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Editorials

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EDITORIALS

PROGRAM OF THE THIRTEENTH ANNUAL MEETING OF THE AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY

HOTEL GIBSON, CINCINNATI, OHIO, NOVEMBER 18-19, 1921.

November 18, 9:30 A. M.

CONFERENCE.

(Hotel Gibson, Room 7.)

“The Modernization of Criminal Procedure.”

Professor Robert W. Millar of Northwestern University, Chicago,
presiding.

Sub-topics:

I. “The Function of Criminal Pleading.”

Leader—Professor Robert W. Millar.

II. “The Province of the Trial Judge in Criminal Causes.”

Leader—Hon. Quincey A. Meyers, former Justice of the
Supreme Court of Indiana, Indianapolis.

III. “Statutory Cure of Error in Criminal Causes.”

Leader—Lt. Col. William C. Rigby, Office of the Judge
Advocate General, Washington, D. C.

IV. “The Function of a Court of Criminal Appeal.”

Leader—Professor Edwin R. Keedy, University of
Pennsylvania, Philadelphia.

General Discussion.

November 18, 9:30 A. M.

CONFERENCE.

(Hotel Gibson, Room 6.)

“State and Municipal Bureaus of Criminal Records and Statistics.”

Dr. Horatio M. Pollock, Statistician for the New York State Hospital
Commission, Albany, N. Y., presiding.

Sub-topics:

I. “The Proposed Illinois Bureau.”

Leader—Col. Henry Barrett Chamberlin, Operating Di-
rector of the Chicago Crime Commission, Chicago.

- II. "Co-operation Between State and Municipal Bureaus of Criminal Records and Statistics and the Federal Census Bureau."

Leader—Joseph A. Hill, Assistant Director of the Bureau of the Census, Washington, D. C.

- III. "Uniformity in the Work of State and Municipal Bureaus of Criminal Records and Statistics."

Leader—Miss Annie Hinrichsen, lately of the Illinois Department of Public Welfare, Jacksonville, Ill.

General Discussion.

November 18, 12:30 P. M.

LUNCHEON.

(The Gibson Hotel.)

Hon. Charles W. Hoffman, Domestic Relations Court, Cincinnati, presiding.

November 18, 2:30 P. M.

CONFERENCE.

(Hotel Gibson, Room 6.)

"Insanity and Criminal Responsibility."

Professor Edwin R. Keedy, University of Pennsylvania, Philadelphia, presiding.

Sub-topic:

"The Criminal Responsibility of the Feeble-Minded."

Leaders:

Dr. Herman M. Adler, Illinois State Criminologist, Chicago.

Dr. Alfred Gordon, Philadelphia.

Hon. Edward Lindsey, Court of Common Pleas, Warren, Pa.

General Discussion.

November 18, 2:30 P. M.

CONFERENCE.

(Hotel Gibson, Room 7.)

"Probation and Suspended Sentence."

Charles L. Chute, Secretary, National Probation Association, New York City, presiding.

Sub-topics:

- I. "The Right Selection of Probation Cases."

Leader—Hon. John W. Houston, Chief Adult Probation Officer, Chicago, Ill.

II. "The Possibilities and Limitations of Probation Case Work."

III. "The Further Extension of Probation to Adult Cases, Including Divorce."

Leader—Hon. Charles W. Hoffman, Domestic Relations Court, Cincinnati.

General Discussion.

November 18, 8:30 P. M.

GENERAL SESSION.

(Hotel Gibson, Hall No. 1.)

Address: Hon. Carl M. Jacobs, Jr., Vice-Mayor of Cincinnati.

President's Address: Hon. Hugo Pam, Superior Court, Chicago.

Address: "Defendant's Morbid Impulses From a Medico-Legal Standpoint"—Alfred Gordon, M. D., Philadelphia.

November 19, 9:30 A. M.

CONFERENCE.

(Hotel Gibson, Room 7.)

"Social Reconstruction and the Criminal Courts."

James Bronson Reynolds, Chairman of the Executive Board of the Voluntary Defender's Committee, New York City, presiding.

Sub-topics:

I. "Justice to the Public in Criminal Courts—Allowing the Prosecutor to Comment on the Silence of the Defendant."

Leader—Hon. John G. Price, Attorney General of the State of Ohio, Columbus, Ohio.

II. "Justice to the Defendant in Criminal Courts—Illustration: The Public Defender."

Leaders:

Louis Fabricant, Esq., Counsel, Public Defender's Committee, New York City.

Dean John H. Wigmore, Northwestern University Law School, Chicago.

Mary M. Bartelme, Assistant to the Judge of the Juvenile Court, Chicago.

General Discussion.

November 19, 12:30 P. M.

LUNCHEON MEETING OF THE EXECUTIVE BOARD OF THE INSTITUTE.
(Hotel Gibson.)

November 19, 2:30 P. M.

CONFERENCE.

(Hotel Gibson, Room 7.)

“Indeterminate Sentence, Release on Parole and Pardon.”

Hon. Edward Lindsey, Court of Common Pleas, Warren, Pa., presiding.

Sub-topics:

I. “What Should Be the Form of the Indeterminate Sentence and What Provisions as to Maximum and Minimum Terms if Any?”

Leader—Hon. Edward Lindsey.

II. “What Authority Should Grant Paroles? If a Board, How Should It Be Composed?”

Leader—Hon. Will Colvin, Supt., Division of Pardons and Paroles, Dept. of Public Welfare, Springfield, Ill.

III. “What Prisoners Should Be Eligible to Parole and What Considerations Should Govern the Granting of It?”

Leader—Amos W. Butler, Secretary, Board of State Charities, Indianapolis, Ind.

IV. “What Should Constitute a Violation of Parole?”

Leader—Dr. F. Emory Lyon, Supt., Central Howard Association, Chicago.

General Discussion.

November 19, 8:30 P. M.

GENERAL SESSION.

(Hotel Gibson, Hall No. 1.)

Election of Officers.

Address: “An Enlarged Viewpoint—Obligation of the Bar in Relation to Criminal Justice”—James G. Condon, Esq., of the Chicago Bar.

General Discussion.

All those in attendance are requested to register promptly upon their arrival, and to make reservation for the luncheon at the Hotel Gibson on the 18th at 12:30.

LOCAL COMMITTEE ON ARRANGEMENTS.

Hon. Charles W. Hoffman, Domestic Relations Court, *Chairman*.

S. Gale Lowrie, Professor of Political Science, University of Cincinnati.

Hon. Stanley Matthews, Court of Common Pleas.

Hon. Thomas H. Darby, Court of Common Pleas.

Hon. W. Meredith Yeatman, Municipal Court.

Walter A. Knight, Esq., of the Cincinnati Bar.

Walter M. Locke, Esq., of the Cincinnati Bar.

Edward T. Moulinier, Esq., of the Cincinnati Bar.

C. M. Bookman, Supt., Council of Social Agencies.

President:

Hon. Hugo Pam, Superior Court, Chicago.

Vice Presidents:

Hon. Quincey A. Meyers, Indianapolis, Ind.

Prof. Edwin R. Keedy, University of Pennsylvania, Philadelphia.

Dr. Herman M. Adler, State Criminologist, Springfield, Ill.

Secretary:

Robert H. Gault, Professor of Psychology, Northwestern University, Editor of the JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY, Evanston, Ill.

Treasurer:

Bronson Winthrop, Esq., New York City.

Chairman of Executive Board:

John H. Wigmore, Dean of the Law School in Northwestern University.

HOTEL ACCOMMODATIONS IN CINCINNATI.

(All hotels are on the European plan, except as stated. Rates named are per day.)

Name	Location	Single room and bath	Double room and bath
Hotel Gibson	4th and Walnut	\$2.50 up	\$4.25 up
Hotel Sinton	4th and Vine	3.50 up	5.50 up
Havlin Hotel	Vine and Opera Pl.	3.00 up	5.00 up
Hotel Metropole	6th and Walnut	2.50 up	4.50 up
Grand Hotel	4th and Central	2.50 up	4.00 up
Palace Hotel	6th and Vine	2.00 up	3.00 up
Emery Hotel	421 Vine	2.50 up	4.50 up
Hotel Alms	McMillan and Alms Pl.	4.00 up	7.00 up

(Amer. plan)

THE CRIMINAL LAW SECTION OF THE AMERICAN BAR
ASSOCIATION

The Criminal Law Section of the American Bar Association celebrated its second birthday at the annual meeting of the Association, held in Cincinnati on August 30, 1921.

For forty years the American Bar Association gave no sign, by committee or otherwise, that the great branch of Criminal Law existed. At last it awakened, and in 1919 authorized the establishment of a Criminal Law Section, to be on a footing similar to its other Sections.

The Section organized auspiciously in 1920, with former Chief Justice Robinson of West Virginia (now of Washington, D. C.) as president, and Edwin M. Abbott (of Philadelphia) as secretary-treasurer; these two gentlemen having been, respectively, former president and former secretary of the American Institute of Criminal Law and Criminology. The Section was allotted for 1921 two half-day sessions, both on Tuesday, August 30.

At the afternoon session an able address of welcome was delivered by Nelson Schwab, Assistant District Attorney of Cincinnati. His allusion to Ohio's recent repeal of the indeterminate sentence law led to considerable discussion. Among those who took part were Secretary Abbott, John H. Wigmore of Chicago, Judge Catherine Sellers of Washington, D. C., and former Assistant Attorney-General Annette Adams of San Francisco. Secretary Abbott then read an interesting report on "Reforms in Criminal Procedure."

At the evening session, Edwin W. Sims of Chicago, former U. S. District Attorney, and now president of the Chicago Crime Commission, read a spirited paper on "Speedy Justice in Criminal Cases"; this was in substance a summary of the work of the Chicago Crime Commission, and pointed the excellent moral that speedy and disinterested administration of criminal procedure will vastly reduce the crime-bulk, and that this is the true path for civic action, without waiting reforms of procedure or organization that may be in themselves desirable enough. A paper on "Unanimous Verdict in Criminal Cases," by James R. Clark, U. S. District Attorney at Cincinnati, was in his absence read by Thomas Morrow, Assistant District Attorney.

The officers of the Section for 1921-22 were elected as follows: *President*, Floyd E. Thompson, of Rock Island, Ill. (Justice of the Supreme Court); *Vice-President*, W. O. Hart, of New Orleans, La.; *Secretary-Treasurer*, Edwin M. Abbott, of Philadelphia, Pa.; *Council*

(new members), Thomas J. O'Donnell of Denver, Colo., and Annette Adams, of San Francisco, Cal.

Plainly, the Criminal Law Section of the American Bar Association has a useful future before it. Far from supplanting the American Institute of Criminal Law and Criminology (as a few persons seem to have imagined in 1919), it will merely strengthen the work of the Institute. It will develop the field of law as applied to crime, just as the medical men, the psychologists, and others, have developed their respective fields. To coördinate the results of all these independent branches is the function of the Institute.

J. H. W.

OFFER OF THE CARNEGIE CORPORATION TO AID IN
SUPPORTING THE RESEARCH PROGRAM
OF THE INSTITUTE

On February 2, 1921, the Institute of Criminal Law and Criminology, by its Executive Board, applied to the Carnegie Corporation of New York City for financial support for research program. On March 29, in response to a request from the Corporation, we submitted a more detailed statement of what we proposed to do than had been included in the first communication.

We print below the reply of the Corporation under date of May 31 by James R. Angell, then its president:

(Letterhead of the Carnegie Corporation)

"Dear Dean Wigmore:

"May 31, 1921.

"The Trustees of the Carnegie Corporation have authorized me to confer with you regarding a possible gift of not to exceed Ten Thousand Dollars (\$10,000) a year for five years, beginning July 1, 1921, to the American Institute of Criminal Law and Criminology, on the following conditions: (1) That the Institute accept this gift to meet the expenses of research in its own field, to be conducted under the general supervision of the Institute; (2) That in any year in which an appropriation is made by the Carnegie Corporation for this purpose, there shall be secured in cash from other sources an equal amount . . .

"I shall be glad to hear from you at your convenience regarding the attitude of your Board toward this proposal.

"Very truly yours,

"(Signed) JAMES R. ANGELL, President.

"To Dean John H. Wigmore, Chicago,
Chairman, Executive Board,
American Institute of Criminal Law and Criminology."

Having unanimously accepted the condition as set forth in the foregoing letter, the Executive Board of the Institute, at its meeting on June 9, authorized sending a communication to that effect to the Corporation.

In the following section we state the research program of the Institute which has been placed before the Carnegie Corporation, and show the scientific and practical purposes it seeks to serve:

“PROGRAM OF THE INSTITUTE

A. *“To Develop by Experiment a Comprehensive System of Criminal Records and Statistics Such as May Be Applicable (with Slight Modification at Most) to any Municipality and Ultimately to Any State*

a. *“Reasons for Proposing this Problem.*

1. “The records of criminal proceedings, beginning with arrest and ending with prison, are so imperfect, in respect to important elements of the crime problem, that the necessary facts are today nowhere ascertainable. Further, there is no co-ordination between records of police, prosecuting attorney, courts of various jurisdictions, and the several prisons, so that the individual offenders—the basis of all general conclusions—can never be traced and identified.

“Because of this imperfection of records, it is today impossible for any American municipality (much more for any county or state) to answer, with that certainty that is the basis of all harmony of view and efficiency of remedies, any question of fact entering into the crime problem. Such elementary questions as: ‘What is the relative prevalence of robbery, rape, etc?’ ‘What percentage of offenders are repeaters?’ ‘What percentage of criminal verdicts are reversed on technicalities?’ ‘What is the relative cost of criminal justice for repeated offenders?’ and a hundred other questions are incapable of a positive answer based on all the known facts.

“What is needed, in the unanimous opinion of statistical experts, is a thoroughly revised and standardized system of crime records for police offices, courts, and prisons, as the fundamental basis for progress in the next generation.

2. “No municipality in America has yet developed a system of criminal statistics that is at all comparable to such a system in European cities, where the administration of justice is much better regulated than here in America.

3. "Consequently there is, as things stand, no possibility of gaining a comprehensive view of the municipal administration of criminal justice, e. g., of checking up from month to month on the activities of the police, the various criminal and quasi-criminal courts; probation and parole offices, etc., and of studying each of these activities in relation to all the others, or of comparing them with other municipalities. No municipality has yet developed a comprehensive system of police and judicial records for identification purposes, and our police inefficiency is a part consequence of this condition. In order to arrive at harmony of views *re* installing improved measures and remedies, it is indispensable to provide a system of records which will supply the solid basis of facts and will include essential facts now totally lacking.

b. *Method by Which the Institute Proposes to Attack this Problem.*

1. "Select a city or two in which to work.

2. "Take samplings of judicial, police, identification, and other data relating to criminal cases.

3. "Bring these samplings together into a model central municipal bureau of criminal records and statistics that will be gradually perfected under criticism and experiment.

4. "When the system has been brought to final form for a given city, a further study will be made to find the means by which it may be adapted to the state at large and to other states.

5. "When the Executive Board of the Institute shall have acted favorably upon the plan, an attempt will be made by co-operation with the National Municipal League, etc., to secure the wide adoption of the plan for such a city bureau, and through the National Commission on Uniform State Laws to secure the adoption of the state system in the various states.

B. *To Make an Intensive Study of the Operation of the Parole and Probation Systems Covering at Least Five Years*

a. *Reasons for Proposing this Problem.*

1. "We know only that approximately 80 or 85 per cent of men and women on parole and on probation, respectively, 'make good' during the period of parole or of probation. This period extends over usually not more than one year immediately ensuing upon release from incarceration (in the case of parole) or upon conviction (in the case of probation).

"We know next to nothing as to what becomes of these people after the expiration of the period of parole or of probation, as the

case may be. Hence the widespread opposition of views with respect to the usefulness of parole and probation, and the growth of an active movement to repeal the entire legislation of the last twenty years as being a misguided and futile reform.

2. "This investigation can bring together all sorts of data that bear upon the case and set at rest our persistent debates pro and con parole and probation.

3. "A comparative study extended to several states will show (if parole and probation are justified at all in the light of the investigation) what is the best form of legislation *re* these systems and what is the best method of administration.

b. *"Method by Which the Research Will Be Conducted.*

1. "Each man and woman that has been paroled within a given recent period from the penal institutions of a given state, and each person placed on probation within a given period by the courts of that state, will be followed up through a period of five years following their release from custody by means of correspondence and personal contact with individuals and institutions that are in a position to know the whereabouts and condition of the parolee and probationer, respectively.

2. "To find a basis for comparison, the investigation will be carried to other cities and states.

3. "When the data so secured have been analyzed the conclusions drawn therefrom will determine whether moves for legislation in the various states will be made through the Commission for Uniform State Laws.

c. *"A Comparative Study of State Criminal Codes with a View to Finding a Basis for Uniform Legislation in Certain Particulars*

"This will include, e. g., the laws *re* (a) Municipal, Police and Justices' Courts, (b) Pardon, (c) Commitment of Insane accused of crime, (d) Legislation *re* Administration of Prisons and Jails.

a. *"Reasons for proposing this Study.*

1. "The great variety of legislation in respect to the above subjects and others makes interstate relations difficult in relation to the administration of criminal law.

2. "Municipal, Police and Justices' Courts have received practically no attention from students of public affairs, notwithstanding that they furnish the first contacts that the judicial system has with

the accused. Because of this first contact what is done or not done in these courts assumes immense importance.

3. "In the light of an immense accumulation of facts *re* mental disturbances it has become extremely important that means should be found for the custodial treatment of many who are accused of crime, without at the same time violating the constitutional rights of the accused.

"Many criminals are undoubtedly in such mental condition, e. g., that they should be in permanent custody, for their own good and the safety of the community. Nevertheless they are capable of making such a showing that in the ordinary circumstances that prevail in nearly all jurisdictions no lay jury, to which the accused is constitutionally entitled, would commit them.

"This problem is vital to every municipality and state.

b. *Method of Conducting this Research.*

1. "Analysis of the records of at least a year's cases in the police and justices' (or municipal) courts in each of several typical cities.

2. "Analysis and classification of the statutes.

3. "Observation, covering a long period, of the operation of statutes relating to these several subjects in different jurisdictions."

Together with this statement of program we showed the organization of the Institute and the personnel of the Executive Board under whose auspices it is proposed to conduct all our work.

We submitted also an estimated budget of expenses on account of each research problem separately, making a grand total of \$29,300 a year for five years.

We are now making an effort to secure what will be necessary, in addition to the proposed gift from the Carnegie Corporation, to enable us to do all the work outlined. We have asked a friend of the Institute in Washington, Philadelphia, Boston, Cleveland, Cincinnati, Milwaukee, Minneapolis, San Francisco, Chicago, St. Louis and Detroit, each in his own city, to get together a group of people who will, altogether, pledge at least \$2,000 a year for five years to support our work. Besides, we are directly canvassing individuals and corporations.

The readers of this JOURNAL and members of the Institute have entered into this alliance, presumably because of their interest in our general aims. Now is their opportunity to take a hand in enabling the Institute to realize the purpose of our organization.

ROBERT H. GAULT. -- --