

Mr. John H. Zink, President, (Cont'd)
Board of Visitors, Baltimore City Jail.

Theodore R. McKeldin, in which you state that it is your intention to notify the proper agencies of the Federal Government that after December 1, 1945, Federal prisoners for custody at the Baltimore City Jail will no longer be accepted, has been referred to me for consideration. You state that you have come to this decision because of the limited capacity of the jail, and also because the cost per capita of prisoners exceeds the payment made by the Federal Government. You have asked to be advised of the proper action to take to effect your purpose.

You did not state in your letter the circumstances or conditions under which Federal prisoners become inmates of the Baltimore City Jail. I note that Title 18, U. S. C., Section 755b, provides as follows:

"It shall be the duty of the Bureau of Prisons to provide suitable quarters for the safe-keeping, care, and subsistence of all persons convicted of offenses against the United States, charged with offenses against the United States, or held as witnesses or otherwise. For this purpose the Director of the Bureau of Prisons may contract, for a period not exceeding three years with the proper authorities of any State or Territory or political subdivision thereof, for the imprisonment, ~~and the maintenance and support of any person held~~ under authority of any United States statute . . ."

I understand that there is no contract with the federal government for the housing of federal prisoners and that although the Government has offered to enter into contracts in the past, the jail authorities have declined to operate under any formal agreement. The only law which I can find which authorizes the federal government to lodge prisoners in the city jail is the one set out above, so I assume that it is pursuant to this statute that the federal prisoners are presently committed in the city jail.

I would suggest, therefore, that notifications of your intention no longer to maintain federal prisoners be addressed to the Attorney General, Department of Justice, Washington, D. C., and to Mr. James Bennett, Director of the Bureau of Prisons, Department of Justice, Washington, D. C., and that copies of these letters be sent to the United States Attorney, Post Office Building, Baltimore, Maryland, the United States Commissioner of Immigration, Tower Building, Baltimore, Maryland, and to the United States Marshall, Post Office Building, Baltimore, Maryland.

If I am not correct in my understanding that no contract for