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Proceedings of Tenth Annual Meeting of the American Institute of Criminal Law and Criminology

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PROCEEDINGS OF TENTH ANNUAL MEETING
OF THE AMERICAN INSTITUTE OF CRIMI-
NAL LAW AND CRIMINOLOGY¹

PRESIDENT'S ADDRESS

GEORGE W. KIRCHWEY²

It is a truism to say that we are gathered here under very unusual circumstances, and if some of you have an impulse to be discouraged because of the comparative smallness of our initial attendance, you ought rather to congratulate yourselves and the Institute that so many men have got through this war barrage into this isle of comparative safety, for a few hours' conference with regard to the problems to which the Institute of Criminal Law and Criminology devotes itself. Many of the men upon whom we usually depend to lend color and interest to our proceedings are necessarily absent today on war business. I have hoped and have had some reason to hope that the father of the Institute, Col. John H. Wigmore, might succeed in getting away from his accumulating duties in Washington to be with us and deliver the annual address this evening. However, even though some of the usual features of our meeting will be absent, we shall have some novel things. The United States Government Medical Service probably will be represented at our afternoon meeting by two speakers who were placed on our program at the request of the government. One of them is Lieutenant Buchanan, who will describe in some detail the ideals and the methods of the campaign which the United States Government is waging for the protection of the health and general efficiency of our troops both in this country and abroad, and Miss Martha P. Falconer, of Pennsylvania, has been appointed also by the same department of the government to give us the fruits of her recent observations throughout the country. And we shall expect those who are gathered here at our sessions to contribute from their own experiences, either by way of discussion of topics under consideration, or by way of the initiation of new matters that we may properly consider.

It is the first function, possibly not a very long drawn out one, for the President to deliver the annual address. He has, by tradition,

¹Cleveland, Ohio, August 26, 1918.

²Retiring President of the Institute. Former Dean of the School of Law in Columbia University.

to concern itself with the progress of legislation and experience in the field of criminology and penology during the past year, but a survey that I have made of the addresses delivered by previous presidents, shows me that that tradition has been honored more in the breach than in the observance in the past years, and if I make my references to the achievements of the past year merely incidental and fleeting, you will understand that I have good precedents back of me.

In reading lately Morley's recent volume of "Recollections," I was greatly struck by a story which he tells of a breakfast at Gladstone's house, held in the early nineties, about 1892, at the time when the Liberals were again at the point of being temporarily and for a short time enthroned in power, and at that breakfast not only was John Morley present and several other men of distinction, but Ruskin. Gladstone was in his happy and idealistic vein, and he made the remark that he was old enough now to take the general survey of the course of human progress as indicating the aims of the liberal mind in the emancipation of humanity, and he said he saw three great transcendent aims of liberal effort. One of them was to make the treatment of prisoners more humane and considerate; the second was to strengthen the sentiment against international war; and the third was the work for the abolition of slavery. I may say, parenthetically, that Ruskin in his whimsical way said "I don't believe that the treatment of prisoners should be more humane, and I am not against war, and I am not against slavery," but that is quite by the way. It is not Ruskin's attitude that counts, but the attitude of the great leader of liberalism, of Gladstone, and apparently of John Morley, the great bulwark of liberalism for nearly two generations, who quotes Gladstone's remark with apparent approval.

Now, I take it that Gladstone, in speaking of the amelioration of the condition of prisoners on grounds of humanity and considerateness, was fairly typical and representative of his age, as well as of the political movement of which he was the leader. From Howard and Romilly down to our own time, the governing motives in penal reform have been humanitarian sentiment. And A. V. Dicey, in his remarkable work on "The Relation of Law and Public Opinion," points out almost the decade in which the humanitarian influence began to be felt before the middle of the last century, and how, little by little, it began to modify our criminal law and procedure. The marked amelioration in the treatment of prisoners in let us say the last three generations, while it still leaves much to be desired has, I think I may safely say, been due almost wholly to this sentiment. The all but com-

plete disappearance of the death penalty, administered a century ago for a multitude of offenses; the abolition of transportation for crime; the doing away with mutilation, branding, and, almost everywhere, of the whipping post; the reduction of the length of sentences, with the statutory prohibition of cruel punishments in prison, all are, like the growing detestation of war and of slavery, the fruits of the increasing sensitiveness to human suffering.

This sentiment, I think I may venture to speculate, has been reinforced in the western world, where it has particularly flourished, by the growth of democracy, involving as that does a new sense of the equal value of all men and the sacredness of life and liberty. Supplemented by certain rational considerations, this humanitarian sentiment has also been the basis of the growing emphasis on the reformation of the wrongdoer as the end of punishment, and of the recognition of the reformability of young men and children, and ultimately of all or nearly all offenders. Hence we have the suspended sentence, with probation, the indeterminate sentence with parole, and specialized institutions of a distinctively reformatory character for children and for young people. This movement, into which such a mass of generous reforming effort has been thrown, bears the aspect of a great tide of human betterment. The mitigation of suffering has seemed to us not only a desirable goal of human effort, but a sufficient end in itself; nor has the fact that after all this effort crime remains a constant quantity in our civilization, and that the objects of our humane intentions have not been materially bettered, these facts have not served to shake our faith in the beneficence of the process. It is true voices of doubt and protest have not been lacking, ranging from the drastic utterances of Mr. Justice Fitzjames Stephen, in his *History of the Criminal Law in England*, deploring the sentimental humanitarianism of the time as tending to weaken the bonds of organized society and to encourage rather than discourage the prevalence of crime—ranging from Mr. Justice Stephen, I think, down to our own New York Governor Whitman who, a year ago at Buffalo, at the conclusion of Mr. Osborne's second term at Sing Sing, congratulated the State of New York that the era of sentimental prison administration in New York was at an end and that the era of iron discipline had set in. And then, along with this we have all the way along the stiff traditional attitude of the bench and the bar in its resistance to many of these innovations on which we are wont to congratulate ourselves and the community, and particularly upon their continued resistance to the abolition of capital punishment in the few cases in which capital punish-

ment is deemed by the community at large an appropriate remedy for crime.

And now, upon all this, comes this war which has engulfed the whole civilized world, and which lifts us up out of our squeamish abhorrence of suffering into that clearer atmosphere where the higher values of life appear. The sacredness of life is swallowed up in the higher sacredness of spiritual values, the integrity of human society, liberty, justice; and it is not only the volunteers who in the first instance went to the front, it is our American community in general, like the European community fighting on the same side, which has come to count life as nothing in comparison with those higher values for which life is freely thrown away.

A. V. Dicey has shown, in the book to which I have previously referred, how ephemeral are the influences which govern our social action and determine the legal frame of our civilization. The tide that flows today in full volume may ebb tomorrow, and it may fairly be doubted, at least the question may fairly be raised, whether this humanitarian sentiment which has been the conspicuous feature of the progress of the last two or three generations, in criminology and in many other fields of human endeavor, can be depended upon to carry us on indefinitely in the same course. We hear much talk these days about the new world which is to emerge from the ruins of our old civilization at the close of the war. It would be a bold man who would predict with any degree of confidence what the outlines of that new world will be. There are many who believe that the new world will be hardly distinguishable from the old, in accordance with the old French maxim, "The more things change the more they are the same," who dwell upon the fixity and imperturbability of what they call our human nature; and yet there are more of us, especially the aspiring spirits, especially that liberal element in our progressive life to which I referred at the outset of my remarks, there are many of us who hope and who believe, with a kind of trusting faith, in a better order to emerge out of the old order. Whether we shall have an era of settled peace or not, whether we shall have an international order which shall be adequate to avert or prevent hereafter such catastrophes as the present, is purely a matter of speculation. However, a few things seem to be emerging with sufficient definiteness and with sufficient clearness to justify us in a not too exact and concrete prophecy. One of them is the rise of the working class to new influence and to new power, a remarkable change, from the English indications, to a new sense of national and international responsibility. Signs are not

wanting, even in our more settled communities, let alone Russia, of the emergence of a new spirit on the part of what we are sometimes pleased to call the proletariat, of something like acquiescence in the claims of that element in our population.

Then again, in the second place, we see a strong war movement in the direction of state socialism, the taking over by the organized community, through its official and political agencies, of more and more of those operations of society which have heretofore been deemed the special prerogative of individual initiative. Doubtless much of that will last. We can hardly believe that we shall go back in all respects to that era of unrestricted or almost unrestricted and indeed of state-encouraged competition.

Then again, there is a possible revival, on a large scale, of religion, in the sense of faith in an overruling Providence for better or for worse. I have recently been brought into contact with some real leaders of thought in England and in Scotland, men like the celebrated Professor George Adam Smith of Aberdeen University, and a very distinguished representative of a leading London daily, both men who have spent much time among the British troops in France and Belgium, and who are or should be familiar with conditions in Scotland and in England; and those men have both expressed themselves as clearly convinced that we are in the initial awakening stages of an era of faith which may well reproduce the all but universal submission to a divine Providence of those earlier ages of faith which have become a dim memory in history. To a greater or less degree we may conceive that all of these tendencies will work themselves out in practice and to a greater or less extent remold not only our conceptions of life but our institutions—the rise of the working class to power, a tendency to state socialism, a revival of religion.

And yet let me call your attention to the fact that none of these makes necessarily for a more tender or sensitive humanity. I am examining, you will bear in mind, the probability of the continuance of this wave of humanitarian sentiment which has gone on apparently with increasing volume for now nearly a hundred years.

Is there not something to be said for the view that this war will, in addition to depreciating the value of mere life as compared with the great social values which lie beyond the mere art of living, that this war will, in addition to that, do a great deal to destroy our sentimental reverence for life and our sentimental abhorrence of human suffering? We are becoming dulled already to the daily record of human sufferings even when they strike very near to our own hearts.

We count the disasters of a campaign as nothing, compared with the gain of a few rods or a few miles by our forces in the course of that campaign, and we read the most heartrending revelations of the incredible sufferings which this war brings, both on the battle line and to those away back of the battle line, the women and children; and we read even of those unspeakable atrocities in Armenia with scarcely a quiver of the eyelid or an additional throb of the heart. We are becoming inured to human suffering; and if we, at this distance from the battlefield, are becoming inured to it, how much more will those millions of men who survive the ordeal, to whom the shedding of blood and the sight of death and horrible mutilation and suffering are a part of the daily casual experiences of life, how will they feel in respect to all this sentimental regard for the sacredness of life and the wickedness of subjecting a convict to punishments of a rather old-fashioned sort? May we not expect that this tide of humanitarian sentiment upon which we have so generously and I may say so exclusively depended for the progress that we have made in our department of study, may we not at least fear that that progress may not go on in the full flood in which it has gone on in the past? That even if we do not revert to a condition of callous indifference in regard to those matters, and that certainly is not expected of this generation, the sentiment will have lost something of that keen edge which has driven so many of us into the service, let us say, of the prisoner, and which has found for us so much popular support wherever we have made the right appeal? Is there any reason to question, that is to say, whether we can depend for the future as unreservedly as we have depended in the past, upon humanitarian sentiment as an all-sufficient influence to bring about the reforms that we have deemed necessary?

As to this, we can only hope that that sentiment will not abate, but that it will rather grow in strength in the future. But however that may be, the failure of humanitarianism, to which I have previously referred, to solve the problem of crime, either by reducing its volume or by restoring the wrongdoer to a useful position in society, makes it imperative that we call other forces into play.

Now, I am not the first to discover the imperative necessity of calling these other forces into operation. It was for this reason that the American Institute of Criminal Law and Criminology was founded, not to explain humanitarian sentiment, but, by the study of the criminal and of his social environment, and by the study of our legal relations to the criminal and to his punishment, to direct the informing impulse of the community to rational social ends. Now, after ten

years of not very fruitful effort, we find ourselves in alliance with potent forces, the twin newborn sciences of psychology and psychiatry, and a new, more intensive and intelligent social study of the life and instincts of the criminal. These new studies, to which we must now more and more devote our attention, will serve us in two distinct ways. First, they will throw light on the causation of crime, and thus, for the first time, will make possible the correction or suppression of criminal tendencies before they have become fixed in character. Secondly, they will give us a new technic, a new methodology of dealing with the criminal in confinement. We have heard a good deal in the past, for nearly a generation, of the individualization of punishment, of the need of adjusting the punishment to the criminal rather than to the crime, but that has heretofore been a vision of desire rather than, as it has now become, apparently, I say it hopefully, a realizable end.

As to the first of these two ways by which this combination of sciences may aid us in our work, the psychiatric and social clinics established in recent years in a few of our juvenile courts, perhaps most notably in Chicago and Boston, are showing the way. This work must of course be carried farther back, into the schools or even into our bureaus of vital statistics, in order that the stream of criminality may be diverted at its very source. That is what we may perhaps call the preventive side of the new criminology.

As to the second, or curative function, a study of the experience of Sing Sing prison during the last three years will give direction to our effort. Many of you have doubtless been made familiar with the results of Dr. Glueck's studies in Sing Sing. I have the remotely reflected glory, if glory it be, of having been concerned in the creation of the psychiatric clinic at Sing Sing prison and in the selection to fill the post, of the man who has done so much to throw light upon the problem of the ordinary state prison inmate. You who have made yourselves familiar with his writings will recall that Dr. Glueck's conclusions based upon the consecutive study of 660 admissions, without any selection or discrimination, that of the population of Sing Sing prison apparently nearly 60 per cent., some 59 per cent., were not normal, were either abnormal or subnormal, half of them probably mentally defective in such degree as to be practically irresponsible, twelve years of age and under mentally; the other half divided unevenly between those whom the psychiatrist classes as psychopathic and those whom he classes as insane, were all of them either continuously or occasionally quite irresponsible for their acts. In other words—let us be conservative—upwards of one-half of the popula-

tion of Sing Sing prison is made up of persons who are *non compos*. They should not be held responsible by the law for their acts on the presumed ground of their capacity to choose between the right and the wrong, and in addition to that they constitute a wholly new problem of management and of administration for the person who has the custody of those persons after they have been committed for crime.

There remain, perhaps, forty or fifty per cent. of others, who are not covered by Dr. Gluck's observations. When I asked our eminent and adventurous psychologist of Columbia University, Dr. Thorndike, where we could get good studies dealing with that element in the criminal population which is not or can not be classified as abnormal or subnormal to a marked degree, he smiled and said I must look to the prison administrator for information of that kind, the thoughtful prison administrator. He said, "I don't see how our professional psychologists can help you very much."

Well, then, may I give some of my own personal observation during the brief three-quarters of a year, during which I was connected in a responsible way with Sing Sing prison? I came to the conclusion that a comparatively insignificant fraction of our community was made up of innocents, like you and me, or ordinary folk who have under the stress of peculiar temptation fallen from grace just once and who had all the punishment they required when the policeman had laid his hand on the arm of the offender, and told him he was wanted at headquarters. The casual offender, as we curiously enough call him, the accidental offender—neither one of those terms is of course accurate—the kind of offender I have described does not constitute a part of the problem of the criminologist. He belongs perhaps in the domain of the moralist or of the social reformer generally, not in yours or mine. I venture to say that it is exaggeration to say that anything like ten per cent. of the population at Sing Sing was made up of people of that entirely decent sort; probably five per cent. would be very much nearer the mark. Some of these were mentally defective, some of them were very, very queer, psychopathic or insane. But let us say that we have some forty per cent. of the present population which does not belong to this margin of virtue on the one hand, and which is not psychopathic, insane, or mentally defective on the other hand, but are almost entirely persons who have perhaps mostly from childhood led vicious lives. We must not be deceived by the fact that they are rated in the prison records as first offenders. There was wisdom in the remark of the old offender I met at Sing Sing, when I asked him as to the trustworthiness of an old crook, nearly seventy years

old, who had spent most of his life in the prisons of this country. I asked him as to his trustworthiness, and he said, to me, "Warden, you can always trust an old thief. They are the petty larceny fellows who haven't got any honor or principle about them that you want to look out for." And my subsequent experience in Sing Sing prison convinced me that there was more than a modicum of truth in that remark. The petty larceny fellow who is put in the state prison for a felony for the first time and rated as a first offender, and therefore, according to our law, presumably reformable, is very apt to be a tougher proposition, from the point of view of reformability at any rate, than is the old thief who has some honor or principle about him.

What shall we say then of that mass, forty per cent. or upwards, of the state prison population, made up of people who have become, through years, habituated to lives of ill-doing, vice shading into crime, developing into graver and graver crime; that part of the prison population that is not mentally defective for the most part; that is not insane or psychopathic; congenitally normal persons, we may say, who constitute a part of what we call the criminal class, who are prone by disposition, however, it arose to commit acts that we characterize as criminal?

I have already given you a clew to my interpretation of that group. I found it to be composed, for the most part, of young fellows, because nearly all the members of a state prison population are young, at Sing Sing fifty per cent. twenty-five years or under; eighty-odd per cent. are thirty years or under. They are young fellows who have from childhood, babyhood in many cases, led neglected and then vicious and then criminal lives. Again and again I have talked with a first offender, or a second offender, or a third offender, as the case might be, and found that same invariable history, a neglected childhood at the age of five in one case, at the age of eight or nine or ten in many, in many cases the Protectory, and then, after a few brief months of freedom, the House of Refuge on Randall's Island, and then Elmira Reformatory, and then Sing Sing prison; and after all of their experiences in this curriculum maintained by the State of New York for her erring children, the boy or man has wound up at the age of twenty or twenty-five in Sing Sing prison. The problem there is perhaps not a psychiatric one, but is obviously a psychological and sociological problem, both from the point of view of causation and from the point of view of remedy.

Now, dealing with the matter of remedy, the problem presented itself to me as primarily one of re-education. In the case of those

who are mentally defective, a more difficult process of education, but not an impossible one; in the case of those who are psychopathic or insane, partly a problem of education, and partly of mental medicine. But in the case of the great body of inmates, perhaps not too young to be made over, of a rather long and careful study and process of new education in new habits which would crowd out and so suppress the old and vicious habits which had landed the possessors of them under my jurisdiction in Sing Sing prison.

Our recent attempts to bring about a solution of the problems, have some of them been of a very dramatic sort? The George Junior Republic, Calvin Derrick's similar experiment in California, Mr. Thomas Mott Osborne's striking experiments at Auburn and at Sing Sing prison, radical extensions of the honor system in Colorado, in Montana, more grudging but still instructive experiments in that system in Massachusetts, in New York and in New Jersey and elsewhere, are all of them, I will not say sentimental, because that word has a kind of vicious implication as we commonly employ it, almost wholly based upon humanitarian sentiment. All these experiments have been aided by that uncommon quality that we call common-sense, but which at its best falls something short of scientific doctrine or scientific knowledge. None of these experiments are based upon a thorough-going mental, physical and social study of the individual. These are efforts to deal with the wrongdoer in the lump, as though they are alike. I believe all hopeful experiments are to be welcomed, and these are hopeful experiments that I have referred to; the honor system and a properly guarded system of self-government, and all the rest of it, but they all fall short of what is needed for a new penology, by reason of the fact that they are all empirical, all tentative and not based upon a scientific study of the subject of the experiment.

I think the same may be said of what seems to me to be some of the most notable developments of legislation during the past year in our field. I am thinking of the New York statute enacted at the last session of the legislature and, strangely, signed by the governor, that extends the judicial discretion to suspend sentence or put on probation in every case of crime except murder, irrespective of whether the defendant is a new offender or an old one. This is a radical extension of the tentative experiment in granting this discretion that has been made in so many others of our states, though that again does not seem to have been based upon a requirement of study of the individual delinquent. A judge has, I suppose, as heretofore, to determine from the conduct of the wrongdoer on his trail, from his

appearance in court, from the impression which he makes upon the judge, to determine whether he is probably a suitable person to set at large. In some cases the judge will be aided by the investigation of probation officers in the inferior courts, as we call them, rarely, however, if ever, in the Superior Courts of Criminal Jurisdiction.

On the other hand, I think I may say that the recent reform of the penal system of the state of New Jersey is a deliberate attempt to bring into operation all the resources of science in the solution of the problem. The report of the New Jersey Prison Inquiry Commission (see the JOURNAL of the Institute, July, 1918, for a considerable portion of the report), submitted to the legislature on January 1st last, the recommendations of which were promptly enacted into law without material change—that report puts little emphasis upon these modern scientific aspects of the criminology problem as we sought to work it out in the state of New Jersey; but the new legislation provides not only for the centralized administration of both the public charities and the correctional institutions, under one head, the State Board of Charities and Correction acting through a Commissioner of Charities and Correction, but it contains also provisions for a scientific staff, to be designated by such Commission, comprehending a state psychiatrist, a state educational director for the prisons, a state parole chief for the prisons, and other staff officers who will have jurisdiction over all the correctional and, wherever it is applicable, over all the charitable institutions, the hospitals for the insane, the homes for the feeble-minded, the farms for epileptics, and all the rest of the social paraphernalia which has secured official recognition in the state of New Jersey. And then there is a further provision that the Commissioner of Charities and Correction, who has all these institutions, charitable and correctional as well, under his control, may at any time, on the advice of the physician or psychiatrist on his staff, transfer any inmate of any correctional institution, who seems to require specialized treatment, to any charitable institution, home for the feeble-minded or what not.

What is lacking to bring the new system to fruition? Only one thing, I should say, a difficult step, though it is not a very long one, and that is to extend to all courts the practice which has come to prevail in our more enlightened juvenile or children's courts, of making a thorough examination of the delinquent an essential preliminary to the judgment, or it may be to the sentence to be imposed upon that wrongdoer. Shall a judge not sentence an insane person to the insane asylum, a mental defective to the home for mental defectives, for the

feeble-minded, and so on, instead of committing them to a prison or a reformatory, to become centers, concentrated, aggravated centers of infection of those who are not so afflicted in that community? That would seem to be the next and almost the last necessary step in the solution of the problem as presented to us by the combined studies of the psychologist and the psychiatrist.

I stated, in my announcement to the secretary of the topic to which I should address myself, which I am very happy to see has been omitted from the printed program, because I have not touched upon it—I stated that I should deal with the relation of the war to criminology. I have already talked too long, but may I not, in conclusion, refer to one or two things that have impressed me as contributing, probably, to the problem which we have under consideration, to its difficulties on the one hand, and to its solution on the other.

There will undoubtedly be in this country, as in France and England, and in Germany and other countries at war, a very considerable increase in juvenile delinquency. It has already begun here. Our institutions for children will speedily become overcrowded, and we shall have to make provision for more. Along with that will come the evil as well as the good consequences of this unprecedentedly rapid emancipation of women from home duties and home responsibilities with their sheltering and restricting effect. We are wont rhetorically to draw the line between liberty and license, liberty is such a very good thing and license such a very evil thing. We don't realize, when we say that, that liberty involves liberty to do evil as well as good, and that license is only the evil extension of what we call liberty, and that there never has in human history been a new birth of liberty to any class in the community, without its carrying the less stable elements of that class into the excess that we call license. We may well, after the war, as well as now, not only because the man is at the front, but because the woman is gaining a new sense of her independence, of her industrial value in the community and therefore of her social value, we may well look for some changes, if not in her standards of morality, at least in the practice that goes with those standards. We shall have, I believe, a very large increase in adult feminine delinquency to add to the great increase in juvenile delinquency, and that that will be so is demonstrated by the fact that it is already so, as my observations of the last few weeks in the study of some of the Pennsylvania penal institutions disclose.

And then there will be the returned soldier. What kind of type will he be? I can not help but have some of my most idealistic

moments poisoned by the reflection that I know some of the fellows over at the front. I knew them at Sing Sing. I knew them as the gang friends, or the gang leaders of my friends, at Sing Sing. I got to know some of them very well. The fighting sixty-ninth used to go up almost *en masse* once a year to Sing Sing prison, to witness the annual baseball game between the Hell's Kitchen district team and the team of Sing Sing prison. This is the fighting sixty-ninth that has been turning out such a host of heroes over on the fighting line. It seems that the average individual may have every range of quality in him from the most abject vices to the greatest nobility and heroism. To me as to you, the men who are fighting our battle on the front are veritable heroes, and I hope they may come back, those of them who live, covered with crosses and with glory, and that that experience of heroism may give them a new view of the responsibilities of life and its great possibilities. That has not always been our experience after a war. The literature of the period immediately following the Civil War is full of references to what were known as "Civil War Bums," the wastage of the war, the perfectly decent chaps who had led lives of industry before the war, who came back demoralized, incapable of readjusting themselves to the old, settled, humdrum way of living. Doubtless there will be an element, quite considerable element of that sort, in the returning soldiery of the embattled nations, and there will be a new problem of crime.

The implications of this, for our purpose, leave the idea that we are going to be rather tender with the old soldier if he has fallen into evil ways and found it difficult to readjust himself to the conditions of the settled and rather common-place, sordid domestic life. Perhaps most of us feel that impulse occasionally, but we don't feel free to yield to it. We have not the experience to show us how easy it is to break away from those bonds. The returned soldier, mostly a young fellow still, will have had that experience. We shall have some ex-soldier criminality, and our courts, our lawyers, our pharisee community in general, which is so hard on the wrongdoer and finds it so difficult to understand him today, will come to discover that wrong doing, criminality, is due to the lack of adjustment, and that the duty of the community is to readjust this dislocated individual to this humdrum life that we call civilization. And if they extend that understanding to the returned soldier, who is by the thousand today undergoing some such process of readjustment, in base hospitals and in our hospitals here, suffering from something that is vaguely called shell shock, which means in too many cases an utter incapacity to adjust

himself to the new life over there, will you not come as a community to realize that the problem of crime is a problem of mal-adjustment for which the community at least admits a share of the responsibility, and that the duty of society is not to use the gallows, or the electric chair, or the club, but to devise some method of readjustment of these maladjusted individuals to society and the community?

There is a soul of good in things evil, and at root war is probably the greatest of the evils that survive in our common humanity. But in that great evil there dwells I believe the soul of a possibly new attitude. And as my last word to you this morning, I want to ask you to join with me in hailing the coming of that new dawn.