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Current Notes

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CURRENT NOTES

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Chicago, Illinois

Teachers of Criminal Law—The course in Criminal Law at the University of California School of Jurisprudence heretofore given by Professor A. M. Kidd alone, is conducted this year by him in conjunction with Professor Herman J. Adler. This innovation marks an important development in the field of criminal law in California. The active cooperation of an expert in criminology and psychology in teaching this subject to prospective lawyers, district attorneys, judges, and legislators will ultimately have effect in aiding the development of a different attitude in the relations of law to the crime problem.

George H. Dession of Yale University Law School has received a fellowship from the Social Science Research Council for study abroad and is spending this year investigating his chosen field of criminal law administration in Europe, for the most part in France.

Professor Francis B. Sayre of the Harvard University Law School has been appointed Commissioner of Corrections for Massachusetts. This, however, does not interfere with his work in the Law School.

Justice Jesse C. Adkins of the Supreme Court of the District of Columbia, formerly Assistant Attorney General of the United States,

is using the Commentaries on the American Law Institute's Code of Criminal Procedure in his class on the Administration of Criminal Justice at Georgetown University.

Professor Robert J. White, who teaches criminal law at the Catholic University of America School of Law, recently was elected National Chaplain of the American Legion.

Professor Rollin M. Perkins of the College of Law, State University of Iowa, participated in the Iowa State Sheriffs' Association which met at Des Moines, December 13-15, 1933.

Professor James J. Cherry of De Paul University College of Law, Chicago, was requested by State's Attorney Courtney to accept an appointment to head the "Blue Sky Division" of the state's attorney's office of Cook County. He commenced his work in this field by investigating the insurance companies, which led to successful prosecutions. He is now reorganizing the general work of the "Blue Sky Division" of the prosecutor's office, which work is concerned with the illegal or irregular issuance of securities and swindling operations through the sale of stocks and bonds. This field has attained importance of considerable proportions at this time. Professor Cherry still

retains his professorship at De Paul University College of Law.

Professor John Paul Earnest, who for more than thirty years has been Professor of Law at the George Washington University School of Law, teaching the course in Criminal Law and in charge of a part of the Moot Court work, at the end of the last academic year became Professor Emeritus. His work in Moot Court and Criminal Law is given by Associate Professor William Armstrong Hunter. Professor Hunter practiced with the Department of Justice 1923-25, and has been connected with George Washington University since 1928.

Professor Pendleton Howard, author of "Criminal Justice in England" and instructor in criminal law at the University of Idaho, is visiting professor this year at Northwestern University School of Law. This course at Idaho is being conducted by Professor Arthur L. Harding of Southern Methodist University.

Dean Albert J. Harno of the University of Illinois College of Law recently edited a collection of cases on Criminal Law and Criminal Procedure which was published by Callaghan and Company, Chicago. Mr. Harno is chairman of the Committee on Medico-Legal Problems of the American Bar Association. Dean M. R. Doubles of the University of Richmond has completed a case book on Criminal Procedure in Virginia which is now being used for the first time.

Professor Albert Coates of the University of North Carolina was absent on leave during the fall semester in order to devote his time

to the Institute of Government which he is promoting. The University of North Carolina Press has just published "Lynching and the Law," by J. H. Chadbourn, an assistant professor in the University of North Carolina School of Law. It is a study of the operation and effectiveness of the judicial process and the special legislation in relation to lynching, and concludes with a suggested model anti-lynching law for adoption by the several states. The study is the fruit of three years of cooperation between the law school and the Southern Commission on Lynching.

Emery J. Smith, Assistant Attorney General of Illinois, and Charles M. Wilson of the Scientific Crime Detection Laboratory of Northwestern, addressed the student body of Notre Dame University Law School in November, 1933. Both speakers dealt with problems of crime detection and Mr. Wilson demonstrated the use of the Keeler Polygraph or "lie-detector." Major Lynn G. Adams, Superintendent of the Pennsylvania State Constabulary, recently discussed the "Apprehension of Criminals" before the students of the Dickinson Law School.

At the last meeting of the Kentucky State Bar Association, Professor Roy Moreland of the University of Kentucky Law School was made Chairman of the Committee on the Code of Criminal Procedure and is charged with making a report on needed changes. Professor Moreland has been studying the American Law Institute Code and has been advocating reforms which correspond to that Code.

Among the newly appointed teach-

ers of criminal law are Ross C. Tisdale, instructor in criminal law at North Dakota; Edward J. Schmitt, instructor in criminal law at the University of San Francisco; Professor J. N. Lott of the University of Louisville; Mr. Albert Adams, who was formerly assistant county attorney, Des Moines College of Law; and Mr. George A. Wilson succeeding Professor H. Milton Colvin, who resigned from the Tulane Law School faculty last year.

Professor Andrew A. Bruce of Northwestern University Law School is serving as Chairman of the N. R. A. Compliance Board for the City of Chicago. Professor John H. Wigmore of the same school serves as attorney for the Board of the City of Evanston, Illinois.

At the Association of American Law Schools about fifty teachers of criminal law attended the "Crimes" Round Table, with H. Milton Colvin as Chairman. The program was as follows: (1) "Legal Interrogation of Persons Accused of Crime." Discussion led by Dean Roscoe Pound, Harvard University. (2) "Revision of Substantive Penal Codes." Discussion led by Dean Charles K. Burdick, Cornell University. (3) "Extra - Curricular Activities of Teachers of Criminal Law." Discussion led by Professor James J. Robinson, Indiana University. Professor Robinson was chosen as Chairman of the "Crimes" Council for the coming year.

Dean Justin Miller of Duke University Law School was re-elected Chairman of the Section of Criminal Law of the American Bar Association and is engaged in the work

of coordinating the work of that Association with the various state associations. He is also Chairman of the Section's Committee to Cooperate with the International Association of Chiefs of Police. Recently he was elected Vice-President and a member of the Board of Directors of the National Probation Association. In addition to these responsibilities Dean Miller is active in local projects and in his work as Chairman of the Committee on Juvenile Protection of the North Carolina Parent-Teachers' Association he is directing a survey of juvenile delinquency in his State. Moreover, he serves as President of the North Carolina Conference for Social Service. Within that organization the faculties of Duke University Law School and the University of North Carolina Law School have cooperated in the research work which precedes the drafting of proposed remedial legislation.

Forthcoming Publications—In the last "Current Notes" section, 24 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 806 (November-December, 1933) mention was made of certain books about to appear. Additional information has been secured and it is felt that the importance of these books justifies the comments thereon which appear below.

Late in January or early in February, 1934, will appear Volume I of the long-awaited Harvard Law School Crime Survey. The study, "One Thousand Juvenile Delinquents: Their Treatment by Court and Clinic," is by Professor Sheldon Glueck and Mrs. (Dr. Eleanor T.) Glueck. Utilizing the follow-up method evolved by them in their

earlier work, "Five Hundred Criminal Careers," (Knopf, 1930), the authors have made a careful follow-up investigation involving the pre-delinquent, delinquent, probation, industrial school and post-treatment careers of a thousand juvenile delinquents who had passed through the Boston Juvenile Court (under the regime of the late Judge Frederick P. Cabot) and been examined at the Judge Baker Foundation, the well-known clinic of Drs. William Healy and Augusta Bronner. A five-year post-treatment period was allowed as an adequate time within which to gauge the results of the efforts of the clinic, the court and associated agencies.

The findings are said to be most disquieting, the conclusions throwing a question mark around the efficacy of juvenile clinics and courts in curbing delinquency. Outcomes in terms of recidivism or reform are correlated with (a) the various types of recommendations made by the clinic to the court, (b) the action taken by the court thereon, (c) the social background and personal characteristics of the delinquents. Case-history summaries, pointed to bring out the recommendations of the clinic and their fate at the hands of the juvenile court and other treatment agencies, serve to illustrate the statistical findings. The recommendations involve not only the local situation but the entire approach to delinquency by means of behavior clinics and juvenile courts.

The book was read in manuscript by such outstanding authorities as Judge Julian W. Mack, the late Judge Cabot, Doctors Healy and Bronner. The book is being published by the Harvard University Press which plans to bring out the entire series of Harvard Law School

crime survey reports. It will contain an Introduction by Professor Felix Frankfurter, who has general charge of the crime survey.

Volume II of the series will follow Volume I very shortly; in fact they may be published simultaneously. This is Professor Sam Bass Warner's book, "Crime and Criminal Statistics in Boston," which analyzes the crime situation in Boston from the point of view of what the available statistics indicate, or do not indicate. Particularly interesting are the trends over several decades, and the comparative picture of Boston's crime, past and present, as against that of other cities, past and present. Taken in one aspect, the findings show Boston as the crime center of this country; taken in others, Boston appears much less extraordinary. For the swelling number of criminal prosecutions every year, we must look to the automobile—almost exclusively. In the main, the more serious offenses have been proportionately on the wane. More especially, will the lack of supporting evidence in the findings blast the popular conception of a post-war crime wave. Considerable doubt may also be thrown on the present day murder scares. Notable, furthermore, is the attempt to correlate Boston's crime rate with data on some of the supposed contributory causes of crime—particularly poverty.

Of course, one of the conclusions is that hitherto most statistical information in regard to the administration of criminal justice has been unsatisfactory. But Professor Warner does not stop there. Rather he goes on to demonstrate what criminal statistics might achieve, how they could be made to serve useful ends, if collected and compiled with due care and forethought. The de-

tails of such due care and forethought, are gone into minutely in the book which sets them forth for the benefit of those interested in practical plans of action. No doubt, the system of criminal court statistics embodied in the last chapters will interest many for just this reason, and also because in advancing some of the features of his scheme, Professor Warner had first to criticize and discard many current practices and ideas.

Early in April, Alfred A. Knopf is publishing a second volume by Professor and Mrs. Glueck, entitled "Five Hundred Criminal Women." This, too, is a follow-up study, covering the pre-delinquent, delinquent, institutional, parole and post-parole careers of a sample of graduates of the Massachusetts Reformatory for Women at Framingham, the well-known correctional institution of which Mrs. Jessie D. Hodder was in charge until her demise. The study was highly encouraged by Mrs. Hodder, one of the most progressive and intelligent practical penologists in America, and was financed by the Bureau of Social Hygiene.

The chief features of this volume are (a) an analysis of the role of the passage of time on the careers of delinquent women, (b) an analysis of women offenders into treatment-types, (c) an analysis of sex offenders into social-types, (d) an elaborate appendix on Method designed for teaching purposes.

In both these volumes the authors make further contributions to the art of predicting the behavior of offenders, developed in "Five Hundred Criminal Careers."

The December, 1933, issue of the Columbia Law Review contains an article on "The Jury of Presentment and the Coroner." (Vol. 33,

p. 1328.) This study was prepared by Irwin L. Langbein and represents a portion of a chapter of a forthcoming work on "Felony and Misdemeanor" in preparation by the Foundation for Research in Legal History, of Columbia Law School.

American Prison Association Organization for 1934—*President:* Calvin Derrick, Superintendent, State Home for Boys, Jamesburg, New Jersey. *Vice-Presidents:* Stanley P. Ashe, Warden, Western State Penitentiary, Pittsburgh, Pennsylvania; Vernon C. Branham, Deputy Commissioner, State Department of Correction, Albany, New York; R. E. Davis, Warden, Utah State Prison, Salt Lake City, Utah; Harold E. Donnell, Superintendent of Prisons, Baltimore, Maryland; and Florence Monahan, Managing Officer, State Training School for Girls, Geneva, Illinois. *General Secretary:* E. R. Cass, General Secretary, The Prison Association of New York, New York City. *Treasurer:* George C. Erskine, Superintendent, Connecticut Reformatory, Cheshire, Connecticut. *Assistant Secretary:* Edna M. Olson, 29 South La Salle Street, Chicago, Illinois. *Board of Directors:* The President, General Secretary, Treasurer, the Vice-Presidents, and the following ex-Presidents of the Association, as provided by the Constitution: Amos W. Butler, President, Indiana Society for Mental Hygiene, Indianapolis, Indiana, 1910; Joseph P. Byers, Pennsylvania, 1915; Rev. B. M. Spurr, Moundsville, West Virginia, 1918-19; George W. Wickersham, New York City, 1920; Lewis E. Lawes, Warden, Sing Sing Prison, Ossining, New York, 1923; Charles H. Johnson, New York City, 1924; Frank Moore, Rahway, New Jer-

sey, 1925; Sanford Bates, Director, U. S. Bureau of Prisons, Washington, D. C., 1926; William F. Penn, Superintendent, Pennsylvania Training School, Morganza, Pennsylvania, 1927; E. R. Cass, General Secretary, The Prison Association of New York, New York City, 1928; George G. Erskine, Superintendent, Connecticut Reformatory, Cheshire, Connecticut, 1929; Leon C. Faulkner, Managing Director, Children's Village, Dobbs Ferry, New York, 1931; Oscar Lee, Warden, Wisconsin State Prison, Waupun, Wisconsin, 1932; Walter N. Thayer, Jr., Commissioner, State Department of Correction, Albany, New York, 1933. *Committee on Criminal Law*: Nathaniel Cantor, Professor of Criminology, University of Buffalo, Buffalo, New York, *Chairman*; James V. Bennett, Assistant Director, U. S. Bureau of Prisons, Washington, D. C.; Andrew A. Bruce, President, American Institute of Criminal Law and Criminology, Chicago, Illinois; Charles E. Fox, Philadelphia, Pennsylvania; Edwin C. May, President, Board of Trustees, Western State Penitentiary, Pittsburgh, Pennsylvania; Paul Schaeffer, Judge, Court of Common Pleas, Reading, Pennsylvania; John J. Sonstebly, Chief Justice, The Municipal Court of Chicago, Chicago, Illinois; J. J. Sullivan, Warden, State Prison, Stillwater, Minnesota; Walter N. Thayer, Jr., M. D., Commissioner, State Department of Correction, Albany, New York; Joseph N. Ulman, Judge, Supreme Bench of Baltimore, Baltimore, Maryland.

It has been tentatively decided to hold the 1934 Congress of the American Prison Association at Houston, Texas.

Social Workers' Officers — The 1933-34 officers of the National Con-

ference of Social Work are: *President*—William Hodson, New York City; *First Vice-President*—J. Prentice Murphy, Philadelphia, Pennsylvania; *Second Vice-President*—Mary L. Gibbons, New York City; *Third Vice-President*—Joel D. Hunter, Chicago, Illinois; *Treasurer*—Charles C. Stillman, Columbus, Ohio; *General Secretary*—Howard R. Knight, Columbus, Ohio.

The Sixty-First Annual Meeting of the Conference will be May 20 to 26, 1934, at Kansas City, Missouri. The program will provide ample discussion of problems growing out of or accentuated by the depression, federal, state, and local unemployment relief administration, and planning for social security through social control.

Welfare Studies—Mr. A. C. Mills-paugh has been asked by the Brookings Institute, Arnold Bennett Hall, Director, Washington, D. C., to undertake a study of the organization of public welfare administration in the United States, federal, state, and local. This study will be made in cooperation with the American Public Welfare Association. The Brookings Institute has sponsored many studies of governmental agencies active in other fields and much may be expected from the work of Mr. Mills-paugh.

The Women's City Club and the League of Women Voters of New York have committees studying the problem of prostitution and methods of dealing with it. Miss Rachel Hopper Powell of the Women's Prison Association of New York is gathering materials to be used in the reports.

National Anti-Crime Conference—The National Anti-Crime Conference, sponsored by the United States Flag Association, at a recent conference in Washington outlined a broad program designed to deter criminals, ranging from declarations in favor of flogging for the more serious offenses to universal fingerprinting.

The conference emphasized the need for educating youth to prevent the development of criminal tendencies and adopted a resolution, approved by representatives of Catholic, Protestant, Jewish and Greek Orthodox religions to hold special services December 9th and 10th for "study of the crime situation."

The convention urged the United States Flag Association to ask that Congress prohibit the sale, manufacture or possession of pistols, machine guns or other firearms, except for police purposes.

Other policies, laid down before the convention adopted the keynote resolution pledging all the delegates to continuing the campaign with the slogan "Crime Must Go" included:

Revision of laws so states may appeal unfavorable verdicts in criminal cases.

Uniform extradition laws.

Change laws governing use of firearms by permitting police to "frisk" without search warrants any persons suspected of carrying weapons.

Registration of all persons previously convicted of a felony at the nearest police station, immediately after they move to a new neighborhood or state.

The convention decided to ask newspapers to omit pictures of criminals unless they were published "in the public interest" and to elim-

inate crime news or present it in a factual and "undramatic form." (Correction, November, 1933.)

Massachusetts Commission—The Massachusetts Special Crime Commission soon will make its report. The Commission consisted of Professor Frank L. Simpson of the Boston University Law School, chairman; General Charles H. Cole, ex-police commissioner of Boston; and Daniel Lyne, head of one of the city's largest law-firms. The staff consisted of two Boston lawyers, James J. Ronan as counsel and James J. Caffery as assistant counsel. Mr. Morris Ploscowe, who is a frequent contributor to this Journal and who assisted the National Commission on Law Observation and Enforcement, prepared an analysis of the records of "Eighty Persistent Offenders."

Chicago Meeting—The Chicago Academy of Criminology met on Thursday, December 14th, 1933, to listen to and discuss the address on "Criminological Research and the Treatment of Crime in Russia," which was given by Professor Ernest W. Burgess of the University of Chicago. Professor Burgess has made several trips to Russia and devoted much study to the Russian Criminological institutes. Particularly interesting was his analysis of the effect of Russian political philosophy upon Russia's substantive criminal law.

Probation Reports—The December News Letter of the United States Probation System, Joel R. Moore, Supervisor, has several tables which

vividly illustrate the type of work being done within that organization. The tables are as follows:

Table 1—Population Flow (for the past three years)

Table 2—Type of Offense

Table 3—Age

Table 4—Marital Status

Table 5—Race and Nativity

Table 6—Literacy and Education

Table 7—Types of Investigation Made During Year, 1933, by Probation Officers

Table 8—Supervision Contacts

Also there is a table showing the "Disposition of 2,100 Juvenile Cases Handled by the Probation System in 1933."

Illinois State's Attorneys Meet— December 28-30, 1933, the Illinois State's Attorneys Association met in Chicago. Mr. C. W. Reed, State's Attorney of Dupage County, served as President of the Association. Among the speakers were: Attorney General Otto W. Kerner, "Recent Questions of Interest"; Lester Geers, State's Attorney of Madison County, "The Build-Up of the Luer Kidnapping Case"; Frank J. Loesch, President of the Chicago Crime Commission, "The Chicago Crime Commission"; Deneen Watson, of the Chicago Bar, "Prosecution of Violations of the Illinois Securities Act"; William D. Knight, of the Rockford Bar, "The State's Attorney and the Big Brothers' Association"; Dwight H. Green, United States District Attorney, "Cooperation Between Federal and State Prosecutors"; Albert J. Harno, Dean of the Law School, University of Illinois, "Legal Medicine"; Harry M. Fisher, Judge of the Cir-

cuit Court of Cook County, "The Code of Substantive Criminal Law"; Floyd E. Thompson, President Illinois State Bar Association, "The Proposed Code of Criminal Procedure"; Clarence S. Darrow, of the Chicago Bar, "The Prisoner at the Bar."

The morning of December 30, was spent in the quarters of the Scientific Crime Detection Laboratory of Northwestern University School of Law. The following staff members spoke: Fred E. Inbau, Assistant in Legal Psychology, "A Brief Analysis of Recent Decisions Involving Scientific Crime Detection"; Leonarde Keeler, Assistant Professor of Law in Psychology, "Recent Criminal Cases Involving the Use of the 'Lie-Detector,'" ; E. Carleton Hood, Microscopist and Photo-micrographer, "Some Recent Finger-Print and Hair Investigations"; Charles M. Wilson, Instructor in Legal Psychology, "The Use of the Ultra-Violet Light in Crime Detection"; and Colonel Calvin Goddard, Professor of Police Science, "Some Recent Firearms Cases."

At the conclusion of these addresses Colonel Goddard, Mr. Reed, and Mr. Ben H. Townsend, State's Attorney of Washington County, participated in a demonstration of the proper qualification of the expert witness followed by cross-examination by the state's attorneys present. About seventy-five members of the Association took part.

New York City Appointments— On January 1, 1934, Fiorella H. La Guardia became Mayor of New York City pledged to create a more efficient local government. Immediately after taking his office he announced as members of his cab-

inet, John F. O'Ryan who will serve as Commissioner of Police and Austin H. MacCormick who is to be Commissioner of Correction. Certain points in Mr. MacCormick's career were mentioned in "Current Notes," appearing in 24 *Journal of Criminal Law and Criminology* 805 (November-December, 1933), and need not be repeated here.

Proposals for Improving Criminal Law and Procedure—The recommendations of the International Association of Chiefs of Police Committee, as presented to U. S. Senate Sub-Committee on Racketeering are listed below in summary form:

1. All Federal officers empowered to arrest for all Federal violations.
2. Regional integration.
3. Permanency of chiefs' tenure—5 persons without other duties to serve as trial board.
4. Government financial aid for police.
5. Entrapment laws to be changed so as to permit introduction of evidence.
6. Governors should remove officials who fail to enforce law.
7. Known criminals should not be released on bail.
8. Evidence of the guilt of a person should be accepted regardless of how obtained.
9. Judges and prosecutors should report to Governor causes for dismissals, cases not tried, etc.
10. Federal offense to commit crime in one State and go to another or transport stolen property interstate.
11. Judges of criminal courts to be appointed for life.
12. Speedy trials.
13. Severe penalties for failure to report crimes.
14. Universal fingerprinting.
15. Police to be notified when persons are paroled.
16. Hold deportees from other countries until investigated.
17. Simplified extradition.
18. Unreasonable search and seizure not to apply to criminals' hangouts, etc.

Thomas S. Rice has submitted to the Senate sub-committee on racketeering proposals which have attracted much attention. Many of the proposed changes have been aired in his Sunday column in the Brooklyn Daily Eagle and all were printed in the last number of "The Panel" published for the New York Grand Jurors. In condensed form they are presented here with his permission:

"1. Remove the right of the prisoner to remain mute from the time of his arrest to final disposition of the case.

That right to remain mute and defy the police, prosecutor, judge and jurors, after which the judge must warn the jury that the muteness of the witness is not to be counted against him, is the greatest single stumbling block to justice under the American flag. In Ohio an amendment to the State constitution enables the judge and prosecutor to comment upon the prisoner's failure to take the stand, as the judge may do in England.

2. Stop granting bail to serious and notorious offenders caught with strong prima facie cases against them.

The present disgraceful condition throughout the United States by which known criminals, even those caught in major crimes, must be released on 'reasonable' bail, is largely

the result of judge-made law, made by judges moved by political influence or not having sufficient knowledge of the true purpose of the Habeas Corpus Act.

3. Simplify perjury prosecutions. It is now almost impossible to obtain convictions for perjury in State or Federal courts because the prosecutor has to prove which of two contradictory statements is false. That he often cannot possibly do, although the witness may have admitted that he lied.

4. Pass a false swearing act. That law should provide a misdemeanor to be joined in an indictment for perjury as a sort of 'second degree perjury,' or to be prosecuted as a distinct offense. The false swearing act would furnish a way out for juries which do not wish to convict of perjury because of extenuating circumstances.

5. Pass a bill requiring advance notice to the prosecutor of the particulars of an alibi defense. Surprise and perjured alibi defenses are the principal reliances of criminals with gang connections and are responsible for thousands of major offenders escaping justice.

6. Simplify prosecutions for receiving stolen goods. It is axiomatic that if we had no receivers we would have no thieves, but innumerable technicalities have been raised and no class of criminals, except perjurers, is harder to convict.

7. Make the jumping of bail in a State or Federal felony case a felony in itself.

8. Abolish all mandatory jury exemptions. That has been done in the Province of Quebec with highly satisfactory results. Quebec exempts only ministers of religion, and those because they receive confessions.

9. Preserve the grand jury system, but have grand juries in all counties of large populations chosen from permanent lists of those who have served on two or more trial juries.

10. Stop judges from granting postponements, adjournments or continuances as political or personal favors, or to suit their own convenience, while utterly ignoring the severe and sometimes disastrous consequences to the witnesses.

11. Pass the laws recommended by the Commissioners on Uniform State Laws. New York passed in 1932 the uniform act for the extradition of witnesses in criminal cases and in 1933 passed the uniform narcotic act. Others are the uniform machine gun act and the uniform act for the extradition of escaped persons of unsound mind.

12. Abolish bail on appeal after conviction in Federal and State jurisdictions except when the judge gives a written opinion that he is doubtful about the validity of the conviction.

13. Abolish bail when a person arrested in one Federal jurisdiction fights removal to another.

14. Extend the Dyer Act against the interstate transportation of stolen motor vehicles to cover interstate removal of any stolen goods by any means whatever.

15. Extend the Federal mail fraud act to interstate fraud committed by means of any interstate transportation or communication, including messengers who carry oral or written messages.

16. Extend the Federal law of 1932 providing a maximum penalty of twenty years for sending a kidnap letter through the mails, to sending a kidnap or blackmail or extortion communication across a

State line by any means of transportation or communication.

17. Raise the maximum penalties for mail frauds, fraudulent bankruptcies and the like from the present limit of five years to twenty years in the hope that now and then some of our Federal judges will pay regard to the sufferings of the victims and the demand of the public for punitive justice.

18. Provide for special speeding up by court rules or by Federal or State legislation of all prosecutions for kidnapping, blackmailing or extortion practices.

19. Bar kidnapers, blackmailers and extortionists from the operation of the parole law.

20. Allow appellate courts to increase sentences on appeal, allow no bail pending appeal, and do not credit on the sentence time spent in jail or penitentiary pending appeal."

Louisiana Association—The Crime Prevention and Prison Reform Association of Louisiana has been very active during the past year in a drive on the use of the "third degree" in securing confessions in criminal cases. The Association by the use of articles in newspapers and radio addresses given by H. Milton Colvin, formerly of the Tulane University Law Faculty, has proposed the establishment of a scientific crime detection laboratory in New Orleans to serve the State of Louisiana and that portion of the South of which it is the center. Mr. Eugene E. Stanley, the local prosecutor of New Orleans, has been assisting in the campaign. The Crime Prevention and Prison Reform Association has been in existence forty-eight years and has been active in improving conditions in prisons and asylums; it fostered the creation

in Louisiana of the State Board of Charities and Corrections; it promoted the establishment of juvenile courts; it advocated laws abolishing the system of leasing prisoners out at contract labor; it secured the segregation of prisoners and through its influence the indeterminate sentence and parole laws were passed. The officers are D. G. Dumas, Superintendent of the Burton Memorial Home, *President*; H. Milton Colvin, formerly of Tulane University, *Vice-President*; Elizabeth Wisner, School of Social Work, Tulane University, *Secretary*; and William Pfaff, *Treasurer*.

A. B. A. Questionnaire—The Program of the American Bar Association as adopted at Grand Rapids August 29, 1933, places as the subject of most importance "Criminal Law and Its Enforcement." The selection of this subject was explained in the January, 1934, American Bar Association Journal as follows:

"While lawyers are and must be interested in all phases [of crime] they are particularly concerned and able to secure immediate results with those portions of the field dealing with the apprehension of the criminal, his arrest and prosecution. Reform of the substantive criminal law, crime prevention in its broader aspects, punishment, institutional treatment of offenders in prisons, jails and reformatories, non-institutional handling of criminals by parole or probation, the juvenile court, the use of the pardoning power, selection of judges and prosecutors, the causes of crime and a great many other factors in the general situation, while of tremendous importance, have been excluded from the immediate program

because of the necessity for limiting the targets to be shot at to a comparatively few within a fairly narrow range."

On December 12, 1933, from the Association's headquarters there were mailed 1,450 questionnaires going to all state and local bar associations. The President of the Association, Mr. Earle W. Evans, is engaged in calling upon all groups interested in criminal law and criminology to cooperate with the Association in its efforts to improve the system whereby criminals are apprehended and convicted. It is thought that the readers of this JOURNAL would be glad to examine the questionnaire used by the Bar Association:

"QUESTIONNAIRE ON SOME PHASES
OF CRIMINAL LAW

1. *Relation Between Politics
and Crime*

a. In your community, to what extent, and in what types of violations of the law, if any, do criminal offenders have sufficient influence to prevent their arrest and punishment?

b. Is this influence generally exercised through the police, prosecutor's office or court?

c. Are district leaders or other politicians financially interested in any criminal enterprises?

d. To what extent have criminal elements been identified with election frauds, i. e., have gangsters or other notorious criminals been used in connection with election frauds?

e. Have any of the situations referred to in a, b, c, or d above been the subject of special study in your community?

f. What if any remedies have been proposed to meet any of the above situations?

2. *Prosecutor*

a. Is the prosecutor's office in your community functioning satisfactorily in conducting investigations of either the commission of specific crimes or of the conduct of public officers?

b. Is the prosecutor's office in your community efficient in the conduct of criminal trials?

c. If not, what reasons would you give for inefficiency as to either of above duties?

d. Is the staff adequate?

e. Does the personnel consist of trained, experienced, or otherwise competent assistants?

f. Does the office co-operate adequately with the police and other enforcing agencies?

g. Is the policy of bargaining with offender for plea of guilty of lesser offense abused?

h. Are forfeited bail bonds actually collected?

i. Are the assistant district attorneys or other subordinate officers in the prosecutor's office primarily political appointees?

j. Do you attribute any of the defects or inefficiency to the fact, if such is the fact, that the appointments are based essentially on political considerations rather than upon legal or other professional ability?

k. Enumerate any other major defects in prosecutor's office.

3. *Police*

a. In the performance of their functions of crime prevention, detection and arrest of criminals would you grade the police and other enforcing agencies in your community as excellent, good, fair or poor?

b. Are they subject to political control?

c. To what extent, if any, are they subject to corruption, finan-

cially or otherwise?

d. Is the method of selection used calculated to secure desirable personnel?

e. Have they security of tenure?

f. Do they receive adequate compensation?

g. What provision exists for police instruction?

h. If inefficiency in police or other enforcing agencies exists, what reasons would you give for it other than those included in the above subdivisions of this topic?

i. Do they use modern methods of scientific crime detection, including fingerprint and photographic records?

j. Is the system of fingerprints and photographs of defendants centralized in any state office of records and identifications?

k. Are fingerprint and photographic records and other criminal information regularly forwarded to the Bureau of Criminal Records and Identification of the United States Bureau of Investigation at Washington, D. C.?

4. *Lawyer Criminal*

a. Are there lawyers in your community who give unethical assistance to criminals either before or after the commission of crime?

b. What steps if any are being taken to check this type of activity?

c. To what extent have the members of the bar who specialize in criminal cases organized bar associations of such specialized practitioners?

d. Is the practice, of criminal law in your community confined to a comparatively small group of lawyers specializing in such cases?

5. *Racketeering*

a. To what extent if any is the legitimate business of your com-

munity under the influence of racketeering?

b. Does any racketeering exist in your community in connection with employer-labor relations, i. e., in labor unions, protective associations, etc.?

c. Has the prosecutor's office in your community successfully dealt with racketeering either by means of appropriate investigation or prosecutive action?

d. Has the United States Attorney for your district been more effective in combating racketeering than the local prosecutor?

6. *Kidnapping*

a. How many instances of kidnapping have occurred in your community since January 1, 1933?

b. In how many cases have the principals in the kidnapping been apprehended?

c. In how many convicted?

d. How many instances of attempted kidnapping or threats to kidnap persons unless payment was made (extortion) have occurred in your community since January 1, 1933?

e. In how many of such cases has the local prosecutor taken effective action?

7. *Criminal Procedure*

a. What parts of the Model Code of Criminal Procedure of the American Law Institute have been adopted in your state since 1930?

b. Is there a committee of lawyers in your community or state studying the reform of criminal procedure?

c. If substantial improvements in criminal procedure, other than those enumerated under subdivision a, have been made in your state within recent years, what are these improvements and how have they been secured?

8. *Federal v. Local Administration of Criminal Justice*

a. Has the United States Attorney for your district confined himself strictly to cases involving federal jurisdiction or has he extended criminal jurisdiction to include cases essentially local in character, i. e., where all of the material witnesses reside in the state, where all of the material evidence is in the state, where the crime violates a specific provision of the state criminal code?

b. If such extension of federal jurisdiction has taken place, has federal action been more effective than local action in essentially similar cases?

c. Has your state adopted the uniform statute dealing with the interstate rendition of witnesses in criminal cases, or is your state considering the adoption of such uniform statute?

d. Are there any proposals pending in your state dealing with reciprocal interstate legislation for the purpose of overcoming the obstacles of territorial jurisdiction in the administration of criminal law?

e. Are there any proposals pending in your state dealing with interstate compacts, with Congressional consent, for the purpose of overcoming the obstacles of territorial jurisdiction in the administration of criminal law?

9. *Arousing the Bar*

a. By what means can the Bar in your community be awakened to its responsibility to improve the administration of criminal justice?

b. What if anything is being done in your community at the present time to awaken the interest of the bar in this field?

10. *Other Problems*

a. Enumerate any other problems in the field of the administration of criminal justice which you consider more important than those above listed, such as possibly the requirement of unanimous verdicts, failure to provide for alternate jurors, the abuse of the constitutional privilege of self-incrimination, failure to provide for examinations before trial so as to prevent spurious alibis, etc.

Please indicate which of these major problems is most important in your community, in the opinion of your committee, which is the second in importance and which is the third in importance.

1. Relation Between Politics and Crime.
2. Prosecutor.
3. Police.
4. Lawyer Criminal.
5. Racketeering.
6. Kidnapping.
7. Criminal Procedure.
8. Federal v. Local Administration of Criminal Justice.
9. Arousing the Bar.
10. Other Problems:

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Recent Publications of Interest—
"Personality Study of 100 Parents of Habit Clinic Children," by Arthur Berk, M.D., Lenore Lane and Myrtle C. Tandy, Bulletin of the Massachusetts Department of Mental Diseases (Vol. XVII, Nos. 1 and 2); "Report of the Philadelphia Criminal Justice Association," by T. A. Meryweather, Special Agent (2nd and 3rd Quarters); "Indian Prisoners," by Horace G. Alexander and Cicely M. Craven, published by the Howard League for Penal Reform (September, 1933); "Do Prison Conditions as Represented in Sinclair Lewis' 'Ann Vickers' Exist Today?" by Harry Elmer Barnes and Richard Washburn Child, News Bulletin (October, 1933); "Medical Testimony and Insanity," by Clifford A. Wright, M.D., Los Angeles Bar Association Bulletin (October, 1933); "Registration of Ex-Convicts," by Eugene W. Biscailuz, Sheriff of Los Angeles County, The National Police Officer (November, 1933); "Clinics for Crime Prevention," by A. I. Baron, M.D., The Prison Journal (October, 1933); "Report of Committee on Criminal Law and Procedure," by Saul S. Klein, California State Bar Proceedings, p. 289 (September, 1933); "The International World Police," James S. Boland, Correction (October, 1933); "Automobile Thievery in Chicago," by Henry Barrett Chamberlin, Police "13-13" (January, 1934); "Probation After Fifty Years," by Sanford Bates, Ye News Letter (October, 1933); "Federal

Penal Maps," prepared by Mrs. Irene Dennison, *Ibid.*; "A Community Organizes to Prevent Delinquency," by Kenyon J. Scudder, Probation (December, 1933); "Alameda County Forms Model Anti-Racket Council," by Richard H. Chamberlain, The Panel (November-December, 1933); "Dope," by Eunice Callender Fisher, Police and Peace Officers' Journal (November, 1933); "Report of the Institute for Psychoanalysis," by Franz Alexander, M.D., and Karen Horney, M.D., published by the Institute (November, 1933); "Mens Rea and Motorists," by J. W. Cecil Turner, The Cambridge Law Journal (Vol. V, No. 1); "The Causes and Cure of Crime: From the Psychologists' Standpoint," by J. R. Rees, The Howard Journal (Vol. III, No. 4); "Lincoln Conspiracy Trial and Military Jurisdiction Over Civilians," by John W. Curran, Notre Dame Lawyer (November, 1933); "Work of Wisconsin Supreme Court: Criminal Law," by Alfred L. Gausewitz, Wisconsin Law Review (December, 1933); "Effect of the Civil Practice Act Upon Instructing Juries in Criminal Cases," by Harry M. Fisher, Illinois Law Review (December, 1933); "Evidence Obtained by Illegal Search and Seizure," by Martin R. Glenn, Kentucky Law Journal (November, 1933); "Censorship at Common Law and Under Modern Dispensation," by Garrard Glenn, University of Pennsylvania Law Review (December, 1933); "Civil and Criminal Liability of National Guardsmen Called Out for Duty," by Samuel H. Sterling, Temple Law Quarterly (November, 1933).