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## Editorial

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# Journal of the American Institute of Criminal Law and Criminology

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Associate Professor of Psychology, Northwestern University.  
**Managing Director, FREDERICK B. CROSSLEY**  
Librarian of the Elbert H. Gary Collection of Criminal Law and Criminology, Northwestern University.

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Communications relating to contributions and books for review should be addressed to the Managing Editor, Evanston, Ill.

Subscriptions and business correspondence should be addressed to the Managing Director, Northwestern University Building, 31 W. Lake Street, Chicago, Ill.

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## EDITORIALS.

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JOHN LISLE

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John Lisle, one of the Associate Editors of this JOURNAL and a member of the Executive Board of the Institute, was drowned on Sunday, June 20, at Atlantic City, N. J. To his friends and all who knew him personally the first thought will be of the simplicity of his character. It was entirely in keeping with that character that he lost his life in attempting to rescue another imperiled person. Courteous, high-minded, and sincere, and with a high regard for the dignity and the social responsibilities of the profession, he exemplified the best type of the American lawyer. His range of professional activity was a wide one. In the translations of Italian legal works into English, which are included in the Legal Philosophy and Legal History Series appearing under the auspices of the Association of American Law Schools, he had already made important contributions to the promotion of legal science in America. He introduced to English readers the work of Uliraglia, del Vecchio and Vanni and Calisse's History of Italian Law will be available to them as the result of his labors. He was completing the translation of Ferri's "Criminal Sociology" for the series of translations of European treatises on Criminology which is being published under the auspices of the Institute.

Mr. Lisle's contributions to the pages of this JOURNAL were numerous and he took especial interest in keeping it abreast of the best Italian thought in the field of Criminal Law and Criminology. All this was the result of his activities over a comparatively brief period. Graduating from the University of Pennsylvania Law School in 1906, after some time spent abroad, he began practice in Philadelphia and was but thirty years of age at the time of his death. With so much of accomplishment his early demise cannot but be felt as a distinct loss to American legal scholarship. Not only was he an untiring worker in the broader fields of legal learning, but also a clear thinker in the application of legal principles to the facts of everyday life and he relations of men as they present themselves in the practice of the profession. He was successful in practice and ranked high among the younger members of the Philadelphia

bar. He was active in the promotion of the Pennsylvania Branch of the Institute, serving as Secretary and giving unstintedly of his time and effort to advance its interests. To him in no small degree is due its measure of success.

Edward Lindsey.

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#### ADULT PROBATION IN COOK COUNTY, ILLINOIS.

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Judge John W. Houston, Chief Adult Probation Officer for Cook County, Illinois, has recently presented a report, covering the six months ending April 1st, 1915. In it he emphasizes certain points that deserve wide attention. In Illinois the Adult Probation Law defines the classes of offenders who may be admitted to probation. The Judges frequently transgress the letter of the law in ordering probation. For example, in the six months covered by the report, forty-three robbers and burglars were placed on probation. Nevertheless twenty-six of these justified such a disposition of their cases. They have shown great improvement. Nine, while they have not committed any other offense, have not improved much in the opinion of Judge Houston. Four of the forty-three are in the State Penitentiary or in the State Reformatory at Pontiac, three are in the Chicago House of Correction, and one is dead.

The fact that twenty-six out of forty-three burglars and robbers (who are propularly regarded as poor subjects for probation and who are generally discriminated against in probation laws), can make good in a distinct sense, raises the following important point: The word of our statutes excluding one or another group of offenders from the application of the probation law is altogether artificial. It seems to presuppose that there are certain types of offenders, and that the type that commit burglary, for example, are unalterable, or at any rate that they are so fixed that their character can not be modified by a probationary term. This is not borne out by the facts of experience. Many burglars and robbers, as Judge Houston and others have shown us, improve under probation.

The results of investigation should afford the only criteria of fitness for probation. It is not sufficient to determine that the applicant has not been arrested before. The investigation must cover the sociological, psychological and medical aspects of the case, and the application should stand or fall on the results of this investigation. If it be objected that this plan would place too much power in the hands of experts, we have but to reply, in the first place, that the power is not necessarily placed in the hands of one alone,

and in the second place, that at present the disposition of the applicant for probation is in the hands of one expert—the judge who has heard his case. Then the question is: which expert is the more able by training and experience to estimate the possibilities of an individual, and to make a forecast of his future reactions; the expert in legal precedent or the expert in human nature?

There is but one answer to this in the writer's opinion. The judge, moreover, cannot personally make the necessary investigations, neither has he all the necessary machinery at his disposal for having it made. He should have at his disposal, as in Chicago and Boston, e.g., a Psychopathic Laboratory and it should be employed in probation cases. For this purpose the laboratories that already exist should be enlarged. The adult probation law, as recently amended in Illinois will more than double the present pitifully small number of adult probation officers in Cook County, and will enable the courts to make preliminary sociological investigations. Furthermore it will require such an investigation to be made. The changes brought about by the new law will later be described fully in this JOURNAL.

Probationary cases from the Morals Court and the Court of Domestic Relations do not show as good a record in Judge Houston's report as those from other courts. If one were to hazard a guess at the cause it would be that Morals Court and Domestic Relations Court cases as a whole are not good subjects for probation. An adequate preliminary investigation would undoubtedly eliminate many applicants in these courts. Certainly it would not necessarily be a reflection on these courts if they were to order probation in no case whatever. A probationary term is not a sop that the court is entitled to offer in order that he may create the illusion that he is "progressive" or that he may satisfy a craving for appearing to be "liberal." Probation is an educational device. It is a reflection on the system if it is possible for a court to select a large proportion of offenders who are unable to profit by it.

ROBERT H. GAULT.

PROGRAM OF THE SEVENTH ANNUAL MEETING OF THE  
 AMERICAN INSTITUTE OF CRIMINAL LAW  
 AND CRIMINOLOGY,  
 AT SALT LAKE CITY.

*First Session Monday, August 16th at 10 A. M.*

Annual Address by President Robert Ralston—Report of Secretary—Report of Treasurer—Report of Executive Board.

Report of Committee A. "Employment and Compensation of Prisoners," Hon. William N. Gemmill, Chairman.—Discussion.

Report of Committee B. "Insanity and Criminal Responsibility," Professor Edwin R. Keedy, Chairman.—Discussion.

Report of Committee C. "Judicial Probation and Suspended Sentence," Hon. Wilfred Bolster, Chairman.—Discussion.

Report of Committee D. "Classification and Definitions of Crime," John Lisle, Esq., Chairman.—Discussion.

*Second Session 2 P. M.*

Report of Committee E. "Proposed Draft of a Code of Criminal Procedure," Hon. Quincy A. Myers, Chairman.—Discussion.

Report of Committee F. "Indeterminate Sentence, Release on Parole and Pardon," Hon. Edward Lindsey, Chairman.—Discussion.

Report of Committee G. "Crime and Immigration," Miss Grace Abbott, Chairman.—Discussion.

Report of Committee H. "Sterilization of Criminals," Joel D. Hunter, Chairman.—Discussion.

Report of Society of Military Law—Appointment of Committee on Nominations.

*Third Session—8 P. M.*

Annual Address—Hon. Hampton L. Carson of Philadelphia, Pa. Subject—(To be announced later).

Report of Committee I. "Co-operation with Other Organizations," William O. Hart, Esq., Chairman.

Report of Committee II. "Translation of European Treatises on Criminal Science," Professor John H. Wigmore, Chairman.—Discussion.

Report of Committee III. "Criminal Statistics," Hon. John C. Ruppenthal, Chairman.—Discussion.

Report of Committee IV. "State Societies and New Memberships," Hon. Harry C. Osborne, Chairman.

Report of Committee VI. "Promotion of Institute Measures," Professor F. B. Crossley, Chairman.—Discussion.

Report of Committee VII. "Publications," Professor Robert H. Gault, Chairman.—Discussion.

Report of Committee on Nominations—Election of Officers—Unfinished Business—New Business.