, as well as an intention to abandon the old domicile. Judge DeClanias ruled that Mr. Herzog was still a resident of Rhode Island and came under the jurisdiction of the Rhode Island courts.

Legal observers view the decision as preventing Rhode Islanders from obtaining the so-called "quickie" divorces, at least until the state Supreme court

Court rules on it. Although figures on the number of persons who travel to other jurisdictions to obtain "quickie" divorces are not known, they are felt to be substantial.

Although the Herzog case could make new law, if upheld, it actually is a continuation of a decision of the Rhode Island Supreme Court in 1856, which held that a Rhode Islander who went to another jurisdiction to obtain a divorce, and did so only to evade this state's laws, was acting illegally.

Reiterating previous decisions, Judge DeClanias said in his ruling:

"Domicile has long been a paramount concern in law of divorce and continues to be despite a modern tendency to weaken the doctrine. The marital domicile should not be discarded for light and transient

Judge Backs Two-House Assembly

JAN. 10, 1966

Judge Michael DeClanias of the Family Court, a Democratic delegate to the state Constitutional Convention, announced Sunday he believes in retention of a bicameral legislature.

Judge DeClanias, an original advocate of unicameralism prior to 1950 when he became active in state government, said he now believes the two-branched legislative system has proved flexible and efficient whereas unicameral legislature would be more subject to control by the executive branch and by pressure groups.

He spoke at a meeting of the Holy Name Society of St. James Church in Arctic.

Only Nebraska has adopted a unicameral setup, he said, and apparently that was because of dissatisfaction by the people of that state with the Nebraska bicameral system.

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'Quickie' Divorces: New Ruling On an Old Problem

In 1934, exactly 1,337 divorces were granted to Rhode Islanders by the Family Court.

In the same year, according to lawyers who handle large numbers of divorces, approximately 200 other Rhode Islanders sought speedier service. They went out of the state, to such places as Alabama, Nevada, Idaho, and Mexico, to obtain so-called "quickie" divorces.

Figures for 1935 are not yet available, but they will probably run about the same in both instances.

Not to 'Evade'

There is an old ruling, however, handed down by the Rhode Island Supreme Court in 1856, which states that a Rhode Island resident may not seek a divorce in another jurisdiction to evade the laws of this state.

Two weeks ago, Judge Michael DeCianis of the Family Court repeated that ruling in an international separation case.

At the same time, he went against a basic maxim when he ruled that the Family Court had the power to issue an order against someone outside the state, where the court presumably has no authority.

The chance that Judge DeCianis' ruling will be upheld all the way by a higher court are regarded as slim. Nevertheless, in the last, there is always that chance. If it was upheld, the consequences would be enormous for many persons,

both here and in other states, since it could establish effective authority throughout the world for state courts, and close off quick and convenient means of ending marriages for those who can afford it.

If the ruling is not upheld, an interesting exercise in legal semantics for the laic table fraternity, which it has already done for two weeks.

By ruling as he did, Judge DeCianis gave notice to the people of this state who are considering leaving to obtain a divorce that their divorces must be soundly legal, if contested.

This action also gives notice that anyone who does obtain a quick divorce in another state, or country, returns to Rhode Island and remarries, could be subject to criminal charges. The attorney general, at his discretion, could bring a charge of bigamy against the party who remarried.

The 'Quickie'

Why then would a person place himself or herself in jeopardy by seeking a divorce which easily could be ruled invalid?

There are two reasons: speed and publicity. It is not difficult to get a divorce in this state, Rhode Island has very liberal grounds for divorce, in fact, ranging from extreme cruelty to habitual, excessive and intemperate use of opium, morphine or chloral.

And at last no one com-

But with few exceptions, it takes at least eight months and a day to get one in this state, from the filing of the first petition to the granting of a final decree by the court.

In Alabama and Mexico, on the other hand, a divorce can be obtained in 24 hours, or less. One attorney told of a client who flew down to Alabama a few years ago to get a divorce, and got it so fast that he caught the same plane back.

It takes a little longer in Idaho and Nevada. Both have a six-week residency requirement, but "residence" in these states requires nothing more than physical presence on the part of the person seeking a divorce.

Lack of Publicity

Naturally, a divorce obtained outside of Rhode Island usually goes unreported, unless the parties involved are well known. But, all divorces handed down by the Rhode Island Family Court are reported in at least one newspaper, something many of those involved would rather avoid.

To insure against any problems arising after an out-of-state divorce is obtained, both parties usually reach an equitable financial arrangement before the divorce is even sought. "As long as he keeps the money coming in and she doesn't get greedy, no one is going to contest the divorce," one lawyer explained.

On Dec. 11, two days after an unsuccessful reconciliation

By JOHN P. Mc-CARTHY

tests an out-of-state divorce, it won't come to the attention of the Family Court, and, in all probability, the attorney general's office won't know about it either.

But, Judge DeCianis' decision ruling a foreign divorce invalid contained more than a restatement of an established policy. Another section of it, in the opinion of attorneys here, went against a basic maxim of equity, and, if upheld, could establish a precedent throughout the country.

The Herzog Case

For a clear understanding of the effects of Judge DeCianis' decision, certain facts concerning the case in point must be studied.

A former Cranston couple, Mr. and Mrs. James H. Herzog, moved from Rhode Island to France in 1933, when Mr. Herzog, a naval officer, was assigned duty at an armed forces base just outside Paris.

About a year later, the couple separated and Mr. Herzog filed a petition for divorce in the French Court, the "Tribunal de Grande de Versailles."

On Dec. 11, two days after an unsuccessful reconciliation

hearing, Mrs. Herzog and her four children returned to the United States. One month later, she filed a petition in the Rhode Island Family Court for a legal separation and also filed motions for custody of the children and their support.

Subsequently, this court issued an order against Mr. Herzog, restraining him from further prosecuting his divorce proceedings in France. According to testimony before the Family Court, Mr. Herzog received the order on March 5.

However, he went ahead with his divorce proceedings in France, and on May 4, 1935, the French court granted him a final decree.

Judge DeCianis ruled that the French divorce was not valid on the grounds that Mr. Herzog was not a resident of France. In fact, Judge DeCianis ruled, all the evidence showed that Mr. Herzog was still a resident of Rhode Island.

Intent

This is the point that applies to out-of-state divorces. He held there must be evidence that the spouse seeking the divorce actually "intends" to make the state, or country, where he obtains his divorce,

his permanent home, and at the same time, show evidence of abandoning his old home.

The decision also affects another ruling of the Supreme Court, that if a person leaves the state, obtains a divorce, and returns within 12 months, the presumption is that the divorce is not valid. If the person returns after 12 months, the presumption is that the out-of-state divorce is valid. Judge DeCianis' decision will require evidence of "overt acts" to support the presumption.

"Overt acts" would be participating in an election, buying a home, seeking employment, registering a car, or a number of other things, which would indicate that the person actually planned to abandon a home in this state and take on one in another.

Since, Mr. Herzog violated Judge DeCianis' order not to proceed with his divorce in France, the judge found him in contempt of his court.

Jurisdiction

The Family Court is a court of equity, a court which has the power to settle a conflict of rights or claims between two parties, and is limited in its jurisdiction by fixed boundaries, in this case, the boundaries of the state.

An old case in law books that the judicial power to grant a divorce—jurisdiction—is founded on domicile, or legal residence.

Since, Judge DeCianis ruled Mr. Herzog was still a res-

ident of Rhode Island and not of France, the French court had no jurisdiction in the matter. According to Judge DeCianis' decision, it is Rhode Island Family Court which has jurisdiction over the case because Rhode Island is the actual residence.

Because of this, Judge DeCianis ruled that he could issue an order against someone outside the territorial boundaries of the court. He held it was of no consequence how the order of his court was brought to the knowledge of the defendant. "If he has notice, or knowledge, of it," Judge DeCianis wrote in his decision, "his conscience is bound, and he is liable to the consequences of his breach, to the same extent as if it had been actually served upon him in writing."

As a result of his decision, Judge DeCianis ordered Mr. Herzog to appear in court tomorrow, and "purge himself" of the contempt citation. What it means is that he has obeyed Mr. Herzog to submit to the jurisdiction of the Family Court. It is doubtful, according to most legal observers, that Mr. Herzog will appear, however.

What Next?

What will happen if Mr. Herzog does not appear? No one is quite sure. He cannot be extradited because the matter is not criminal in nature. Judge DeCianis has promised to issue an order commanding a sheriff to bring



Judge DeCianis

Mr. Herzog before the court. Can a Rhode Island sheriff go to France and physically force him to return? Most legal observers feel the answer is no, but then most of them aren't Rhode Island court can not make an order against someone outside of the state's boundaries, either.

Mr. Herzog can file special pleas testing the jurisdiction of the court without submitting to it.

If Mr. Herzog appeals the decision and wins, Judge DeCianis' decision will simply have been the wrong one. If he loses, an appeal, and the U.S. Supreme Court upholds the decision, it will become law in this state, and set a shattering precedent for equally courts throughout the country.

If Mr. Herzog does not appear, what will the situation be? It will be the same as it is now, and the decision will only be the opinion of one man, who happens to be a judge.

Warrant Issued For R.I. Man Living in France

JOURNAL, 1-15-36

Judge Michael DeCianis issued a bench warrant yesterday for the arrest of James H. Herzog, a former Cranston man now living in France, to appear before the court to face a contempt citation.

Mr. Herzog, U.S. Naval officer stationed near Paris, was recently found in contempt after he violated a previous court order and was given to yesterday to appear and purge himself of the contempt finding.

Judge DeCianis found Mr. Herzog in contempt after he obtained a divorce from his wife, Catherine, in a French court. Judge DeCianis had ordered Mr. Herzog not to get the divorce in France on the grounds that he was a resident of this state and therefore came under the jurisdiction of the Family Court.

The case has become a cause celebre because Judge DeCianis went against a longstanding belief that he could not issue an order on anyone outside of the state's boundaries, which is outside of the court's power.

The order, which commands the Providence County sheriff to bring Mr. Herzog before the court, was given to Mrs. Herzog's attorney, Gerald W. Harrington.



