

1918

## Editorials

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

Editorials, 8 J. Am. Inst. Crim. L. & Criminology 482 (May 1917 to March 1918)

This Editorial 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 AMERICAN PRISON ASSOCIATION WILL HOLD ITS NEXT ANNUAL MEETING IN NEW ORLEANS, NOVEMBER 19-23. HEAD-QUARTERS, 407 AUDUBON BUILDING. FOR PROGRAM ADDRESS THE SECRETARY, JOSEPH P. BYERS, EMPIRE BUILDING, PHILADELPHIA, PA.

---

## EDITORIALS

---

### ANNUAL MEETING OF THE AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY.

---

The ninth annual meeting of the American Institute of Criminal Law and Criminology was held at Town Hall, Saratoga Springs, on September 3rd and 4th, 1917.

The committee reports will be published in the Journal. There is not space for all of them in the present number, and, furthermore, the transcript of general discussion has been received so late as to make it necessary to postpone to the next number publication of some of the reports. The report of the secretary showed an increase of 19 in the membership of the Institute since the last meeting.

Mr. Herbert C. Parsons of Boston read the report of the Committee on "Probation and Suspended Sentence." A minority report has been sent in by Mr. Arthur Towne of Brooklyn.

Francis Fisher Kane, Esq., of Philadelphia presented the report of the Committee on "Drugs and Crime." A brief discussion followed, which was participated in by Mr. John L. Whitman, Superintendent of Prisons for the State of Illinois, and others.

On the evening of September third, Mr. Thomas Mott Osborne delivered an address before a large and interested audience on "Common Sense in Prison Management." He illustrated his talk by recounting personal experiences with rejuvenated prisoners.

The report of Miss Kate Claghorn of New York on "Crime and Immigration" is a valuable document and unique in its class. It was presented by Dr. Bernard Glueck, Director of the Psychopathic Laboratory in Sing Sing Prison and was discussed by Dr. Glueck, Mr. Robert Ferrari of New York and others.

Dr. William A. White, Superintendent of the Government Hospital for the Insane at Washington, D. C., reported for the Committee on "Sterilization of Criminals." Dr. William T. Belfield of Chicago presented a minority report. This committee, on its request, was discharged from further consideration of the subject.

Reports were presented by Maj. John H. Wigmore for the Committee on Translation of European Treatises; by Prof. Robert H. Gault for the Committee on Publications and for the Editorial Staff of the Journal; by W. O. Hart of New Orleans on Co-operation With

Other Societies, and by Mr. Frederic B. Crossley of Northwestern University on the Business Management of the Journal. His report showed a deficit of something more than \$1,400 due to the falling off of European subscriptions and the rise in the cost of materials and labor. His recommendations for meeting this situation were referred to the Executive Board, which is now taking steps to meet the difficulty. Abstracts of these reports will be published in our next number.

Before adjournment Mr. James Bronson Reynolds of New York City brought forward for discussion the subject of the Public Defender. In the course of his talk he presented the substance of the first quarterly report of the Voluntary Defender's Committee of New York City. This report may be found elsewhere in this number under the title, "The New York Public Defender."

Resolutions were passed pledging loyalty to the President of the United States during the continuation of the war, and urging at its conclusion the establishment of a League of Nations "to secure an enduring peace."

The following officers were then elected for 1917-1918:

President, George W. Kirchwey, New York, Assistant Superintendent of Prisons of the State of New York and former Dean of Columbia University Law School.

Vice-Presidents, James Bronson Reynolds, New York; Edward Lindsey, Warren, Pa.

Secretary, Edwin M. Abbott, Philadelphia.

Treasurer, Bronson Winthrop, New York.

Executive Committee (to serve to 1920): Franklin Chase Hoyt, Chief Justice of the Children's Court, New York City; Dr. Thomas W. Salmon, Medical Director of the National Committee on Mental Hygiene, New York; Herman H. Adler, State Criminologist, Chicago, Ill.

President Kirchwey, on taking the chair, said in part:

"I have a vision of an American Institute of Criminal Law and Criminology which shall greatly enlarge the usefulness—the very marked usefulness—of the society in the past. I think we may easily count on a very much wider popular support than we have had. I think we may reasonably hope for very much greater financial support than we have heretofore enjoyed. I feel that we may, perhaps, by close co-operation, by taking counsel together and then working together, secure an amount of—what shall I say?—continuous action from the Institute, which it has scarcely had heretofore. I have a vision of a permanent bureau with a director giving all his time to the work of the Institute and who, with others who may be associated

with him, may engage in indispensable research work, upon which the future progress of our cause so largely depends; a bureau in which that work may be carried on in a good many different directions continuously; in which the committees of the Institute shall be aided and inspired to carry on their work so that no year in the history of any committee shall be without some productive result, so that we may, year by year, as we go on, constantly enlarge our boundaries of knowledge with respect to criminal law and criminology, and in connection with it, perhaps, conduct a propaganda in which the results of our accumulating wisdom, if I may so describe it, may be put at the service of communities that desire to better their conditions in this country and abroad, so that we may come really to do what we have been in an intensified degree and on a much larger scale, with a marked influence for the promotion of better conditions both in penology and in dealing with crime in its incipient stages.

"It is a large program that I am outlining and I may pledge, I am sure, not only for myself, but for my colleagues, a real determined, continual effort, during the coming year, to place the Institute upon permanent foundations of usefulness, and to enlarge and carry on the work to the best of our ability. At any rate I pledge myself to that cause, and I have great confidence in the men who have carried on the work of the Institute so long and who have, by their work, shown their faith in the utility of the work which the institute was organized to promote."

Adjournment was then taken sine die.

---

#### VITAL STATISTICS.

---

The committee on Vital and Penal Statistics of the Conference of Commissioners on Uniform State Laws, Nathan William MacChesney, chairman, presented its latest report at the twenty-seventh annual meeting of the Conference at Saratoga Springs, N. Y., on August 31, 1917. With the report the committee transmitted the fourth tentative draft of an act to provide for and make uniform the registration of all births, stillbirths and deaths and to be cited as "Uniform Vital Statistics Act." The draft may be found in this number at page 599. The committee made no report on penal statistics. It recommended that this matter be referred to the committee of the conference on co-operation with the American Institute of Criminal Law and Criminology.

The tentative draft referred to is based upon a so-called Model State Law for the Registration of Births and Deaths drafted by a joint committee of representatives of the American Medical Association, the American Public Health Association, the Bureau of the Census and the Children's Bureau. It creates the office of a State Registrar of Vital Statistics under the State Board of Health. Upon this officer it places squarely the responsibility of securing the registration of all births and deaths. The law divides the state into small primary registration districts; each city, each incorporated town, and each township constitutes a separate registration district, and when these are too large to be covered conveniently by the local registrar, sub-registrars may be appointed by the State Board. It provides compensation to local registrars.

The responsibility for reporting births to the registrar is placed upon the physicians and midwives, or other persons in attendance at the birth. The law provides that they may be prosecuted for failing to perform this duty. The parents of every child should specifically ascertain that the birth of the infant has been duly registered.

The above may seem to be an elaborate scheme for accomplishing this purpose, but nothing short of it will be satisfactory. The following is quoted from Monograph No. 1 of the U. S. Department of Labor, Children's Bureau, Julia C. Lathrop, Chief, "On Birth Registration—an Aid in Protecting the Lives and Rights of Children":

"Birth registration means the record in public archives of the births of children. In the civilized countries of Europe it has long been complete. It is, of course, the first item in Vital Statistics. In the United States birth registration has made progress less rapidly than the other items of a complete system of Vital Statistics, notably death registration and the registration of marriages. While the importance of such statistics has been recognized in certain parts of America from colonial days, the country as a whole is still devoid of uniform and complete records of the births of its citizens. This neglect is undoubtedly to be ascribed to the lack of a proper conviction that such records are dignified and valuable. Everybody agrees that it is dignified and valuable to make public record of marriages and deaths. Only a moment's thought is necessary to show that the public record of births is of kindred importance, and for the same reason to protect individual and property rights.

"Moreover, as a working expedient, it is coming to be regarded as indispensable in the eradication of three great evils which affect the children of the country. There are no more important undertakings at the present day than the reduction of infant mortality, preserva-

tion of the children's right to education, and the abolishing of child labor. In serving all three of these ends, birth registration is an indispensable practical aid."

Adequate Vital Statistics are essential in order properly to safeguard the rights of the youth of the land under the Child Labor Statutes, and in order properly to administer Workmen's Compensation Acts, Occupational Disease Acts, or other legislation having to do with the health of the community. They are essential also to the fair and orderly enforcement of the selective draft law or other general or universal military service laws.

As the result of the agitation promoted largely by the Bureau of the Census and the American Medical Association, assisted informally by this committee, good birth registration laws have been enacted in at least thirty-three states and the District of Columbia, although their enforcement does not yet meet the census requirements. These states are:

Arkansas,	Massachusetts,	North Dakota,
Connecticut,	Michigan,	Ohio,
District of Columbia,	Minnesota,	Pennsylvania,
Florida,	Mississippi,	Rhode Island,
Georgia,	Missouri,	South Carolina,
Idaho,	Montana,	Tennessee,
Illinois,	Nebraska,	Vermont,
Kansas,	New Hampshire,	Virginia,
Kentucky,	New Jersey,	Washington,
Maine,	New York,	Wisconsin,
Maryland,	North Carolina,	Wyoming.

In the following states, either new laws, or important amendments are considered necessary, unless legislation based upon the act herewith presented was passed at legislative sessions of 1917, of which the committee is not aware:

Alabama,	Indiana,	Oklahoma,
Arizona,	Iowa,	Oregon,
California,	Louisiana,	South Dakota,
Colorado,	Nebraska,	Texas,
Delaware,	New Mexico	West Virginia.

The Model State Law referred to necessarily made public the fact of the illegitimacy of children with great resulting hardship to the child and without any adequate compensating benefit to the community. The chairman of this committee has discussed in full the objections to

such provisions in a pamphlet entitled, "Race Development by Legislation," printed by the State Charities Commission of Illinois, in the *Institute Quarterly*, Vol. IV, No. 2, where he quotes Mr. Victor Von Borosini in "The Problem of Illegitimacy in Europe," as found in his article in this *Journal*, Vol. V, at p. 212:

"If the legal birth and baptism certificates could be modified so that by looking them over it would not appear immediately that the person was of illegitimate origin, much unnecessary sorrow, mental anguish and suffering could be avoided. The adopted person carrying the name of the adopting person would start in life without the serious handicap under which bastards suffer, and which frequently results in their moral breakdown, ending often in the penitentiary or in suicide."

The Model State Act then pending was amended in Illinois before passage so as partially to meet this criticism, and it was agreed by Dr. C. St. Clair Drake, the Secretary of the State Board of Health of Illinois, that certain additional amendments would be supported by the Board in order completely to meet this criticism.

The act passed in Illinois, instead of providing for certain specific information, provides that the certificate shall require at least the information required by the Standard Certificates of Births and Deaths prepared by the Bureau of the Census of the United States Department of Commerce and Labor, and fails to protect the secrecy of the return thereby required, but still creates a public record on the question of legitimacy. This situation should be remedied.

The Minnesota Child Welfare Commission, recommended to the legislature certain changes in their law based upon the act submitted with this report, particularly sections 18, 19, 21 and 23 with reference to illegitimate births, which recommendations were enacted into law (See Minnesota Statutes—Chap. 220—Laws of 1917).

The Act attached to this report incorporates certain amendments which fully safeguard against publicity on the part of the mother in the case of an illegitimate child, prevent any use of any such information by way of blackmail against the alleged father, and fully protect the illegitimate child against knowledge or publicity because of the official records upon such fact. Not only so, but it shows the way for uniformity among the states, in which this Conference is particularly interested and statistics collected under this law and tabulated by the United States Census Bureau will give information that can be secured in no other way.

It is true that an orderly and authentic system of records of births and deaths would greatly facilitate medical, legal and judicial

procedure in which certain evidence may be necessary, but the chief benefit will result to the people themselves, and not to any limited profession. It would be of inestimable value to the criminologist and to the student of social problems covering a wide scope.

Owing to the absence of the chairman and other members of the committee from the Saratoga meeting consideration of the report was postponed until the next annual meeting.

ROBERT H. GAULT.

---

“COMPULSORY CITIZENSHIP TRAINING.”

---

Before the declaration of war by the United States against Germany, Dr. Harold S. Hulbert, who is at present Chief of the Psychiatric Unit at the United States Naval Training Station at Great Lakes, Illinois, published a brief article in the *Proceedings of the United States Naval Institute* (Volume 43, Number 5, Whole Number 171, May 1917), under the above title. The substance of this article is of such fundamental value, in our judgment, from the broad point of view of education and the prevention of delinquency and criminality, that we are constrained to make liberal use of it here.

When the article referred to was being written, and long before that time, in fact, there was considerable discussion about the desirability of compulsory military training. Dr. Hulbert is here making the point that such training presents a great opportunity for the development of citizenship. He proposes the inauguration of plans to survey and instruct all the male population as the young men reach the age of military training.

When a young man presents himself at the recruiting office, he is rejected if he has defective vision, bad tonsils, dental trouble, syphilis, tuberculosis, mental disease, hernia, flat foot, etc. The physically unfit, in these respects, are rejected and as far as the State is concerned, they are lost from sight. Here is a source of waste. Dr. Hulbert proposes that the examination—and let us be reminded that he was writing in a time of peace—be made more thorough than any one man can make it; that it be made more thorough than it is in the army and navy for recruits, or at Ellis Island and similar places for immigrants. Let the young men be brought together when they are about to enlist for their compulsory term of military training and examined in large groups. Let these examinations be made by a corps of specialists, a skilled ophthalmologist to examine each recruit for vision, an internist for tuberculosis, enlarged heart and so on, a dentist, a surgeon for hernia and orthopedic abnormalities, a psychiatrist

for his mental condition, etc. If the recruit is fit from the point of view of these specialists, let him be accepted for his term of military training. If not, let him be referred to some suitable clinic or hospital for treatment with the requirement upon him that after treatment he reappear for examination and that the report of the treatment be forwarded to the officer in charge of the recruiting station. In some cases, treatment might extend over a number of years. In other cases, notably of those of insanity, feeble-mindedness or epilepsy, he would be placed in custody in a suitable institution. "At once," says Dr. Hulbert, "the national efficiency, both for peace and for war, will be greatly increased." Not only will these examinations as proposed be the means of singling out the unfit, but in the course of time and experience they will form the basis for determining the field in which the young man's special ability and capacity would make him of most value. Too many of our young men simply drift into their occupations. They select them neither from choice nor discretion. A little suggestion properly given to the individual would arouse his ambition and help him find the best possible work in civil life later.

But Dr. Hulbert is not interested alone in making a physical and mental survey of all the young men who present themselves for military service. He is equally urgent upon the giving of instruction in the fundamental things which good citizenship implies. Such young men in their training camps can be helped greatly by brief lectures by civilians and government lecturers of appropriate ranks. Talks on thrift, banking and insurance, prevention and cure of tuberculosis and other diseases, the duties and obligations of the voter, on the American forms of government in city, state and nation, on elementary law, on American ideas of democracy and opportunity. All these are subjects which, if properly presented, would contribute to the educational value of the camps maintained for young men under a compulsory service regime. The general knowledge which the men would gain in camp would be brought home by them after the period of service to the benefit of those at home.

One of the good points made in this brief article by Dr. Hulbert is that a program of compulsory military training could find larger support than it now has, or at any rate than it had before the declaration of war, if the camps should be made avenues through which worthy propagandas, such as those for the prevention of tuberculosis, life extension and others, could be directed. It is a scheme that appeals to the imagination. It looks toward the co-ordination of many large movements for the improvement of the health and morals of young men. Many would not support the idea of compulsory military train-

ing for itself alone, while they would support it if linked up with great movements for a safer and greater nation, for better citizenship and individual efficiency.

We can see how this plan if put into operation would make a great educational institution out of a military training camp; how it would facilitate the plan that is ably espoused by Dr. Victor C. Vaughan of the University of Michigan in an article published in this Journal, (Vol. V, No. 5, 688-694), under the title, "Crime and Disease." That plan involves the selection of a full-time health commissioner in each city of twenty thousand or more, and each county of thirty thousand or more, who shall have a sufficient corps of assistants to enable him to make a thorough-going survey of his district as a preliminary to the removal, forcibly if necessary, of all unsanitary conditions. This official also shall discover, examine, and make a record of all members of the community who are in any respect defective, and therefore burdensome to the community—and more than this, set in operation the machinery by which the greatest sources of danger may be eliminated.

The adoption and execution of such an ideal program as this would undoubtedly be facilitated by the operation of Dr. Hulbert's scheme for compulsory military training camps, assuming that the camps themselves, in their own sphere, would prove an important means of education—and of this there can be no reasonable doubt. Not only so, but in due course of time we should find the influence of the camps contributing in turn to the development of a demand for vital statistics of the whole population.

ROBERT H. GAULT.