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Current Notes

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CURRENT NOTES

NEWMAN F. BAKER [ED.]

Northwestern University Law School
Chicago, Ill.

Lynching—The problems confronting the law as a result of the prevalence of lynching are to be studied comprehensively by the University of North Carolina School of Law in conjunction with the Commission on Interracial Cooperation. Funds furnished by the Commission are to be used to employ one full time research worker. Among the members of the Commission actively interested are Dr. W. C. Jackson, President; Dr. W. W. Alexander, Executive Director; and Mr. G. F. Milton, Chairman of the Sub-committee on Lynching. An advisory committee of deans drawn from the leading Southern law schools will assist in the work.

Probation—The National Probation Association, 370 Seventh Avenue, New York City, announces that the 1930 Year Book of the Association is ready for distribution. Among the writers for the 1930 Year Book are Dr. William Healy, Dean Roscoe Pound, Dr. Raymond Moley, Sanford Bates, Frederick M. Thrasher, Charles L. Chute, Dr. Winfred Overholser, Sophonisba P. Breckenridge. A variety of interesting topics is treated including the Status of Federal Probation, Probation Service Today,—Progress or Retrogression, The Training and Recruiting of Probation Officers,

and Trends of Probation. The Association makes a special offer of membership in the Association, subscription to the monthly bulletin, "Probation," and a copy of the Year Book for the sum of \$2.00. The April, 1931, issue of the Official Bulletin contained an article by Franklin D. Roosevelt, Governor of the State of New York, entitled "How Shall We Deal with the First Offender?" Sanford Bates, Director, Bureau of Prisons, U. S. Department of Justice, Washington, D. C., writes on "Prison or Probation." He says,

"Probation is not a magic formula or philosopher's stone which can be expected to reform all criminals over night. It is, however, a modern scientific and humanitarian adventure in penology which, properly administered, plays an indispensable part in protecting our communities from the expense and danger of criminal activities." Mr. Bates spoke on the same subject at the annual meeting on March 17, 1931.

Crime School—The School in Crime Detection conducted by the Scientific Crime Detection Laboratory of Northwestern University came to a successful close with a series of examinations including a test "murder" case involving a bullet-plugged dummy. Various clues,

finger prints, bottles, clothing of suspects, a revolver, hair, dust, and jimmed doors were arranged by members of the Staff for the members of the school. The course of instruction which lasted for one month was given in sixty morning lectures, the afternoons being devoted to laboratory exercises. Thirty-five detectives from all parts of the country completed the course. The subjects studied included: Ballistics, toxicology, truth serum, lie detectors, firearm identification, psychology, physiology, photography and chemistry in crime detection, handwriting, codes, serology, errors of eyewitnesses, medical fakes, finger prints, microscopic work, rules of evidence, and other phases of crime detection.

Truth Serum Tests—Two members of the Staff of the Crime Detection Laboratory are conducting extensive experiments with "twilight sleep," induced by morphine and scopolamine, in an effort to detect deception. Mr. Leonarde Keeler, who has conducted extensive experiments in the field of "lie detection," and Dr. C. W. Muehlberger, assistant director of the laboratory, are in charge of the work. It is found that the drug is instrumental in withdrawing the "inhibitions" of the mind and in the experiments conducted to date the answers of the patients have been found to be over 80 per cent truthful. The drug is somewhat dangerous to use and Dr. Muehlberger attributes the per cent of untruth to the fact that some of the patients were not sufficiently influenced by the drug. The efforts of these scientists are being watched by the members of the legal profession with great interest.

Oregon Police School—The second annual Police School of Willamette University College of Law was held in the Capitol Building at Salem, Oregon, from March 9th to 14th, inclusive. In all, thirty-five lectures were given and the School was attended by law enforcement officers from Oregon, Washington, California and Idaho. The following subjects were discussed: "The Recognition, Preservation, and Presentation of Criminal Evidence"; "The Psychology of Crime and Criminals"; "The Cause and Solution of the Problems Arising from the Conduct of the Adolescent Girl"; "Crime Prevention"; "Traffic and Its Problems"; "The Law of Arrest"; "Insanity as a Defense"; "Law Violations by the Law Enforcement Officer"; "The Law Regulating Search and Seizure"; "Reflexes of Third Degree Methods"; "Organized Crime Prevention"; "Economic and Seasonal Causes of Crime"; and "The Juvenile Offender."

Southern California Police School—The University of Southern California, through its School of Public Administration, offers a wide range of courses at the Civic Center leading to Certificates and Degrees in Public Administration, including a group of courses composing a major in Police Administration. General subjects are included, such as English, Public Speaking, and Principles of Public Administration, and also numerous special police subjects such as Elements of Police Work, Criminal Law, Psychology, Evidence and Court Procedure, Report Writing, Physical Evidence, Finger Printing, Criminology, Police Administration, etc. The Criminal Law course is

given by Mr. Frank Richards, Deputy Attorney General of California in charge of appeal cases. Physical Evidence (including ballistics and documents) is taught by Capt. E. C. Crossman, U. S. A. (Retired) and Mr. J. Clark Sellers. Lieut. H. L. Barlow of the Records Division, City of Los Angeles Police Department, conducts a systematic presentation of the science of finger prints.

The Training of Detectives in Sweden—Early in 1930 the Swedish Parliament made an appropriation for the establishment of a course in Police Technique in Stockholm, to be attended by a selected number of detectives from the country at large. The first course was held from July 14 to August 23 last summer, and was directed by Dr. Harry Söderman, formerly assistant to Dr. Edmond Locard of the Laboratory of Police Technique of Lyons, France. Other instructors in the course were the director of the Carolinian Medical Chirurgical Institute of Stockholm, Professor Gunnar Hedrén, Ernst Fontell, Esq. and Mr. O. Nordin, instructor at the Police School of Stockholm, and Commissar in the Detective Bureau of that city. Both lectures and laboratory exercises were given. In all, 197 hours were thus occupied. The subjects included were as follows: Criminal Psychology, Criminal Anthropology, The Psychology of Testimony, Sketching of the Scene of the Crime, Photography, Crimino - Technical Mathematics, Anthropometry, The Photographs of Criminals, The Identification of Unrecognized Corpses, The History and Biology of Finger Prints, Foot and Palm Prints, Tooth Prints, The Equipment of the Policeman, Blood

and Other Stains, Traces of Vehicles and of Tools, Dust and Other Traces, Hair Investigations, Investigation of Arson, Questioned Documents, Breaking and Entering, Postal Crimes, The Investigation of Firearms, The Investigation of Murders, and Elementary Toxicology.

All of the above lectures and exercises were given by Dr. Söderman. Professor Hedrén lectured for seven hours on Medico-Legal Problems. Mr. Fontell gave courses on the Technique of the Hearing and on Criminal Methods, and Mr. Nordin gave courses on the Portrait Perlé, the Signalment, the Technique of Finger Print Investigation, the Classification of Finger Prints, Distant Identification and Single Print Systems. Together with Dr. Söderman, Mr. Nordin also gave courses on Finger Prints on the Scene of the Crime, The Identification of Finger Prints and Their Value as Evidence. Two days were spent at the Police Department of Stockholm and the Central Prison of Langholmen, and two days at the Bureau of Standards and the State Forensic-Chemical Laboratory. A couple of days were, furthermore, spent in field work on the investigation of crime indoors and outdoors with complete exercises in making written reports, sketching, photography, the search for clues, etc.—T. S.

Study of Criminal Cases Reversed—May 9, 1931, the Chicago Crime Commission made public a study of 93 Cook County Criminal Court cases reversed by the Illinois Supreme Court during the last five years and the figures show that in 75 of the 93 cases "the defendants escaped punishment for the crimes

of which they were convicted by juries." In ten of the 75 cases the defendants were retried and found not guilty. Of the remaining cases, one defendant's death prevented retrial, 22 were cases "reversed" but not remanded. Of the other 42, 19 were *nolle prosequed*, 20 stricken off with leave to reinstate, and three were dismissed for want of prosecution.

Ohio Prison Legislation—The Ohio Legislature recently has passed three laws which undoubtedly had their origin in the Ohio penitentiary fire at Columbus about a year ago. The effect of the laws is to lessen the severity of the Ohio penal system which was greatly increased from 1922 to 1925. The three new laws are the Weber bill, to enlarge the present State Parole Board of two members, to revise its work and chiefly to give it power to make more numerous releases from prison and reformatories on parole; the Ackerman bill, repealing the present law allowing judges in criminal courts to fix minimum sentences and returning to the indeterminate sentence system; and the Gillen bill, to permit material shortening of sentences for good behavior.

Criminal Statistics—The Spectator, the Business Paper of Insurance, 243 West 39th Street, New York City, has issued "The Homicide Record of 1930." The Record contains a number of tables, the most important being Table II, "Homicide in 147 American Cities." The following comments taken from the Record were written by Frederick L. Hoffman. "In the five largest cities of the country, the

number of homicides increased from 1,333 in 1929 to 1,425 in 1930. In three of the cities the number increased, while it declined in two. The highest rate for the year in the five cities occurred in Chicago, or 14.4 per 100,000, followed by Detroit with 13.3, Philadelphia, with 7.7, New York with 7.1, and Los Angeles with 6.6. There were 88 more deaths from homicide in Chicago in 1930 than in 1929, while in New York City there were 69 more, supporting the conclusion arrived at from general observations that conditions affecting the security of life in our two largest cities are growing worse." . . . "The highest rate for American cities is maintained, as usual, by the city of Memphis, the rate having been 58.8 per 100,000 for 1930 against a rate of 51.6 for the preceding year. With regard to Memphis, as I have often pointed out, the fact must not be overlooked that the exceptional hospital facilities of that city attract patients from the surrounding country, which tends to exaggerate the local homicide death rate. But even when allowance is made for this fact, on the basis of a careful study of residents and non-residents, the local rate still continues extremely high. During the year 1929, for example, out of 127 deaths from homicide in Memphis, 74 were residents of the city and 53 were non-residents. If non-residents are excluded, the resident homicide death rate for Memphis for 1929 was 30.9 per 100,000, or approximately three times the general rate for American cities that year."

Another report of interest is the Annual Report of the New York City Police Department made public April 12, 1931, by Police Commissioner Edward P. Mulrooney. This report shows a reduction of 4

per cent in crimes of violence in New York City but an increase of 18 per cent over 1929 in murder and manslaughter. The Report includes an analysis of the statistics presented. One item may be worthy of comment: while cases of grand larceny from store or residence decreased in number it is reported that there were 12,731 automobile thefts in 1930, compared with 8,760 in 1929.

Sutherland Heads Academy of Criminology—Professor Edwin H. Sutherland, professor of sociology at the University of Chicago, was elected President of the newly organized Chicago Academy of Criminology at the first meeting which was held May 14, 1931. The Academy is composed of lawyers, psychiatrists, penologists, physicians, educators, and others connected with the problem of crime. Other officers elected were: Vice presidents, Dr. Ludwig Hektoen of the McCormick Institute for Infectious Diseases; Dr. Paul L. Schroeder, Director of the Institute for Juvenile Research; Professor Arthur J. Todd, head of the department of sociology at Northwestern University, and secretary-treasurer, Dr. Meyer Solomon, Director of the Municipal Psychopathic Laboratory.

A New International Bulletin—Beginning with March, 1931, the International Penal and Penitentiary Commission is issuing a new serial publication. It is entitled *Recueil de Documents en Matière Penale et Pénitentiaire* and is to be published irregularly, four issues making up a volume. The subscription costs 25 gold francs a volume. The publisher is Staempfli and Cie.,

Berne, Switzerland. The publication will contain, according to the preface to the first issue, systematic communications furnished by the members of the Commission concerning the movement of legislation in the different countries under the form of resumes or succinct analyses of laws and projects, important decrees, and organic ordinances or rules, besides other documents concerning penology which may be presented. There will be no "original articles" in order not to compete with the national and international reviews of criminal law or penology. The editor of the bulletin is the Secretary-General of the Commission, Professor J. Simon van der Aa, assisted by an advisory committee at present consisting of Professor Delaquis of Hamburg; Mr. Didion, former director-general of Belgian prisons; Professor Gleispach, of the University of Vienna; Lord Polwarth, former president of the Prison Commission of Scotland; and Mr. Soubotitch, former minister of justice of Yugoslavia. The first issue, comprising 142 pages, contains reports on recent legislation in Germany, Belgium, Norway, Poland, Sweden, Switzerland, Czecho-Slovakia, and Yugoslavia. It is needless to say that this publication will prove of the greatest value to students of comparative criminology.—T. S.

Application of Psychiatry in Criminology—The problem of crime from the standpoint of psychiatry is to be dealt with in scientific manner as the result of joint action in this direction by the American Bar Association, the American Medical Association and the American Psychiatric Society. A committee representing these three associa-

tions met in Chicago on March 28, 1931, for a preliminary study. It was under the chairmanship of Professor Rollin M. Perkins of Iowa City, representing the bar association, with Louis S. Cohane of Detroit; Dr. H. Douglas Singer and Dr. William C. Woodward, representing the medical association, and Dr. Winfred Overholser of Boston the psychiatric society. This committee is planning a study of the whole problem, beginning with childhood.

Mention should be made of the establishment of the Behavior Clinic of the Criminal Court of Cook County, Illinois, which came into existence on April 1, 1931. It has been organized to give advisory psychiatric services to the Judges of the Criminal Court. At present the work is limited to the examination of persons who have been convicted and who are being considered for probation. All referrals to the Clinic are to be made by the Sitting Judge and reports are made to him. Dr. Harry R. Hoffman is Director with Dr. Harry A. Paskind as his assistant.

Psychiatric service for the juvenile prisoners in France was inaugurated on Dec. 17, 1930, in both the boys' and girls' prisons. The service is well organized, and includes medical, social, mental, and observational work. It will also be used as a teaching and training center. The reports are submitted to the courts to permit individualized decisions suited to each minor.

During 1930 the United States Public Health Service provided for psychiatric divisions in the medical organization of the several prisons, of which there are six. Such a service has already been established in four federal prisons, including Atlanta and Fort Leavenworth, and

a psychiatric department soon will be inaugurated at the newly created Reformatory for Women at Alderson, W. Va. It is expected that within the present year psychiatric service will be available for the thirteen to fifteen thousand penitentiary inmates in the United States.

Trends in Psychiatric Social Work

—The American Association of Psychiatric Social Workers, under the direction of the Advisory Committee on Standards with Mrs. Maida H. Solomon as chairman, is undertaking a study of trends in psychiatric social work. The study has been made possible by a grant from the Commonwealth Fund. Miss Lois A. Meredith recently has been appointed director of the study to work with the Advisory Committee on Standards, five members of which, with Miss Mary C. Jarrett as Chairman, represent the committee to assist the director in planning and organizing the work.

Child Offenders in Criminal Court

—The February, 1931, issue of "Penal Affairs" is devoted to a study by Dr. Louis N. Robinson based upon the case of fourteen-year-old John Curry who was convicted of murder and sentenced to life imprisonment by the Pennsylvania Courts. It was asserted by the writer that under the Pennsylvania law the juvenile court had no jurisdiction in the case of a child. accused of murder, must be tried in the criminal court. Wishing to know in Pennsylvania was out of line with the practice in other parts of the country diligent inquiry was made and it was found that two states have no juvenile courts,

seventeen states give their juvenile courts no jurisdiction in murder cases and "in at least some degree" jurisdiction is granted the juvenile courts of the remaining twenty-nine states. In only seven of these is the jurisdiction actually exercised. A useful summary by states is included. "Penal Affairs" is published by the Pennsylvania Committee on Penal Affairs of the Public Charities Association, 311 South Juniper Street, Philadelphia. The Secretary is Mr. Leon Stern and Dr. Robinson is Chairman.

Allegheny County Studies—Mr. Leon Stern, who serves as director of research and field studies for the Pennsylvania Committee on Penal Affairs, has made two important studies which deserve wide attention. One was "The Work of the Juvenile Court of Allegheny County and the Juvenile Detention Home" which appeared January 1, 1931, and was prepared for the Western Branch of the Committee. The other was a study of "The County Prison of Allegheny County" which was prepared for the Western Branch at the request of the Board of Prison Inspectors of Allegheny County. Both studies contain a large amount of excellently arranged statistical material.

Senate Bill No. 1812—By the passage of Senate Bill No. 1812 the Federal Census Bureau is now authorized to collect annual statistics relating to crime and to the defective, dependent, and delinquent classes. The data will provide facts, indicate trends and serve as the basis for estimates of future needs. The National Committee for Mental Hygiene regards this move-

ment as very significant. In discussing this topic the "Mental Hygiene Bulletin" prints a statement by Dr. Horatio M. Pollock, Statistician of the New York State Department of Mental Hygiene as follows: "No one would think of using for present day operations economic data obtained five or seven or twelve years ago. While social data perhaps are not subject to such marked changes, it is highly important that action in regard to the care of the dependent classes be based on the latest available data. To secure a broad basis of judgment the data should be available for the whole country and therefore annual censuses would serve the purpose very much better than censuses taken at long intervals."

Grand Jury Survey—On March 2, 1931, Professor Raymond Moley of Columbia University released for publication a summary of the survey of the operation of Grand Juries in the United States. The survey was financed to the extent of \$10,000 by the Social Science Research Council under the auspices of an advisory board consisting of Prof. Joseph P. Chamberlain of Columbia, chairman and head of the Legislative Drafting Fund, Prof. Justin Miller, dean of Duke University Law School, Durham, N. C., formerly Dean of the University of Southern California Law School at Los Angeles, Prof. J. B. Waite, University of Michigan, Prof. E. R. Keedy, University of Pennsylvania, and Prof. Rollin M. Perkins, University of Iowa. The summary forcefully demonstrates the need for reviving the system, for improving the quality of the Grand Jurors and for checking up on prosecutors. The March-April issue

of "The Panel" contains an article by John D. Lindsay, former Assistant District Attorney for New York County, entitled "Grand Jury As the People—A Reply to Prof. Moley" in which he declares, "Wherever the Grand Jury system functions weakly the fault lies not in the system but in the ignorance or indifference of the Grand Jurors." "The Panel" is published by the Association of Grand Jurors of New York County. Thomas S. Rice, a member of the New York State Crime Commission and the New York City Commission on Crime Prevention, is Editor. Students of the Grand Jury System will be interested in the scholarly articles appearing in the Oregon Law Review by Wayne L. Morse, Associate Professor of Law at the University of Oregon. The study is "A Survey of the Grand Jury System." Part I is published in 10 Ore. L. Rev. pp. 101-160 (1931) and Part II appeared in 10 Ore. L. Rev. pp. 217-257 (1931). The study will be continued in later issues.

Philadelphia Criminal Justice Ass'n.—In 1929 the executive boards of the Criminal Research Bureau of Philadelphia and the Philadelphia Crime Commission met and the organizations were merged into the present Philadelphia Criminal Justice Association. The following officers were chosen: President, George W. Norris, Treasurer, Clarence L. Harper, and Secretary, Daniel R. Roodwin, all bankers by profession. Thomas A. Meryweather serves as Special Agent of the Association. The Report for 1930 reveals that "the staff of the Association has followed some 9,600 cases of major crime from the date of the offense until the time when

the case was finally disposed of, which has resulted in (1) revealing the loopholes by which criminals escape justice and (2) gauging the effectiveness of the police, magistrates, District Attorney's office and the courts. From time to time criticism and suggestions of a constructive nature have been made."

Now for the first time in the history of the city it is possible for the citizens of Philadelphia to have a comprehensive report concerning that portion of the public business which deals with crimes against property and crimes against the person and to receive that information promptly after the close of any given quarter and at the end of each calendar year.

Convict Schools in Texas—Chapter 31 of the General Laws of the State of Texas, 1930, is headed "Schooling for State Convicts." The content of the law may be seen from the head-note which is reprinted: "An Act to provide that the Texas Prison Board shall arrange for schools in all of the penitentiaries and penitentiary farms of the State of Texas, providing for compulsory instruction of illiterates and hours of attendance; that credit shall be given on sentence for attendance and instruction in such schools; providing for teaching the Constitutions of the State of Texas and the United States; providing that the Chaplains shall be charged with the duty of organizing and supervising such schools; providing that instructors shall be prisoners as far as practicable and that Texas Prison Board shall make rules and regulations making effective the provisions of this Act."

Proposed Family Court Law—The Committee on Criminal Courts of

the city of New York has been engaged in the preparation of a "Proper Family Court Law for New York City." A Bill was prepared after a year's pains-taking labor on the part of the Committee and was introduced in the last session of the New York Legislature. The Chairman, Bronson Winthrop, and the Secretary, Lawrence Veiller, recently issued a "Statement" of what a properly constituted Family Court should be like; the Powers, Scope and Jurisdiction it should have; and the way in which it should be organized. The office of the Committee is at 105 East 22nd Street, New York City.

Addresses—It is impossible to summarize the large number of significant addresses upon the general topic of crime problems but it is thought advisable to list some of the most outstanding. Dr. Ray Lyman Wilbur, Secretary of the Interior, in addressing the Annual Congress on Medical Education, Licensure, and Hospitals, said, "The present cost of the segregated care of the insane is enormous and it is evidently growing. While there is a most definite problem, unfortunately much of it is handled through the police and the courts. To have the policeman instead of the doctor in the first contact of society with those in the early stages of insanity is deplorable."

At the April 17, 1931, meeting of the League for Industrial Democracy the three leading speakers were Professor Edwin H. Sutherland who praised the English practice of reducing prison sentences, Judge Andrew A. Bruce, professor of law, Northwestern University and President of the American Institute of Criminal Law and Criminology, who denounced present

"third degree" methods of crime detection, and John Black, ex-convict and author of "You Can't Win" who advised, "Never turn over to the police a delinquent boy until you have given the doctor and the social worker a chance."

George E. Q. Johnson, United States District Attorney for the Northern District of Illinois who has had great success in prosecuting gangsters for violation of the Federal income tax laws has delivered several addresses which have attracted comment. One was given to the Better Business Bureau of Chicago, March 12, 1931, in which he discussed with great frankness "Crime in Business" stating, "Crime should interest us, for the burden of it on the Nation is three times greater annually than the entire budget of our National Government."

Chairman George W. Wickersham of the Law Enforcement Commission spoke before the Cincinnati Regional Crime Committee on April 16, 1931, and found that the cause of the weakness in the administration of criminal justice in the United States was the "lawlessness among officials and a public attitude toward law that encourages law-breaking." He also placed unemployment as an important factor influencing crime.

At the opening session of the American Law Institute, May 7, 1931, Chief Justice Charles E. Hughes recommended the creation within the Department of Justice of a permanent bureau for the collection and compilation of criminal statistics. At the same meeting Herbert F. Goodrich, Dean of the University of Pennsylvania Law School, cited as a striking example of the Institute's influence the adoption of sections of the Model Code of Criminal Procedure in five states.