

Journal of Criminal Law and Criminology

Volume 27
Issue 6 *March-April*

Article 13

Spring 1937

Current Notes

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Recommended Citation

Current Notes, 27 Am. Inst. Crim. L. & Criminology 921 (1936-1937)

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CURRENT NOTES

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Miller Resigns—With regret it was learned in January, 1937, that Honorable Justin Miller, Special Assistant to the Attorney General of the United States, had resigned his position in the Department of Justice to become a member of the Board of Tax Appeals. As a result of his resignation, he is no longer Director of the Attorney General's Survey of Release Procedures, although he continues as Chairman of the Attorney General's Advisory Committee on Crime, and has agreed to serve as Advisory Director of the Attorney General's Survey until its completion. His work as Chairman of the Section of Criminal Law and Criminology of the American Bar Association has been of great importance to the Bar of this country but Mr. Miller felt that it was necessary to resign from this position also. His place in the American Bar Association work has been taken by Professor Rollin Perkins of the State University of Iowa, who has been an officer in the Section for a number of years, and will undoubtedly continue the able leadership of Mr. Miller.

During the past three years Mr. Miller has taken a prominent part in many crime conferences, and has given addresses before many of the State and local bar associations. He has popularized the work of the Department of Justice in a way

never before accomplished by a Government official. It is to be hoped that the cause of efficient administration of the criminal law will not lose Mr. Miller's influence permanently, and that he may in the future be able to devote his entire time to this work in which he has demonstrated high attainments.

Morse Appointment—Before Mr. Miller's resignation, Dean Wayne L. Morse of the University of Oregon Law School was invited to become Assistant Administrative Director of the Attorney General's Survey of Release Procedures. In this capacity Dean Morse proved himself so competent that upon Mr. Miller's resignation he became Administrative Director. Dean Morse has appointed to his editorial staff Professor Henry Weihofen, Assistant Professor of Law, University of Colorado Law School. Professor Weihofen is known as the author of "Insanity as a Defense in Criminal Law," and has written many articles in the field of Criminal Law. Another appointment was that of Professor Paul Raymond of John B. Stetson University Law School, of Deland, Florida. Professor Raymond has had considerable experience in the field of Criminal Law, after obtaining his doctorate at Harvard University,

and is well known as a contributor to various legal periodicals. In addition, Dean Morse has appointed three other lawyers to assist him in writing up the survey:

Mr. Chisman Hanes, of Pine Hill, North Carolina; former member of the legal staff of RFC, appointed by Dean Miller to the Survey project in July, 1936; attended both Harvard and Duke University Law Schools, graduating from Duke in 1932, practiced law in Raleigh, North Carolina, before joining the legal staff of RFC;

Mr. Ivar Peterson, of Colville, Washington, graduate of Washington State College and Duke University Law School; received his law degree in 1935; has been in government service since; and

Miss Sophie Robinson, graduate of Wellsley College and Yale University Law School; 1936.

The resignation of Sanford Bates from his position in the Department of Justice necessitated a change in the personnel of the Executive Committee of the Attorney General's Survey, which now consists of Brien McMahon, James Bennett, Justin Miller, and Lovell Bixby.

The appointment of Dean Morse as Director of all of the administrative work in connection with the Survey, in addition to the task of directing the editorial work of the Survey, insures that the work will be accomplished speedily and with scholarly merit. Dean Morse is widely known for his research in two distinct fields of Criminal Law. Working with Raymond Moley at Columbia University, he made the most thorough survey of the Grand Jury system which has been accomplished in this country. In the State of Oregon, he directed

the Oregon State Crime Survey, and a survey of Oregon penal institutions. In addition he has served as a member of the Oregon Crime Commission, and the Oregon State Commission for Reform in Legal Procedure. The Attorney General is to be congratulated on securing so able a successor to Justin Miller.

Status of the Survey—The Attorney General's Survey of Release Procedures will end on July 1, so far as the WPA grant is concerned. It is to be hoped that the Attorney General will be able to secure additional funds to insure the completion of the Survey in all details. Even if that is not accomplished, there will be on file in the Department of Justice a wealth of material to be interpreted and evaluated, and finally published. With Dean Morse in charge, it can be understood that the final publication will not be ready until it is in scholarly form.

While the general funds for the survey came from a WPA grant, the work of those employed has been accurate, and the materials gathered have been quite voluminous. The WPA workers have been carefully supervised by regularly trained administrative officials. The appropriation for the project is in excess of \$2,000,000, and the Department has employed more than 2,000 people for over a year. At the present time, the staff has been reduced to 1300, some 300 of whom are at the Washington offices.

It is now planned to publish the Survey in four volumes—Volume 1 dealing with statutes and decisions; Volume 2, statistical findings pertaining to administrative prac-

tices; Volume 3, with statistical analyses of individual offenders; and Volume 4 will contain a summary with conclusions and recommendations.

The importance of this Federal project cannot be over-emphasized. Most research work in the past has been left to individual States or various institutions or organizations. These have not been equipped to make a nation-wide survey, nor were they equipped to furnish authoritative information, such as the proposed Criminal Information unit for the Federal Department of Justice. It is to be hoped that the activities of the Attorney General, Mr. Miller, Dean Morse, and the other able Department of Justice officials will pave the way for a continuation and extension of Federal activities in this field of criminological work.

Bates Resignation—On February 1, 1937, Honorable Sanford Bates resigned his position as Director of the United States Bureau of Prisons in the United States Department of Justice. Mr. Bates accepted the position as Executive Director of The Boys Clubs of America, Inc., and will have his offices in New York City.

Mr. Bates served for ten years as Commissioner of Correction for the State of Massachusetts, before heading the Federal Prison System in 1929. During his years as head of the Federal System, Mr. Bates was instrumental in enlarging the Probation and Parole systems, and in establishing several model institutions such as those at Alcatraz, Lewisburg, McNeil Island, El Reno, and others.

For many years Mr. Bates has

been an officer in the American Institute of Criminal Law and Criminology, and at present is Vice-President.

The Boys Clubs of America, Inc., has a membership of 300,000, with Clubs in 153 cities. In his new work Mr. Bates will be able to make a great contribution in the field of crime prevention, a subject which he has closely studied and in which he is deeply interested.

Bennett Appointment—Mr. James V. Bennett, who has served as Assistant Director of the Bureau of Prisons, will succeed Sanford Bates as Director. Mr. Bennett entered the Department of Justice eight years ago and has been responsible for the industrial operations carried on in the Federal penal system. He is eminently qualified to carry on the policies inaugurated by Mr. Bates.

Federal Legislation Proposed—The Executive Committee and Board of Directors of the American Prison Association have circulated the bill reprinted below and Mr. E. R. Cass, Secretary, suggests that interested persons should give their support to its adoption.

He says: "There has been a growing feeling that the Federal Government should aid the States in improving and reorganizing their prison facilities.

"It has seemed to a number of our members that federal laws are in a large measure responsible for the great, increasing, and demoralizing idleness in prisons and that the prisons of the country have been unable to obtain a fair share of Government funds for the con-

struction of penal institutions because of the conditions attached to the grant or loan of PWA funds. You also will remember that resolutions have been adopted by this Association and other bodies urging the Federal Government to assist the States by granting financial aid."

"A BILL

To provide for the general welfare by establishing a system of federal aid to the states for the purpose of enabling them to provide adequate institutional treatment of prisoners and provide improved methods of supervision and administration of probation, parole, and conditional release of offenders.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

For the purpose of enabling each state and its political sub-divisions to provide adequate housing, educational, employment, classification, and medical facilities for those who have been convicted of crimes against the laws of the several states or who are held for trial or as witnesses, there is hereby authorized to be appropriated for the fiscal year beginning July 1, 1937, the sum of \$16,000,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes of this act.

Sec. 2. For the purpose of assisting states and counties and other political subdivisions of the states to establish and maintain adequate and scientific standards for the supervision of offenders released: (1) by parole, (2) by commutation of sentence, (3) by pro-

bation, or (4) by any other form of conditional release, there is hereby authorized to be appropriated for the fiscal year beginning July 1, 1937, the sum of \$1,600,000, and thereafter a sum sufficient to carry out the purposes of this act.

Sec. 3. The sums made available under this act may be allotted to the several states under such terms and regulations as the President may from time to time prescribe. The said regulations shall provide, among other things, for: (1) financial participation by the state in any project or program for which any of the funds herein authorized are allotted and (2) equitable distribution of the funds on the basis of (a) the prison population of the state, (b) special institutional problems, and (c) the financial needs of the respective states. The President may call upon such department of the government as he thinks proper to assist in the administration of this act and authorize such department to certify to the Secretary of the Treasury the amounts to be paid to the states, and the Secretary of the Treasury shall, through the Division of Disbursement of the Treasury Department and prior to settlement and audit by the General Accounting Office, make payments of such amounts at the time or times specified by the administrative department. The President may also, in his discretion, establish a board of not to exceed seven (7) persons who shall serve without compensation to advise him and the said administrative department in the determination of the conditions to be met by each state prior to receiving any of the funds authorized by this act.

Sec. 4. Not to exceed one per

cent of the total amount of the funds appropriated under this act may be used for administrative purposes and to collect and disseminate information to the several states and their political subdivisions concerning crime prevention, release procedure, the treatment of criminals, the instruction of personnel, and to promote cooperation between the Federal Government and the several states in the administration and conduct of their institutional and extra-mural handling of offenders against the laws of the United States and the several states."

It is to be hoped that this bill, sponsored by several national organizations, may become law. Especially desirable is the proposal to establish a crime prevention information service within the U. S. Department of Justice.

Loesch Re-elected—At the annual meeting of the Chicago Crime Commission, January 21, 1937, Frank J. Loesch was elected President for the tenth consecutive year, and Henry Barrett Chamberlin will continue as Operating Director, a position which he has held since the creation of the Commission eighteen years ago.

Again the Chicago Crime Commission announced a decrease in crime, improved prosecution, and a closer cooperation between officials charged with the administration of criminal justice. Only 195 verdicts of murder were returned by coroner's juries, as compared with 399 in 1928. 5,524 robberies were reported by the police as compared with 15,943 in 1932. Only 94 defendants in felony cases were found "not guilty" by juries in 1936, while

the courts found only 80 "not guilty" as a result of bench trials. It is also interesting to note that in the year 1936 only 120 indictments were *nolle prossed*, and only 70 "stricken off with leave to reinstate."

These figures deserve wide publicity because of the fact that it is still quite common for writers on criminological topics to mention Chicago as a crime capital and as a place where the administration of criminal justice is lax. For its part in improving conditions, the Chicago Crime Commission deserves the respect of all good citizens.

Third Degree Methods—Among the recommendations to the New York legislature The Prison Association of New York touched upon "third degree" methods. We find the following:

That a special committee of the Legislature be appointed to investigate the complaints of police brutality, commonly referred to as the "third degree." The reports of such brutalities and their denial, and at the same time the appearance of prisoners after their contacts with the police, suggest that an investigation would be desirable. As a first step, the proposal that prisoners when arrested be brought immediately before a magistrate should be put into practice.

The Federal Bureau of Investigation of the U. S. Department of Justice, some of the agents of which are popularly referred to as G-men, issues a monthly bulletin. The January, 1936, issue, Vol. 5, No. 1, contains a pertinent article entitled "The Confession and Third

Degree Methods." A significant sentence reads: "By the application of scientific principles to crime detection and criminal apprehension there is no need to resort to third degree methods to obtain convictions even in the case of the vicious mobster of today's organized crime." Another sentence reads: "The poignant challenge, 'when lynx-eyed departmental sleuths are baffled by a paucity of clues (generally furnished by stool pigeons) or when they are too stupid or lazy to gather material evidence against a prisoner, they transform their tipstaves into divining rods, and work diligently on the suspect's skull until he 'comes clean;' rubber hose, which leaves no incriminating welt on face or body, being a favorite weapon with the confession snatchers,' must be refuted by a record of convictions that stand upon evidence developed through persistent, intelligent investigation."

Medical Examiner Act—Sponsored by Dr. LeMoyne Snyder of Lansing, Medico-legal expert for the Michigan State Police, there has been introduced in the Michigan legislature a bill which will establish a medical examiner system. This will do away with the office of coroner in that State.

Pertinent parts of the bill are reprinted below because of the wide interest in this proposed legislation.

**"THE PEOPLE OF THE STATE
OF MICHIGAN ENACT:**

Section 1. There is hereby created a Medical Examiner System within the State of Michigan,

which shall consist of a State Medical Examiner, County Medical Examiner, and such other employees as may be appointed or employed. The State Medical Examiner shall be appointed by the Governor before January 1, 1938, and shall hold office during good behavior. Said State Medical Examiner shall be a physician, licensed to practice medicine within the State of Michigan, possessing special training in pathology and the investigation of violent deaths. The salary of the State Medical Examiner shall be such as shall be appropriated by the legislature. Said State Medical Examiner shall execute the constitutional oath of office.

Section 2. For each county in the state, the State Medical Examiner shall appoint one County Medical Examiner to hold office for a period of three years. County Medical Examiners shall be physicians licensed to practice medicine within the State of Michigan and residents of the county for which they are appointed or of an adjoining county.

Section 3. For each county in the state, the State Medical Examiner shall appoint two Deputy County Medical Examiners. In counties having in excess of 100,000 population at the last official census, the State Medical Examiner may appoint one additional Deputy County Medical Examiner for each 100,000 population or portion thereof in excess. In counties having in excess of 10,000 population at the last official census, Deputy County Medical Examiners shall be physicians licensed to practice medicine within the State of Michigan and residents of the county for which they

are appointed. Deputy County Medical Examiners shall be appointed for terms of three (3) years and are authorized to perform such duties as the County Medical Examiner or State Medical Examiner may prescribe to carry out the purpose of this act.

Section 6. County Medical Examiners and Deputy County Medical Examiners shall make examinations as hereafter provided, upon bodies of such persons only as are supposed to have come to their death by violence; without medical attendance up to and including at least thirty-six (36) hours prior to the hour of death; abortion, whether self-induced or otherwise; or in case any prisoner in any county or city jail dies while so imprisoned, it shall be the duty of the County Medical Examiner, of the county in which such county or city jail is situated, upon being notified of the death of such prisoner to make an examination upon the body of such deceased prisoner.

Section 7. It shall be the duty of any physician and of any person in charge of any hospital or institution, or of any person who shall have first knowledge of the death of any person who shall have died suddenly, accidentally, violently or as the result of any suspicious circumstances or without medical attendance up to and including at least thirty-six (36) hours prior to the hour of death, or in any case of death due to what is commonly known as an abortion, whether self-induced or otherwise, to immediately notify the County Medical Examiner of the death. It shall be unlawful for any funeral director, embler or other person

to remove any body from the place where such death occurred, or to prepare same for burial or shipment, without first notifying the County Medical Examiner and receiving permission to remove the body.

Section 8. When a County Medical Examiner has notice that there has been found or is lying within his county the body of a person who is supposed to have come to his death in a manner as indicated in Section 6, he shall forthwith repair to the place where such body lies and take charge of same; and if, on view thereof and personal inquiry into the cause and manner of the death, he deems a further examination necessary, the County Medical Examiner may cause such dead body to be removed to the public morgue. If there be no public morgue, then the body may be removed to such private morgue as the Medical Examiner and the family of the deceased may deem proper. The County Medical Examiner shall there perform an autopsy in the presence of two or more persons as witnesses and shall then and there carefully reduce or cause to be reduced to writing, every fact and circumstance tending to show the condition of the body and the cause and manner of death, together with the names and addresses of said witnesses, which record he shall subscribe. Such County Medical Examiner shall, after any required examination or autopsy promptly deliver or return such body to the relatives or representatives of the deceased or if there are no relatives or representatives known to the Examiner, he shall cause the body to be decently buried except that such

Examiner may retain, as long as may be necessary, any portion of such body necessary for the detection of any crime. . . .

Section 22. Medical Examiners shall, in books provided by the State Medical Examiner, keep a record of all views of bodies found dead, together with their view and autopsy reports, and shall forward immediately a copy of each report duly attested, together with the view reports and conclusions from autopsies, to the State Medical Examiner. The State Medical Examiner shall cause the returns received by him for each year in accordance with this act, to be bound together with an index thereto; and shall prepare or cause to be prepared from the said returns such tabular results as will render them of practical utility, and shall furnish such information therefrom to the Governor and legislature and to any state or municipal agency as may be required for the purpose of yearly tabulations or otherwise.

Section 23. It shall be the duty of the State Medical Examiner to organize, equip, and conduct a laboratory to facilitate the carrying out of the purposes of this act. It shall be the duty of said State Medical Examiner to create such laboratory prior to January 1, 1939. Said laboratory shall consist of personnel, apparatus, and material necessary to the scientific investigation of violent deaths and the facilities of such laboratory including the personnel thereof shall be at all times available for use by any and all County Medical Examiners throughout the state. Expenses of establishing and maintaining such laboratory shall be

paid out of appropriations by the legislature made for such purpose."

Jails Bibliography—The Department of Justice recently issued in mimeograph form an "Annotated Bibliography on Jails" prepared for the Attorney General's Advisory Committee on Crime by Caroline Shurtleff of the Washington, D. C., Public Library. She was assisted by Miss Helen Fuller, for the Attorney General's Advisory Committee on Crime; Edgar M. Gerlach, Supervisor of Social Service, Federal Bureau of Prisons, and Instructor in Juvenile Delinquency, University of Maryland; Miss Nina Kinsella, Executive Assistant to Director, Federal Bureau of Prisons; Lee G. Williams, Supervising Librarian, Federal Bureau of Prisons.

The bibliography consists of only 40 items but is highly selective and excellently annotated. It should prove to be quite useful.

Beattie Appointment—March 1, 1937, Ronald H. Beattie began his work as Criminal Research Statistician of the U. S. Bureau of the Census. For several years Mr. Beattie has been engaged in statistical work for the Bureau of Public Administration of the University of California. He also supervised the workers of his district in gathering materials for the Attorney General's Survey of Release Procedures.

Mr. Beattie is well qualified for this government position having participated in two state surveys of importance. With Wayne L. Morse he conducted the "Oregon Crime Survey" and for the Cali-

fornia Judicial Council he prepared a study, recently published, "California Criminal Appeals."

As a result of his California study he concluded:

"From the data analyzed in this study, the following facts and conclusions concerning appeals by defendants from judgment of conviction filed in the appellate courts of California from July 1, 1929, to June 30, 1935, may be drawn:

A total of 1235 defense appeals from judgments were filed and disposed of during the six-year period and of these 942 were decided on their merits. This represents an average of 206 such appeals filed each year and an annual average of 157 decided on their merits. . . .

Compared to the total number of felony convictions in California, appeals were filed in approximately 28 out of each 1000 such convictions and are carried through to a final decision on the merits of the case in about 21 out of each 1000 convictions. . . .

Of the 942 appeals decided on their merits, 842, or 89.4%, were affirmed and 100, or 10.6% reversed. The 100 reversals amounted to 8.1% of the total defense appeals from judgments filed.

In 58 decisions on the merits in death penalty appeals, there was only one reversal.

From 1929-1935 in California a reversal on appeal was obtained in approximately two out of each 1000 felony convictions.

In the district courts of appeal an average of 105 days elapsed between judgment and dismissal or affirmance of an appeal on motion, and an average of 170 days

to decision on the merits. The Supreme Court averaged 296 days or approximately 10 months, from entry of superior court judgments, in deciding 58 death penalty cases on the merits.

The average of 170 days taken in cases decided in the district courts of appeal is divided as follows: 44 days or 26% of the total time in getting the record filed in the appellate court; 80 days or 47% of the total in getting the case to submission after the record has been filed; and 46 days or 29% of the total in reaching a decision.

. . .

An analysis of criminal appeals filed by type of offense reveals that the largest proportion of the total, or 18.5%, were appeals from homicide convictions, 17.6% were from theft and fraud convictions, 10.4% from convictions for sex offenses and 10% of the total from burglary convictions."

After Reversal—What?—A study of "reversals" in Illinois recently was completed by Miss Gertrude Sieber of Northwestern University Law School. She studied the felony cases in the Illinois Supreme Court for the past 13 years, reported in volumes 306 to 363, inclusive. Her findings:

Total number of cases.....	1089
Total cases affirmed	619
Total cases reversed	135
Total cases reversed and remanded	324
Total reversed in part; part affirmed	10
Total remanded with directions	1

Total of Cook County cases.. 632

Cook County cases affirmed..	360
Cook County cases reversed..	83
Cook County cases reversed and remanded	184
Cook County cases reversed in part; part affirmed.....	3
Cook County cases remanded with directions	1
Cook County cases reversed and remanded in part.....	1

After listing the 184 Cook County cases reversed and remanded a study of the records of the Chicago Crime Commission disclosed that the cases were settled as follows:

- 64 were *nolle prossed* and dropped.
- 36 were "stricken off with leave to reinstate,"
- 3 cause was "abated,"
- 4 were dismissed for want of prosecution,
- 8 were reduced to misdemeanor and sent to the Chicago Municipal Court,
- 5 records not found,
- 11 still pending,
- 53 were *retried*.

Only 53 cases out of the 184 cases reversed and remanded were *retried*. Results of the *retrials* were:

- 33 were "convictions" with penitentiary sentence,
- 17 were "acquittals,"
- 1 was found insane,
- 2 were found guilty and given probation.

Hence, out of 184 cases sent back to the trial court by the Supreme Court of the State, only 33, or 18 per cent, resulted in imprisonment in the penitentiary.

Paradoxes in Law—An interesting item from the Harrisburg "Record" was reprinted in the bulletin "Legislative Program of the Philadelphia Criminal Justice Association, 1937." It reads:

"Striking paradoxes in Pennsylvania's 76-year-old criminal code, which Dr. William E. Mikell and Professor E. R. Keedy, both of the University of Pennsylvania Law School, are re-codifying, were cited by them today.

Mayhem is a misdemeanor; an attempt to commit mayhem is a felony.

Embezzlement by a clerk or servant is a felony; embezzlement by a banker, trustee or guardian is a mere misdemeanor.

Five years is the penalty for offering a bribe to a burgess; one year is the penalty for successfully bribing a judge.

Robbery of a bank vault calls for \$500 fine and five years' imprisonment; an unsuccessful attempt to compel the owner to surrender the key to the vault with intent to rob it is punished by \$10,000 fine and 20 years in jail—five years for success and 20 for failure.

There is a section of the law containing a sentence of 1,228 words with seven 'ifs,' two 'buts,' and 26 'ands.'"

It may be said that almost all of our States have criminal "codes" which badly need revision or re-codification. They contain inconsistent and misleading provisions, "out of date" crimes, and seldom do they show any evidence of a well-thought-out penal philosophy. Paradoxes like those listed above probably will be found in the statutes of the other forty-seven States.

Prison Congress—The dates of the 1937 American Prison Congress are October 10th, to 15th. The plan is to begin with a Mass Meeting on the evening of Sunday, the 10th, and close with a morning session on the 15th. The Congress headquarters will be the Hotel Bellevue-Stratford, which is regarded as Philadelphia's most satisfactory hotel.

Mr. E. R. Cass, the Secretary, writes:

"We are anxious to make the program of value to the State of Pennsylvania, as well as to those in other states who are identified with the problem of crime control in one way or another.

The afternoon periods of the Congress are very likely to be allocated, as heretofore, to special meetings of committees and allied groups of the Association. This plan has met with general approval year after year, and there seems to be no need for a change."

Criminal Statistics—The Bureau of the Census, U. S. Department of Commerce, has issued "Judicial Criminal Statistics" for 1934. This study of 119 pages with a wealth of tables was prepared by Dr. Leon E. Truesdell, chief statistician for population. It covers the statistics relating to the disposition of defendants in criminal cases before trial courts of general criminal jurisdiction in 25 states.

New light upon the conviction of criminals for "lesser offenses" is found in the statement: "The cases against 17,982 defendants, or 11.4 per cent of the 157,910 who came before the courts, were still pending and awaiting final disposi-

tion at the end of the year. Cases against 139,928 defendants, or 88.6 per cent of the total, were finally disposed of during the course of the year. Of these defendants, 42,563, or 30.4 per cent, were eliminated without conviction and 97,365, or 69.6 per cent, were convicted. The great bulk of these defendants, 92,911, or 66.4 per cent, were convicted of the offense as charged. Only 4,454 defendants, or 3.2 per cent, were convicted of a lesser offense than the one originally charged."

On the subject of dismissals by the prosecution, Dr. Truesdell reports: "Dismissal on the initiative and responsibility of the prosecuting authorities is the principal method of eliminating cases without conviction. In the 25 States studied, 53.6 per cent of the eliminations were by the prosecution. This represents one-sixth of all the defendants whose cases were disposed of by the courts in 1934. Dismissals by the prosecution are a significant factor in the elimination of criminal cases without conviction in every state. In 13 of the 25 States, more than one-fifth of all the defendants disposed of during the year had their cases dismissed by the prosecution. In 17 of the 25 States, dismissals by the prosecution account for more than three-fifths of the eliminations without conviction.

These facts indicate the tremendous importance of the prosecutor's office for the administration of criminal justice. In many of the cases dismissed by the prosecution, either the inferior court or the grand jury, or both, have found that there was a prima facie case against the accused. The prosecutor, however, for rea-

sons which satisfied him, quashed the proceedings by refusing to prosecute. This action is completely within his discretion in many States. In some States, as we have seen, the prosecutor must obtain judicial approval for his dismissal. But this is no very great check on the prosecutor's dismissing whatever cases he sees fit. Judges depend upon prosecutors for information about cases coming before them. They usually ratify the prosecutor's decision to dismiss without independent examination of the facts."

Wisconsin Conference—The first Wisconsin Conference on state and local organization for criminal control was held at the University of Wisconsin, February 24, 25, and 26, 1937. This conference was the result of the activities of the Committee on Criminal Law of the State Bar Association of Wisconsin, Professor Alfred L. Gausewitz, Chairman.

In June, 1936, this Committee had recommended that the Bar Association should draft a State Department of Justice Act. The Committee prepared this draft, but found that it raised so many complex and controversial questions that it was withheld for the time being and a general State conference of law enforcement officials was called.

At this conference more than 400 members registered. At all sessions a large number of district attorneys attended along with members of the Board of Control, the Supervisor of Probation and Parole, prison wardens, probation officers, judges, and members of the police and sheriff's forces.

Three days were given over to general discussions led by Professor Gausewitz, Governor LaFollette, Professor Joseph H. Mathews, Professor William F. Lorenz, Colonel John J. Hannan of the State Board of Control, and Professor John L. Gillin, and several judges, all from the State of Wisconsin. The out-of-town speakers and their subjects were:

Associate Professor George B. Vold, Department of Sociology, University of Minnesota, Minneapolis, Minnesota—"What a State of Criminal Statistics Could Do."

Inspector L. C. Schilder, Chief of Identification Division, Federal Bureau of Investigation, Washington, D. C.—"The Work of the G Men and What a Wisconsin Division of Investigation Could Do."

Earl H. DeLong, Department of Political Science, Northwestern University, Evanston, Illinois—"What a State Director of Prosecution Could Do."

Captain Donald S. Leonard, Michigan State Police, Detroit, Michigan—"The Work of a State Police."

Wayne L. Morse, Director, The Attorney General's Survey of Release Procedures, United States Department of Justice, Washington, D. C.—"Organization and Functions of a State Parole Board."

The papers presented were followed by ten-minute discussions by leaders who had studied the papers in advance of their presentation, and interest was kept at a high level during the entire conference.

A resolution empowered a committee of the conference to call additional state-wide conferences at least bi-annually. There were recommendations calling for the

establishment of a state bureau of criminal identification, statistics and investigation, and the extension of the scientific laboratories at the University of Wisconsin whenever such services are needed in the enforcement of the criminal law. Other recommendations had to do with the State com-

munication system for peace officers, and a declaration that study should be devoted to the possibilities of wholly indeterminate sentences, the extension of medical and educational treatment of criminals, and the problems of county jails.

