

1915

Fourth Annual Meeting of the Illinois Branch of the Institute

C. G. Vernier

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

C. G. Vernier, Fourth Annual Meeting of the Illinois Branch of the Institute, 6 J. Am. Inst. Crim. L. & Criminology 426 (May 1915 to March 1916)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

THE FOURTH ANNUAL MEETING OF THE ILLINOIS BRANCH OF THE INSTITUTE.

C. G. VERNIER.

The fourth annual meeting of the Illinois Branch was held at Quincy, June 10th and 11th, at approximately the same time as the meeting of the County Judges, States Attorneys, and the Bar Association. In spite of the fact that the meeting was held in a place far from the homes of most of the members, and difficult to reach, it was characterized by the best attendance and the deepest interest of any meeting yet held. There were joint sessions with the States Attorneys Association and the Bar Association, and to the co-operation of these organizations is due, in large part, the success we attained. One object which the state society has constantly kept before it, and which this meeting has greatly furthered, is to increase the interest of the members of the bar, and to obtain a greater degree of co-operation from the Bar Association. Until this is done, it may be frankly confessed that the main work of the state organization will be missionary in nature, viz.: to maintain an organization for the enlistment and training of workers and for the maintenance of an intelligent enthusiasm for the betterment of the criminal law and its administration.

Preceding the first session there was an informal dinner, at six P. M., Thursday, June 10th, at the Hotel Newcomb. The dinner was well attended, many State's Attorneys and County Judges being present. The meeting was called to order by the President, the Hon. George T. Page, of the Peoria Bar, who read the annual address, entitled, "The Criminal, Why is He and What we do to Him." (This paper will be printed in a later number of this JOURNAL.)

The second paper of the evening session was "A Brief Review of the Criminal Cases in the Supreme Court for the Past Year," by Edwin R. Keedy, Professor of Law, Northwestern University, Chicago. In the absence of Professor Keedy, the paper was read by C. G. Vernier, of Urbana, Secretary of the Illinois Branch. An annual review of the work of the Supreme Court in criminal matters has been a feature of the work of this Society for the past three years. During our first year, thirty criminal cases were decided, of which twenty

were affirmed, and ten reversed. In the next year, thirty-six cases were decided, the number of cases affirmed and reversed being equal. During the past year, thirty-five cases were decided, of which twenty-one were reversed. Hence, it appears that while the number of cases has remained fairly constant, the percentage of reversals has increased. According to the Statistical Review of the work of the Supreme Court for 1900-1910 (which was reviewed by Justice Orrin N. Carter, at the annual meeting of the Illinois Branch in 1913) the percentage of reversals for the decade reviewed was 42%. After discussing in detail the thirty-five cases decided during the past year, the writer concluded that the unusually high percentage of reversals this past year furnished no basis for concluding that the Supreme Court had become unduly inclined to set aside convictions. With a few rare exceptions, the decisions of the past year are supported by reason and authority. The large number of reversals, however, shows a miscarriage of justice in many instances, and that frequent errors of a serious character occurred in some of the trial courts. (This paper will be published in full in the Illinois Law Review for November.)

These two papers resulted in an interesting discussion which lasted until 11:30 P. M. Some of those who engaged in the discussion were O. A. Harker, of Champaign, F. Emory Lyon, of Chicago, Fred G. Wolf, of Quincy, Floyd E. Thompson, of Rock Island, J. L. Deck, of Decatur, and Perry L. Persons, of Waukegan.

Joint Session With The Bar Association.

The next session on Friday evening, June 11th, was a joint session with the Bar Association. In the absence of President George T. Page, of the Illinois Branch, Vice-President Robert H. Gault, of Evanston, presided. The program was furnished by the Illinois Branch. While the Bar Association has co-operated with the Illinois Branch in the past, this marks the first time they have met in a joint session. The program for this session consisted of the following papers, "The Findings and Recommendations of the Chicago Committee on Crime," by Alderman Charles E. Merriam, of Chicago; "Psychological Tests and the Administration of Justice," by Dr. George Ordahl, State Psychologist, Lincoln, and "Is the Psychologist an Aid to the Court in the Administration of Justice?", by Judge William N. Gemmill, of Chicago. (Professor Merriam's paper may be found elsewhere in the present number of this JOURNAL.)

Dr. Ordahl's paper consisted of a discussion of the function of psychological tests in the administration of justice. He explained the Binet-Simon tests and their use in the public schools, institutions for the feeble-minded, juvenile courts, reformatories, and other

penal institutions. The body of the paper consisted of a summary of the results obtained by the application of the Faribault and Stanford revisions of these tests to 53 inmates of the Joliet State Penitentiary and 250 cases from the St. Charles School for Boys. Many of the main criticisms made of these tests, especially their application to adults were considered. Summarizing, the writer claimed: (1) The revision of the Binet-Simon scale is fairly accurate in detecting feeble-mindedness among juveniles especially. (2) The tests are valuable in determining the intellectual capacity and in prescribing treatment and care of prisoners. (3) The opinion of the psychologist is valuable in determining fitness for parole. (4) There is need of investigation to determine the frequency of crime among morons. (5) Adequate psychological criminal clinics established in connection with the public schools would do much toward preventing boys from becoming delinquents and recidivists. (6) Psychology will, if adequately supported, soon furnish adequate and reliable means for examining and grading criminals.

In concluding, the writer said: "aside from the detection of feeble-mindedness, it is not claimed that the system of tests here presented has accurate scientific value, but it is clearly evident that they are valuable for classifying inmates of the prisons, fixing sentence, and in suggesting such training for a portion of the individuals sentenced as shall prevent their becoming recidivists.

"The newness of the science would hardly justify society in expecting perfect or adequate application in so grave a question as the liberty and life of a human being. It may, indeed, even tolerate a mild degree of pretension, and yet there is nothing to be gained in pretensions to what the science cannot justly maintain. On the other hand, society may lose much if the science is not given adequate support and opportunity to develop.

"What is just now needed most of all is a psychologic institute in connection with reformatories, penitentiaries, and prisons throughout the whole country. They should be manned by experts, with full freedom to experiment. A few years of such work, it seems almost certain, would bring results valuable to every phase of the administration of justice.

"This paper has aimed to deal exclusively with the function psychology may have in the administration of justice. In so doing, conclusions have been based exclusively on the laboratory tests. Data obtainable from other sciences has been excluded. Clearly, however, psychology can render its best service when given the aid of workers in other departments, such as the sociological field-worker, the physician, the neurologist, and alienist."

Judge Gemmill, writing as chairman of the Committee on Defective Delinquents, but expressing only his individual opinion, criticized existing psychological tests as means for determining who are defectives. "Any claims, he said," which draw but faint artificial lines between so-called normal boys and men and ten thousand other boys and men with varying degrees of intelligence above or below them can be of no value in the study of criminology. To attempt a classification of persons who are both mentally and morally responsible for their acts and who differ from each other only in education or training not only confuses the whole subject, but in some degree offers an inducement for wrong-doing, through a reliance upon a plea of moral irresponsibility to escape the penalties of the law. For these reasons the term defective delinquent should be used in the most restricted sense, and should refer only to that body of delinquents whose mental equipment is either so low that they are unable to protect themselves against physical dangers, or who are unable to distinguish between what we generally call right and what nearly all reasonable persons know to be wrong."

Judge Gemmill believes that a psychopathic laboratory may be a valuable adjunct to a criminal court, but that it must resort to a wider range of information than that afforded by our present psychological tests alone.

The discussion which followed the reading of the foregoing papers was spirited, and held the close attention of a large audience until 11:30 P. M.

On March 30, 1915, occurred the death of Professor Charles Richmond Henderson, Vice-President of this Society, and one of its most active and enthusiastic workers. On motion of Nathan William Mac Chesney, a resolution was passed providing for the appointment of a committee to draft a memorial to Dr. Henderson, and to provide for suitable publication thereof.

The Society adjourned after a brief talk by the newly elected president, Judge Albert C. Barnes, of Chicago.

A brief business session was held Friday morning at which various matters were discussed. The following resolution was adopted:

Resolved: That we approve the principle involved in the Unemployment Bill (Senate Bill No. 24), and that the Secretary be directed to communicate this fact to Governor Dunne and to the Chairman of the committee of the Senate in charge of the bill, with an expression of our earnest hope that the bill, or one similar in principal, be adopted and signed by the Governor.

The business session closed with the election of officers for the ensuing year, a list of whom follows:

OFFICERS FOR 1915-16.

President:

Judge ALBERT C. BARNES, Appellate Court, Chicago.

Vice-Presidents:

ROBERT H. GAULT, Editor Journal of Criminal Law and Criminology, Northwestern University, Evanston.

STEPHEN S. GREGORY, of the Chicago Bar.

Secretary:

C. G. VERNIER, Professor of Law, University of Illinois, Urbana.

Treasurer:

W. G. HALE, Professor of Law, University of Illinois, Urbana.

Executive Council:

O. A. HARKER, *Chairman*, Dean of the College of Law, University of Illinois, Champaign.

WILLIAM N. GEMMILL, Judge Municipal Court, Chicago.

DANIEL P. TRUDE, of the Chicago Bar.

H. C. STEVENS, Director of the Psychopathic Laboratory, University of Chicago.

EDMUND M. ALLEN, Warden State Penitentiary, Joliet.